

RECEIVED

By City Clerk at 2:06 pm, Sep 09, 2024

CONSERVATION COMMISSION MEETING MINUTES

July 1, 2024, at 6:30 p.m.

Virtual Meeting – 6:30 p.m.

This meeting will be conducted under S. 2475, *An act relative to extending certain COVID-19 measures adopted during the state of emergency*, signed June 16, 2021, which was extended by legislation enacted on July 16, 2022, and was extended by legislation enacted on March 24, 2023. The public can view this meeting on ACTV Channel 12, the ACTV website or their Facebook Page: www.facebook.com/AmesburyCommunityTelevision

Vice Chairman Ebert called the July 1, 2024, Virtual Conservation Commission meeting to order at 6:31pm.

Pursuant to Governor Baker's March 12, 2020, Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020, Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Conservation Commission on August 1, 2022, is being conducted via remote participation.

No in-person attendance of members of the public will be permitted, but every effort is being made to ensure that the public can adequately access the proceedings as provided for in the Order.

A reminder that persons who would like to like to watch this meeting can do so on ACTV Channel 12, the ACTV website or the City of Amesbury Facebook Page:
www.facebook.com/amesburyma

To submit a public comment, you may do so on the Facebook Live feed by beginning your comment with PUBLIC COMMENT. It will be read aloud at the appropriate time. Viewers may also email conservation@amesburyma.gov to submit a public comment.

Members of the public may dial into Microsoft Teams at: +1 323-457-5649,,888437676#

Access Code: 888 437 676#

Vice Chairman Ebert notes that tonight's Conservation Commission meeting is being recorded by Amesbury Public Access Television; this legal step has been taken but does not act as the official record. The written meeting minutes by the Recording Secretary is the official record.

Attendance: Michael Ebert, Amanda Jones, Jaime McCarthy and Fred Zackon

Also in attendance: Recording Secretary Lynn Viselli, John Lopez, Interim Conservation Agent

Transcription by: Lynn Viselli

Vice Chairman Ebert takes attendance for the record:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	YES
Jaime McCarthy	YES

Continued Business

NOI 002-1308 77 Elm Street

The Applicant has requested a continuance to the November 4, 2024, meeting.

A motion was made to continue NOI 002-1308 77 Elm Street to November 4, 2024, by F. Zackon, seconded by A. Jones and unanimously approved by Rollcall Vote:

Vice Chairman Ebert called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	YES
Jaime McCarthy	YES

RCOC 002-1143 77 Elm Street

The Applicant has requested a continuance to November 4, 2024, meeting.

A motion was made to continue RCOC 002-1143 77 Elm Street to November 4, 2024, by F. Zackon, seconded by A. Jones and unanimously approved by Rollcall Vote:

Vice Chairman Ebert called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	YES
Jaime McCarthy	YES

NOI 002-1319 7 Old Merrill

The Applicant has requested a continuance to August 5, 2024, meeting.

A motion was made to continue NOI 002-1319 7 Old Merrill to August 5, 2024, by A. Jones, seconded by F. Zackon and unanimously approved by Rollcall Vote:

Vice Chairman Ebert called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	YES

Fred Zackon	YES
Jaime McCarthy	YES

NOI 002-1330 2 and 13 Merrimac Street

Peer review is ongoing.

A motion was made to continue NOI 002-1330 2 and 13 Merrimac Street to August 5, 2024, by F. Zackon, seconded by A. Jones and unanimously approved by Rollcall Vote:

Vice Chairman Ebert called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	YES
Jaime McCarthy	YES

NOI 002-1333 51 Lake Attitash

This project is for the installation of a seasonal dock. This hearing was continued from the June meeting to receive an opinion from legal counsel and for the petitioner to speak with the abutters to the ROW. Attorney David Guerette provided an opinion letter regarding the ROW stating consent is not needed from the abutters for access to the proposed dock from the ROW. Sandy Charland, 48 Lake Attitash Road, sent a letter from her Attorney stating that she owns 50% of the ROW.

Vice Chairman Ebert stated that the Conservation Commission cannot litigate ownership of land or the ROW, the jurisdiction is strictly for the approval of the dock application.

Agent Lopez added that the environmental merits are the basis of the Commission's jurisdiction. David Guerette stated that the dock is in the water and does not have to be attached to the ROW land and agreed to include a contingency of the approval upon receipt of a revised plan within 10 days to Agent Lopez.

Jaime McCarthy added that the dock is the only purview of the Commission. She is looking for clarity as to who needs to sign the application as the property owner.

A motion was made to approve NOI 002-1333 51 Lake Attitash Road by F. Zackon, as discussed with the revised plan being received within 10 days, it was seconded by A. Jones and unanimously approved by Rollcall Vote:

Vice Chairman Ebert called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	YES
Jaime McCarthy	YES

A motion was made to close the public hearing for NOI 002-1333 51 Lake Attitash Road by F. Zackon, seconded by A. Jones, and unanimously approved by Rollcall Vote:

Vice Chairman Ebert called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	YES
Jaime McCarthy	YES

NOI 002-1335 Friend Street and Lindbergh Avenue

The application is for the proposed drainage improvements along a storm drainage system between Lindberg Avenue and Pleasure Pond. This was continued from the June meeting for a site visit which was conducted on June 24, 2024, to determine if a peer review was necessary. Mary McClusky reviewed the process to date. She also stated that there are no impacts to BVW and minor impacts to LUWB. Revised plans have been submitted.

A motion was made to approve the NOI 002-1335 Friend Street and Lindbergh Avenue by F. Zackon, it was seconded by A. Jones and unanimously approved by Rollcall Vote:

Vice Chairman Ebert called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	YES
Jaime McCarthy	YES

A motion was made to close the public hearing for NOI 002-1335 Friend Street and Lindbergh Avenue by A. Jones, seconded by F. Zackon and unanimously approved by Rollcall Vote:

Vice Chairman Ebert called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	YES
Jaime McCarthy	YES

NOI 002-1334 28 Birchmeadow Road

The proposed project is for the installation of a new pervious paver walkway, patio and replacement of existing barrier retaining wall located along the bank of Lake Attitash. A waiver has been submitted for work within the 25 ft. no disturb zone. This was continued from the June meeting for a site walk which took place.

Matt Steinel stated that the revised plans shown at the site visit provide additional plantings and the wall removed with a living wall containing rocks and plantings in its place.

Jaime McCarthy added that she believes more plantings are necessary within the wall with a mixture of native plants and more of a variety.

Discussion followed regarding the types and number of plants needed. It was agreed that a revised plan will be provided to Agent Lopez within 10 days with additional plantings from the Army Corp plant list.

A motion was made to approve NOI 002-1334 28 Birchmeadow Road by F. Zackon as discussed, it was seconded by A. Jones and unanimously approved by Rollcall Vote:

Vice Chairman Ebert called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	YES
Jaime McCarthy	YES

A motion was made to close the public hearing for NOI 002-1334 28 Birchmeadow Road by A. Jones, seconded by F. Zackon and unanimously approved by Rollcall Vote:

Vice Chairman Ebert called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	YES
Jaime McCarthy	YES

New Business

RDA 7 Noel Street

The proposed project consists of sediment sampling within the Powwow River at 7 Noel Street, 8 Noel Street and 33 River Street. This is part of the ongoing investigation of potential residuals from the former Manufactured Gas Plant.

Nate Goshganan of LEC reviewed the areas of sediment sampling to be done. The sampling will be done 5 feet below the sediment substrate.

Kenneth Lento, National Grid, identified the PHs from the manufacturing plant. The clean up has been ongoing for 5 years. PHs is in the sediment in the river and this sampling will help to produce a solution.

A motion was made to issue a Negative Determination for RDA 7 Noel Street by F. Zackon, seconded by J. McCarthy and approved by roll call vote:

Vice Chairman Ebert called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	YES
Jaime McCarthy	YES

Administrative

Draft Minutes 5-6-2024 and June 13, 2024. June 13, 2024, tabled to August 5, 2024.

A motion was made to approve the May 6, 2024, Minutes as presented by A. Jones, seconded by M. Ebert and unanimously approved by Rollcall Vote:

Vice Chairman Ebert called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	YES
Jaime McCarthy	ABSTAIN

WPA Fund – Current balance \$6,746.76.

Enforcement Order 77 Elm Street.

Tabled to November 4, 2024.

Batchelder Park Scenic View

The Commission has received a request to remove a significant number of mature trees at the toe of the slope at Batchelder Park. The abutters would like to open up their view. A volunteer who owns a tree company has volunteered to remove the trees at no cost to the city. The petitioner has been asked to submit a mitigation plan to offset the loss of the mature trees, curb erosion and provide habitat. There are no wetland concerns.

A site visit was scheduled for July 13, 2024, at 5:00pm.

Tabled to August 4, 2024.

OOC 002-1260 193 Lions Mouth Road

The applicant has fulfilled their monitoring obligations under the OOC, and no further monitoring is necessary as the site is stable. A COC has been issued by the Commission.

A motion was made to adjourn the meeting at 8:09pm by motion of J. McCarthy, seconded by A. Jones and unanimously approved by roll call vote:

Vice Chairman Ebert called the Rollcall Vote:

Michael Ebert	YES
Amanda Jones	YES
Fred Zackon	YES
Jaime McCarthy	YES

The next scheduled meeting is August 5, 2024.

Submitted by: _____
Lynn Viselli, Recording Secretary

Per the Massachusetts Open Meeting Law, the list of documents that were either distributed to the Amesbury Conservation Commission before the meeting in the packet or at the meeting are as follows:

- 1. Agenda**
- 2. Agenda Guide.**