

**Amesbury Conservation Commission**  
**April 1, 2013**  
**Amesbury City Hall**

In attendance: Michael Bik, Jack Tremblay, Madeleine Howard, Steve Langlois Chairman, Conservation Commissioners, Conservation Agent John Lopez, and Secretary, Susan Yeames

The Chairman called the meeting to order at 6:35.

**MINUTES**

3/4/2013 Minutes – Commissioner Howard moves to accept the minutes of 3/4/2013. Commissioner Bik seconds the motion. All are in favor.

**ADMINISTRATIVE**

**NOI – 26 Pleasant Valley Road (Moore-Klomps)**

The applicant proposes to install an aluminium dock for launching kayaks and canoes across the street from his home at 29 Pleasant Valley Road. The launch will be in use seasonally from May to November. The dock will be accessed by an existing path. The dock will be made of pressure treated wood with steel pipes and will have a 16' aluminum ramp with railings and two concrete anchors. All work will comply with DEM regulations. National Heritage has been notified and the applicant awaits their response which is expected on Friday.

Commissioner Howard makes a motion to issue an Order of Conditions pursuant to the submitted plan and that any comments from National Heritage will be presented at the pre-construction hearing.

Commissioner Bik seconds the motion. All are in favor.

**Conceptual Phase Review Request – Mill Site Cedar Street**

The applicant has requested a conceptual phase review by BSC prior to asking for an NOI and peer review. A copy of a drafted contract has been submitted by BSC to the Commission. The Agent advises that the Commission can either sign the contract or have the Office of Community and Economic Development Director, Joe Fahey, sign the for the Commission. Commissioner Howard speaks for the Commission and suggests that the Office of Community and Economic Development sign the contract.

Alicia Galen, Seekamp Environmental, speaks to the funding of the contract. The Conservation Agent will meet with her at a later date to discuss payments.

**Request for a Certificate of Compliance Route 110 – National Grid**

The applicant has requested a continuance of the hearing until the May 6, 2013 meeting.

Commissioner Tremblay moves to continue the hearing until 5/6/2013.  
Commissioner Bik seconds the motion  
All are in favor.

### **RDA 28 Birchmeadow Road (Giunta)**

The project consists of the screening of an existing patio. This is in response to the threat of EEE that was experienced last year. The project is not applicable to either state or local wetland regulations. No soil will be moved. The Conservation Agent suggests that it is appropriate for a negative determination and makes the suggestion that the property owner display a sign with 002-28 during all work and that all work will be done pursuant to the submitted plan.

Commissioner Howard moves to issue a negative determination with the condition that the property owner display a sign numbered 002-28 during all work and that the project is pursuant to the submitted plan.

Commissioner Tremblay seconds the motion. All are in favor.

### **NOI – 002-1074 39 South Hunt Road (Kezer)**

The City of Amesbury proposes to construct a 12,000 square foot single story maintenance and storage building that will be an addition to an existing building on site. Also proposed are a 3,800 square foot salt shed and several storage areas including bins, trailers and materials lay-down areas. These structures are proposed in a non-jurisdictional area to state and local wetland laws. The impacted areas are on the northern property line and will be impacted by alterations to the drainage patterns on the site due to the construction of storm water management improvements. The storm water work proposed is just inside the 100' buffer zone and is approximately 90' to a BVW.

David Pare, Senior Engineer, Pare Engineering explains that the site has excellent drainage and the new system will be a 7-4 bay basin with a small berm to allow water to infiltrate along with a riparian spillway. Upkeep will be limited to an annual moving and inspection. There will be a perimeter fence and mitigation plantings for abutter screening. The updated plan shows additional trees as suggested by the Conservation Agent. DEP provided a brief comment regarding land use with a higher projection of overload. Mr. Parr states that all vehicles to be parked on the property will be located inside the building and not exposed to the elements. It does not require further peer review as any disturbance is limited to the 100' buffer zone.

The proposed work is in compliance with all regulations and erosion control for the proposed work is appropriate. The Conservation Agent suggests an issuance of an Order of Conditions.

Commissioner Tremblay asks that they take another look at the plan to see if another elevation outside the buffer zone could be more appropriate for the drawdown valve.

Commissioner Tremblay makes a motion to continue the hearing to May 6 and will be looking for a new plan to move the spreader into a different area outside the buffer zone.

Commissioner Howard seconds the motion. All are in favor

## **CONTINUED BUSINESS**

### **Enforcement Order/Cease and Desist DEP #002-1005 – 100-108 Whitehall Road**

The Conservation Agent states that the site is stable. There are no further violations. The Beals and Thomas contract extension has been approved and monies have been submitted. The Agent is awaiting a report from Beals and Thomas.

Commissioner Howard moves to continue the hearing to the May 6 meeting and to continue the status of the project as is.

Commissioner Bik seconds the motion. All are in favor.

### **Enforcement Order/Cease and Desist DEP #002-1029 – 206 Lions Mouth Road (Couillard)**

At the previous meeting, the Commission deferred to the City Counsel and the applicant to negotiate a contract with BSC as monitoring consultants. The revised contract will be presented for approval. A check for \$6,000 is submitted to the Commission in payment for the contract fee.

The Commission is advised to rescind the last vote to modify the monitoring protocol and return to the original protocol as outlined in the Order of Conditions and approve the contract as reviewed by City Counsel and return to the status quo.

Commissioner Howard moves to rescind an earlier vote to change the monitoring schedule and return to the original schedule as outlined in the Order of Conditions.

Commissioner Tremblay seconds the motion. All are in favor.

Jillian Davies, BSC Environmental Consultant, does mention that BSC will not be responsible for not being at the property in the case of a major storm as the contract does not allow for extra visits. The Conservation Agent states that there is money available in the Erosion Control Bond that could be used if that situation should arise and that the Agent would notify BSC if any additional monitoring is called for. The contract calls for 3 visits from engineering and 3 visits from an environmental consultant. Any other emergency visits would be paid by funds from the bond at the discretion of the Conservation Agent. Another Enforcement Order could be avoided by monitoring before and after a significant rain event.

Mr. Couillard feels that the contract is good and the Commission and the Conservation Agent can call for additional monitoring if necessary. There are also other issues that will need to be addressed, such as the creation of a homeowners association, the roadway and finishing site work, prior to issuing the Order of Condition.

Commissioner Bik reads the motion as written in the Conservation Agents memo:

Moved that the cease and desist order contained within the Enforcement Order issued to the applicant, Roland Couillard, on December 20, 2012 and amended on January 11, 2013 be rescinded with the understanding and agreement of that the applicant shall provide funding in the

amount of \$6,000 to allow for monitoring at the site as detailed herein, said funds to be deposited in a consultant fee account established pursuant to the provisions of G.L. c. 44, sec. 53G:

1. An initial inspection of the conditions of the site, including the detention basin, to review and report on the current conditions, such inspection to include conditions of the downstream pond.
2. A second inspection after both of the following are completed: the placement of sod on all exposed areas within the area of jurisdiction and the planting of the wet vegetated detention basin, both of which are planned for as early as possible this growing season.
3. A third inspection later in the season to confirm the continued stability of the site and growth of the plantings in the detention basin.
4. Additional inspections at the reasonable discretion of the Conservation Agent.
5. Any funds remaining in the account upon issuance of a Certificate of Compliance will be returned to the applicant; should additional funds be required to implement additional inspections, such funds may be obtained through access to the Erosion and Sedimentation Control Bond currently on file, without further permission required by the applicant.
6. Applicant shall inform all buyers that property areas which constitute wetlands are within the jurisdiction of the Amesbury Conservation Commission.
7. The Conservation Agent will call for any additional monitoring if necessary.

Commissioner Tremblay seconds the motion.

Commissioner Bik approves, Commissioner Langlois approves, Commissioner Tremblay approves, Commissioner Howard does not approve.

#### **NOI - #002-1071 – 159 Kimball Road (Teheen)**

The project is the renovation of a single family dwelling, the replacement of a failed septic system, the addition of a garage and float on the pond. Commissioners Bick and Langlois conducted a site visit and made recommendations to the plan that were incorporated into a modified plan which is presented to the Commissioners by the applicant. The garage has been moved as requested. There will be the installation of a grass swale to mitigate runoff from the roof of the garage. The sewer installation and the erosion control plans are suitable. The plans have been submitted to the DWP Director for review and comments.

Commissioner Howard moves to issue an Order of Conditions for the plan as submitted.  
Commissioner Bik seconds the motion. All are in favor.

Commissioner Howard moves to close the hearing.  
Commissioner Tremblay seconds the motion. All are in favor.

#### **NOI #002-1015 Village at Bailey's Pond – BSC Review**

Commissioner Bik makes a motion to continue the hearing to April 1, 2013. Commissioner Howard seconds the motion. All in favor.

#### **NOI – 95 Haverhill Road #002-1072 (Shaheen)**

The applicant proposes to create an addition to an existing structure to house a freezer. The addition will be 14,200 square feet with an associated parking area and storm water management. A conceptual phase review has been conducted by BSC and the plans incorporate their

comments. Mr. Fred Ford, Cammett Engineering, describes the land, the building and the project proposal. The project will encroach upon the 25' no disturb zone and the 50' no build zone. They propose storm water mitigation for run off from the roof. There will be 16 additional parking spaces with run off to an infiltration basin. There will be a gravel driveway for emergency vehicles. Currently all the run off heads north and will continue to do so after the project is complete.

The wetland area consists of a mowed lawn that will be impacted during the construction. They will protect with soil and swale with mats. They will repair and restore 140' of wetlands with a mitigation planting plan re-vegetating with native plants. Another area in the buffer zone will be restored with plant seeds and shrubs. The side slope will be planted with trees (White Pine on 8" centers) and below that area will be planted with Red Maples and Birches. There is a wetland replication area behind the building with Autumn Olive that will be replaced with wetland plant species and a considerable area of re-vegetation.

The Conservation Agent states that Mr. Iannucello, an abutter, was asked at the last meeting to submit comments and questions regarding his concerns prior to the submittal date of 3/18/2013, but none were received.

Mr. Ford, Cammett Engineering, states that the applicant engaged BSC for a peer review of the wetlands and a storm water management analysis. Based on their correspondence, all comments on the storm water management and any minor changes to the storm water plans were made. Everything has been done in accordance with the Conservation Commission's wishes including all up to date materials. They are looking for approval and the issuance of an Order of Conditions.

Mr. Iannucello, an abutter, gets up to speak. He wants to see all paperwork that is part of the public record. He feels that the Commission did not have enough information for a decision in December. He feels that this is a larger project than what has been presented. He wants more information regarding the environmental impacts.

The Conservation Agent tells Mr. Iannucello that the wetland scientists are here to summarize their findings and answer his questions.

Jillian Davies, BSC Consulting, states that she has made numerous site visits and has thoroughly reviewed the detected wetland resources. She finds that they have been properly delineated and knows where they are. She says that the applicant will meet all wetland regulations. They will be required to mitigate any disturbances in the buffer zone. They will create new wetlands, eliminate invasive plant species and replace them with native species. They plan on replacing the mowed lawn with an improved wetland for endangered species and wildlife. The applicant is in full compliance with both the state and local environmental laws.

Mr. Iannucello asks Ms. Davies if she has touched each flag. Ms. Davies states that she touched each flag and examined each one.

Mr. Domenic Rinaldi confirms his storm water management review. Ten standards were met and he provided a letter for clarification and the applicant updated his plans according to the storm water management report. All comments were addressed and meet DEP as well as local storm water management requirements.

The Conservation Agent reminded Mr. Iannucello that the Commission asked for questions from him but did not receive a response from him.

Commissioner Howard reminds the Chairman that Mr. Iannucello should follow the procedural rule that each speaker be limited to a five minute presentation.

The Commissioners do not have any questions for the applicant or his representatives and the Conservation Agent suggests that an Order of Conditions be issued that is consistent with all plans.

Commissioner Tremblay is confident that the applicant and the Commission have done all that is possible for a successful project.

Commissioner Howard moves to issue an Order of Conditions for 95 Haverhill Road, DEP #002-1072.

Commissioner Tremblay seconds the motion. All are in favor.

Commissioner Bik makes a motion to close the hearing.

Commissioner Howard seconds the motion. All are in favor.

Commissioner Bik makes a motion to adjourn the meeting at 8:20 p.m.

Commissioner Howard seconds the motion. All are in favor.