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AMESBURY CITY CLERK

PLANNING BOARD DECISION

Property Ownership: **Andrew J & Jennifer L. Greenfield**

Applicant: **Andrew Greenfield**

Application Type: **SPECIAL PERMITS –**
 1) Water Resource Protection District
 2) Wetlands & Floodplain Protection

Project: **13 Lake Shore Drive – Floodplain improvements**

Location: **13 Lake Shore Drive Amesbury, MA 01913**

Date: **December 14, 2015**

A. GENERAL

On or about March 17, 2015, the Amesbury Planning Board (the “Board”) received a Water Resource Protection (WRPD) Overlay District Special Permit for Buffer Zone landscape improvements at 13 Lake Shore Drive in Amesbury MA (the “Project”). Additionally, on or about May 11, 2015, the Board received a Wetlands and Floodplain (W&F) Overlay District Special Permit application for the Project. The applications were submitted along with a Site Plan (the “Plan”) as required in Sections XII and XIV of the Amesbury Zoning Bylaw. The plans were drawn on 3/16/15 by W.C. Cammett Engineering, Inc., 297 Elm Street Amesbury, MA 01913 last revised on 11/17/15 and submitted along with supporting documents by Alan Roscoe P.E., on behalf of Andrew J & Jennifer L. Greenfield (the “Applicant”). The set of plans includes two (2) sheets. The Board also received supplemental plans and documents pertaining to stormwater and drainage, erosion control.

The Board held the initial public hearing on 4/27/15 (WRPD) and 6/18/15 (W&F). While the Notice of Intent application for the Project was being reviewed by the Amesbury Conservation Commission, the two public hearings were continued and later held concurrently on 11/23/15. The public hearings were closed on 12/14/2015 and a decision was rendered on 12/14/2015.

This is the Final Action of the Board (“Decision”) on the two Special Permit applications.

B. FINDINGS: General Findings under Sections X.J and XIV

1. **Project:** The subject parcel is located in both, Zone A and Zone B, of the Water Resource Protection District as shown on the Plan and is also within the boundaries the Wetlands and Floodplain District. The proposed activities are allowed subject to Special Permit approvals from the Planning Board under Section XII.F Sections XIV.E.3 and XIV.I.A.2.;
2. **Existing Conditions:** The approximately 0.32 acre parcel is shown on Map 71 Lot 11. It is owned by Andrew J & Jennifer L. Greenfield. The site is located in the R-20 district and requires a minimum lot area of 20,000 sf. The project site is currently developed and a there is an existing single family structure on it;
3. **Project Description:** The Applicant proposes maintenance, repairs and restoration activities in the 100-year Floodplain boundary (Appendix A). The slope along Lake Attitash is undermining and eroding. The Applicant proposes restoration and further protection of the embankment and slope to prevent further erosion along the lake. The proposed site improvements include additional gravel parking areas, crushed stone walkways, two fire pits and a gazebo along with landscaped areas. The proposed work seeks to minimize erosion and sedimentation, incorporate natural drainage patterns and vegetation in order to maintain stormwater patterns and water quality as required under Section XIV.E.4.;
4. **Storm water Management:** The proposed site improvements do not intend to increase the impervious surface. The stormwater design incorporates natural drainage patterns and vegetation in order to maintain pre-development stormwater patterns and water quality by routing stormwater runoff through landscaped, vegetated surfaces which promotes treatment, nutrient uptake and infiltration. The use of Low Impact Development techniques should promote treatment and recharge of stormwater runoff to mitigate any negative impacts. Currently, road runoff enters the Applicant's property, causing scour/erosion, and carrying sediment onto vegetated areas of the property. By preventing erosion, sedimentation, and the washing of roadway contaminants onto the Applicant's property and potentially downgradient into Lake Attitash, it is likely that these features would contribute to preventing further deterioration of lake water quality, and would thus

provide a net water quality benefit. The Applicant proposes to loam and seed existing sparsely vegetated lawn. It is the Board's opinion that this proposed activity would not result in measurable impacts to resource areas, constitutes standard homeowner lawn maintenance, and has the potential to improve vegetative cover, which would be a net ecological benefit. The Board finds that these design measures and maintenance requirements will reduce the likelihood of any detrimental impact on abutting properties due to stormwater runoff provided the site improvements and finished grades are constructed as shown on approved plans; and

5. **Neighborhood and Infrastructure Impacts:** No other additional uses are proposed on the site. The proposed improvements will not create any additional burden on the existing public infrastructure or have any negative impacts on the neighborhood. The proposed improvements are in keeping with the residential character of the neighborhood and will not be an intensification of the existing use on the subject property;

Specific Findings under Section XII

6. **Floodplain Area:** The entire parcel is located within the 100 year flood zone. The Applicant states that there will be no net loss of flood storage due to the proposed activity. The bank restoration and improvements within Waterfront Area #1 all occur above the 100-yr. Floodplain elevation. The work within Waterfront Area #2 is partially below the floodplain elevation but the work will restore the existing elevations. Resource Areas will be protected during all ground disturbance activities and until such time following construction that conditions have stabilized. All tabulated areas are within previously altered portions of the property.
7. **Ground Disturbance:** The ground disturbance within the 25-ft. zone includes the following (measured from the top of bank) – Exhibit 2.
 - a. Waterfront Area #1: 585 sf - (Total incl. bank restoration) but 145 sf landward of top of bank incl. natural fiber environmental netting and plantings
 - b. Waterfront Area #2: 336 sf - (Total incl. bank restoration) but 192 sf landward of top of bank incl. natural fiber environmental netting and plantings
 - c. Planting Bed #5 : 115 sf - adjacent to top of bank but no change in surface elevation

- d. Crushed Stone path: 180 sf
 - e. Wooden Walkway: 160 sf - (deck boards spaced to allow rainfall and light penetration)
 - f. Gazebo : 120 sf
 - g. Loam & Seed Area: 420 sf -No change in overall ground surface elevation. (No excavation – just surface augmentation of hand spread loam and seed within existing lawn filling in micro depressions between tufts of grass).
8. **Floodplain Buffer Zone Impact:** A total of 1,332sf in area is being disturbed within the 25-ft buffer zone. However, after excluding the 420 sf for loam and seed augmentation of existing lawn, only 912 SF or 25% of the area within the 25-ft buffer zone is being disturbed.
9. **Other Permits Needed:** The Project is subject to review by the Amesbury Conservation Commission under the local and state regulations. The Board has determined that it will incorporate the Order of Conditions and terms therein by reference here to ensure that the proposed development and improvements in the flood zone area are made with no detrimental to environmental resource areas or otherwise endanger public health.

Based on the findings noted above, the Board determines that Special Conditions are required before the Project would meet the relevant permit criteria as well as any and all Development and Performance Standards of the Amesbury Zoning Bylaw (the “Bylaw”).

C. WAIVERS

The Board did not receive any written request for waivers and therefore the Board did not review or grant any waivers from the provisions of the Zoning Bylaw.

D. APPROVAL OF THE SITE PLAN, SPECIAL PERMITS AND CONDITIONS THERETO

With the findings as noted in Section B this Decision, and with the conditions of approval as noted in this Decision, the Board finds that the project satisfies the Special Permit criteria of Amesbury Zoning Bylaws. After public hearing, upon notice in accordance with the statute (General Laws, Chapter 40A, section 11) and the Amesbury Zoning Bylaw, and after full

consideration of the evidence presented, and upon the findings made in Section B of this Decision and with conditions hereinafter set forth, Special Permits for proposed activity with the Water Resource Protection and Wetlands and Floodplain Overlay Districts at 13 Lake Shore Drive in Amesbury, MA are granted to the Applicant for the premises described in the application.

I. COMPLIANCE WITH LOCAL, STATE AND FEDERAL REQUIREMENTS:

The Project and all construction, utilities, drainage and all related appurtenances with respect to the Project, shall comply with all applicable local, state and federal regulations except as waived specifically by this Decision. The Applicant shall be responsible for acquiring all other local, state and federal permits and approvals as necessary to construct the Project as approved by the Board. Final action on all other permits shall be submitted to the Board for record prior to start of any construction activity on the site.

II. GENERAL AND IN PERPETUITY CONDITONS

1. **Allowed Use:** This Decision allows the proposed improvements in the location shown on the approved plan. No alterations, changes to the approved improvements, other additional uses or additional improvements shall be allowed without further review and approval by the Board.
2. **Limit of Work:** The limit of work shown on the approved plan shall not be expanded or modified without the written approval of the Board;
3. **Permanent Restrictions:** The Applicant shall submit a written and signed statement acknowledging 1) only improvements shown on the approved Plan shall be made; 2) the parking areas shall remain gravel and not re-paved with bituminous pavement and 3) only washed gravel or crushed stone shall be used for construction of the parking areas and walkways;
4. **Wetlands/Riverfront Construction Activity & Approvals:** This approval is contingent upon the issuance of an Order of Conditions (OoC) by the Amesbury Conservation

Commission (ACC or the “Commission”) and its continuous validity until all improvements are complete per the Final Plans. The Decision of the ACC and all the conditions stated therein shall be included in this Decision by reference. In order to effectively coordinate and integrate the required observation and inspection reports for this project, the Board recognizes that the Plan(s) shown under the Notice of Intent Application (as revised) and the OoC, issued by the ACC, shall also be carried out to the satisfaction of the Commission or its agents. Also,

- a. Except as waived by a decision of the Commission, the construction of this project shall comply with the Amesbury Wetlands Ordinance and Amesbury Conservation Commission Regulations in effect at the time any building permit is sought for the project or for any jurisdiction for roadway-associated construction, and with all rules, regulations, filing and permit requirements and certifications of the Commission with respect to natural resource protection, construction of storm water management structures within the Buffer zone and their disposal, construction of other structures including retaining walls within the Buffer Zone, and wastewater disposal;
- b. Any request for alteration to the Order of Conditions made by the Applicant to the Commission (or to Massachusetts Department of Environmental Protection (Mass DEP), upon appeal) shall be simultaneously provided to the Board. The proposed work shall comply with the “Order of Conditions” issued by the Commission upon the said premises;
- c. The Order of Conditions from the Commission shall be carried out to the satisfaction of the Commission. Any violation of the Order of Conditions issued by the Commission shall be deemed to be a violation of this Approval, with all remedies to the City of Amesbury or the Planning Board as provided by law;
- d. The Applicant shall submit a copy of the recorded Certificate of Compliance as issued by the Commission within six (6) months of issuance of final Certificate of Compliance or completion of all work included in the Order of Conditions, whichever is earlier;

5. **Inspections** - The Board shall require the inspection of proposed site improvements to ensure that the work is carried out in accordance with the Final Plans and to ensure that all improvements are in compliance with the conditions stated in this Decision. The Board shall require the establishment of a construction observation account and the Applicant shall provide the funds necessary for inspection by the Board's consultant prior to start of any construction activity. The inspections shall generally be limited to four (4) site visits annually as long as activity on the site is taking place in compliance with all applicable permits;
6. **Release of the Sedimentation and Erosion Control Bond:** Prior to release of any Surety, the Board shall verify with its construction observation Consultant and the Commission that the soils and slopes have stabilized and that there is evidence of healthy mature grass growing on slopes and lawns. Partial releases shall be allowed in amounts not less than fifty percent (50%) of the total initial surety bond amount held by the Board only after completion of all improvements within the 25 feet Buffer Zone as shown on the Final Plan and submission of Progress As-built Plan. Final release shall be made upon submission of Final As-built Plan and after all planting materials have survived two (2) growing seasons;
7. **Project Completion:** The Project shall be completed within three (3) years of recording of the Board's Decision. By the Board's written approval, this may be extended by no more than a period of one (1) year beyond this period;
8. **As-Built Plans and Repairs:** To ensure compliance with the terms and conditions of this Decision and any approval or order by any federal or state agency, the Applicant shall submit to the Board complete and detailed Progress "As-Built" Plans with its request for a Certificate of Completion for all remedial work approved in this Decision. The accuracy of such Progress or Final As-Built Plans shall be certified by a Land Surveyor or a Professional Engineer, Registered in the Commonwealth of Massachusetts, retained by the Applicant. Any damage to public roads and walkways shall be repaired and/or replaced to the satisfaction of the Director of Public Works;

9. **Modification of the Approved Site Plan or Special Permit conditions:** Any change to the approved plan or proposed improvements, including, but not limited to, final grading, areas of disturbances, location of decks, walkways or steps shall only be allowed after review and approval by the Board. No changes shall be made without the written approval of the Board;
10. **Site Plan Modification Process:** Prior to making any modifications, the Applicant shall provide detailed information and plans along with a formal written request for modification to the approved Plan and/or Special Permit(s) for determination of minor or major modification and approval by the Board. Any modifications to the approved Site Plan, changes that impact the Performance Standards applicable to this Project or conditions of approval of this Decision, shall be subject to review and approval of the Board. The Board shall, if it so determines, require the applicant to submit a new application for modification to the approved Site Plan and/or Special Permit(s) and hold a new public hearing for review of the requested modifications; and
11. **Validity:** This permit is contingent upon the issuance of an Order of Conditions from the Amesbury Conservation Commission in compliance with the Massachusetts Wetlands Protection Act and related regulations, G. L. c. 131, § 40-40A, and the Amesbury Wetlands Ordinance and Regulations or if said permit(s) is appealed, a subsequent issuance of a Super-ceding Order of Conditions from the Massachusetts Department of Environmental Protection (Mass DEP). This permit shall become final only upon the issuance of all state and federal permits required to start any construction activity allowed per this permit. The Site Plan and Special Permit Approvals shall expire upon the expiration of the final environmental permit, unless said permit(s) is extended by the permit granting authority.

III. PRIOR TO START OF ANY CONSTRUCTION ACTIVITY ON SITE

The Applicant shall file with the Board and all other relevant public agencies for review and for consistency with this Decision any documents and shall have completed the following actions:

1. **Legal Documents:** The following documents shall be submitted to the Board and the Building Inspector:
 - a) *Documents Recorded at the Southern Essex Registry of Deeds:*
 - i. A copy of this Decision;
 - ii. A copy of the Order of Conditions issued by ACC.
2. **Detailed Construction Schedule:** The Applicant has provided an outline of when various activities will be performed on site. A detailed construction schedule identifying the sequence and timetable of all key components of the proposed activity shall be submitted to the Board;
3. **Erosion Control Measures:** The Board's representative shall verify the limit of work, and ensure that erosion control measures have been established as shown on the approved plan and that stockpile areas have been clearly identified;
4. **Sedimentation and Erosion Control Bond** – The Applicant shall be required to post Surety with the Board for Sedimentation and Erosion to ensure that stormwater runoff management, erosion control measures, landscaping and final grades are implemented on site as per Final Plans and other engineering drawings and to ensure that remedial actions can be taken to address any detrimental impacts from erosion and sedimentation during construction and until all improvements have been completed;
5. **Pre-Construction Conference** – Upon authorization by the Board and at least five (5) business days prior to any initial site work, a Pre-Construction conference shall be held with the Applicant, Applicant's contractor, a representative of the Board, its consulting engineer, and representatives of the City Departments having an interest in the Plan. Said meeting shall be for the purpose of familiarization with the project, the conditions of approval, and the project's construction sequence and timetable. This meeting may be held in conjunction with the meeting required under the Order of Conditions; and
6. **Request for Pre-construction Conference:** The request for a Pre-construction Conference shall be acted upon by the Board only AFTER the Board has received and

reviewed ALL of the documents required per this Decision before start of construction and has determined that the Project is ready to proceed to the construction phase. Upon authorization by the Board, its representatives shall schedule the Pre-construction Conference.

IV. PRIOR TO MAKING REQUEST FOR A BUILDING PERMIT

The Applicant shall submit an affirmative letter from the Board stating that all conditions necessary to start construction have been met prior to making request for a Building Permit associated with any addition, alteration or expansion of structures and more specifically the deck and its extension as shown on the final Plan.

V. DURING CONSTRUCTION

The following shall apply to all construction activity as per approved Site Plan:

1. **Stockpiles** - All earth stockpiles shall be established in locations as approved by the ACC or at a distance no less than fifty (50') feet from the edge of flagged wetlands boundary, whichever is greater. Earth material stockpiles shall not be allowed immediately adjacent to perimeter siltation barriers or drain inlets. Long term stockpiles over 30 days shall be shaped stabilized and circled by siltation fence and haybales and shall be stabilized by temporary seeding, sheeting or netting;
2. **Erosion Control and Stormwater Maintenance Requirement**: The Applicant's designee or assignee shall on a quarterly basis submit interim reports and supporting documents to the Board showing that stormwater runoff is being adequately managed during the construction phase. The proposed sediment and erosion control measures shall be properly maintained at all times during the construction phase. These control measures may be removed only upon completion of all site work and approval of the Board's oversight engineer;

Chair, Amesbury Planning Board

EXHIBITS:

All plans prepared by W.C. Cammett Engineering, Inc., 297 Elm Street Amesbury, MA 01913

Site Plan

Sheet 1 of 2

Plan Date: 3/16/2015

Last revised: 11/17/2015

Details

Sheet 2 of 2

Plan Date: 3/16/2015

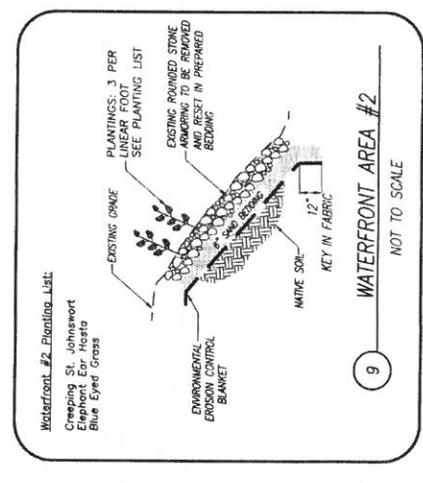
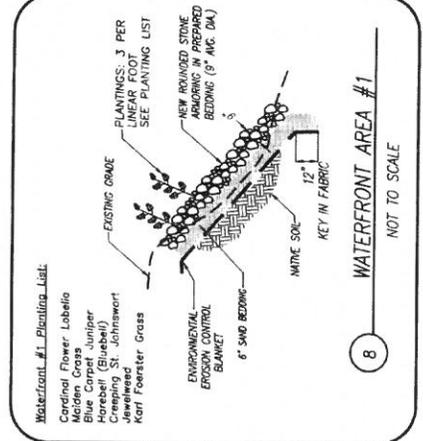
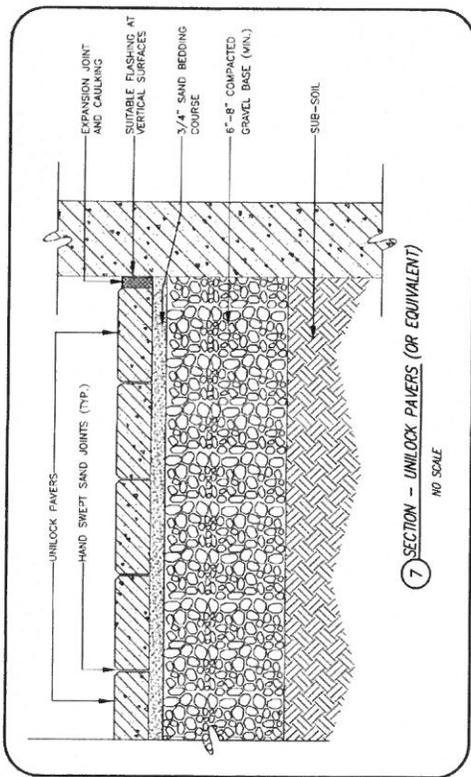
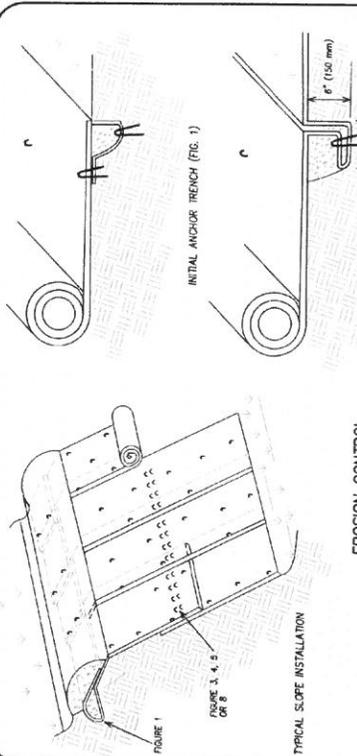
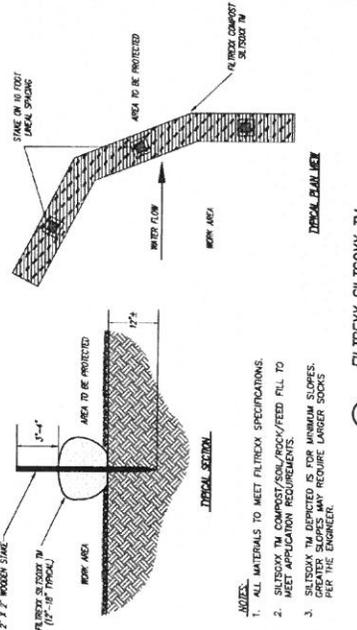
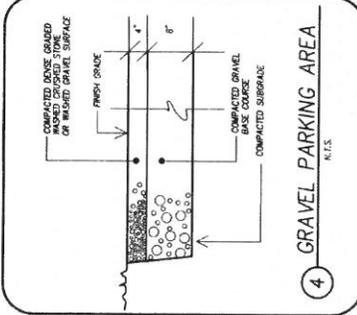
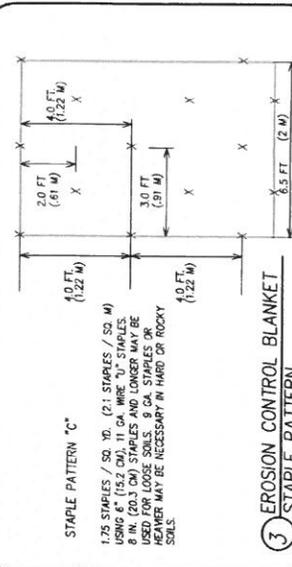
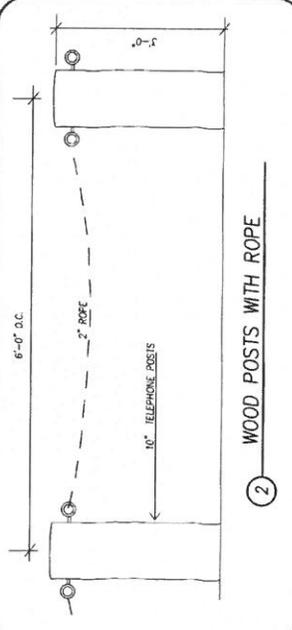
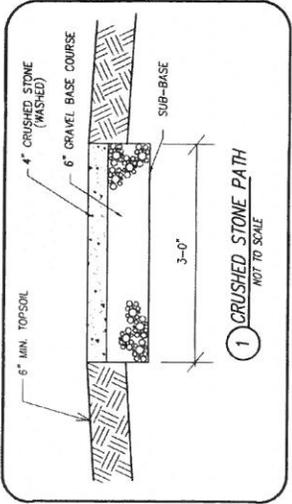
Last revised: 11/17/2015

Buffer Zone Activity Sketch

Date 10/5/2015

APPENDIX - A**General Description of Proposed work/Activity within the Buffer Zone associated with the Floodplain**

1. Replace brick patio with pavers. No expansion of impervious area is proposed.
2. On the southeast, road side of the house, replace existing garden walls and bedding with similar features (cedar ties, cedar fence, arbor, new garden beds #1 and #2). These activities occur in an existing landscaped/lawn area.
3. Install two gravel parking areas and associated features where a lawn and landscaping currently occur. The gravel parking areas will be graded so that stormwater flows towards the road in order to prevent the scour/erosion and sediment deposition.
4. Planting beds #3, #4, #5, #6 and #7 are proposed in areas that are currently lawn.
5. Two fire pits are proposed. One is located within the existing brick patio, and the other is proposed in a sparsely grassed area that is approximately 40 feet from the top of Bank.
6. A 3' wide crushed stone pathway is proposed on the west side of the house.
7. A 4' wide wooden walk with stairs is proposed on the east side of the house, and descending the embankment. This structure would replace an existing brick walk and existing stairs, but would expand the footprint and length of the walk and stairs, and would extend onto regulated Bank, whereas the existing walk and stairs do not.
8. Replace a deteriorating wooden retaining wall northwest of a shed at the northern end of the property.
9. Install a 3' wide crushed stone path and associated stairs in the vicinity of the shed mentioned above in #8. The north end of the path extends onto regulated Bank, locally regulated Beach, and BLSF.
10. Loam and seed approximately 420 sf of existing sparsely vegetated lawn in an effort to fill micro-depressions and generate better lawn growth.

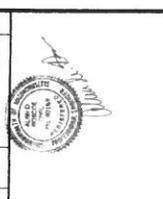


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Amesbury, MA 01913
Essex County

ANDREW J. & JENNIFER L. GREENFIELD
13 Lake Shore Drive
Amesbury, MA 01913

NO.	DATE	REVISION	DESCRIPTION	BY
1	9-19-19	PLANTING DETAIL	LAJ	
2	11-17-19	MATERIAL SPECIFICATIONS	ADR	
		PER APPROVAL CONDITIONS		



DATE: 11/17/19
DRAWN BY: J. BARNETT
CHECKED BY: J. BARNETT
DATE: 11/17/19
JOB # 14107

TO:

Andrew J & Jennifer L. Greenfield

13 Lake Shore Drive

Amesbury, MA 01913

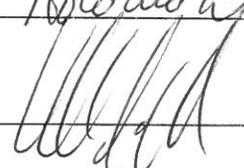
PLANNING BOARD VOTE:

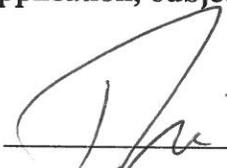
On 12/14/2015, the Amesbury Planning Board voted all in favor of the approval of the Site Plan and the following Special Permits: 1) Water Resource Protection District and 2) Wetlands & Floodplain Protection.

These permits are hereby granted for the proposed restoration, repairs and maintenance activities in the floodplain at 13 Lake Shore Drive in Amesbury MA as per approved plans and supporting information included in the application, subject to the findings, waivers and conditions stated in this Decision.



Howard Daltan

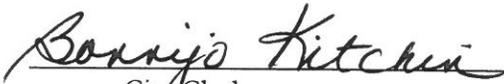




Karen S. S. S. S. S.

Robert W. Laporte

Filed with the City Clerk on February 25, 2016



City Clerk

A Building Permit is required for any construction or remodeling. It is your responsibility to file this Special Permit Decision with the Registry of Deeds and to record the plans after endorsement; forms may be obtained from the City Clerk's Office.

Any appeal shall be made pursuant to Mass. General Laws, Section 17, Chapter 40A, and shall be filed within twenty (20) days after the date of filing of such notice in the City Clerk's Office.