

CONSERVATION COMMISSION MEETING

March 7, 2016

Amesbury City Hall Auditorium,
62 Friend Street, Amesbury, MA 01913

Meeting called to order at 6:37 PM.

Present: Steve Langlois, Alan Corey, Suzanne Egan.

Absent: Kinsey Boehl

Also Present: John Lopez, Agent; Susan Yeames, Recording Secretary; Joan Baptiste, Transcription

Minutes: January 4, 2016, Alan Corey moved to accept, second by Suzanne Egan. AIF.

John Lopez – Changes to Agenda:

The request to appear by the Merrimac Board of Selectmen is in regards to a request that they sent to the commission to entertain a conversation concerning an approved project with a valid OoC dated August 2010 on the Lakes and Waterways management plan. There were concerns from a Merrimac resident which were addressed. They were unable to attend tonight. I have offered an open invitation for them to attend whenever they can.

The Interstate 95/Whittier Bridge Improvement – the applicant has withdrawn their application for an amended order of conditions.

Steve Langlois: Items on the agenda that have been continued to April 4, 2016:

NOI (002-1132) 5 Merrill Street (Linden)

NOI (002-1136) 14 Pleasant Valley Road, Goodwin Creek Marina (McKenzie)

NOI (002-1129) 60, 75, & 77 Merrimac Street (Hatter's Point Marina/McPartland)

Enforcement Order/Cease and Desist (002-1127) – 78 Lake Attitash Road (Buscanera)

John Lopez: Enforcement order/cease and desist issued for work within a jurisdictional area in support of the demolition of an existing single family house without a valid OoC. The enforcement order required a NOI be submitted for work. Applicant has submitted an NOI as required for a public hearing scheduled later in this meeting.

During the August 31, 2015 public hearing, the Amesbury Conservation Commission (ACC) voted to issue an Order of Conditions and Attachment to the Order of Conditions approving work for the placement of four (4) sona-tube type footings beneath the existing house at 78 Lake Attitash Road. The sona-tubes were to be placed under the existing structure to provide additional structural support. In addition, an approximate 10 foot by 10 foot additional that sits on a slab was approved to be replaced within the same footprint with a frost wall and new basement to enclose the home's utilities. Also approved was a stairway going from an existing parking pad adjacent to the retaining wall as depicted on the approved site-plans and Lake Attitash Road. Finally, the visa pruning of vegetation on-site was approved. Complaints were received from area residents stating that the work conducted appeared to be beyond that which was approved. A site visit conducted with the building inspector verified the removal of an existing structure without a valid OoC.

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The OoC approved work done to an existing structure. Since the structure no longer exists any and all work associated with the approved OoC should be considered an independent violation.

Outstanding violations include but are not limited to: # 29 - No recorded copy of OoC was received (it remains questionable as to whether the OoC was recorded); 31 – an unauthorized and unapproved change in plan; 32 – responsibility of the applicant to ensure all conditions are complied with; 33 – prior to any work the applicant shall submit to the ACC for review and approval a detailed sequence of construction; 34 – 35 prior to work all erosion control devices shall be installed (unable to verify as applicant did not schedule a pre-construction meeting); 36 – applicant shall have a minimum of 10 hay bales and sufficient stakes for bales or equivalent amount of silt fence; 37 – applicant shall designate an environmental monitor; 38 – a signed copy of the environmental monitor contract shall be presented to the agent prior to or at the time of the –re-construction site visit; 39 environmental monitor shall submit a written report to ACC weekly during construction; 40 – reports shall include what work is anticipated to be completed over the next reporting period; 42 - schedule a pre-construction meeting; 43 – construction and post construction stormwater management shall be conducted in accordance with supporting documents and plans submitted with NOI, DEP stormwater policy and approved by ACC; 54 all exposed soil finish grade surfaces shall be immediately landscaped with a layer of hay to provide immediate erosion control; 58 erosion control devices shall remain in place and functions properly until all exposed soils have been stabilized with a vegetative cover.

If the ACC is considering fines, a retroactive date of the issuance of the EO would be appropriate. The ACC may also wish to consider fines then establishing a timeframe by which the ACC would work with the applicant to lessen fines assuming deadlines are met.

ACC should consider assigning its own environmental monitor to the project.

The cease and desist provision should remain until an OoC is issued for work done pursuant to the NOI for the removal of the house and construction of a new structure.

Steve Langlois suggests that they table this item until the end of the meeting so that it can be combined with the other action items for the property.

NOI (002-1140) 28 Lake Attitash Road (Norwood)

Synopsis: Removal of an existing single family house and construction of a replacement structure with associated driveway, utilities landscaping and associated grading. Proposed project would increase impervious area. Infiltration is proposed to offset impact.

- Initial phase of per review conducted my Mill River dated 1.12.16. Subsequent review conducted by Mill River to review changes per original review. Mill River states all changes have been made to their satisfaction. ACC's consultant supports approval of project as amended.
- ACC's peer reviewer will be present to brief con com and answer questions.
- If no outstanding issues remains, it is recommended that con com proceed in a manner consistent with Mill River findings.

John Paulson, Atlantic Engineering representing the owners: Plans have been amended per Mill River review comments.

Dan Ottenheimer, Mill River Consulting: We recommend issuing an order of conditions – no change to house size and location should be allowed without approval, environmental monitor be identified with point of contact so that Mr. Lopez can reach them, and they would provide weekly reports with photos, a pre-construction meeting prior to starting the job, disturbed soils get stabilized, no de-watering, and plantings must be established for at least a year before issuing a certificate of compliance.

Suzanne Egan: Are the plantings native species?

John Paulson: They are on the state list.

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Dan Ottenheimer: We asked them to produce a construction schedule.

John Lopez: It would be incorporated into the order of conditions.

John Paulson: House size not bigger but could be smaller.

Dan Ottenheimer: No problem.

John Lopez: Do you have the citation for the amended plans?

John Paulson: If the Planning Board or Zoning Board make changes would that be acceptable to the commission.

John Lopez: If the plan changes you will need to come back.

Suzanne Egan: If the plan changes and it's within the same footprint, it could be left up to the discretion of the agent.

Motion by Suzanne Egan to approve the Order of Conditions with the conditions recommended by Mill River Consulting and the additional condition that the Order of Conditions is issued conditionally that the plan does not change. If there is a change to size the Agent may review and recommend. Second by Alan Corey. All in favor.

Motion to close the public hearing by Suzanne Egan, second by Alan Corey. AIF.

NOI (002-1133) 103-107 Macy Street, Amesbury Chevrolet (Fecteau)

Synopsis: Proposed construction consists of the addition of a 16k sf structure to an existing building along with the reconstruction of an existing paved area to adjust for the grades for the new building. No additional paving is proposed. Work would also consist of the installation of a building foundation and infrastructure and utilities.

Work would be confined to a Buffer Zone to BVW according to the applicant.

Initial review completed by Stantec dated 12.18.15. No further information has been received at time of memo drafting.

Stantec reports that a subsequent review and findings indicates most of the outstanding issues have been addressed although report is pending at time of memo drafting.

Proceed in a manner consistent with the Stantec peer review.

Woody Cammett, Cammett Engineering representing Three Way Realty: This is phase 2. Stantec has reviewed it. We have met with town departments. We've met all criteria.

John Lopez reads Stantec review memo. (attachment). All issues have been satisfied to Stantec's satisfaction. What remains is an administrative task to revise the NOI to reflect the more appropriate figures.

Woody Cammett: That has been done, we just have to print it.

Motion by Suzanne Egan to issue an order of conditions for Three Way Realty Trust, 103 Macy Street consistent with the Stantec review and all the documents submitted to date and that the revised drainage report be submitted and incorporated into the order of conditions. Second by Alan Corey. AIF

Motion to close the public hearing by Suzanne Egan, second by Alan Corey. AIF

NOI (002-xxxx) 77 Elm Street (Martin)

Synopsis: Proposed project consists of converting an existing mill building into commercial and retail space. The existing accessory building stairwell and the courtyard on a portion of the site would be demolished and a sidewalk, handicap access ramp and a new building entrance at the rear of the property

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would be constructed. In addition, the redevelopment of an existing parking lot would include two bio-retention areas designed to capture stormwater runoff.

ACC retained Stantec to conduct a peer review who states that all concerns have been addressed. The proposed work appears ready for the issuance of an OoC approving the work as amended. At time of memo drafting a final peer review report is pending. The report will be forwarded to the commission when received. Based on peer review it appears appropriate to approve and close the hearing.

Brian Kutcher, Senior Landscape Architect and Civil Engineer from Horsley Witten Group: We will provide update on DEP. They can not find the plans that were submitted in December with the NOI. They have the check. We are sending another set of plans. Stantec is performing the peer review. John Lopez will create a draft OOC.

Motion by Suzanne Egan to continue 77 Elm Street to the April 4 meeting. Second by Alan Corey. AIF.

Request for Certificate of Compliance, DEP#002-1004 - 35 Water Street, Bartley Machine & Manufacturing (Bartley)

Synopsis: Request is in support of a project approved by the ACC on 8.24.09 for the construction of a handicapped ramp and bituminous walkway. Site visit conducted 3.2.16. Project done in compliance with approved plans. No apparent outstanding issues remain. Recommend approval of Certificate of Compliance.

Motion by Suzanne Egan to issue a Certificate of Compliance. Second by Alan Corey. AIF.

NOI (002-1141) Village at Bailey's Pond (Fafard Development)

Synopsis: Proposed project consists of a 100 unit/26 building housing project. The proposed project would stay out of riverfront area as defined by state and local laws according to the applicant. A conditionally approved project with a valid OoC exists on this site for the same applicant. The NOI is submitted pursuant to the conditionally approved project. Recommend BSC be selected as the peer review for a review pursuant to state and local wetlands laws. In addition, recommend Stantec be selected as peer reviewer pursuant to the MA Stormwater Standards. This was previously discussed in an executive session as BSC did the original wetlands peer review. Peer review proposals have been requested and should be available for review and approval or approval as amended by the ACC at the public hearing. Continue to April 4th or May 2nd.

Jeff Roelofs, Attorney for applicant also Project Engineer, Sean Malone consulting group:

I have tried to give you what you need as new commission members to understand the history of this project. There is a lot of history. I was focusing on the previous version of the project. The Commission had approved the wetlands delineation with the exception of those portions within the riverfront area. The approval was appealed to superior court, nothing has happened – it has been stayed. We also appealed the DEP for a superseding order of conditions the focus of those proceedings was on those parts of the project within the riverfront area, we had some regulatory disagreement with the commission and the commission's consultant as to how to apply the riverfront area standards to a project where there are portions of the riverfront area that were degraded, there were areas in dispute. DEP agreed with the commission's views on these issues and suggested a remand back to the commission and also suggested a regulatory approach which is complicated, but it is essentially a blending of the redevelopment standards under the riverfront regulations and the regular performance standards for work in the riverfront area. We appealed the DEP's

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decision administratively that appeal also didn't go anywhere it's been stayed. In the meantime, the reason those were stayed without activity is because we have had our own issues with the Planning Board. There was litigation that went to land court, it came back to building department, up to ZBA then back to land court. That had to do with Site Plan Approval decision. That was almost three years ago. In the meantime, we've revised the project and we are currently before the planning board with a revised project. They are the same plans you have seen in the NOI filing. We revised it to attempt to address the many issues the planning board had and we're still working through them but we've made a lot of progress in terms of architectural design, site plan layouts, roadway and side walks and have also taken to heart some of the issues the commission had and pulled the building out of the riverfront area that was the focal point of concern and debate in the previous proceedings. We had a stormwater basin within the riparian zone we pulled that back. There are still some features within the riverfront area some are completely unavoidable. There is a utility run that goes underneath the stream, a sewer and water line. It's a run that the DPW is insisting on. It only involves temporary impacts. It will be an area fully restored once the lines are put into place. There are walking trails within the riverfront area that will be maintained. In the most recent plan we sent you there is an actually sidewalk proposed connecting the two areas of the development. We are currently exploring the possibility of taking the side walk out and keeping it as a walking trail. There has been a comprehensive review by Stantec as part of the planning board process. It's a 15 page comment letter – we've been working through the comments both internally and in discussion with the planning staff and Stantec. We are currently revising the site plan still. Although we have submitted this package we aren't looking for any action tonight.

The number of units involved has dropped from 136 to 100. The impervious area has dropped by 1.68 acres. We have more gradual slopes. In the materials I've included a bound volume of documents that includes the previous OOC, the DEP superseding OOC, and all the substantive filings by our wetlands consultant, as well as the comments that came in from the stormwater and the wetlands review. We have included a request for a waiver of the local application fee.

Approved submittal of wetlands review services by BSC. Questioned whether Stantec is being paid twice to perform review (Planning and Conservation).

John Lopez: We are working on that.

Jeff Roelofs reviews the changes from the old plan to the new plan.

Suzanne Egan: In terms of the commission's order that was appealed, with the new plan are you in compliance or are you disputing it?

Jeff Roelofs: We are reserving our rights and proceeding with this application with the approach that DEP called for.

Suzanne Egan: Regarding your request to waive the fee. Have you paid all of the fees that are required to come before the commission at this time?

Jeff Roelofs: Only under the state. There is a fee for the State, part goes to local con com, part to State. Under the local ordinance there is any additional fee and the regulations give the con com to waive those fees if it decides that it's warranted.

Motion by Suzanne Egan to deny the request of fee waiver. Second by Alan Corey. AIF

Jeff Roelofs: We request a continuance to the Commission's next meeting (April 4). If not prepared, we will request a further continuance.

John Lopez: As a point of clarification, are we looking for the commission to designate BSC and Stantec as the peer consultants...BSC for Amesbury Wetlands Act and Amesbury Ordinance, Stantec for

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Massachusetts Stormwater standards? And are we asking them to designate them as the peer consultants in anticipation of receiving your revised plans prior to the April 7 meeting?

Jeff Roelofs: Yes.

Motion by Suzanne Egan to approve BSC and Stantec as the peer reviewers on this project. Second by Alan Corey. AIF

Laurie Irwin, 6 Swett's Hill believes there is over saturation of buildings, the environmental impact.

Motion by Suzanne Egan to continue to April 4. Second by Alan Corey. AIF.

Request for Determination of Applicability, 30 Lake Attitash Road (Hartwell)

Synopsis: Proposed project consists of the installation of a fence within buffer Zone to Lake Attitash. Applicant is requesting ACC to determine if work is subject to state and local laws and whether site location is within a jurisdictional area. Finally, applicant is requesting a Negative Determination of Applicability meaning the proposed project is not significant enough to warrant the filing of a Notice of Intent.

Proposed project is subject to state and local wetlands laws and is within a jurisdictional area.

Location is not within a FEMA flood zone. As such the fence would not alter flood water levels or hinder drainage.

Fence would be installed by hand with no machinery used.

Recommend Negative Determination of Applicability conditioned to the following: Sign measuring 2' x 3' be installed reading ACC 002-28 and remain visible from a public way for duration of work and no stockpiling of material take place within 100 feet of Lake Attitash.

Matt Stinel, Millenium Engineering, with owner.

James Hartwell Lake Attitash Rd asking for a privacy fence between 30 and 28 Lake Attitash Rd. I have had problems with land encroachment for 40 years.

John Lopez: The lot was recently surveyed and has been submitted for the record.

Matt Stinel. We conducted a survey and set the corners.

Suzanne Egan: We reviewed 28 Lake Attitash earlier tonight. Is your plan consistent with what that plan showed?

Motion by Suzanne Egan to issue a negative determination of applicability with the following conditions: Sign measuring 2' x 3' be installed reading ACC 002-28 and remain visible from a public way for duration of work and no stockpiling of material take place within 100 feet of Lake Attitash. Second by Alan Corey. AIF.

Request for an Amended OoC (002-1120) 128 Kimball Road (Swift)

John Lopez: This request for an amended OoC comes pursuant to an approved and valid OoC issued on 10.20.15 for the rehabilitation of an existing dwelling and garage. The existing dwelling and garage cover approximately 3,000 square feet. In addition, the approved project involves connecting the existing dwelling to the city sewer and water system. The sewer and water pipes will be located within the existing driveway and along the shoulder of Kimball Road. No demolition is proposed nor is any approved. No changes to the existing landscaping were proposed.

During initial phases of construction it became apparent to the applicant that the existing dwelling needs to be replaced. The proposal for an amended OoC is to replace the existing structure with a

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structure within the same footprint. The structure would be demolished to the existing concrete slab and footings. Helical pilings would be drilled through the slab to accommodate support for the house. Barn footings would be replaced in a similar fashion.

No additional square footage would be incorporated in the project.

Since the proposed replacement structure would be within the same footprint of the existing structure, no work closer to jurisdictional resources is proposed.

Current and approved erosion control is appropriate and no changes need to be made.

Per a request for an amended OoC; applicant has re-notified abutters and placed a legal notice in the local paper of record.

Recommend approval of amended order of conditions and close hearing.

Mike Seekamp representing the owner: We received permission to rehab the building place, the thought was to go up another story but discovered that the walls were not strong enough to support addition weight. The building really needs to be taken down to ground level. There is no change proposed in the footprint they will not be any closer to the river than they currently are and there will be no work outside the existing slab on the dwelling because they are going to put pilings into the ground within the footprint. Abutters have been notified, and legal notice posted in the Daily News. There will be no change to the original plan.

Suzanne Egan: This was peer reviewed by Bob Prokop.

Motion by Suzanne Egan to approve the amended Order of Conditions with the conditions as they stand with no changes in the original order for 128 Kimball Road. Second by Alan Corey. AIF

Motion to close the public hearing by Suzanne Egan. Second by Alan Corey. AIF

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**Continued from beginning of meeting:**

**Enforcement Order/Cease and Desist (002-1127) – 78 Lake Attitash Road (Buscanera)**

**John Lopez:** You have a valid OoC on a structure that no longer exists. It was removed by willful act by the applicant. In addition every condition on the valid OoC was violated as I stated in my enforcement order. Everything from the DEP sign to a pre-construction meeting to a contract signed for an environmental monitor, monitoring reports, there was nothing adhered to and the question has to be asked Did the applicant even read the OoC. We have an enforcement order which required a cease and desist provision. The applicant was required to submit a notice of intent for the construction of a new house. But before they can do that the question remains do they need to file a request for certificate of compliance and close out the existing OoC before we can move on. To complicate that the existing OoC states that a engineered, stamped and certified as built plan must be submitted.

**Request for Certificate of Compliance (002-1127) 78 Lake Attitash Road (Buscanera)**

**John Lopez:** Applicant has submitted a Request for a Certificate of Compliance prior to the opening of a new NOI hearing for the same project. Procedurally one OoC was to be closed prior to opening up a NOI hearing for the same property for essentially the same project. This comes in part due to significant violations to the approved project. See description above under administrative items.

The OoC states that as-built plans signed and stamped by an engineer must be submitted with the request. As-built plans are to be accompanied by a listing of all deviations from the approved plan. However; the structure that the OoC was based on no longer exists. Essentially the applicant is in violation of the entire

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OoC. ACC should consider requiring applicant to submit an itemized list of violations to assess possible fines.

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### **NOI (002-xxxx) 78 Lake Attitash Road (Buscanera)**

**John Lopez:** Proposed construction and submission of NOI comes in response to an enforcement order issued for the removal of an existing structure without a valid OoC. Applicant states that the NOI is in support of an existing house however no structure currently exists. This should be considered new construction pursuant to state and local wetlands laws. Removal of the existing structure is not the violation as anything above gradient is not subject to state and local wetlands laws. However; proposed activity surround construction of house is subject to ACC jurisdiction as well as runoff.

Issues surrounding enforcement order and Request for a Certificate of Compliance must be addressed prior to approving project. In addition, no DEP file number has been issued. Structure is in a watershed protection district. Applicant should be informed it is their responsibility to consult with city planner and planning board to determine if project is subject to planning board review. Recommend peer review (Mill River) pursuant to MA WPA and the Amesbury Wetlands Protection Ordinance. Review should include drainage and runoff.

**Steve Langlois:** Let's just take one at a time and ask why. First of all, no recorded copy of the OoC was received.

**Vincent Buscanera:** It was recorded.

**John Lopez:** But it was not received. Nothing transpired at the time of my site visit to the property.

**Suzanne Egan:** You issued a cease and desist order that has to be ratified by the commission.

**John Lopez:** Or amended.

**Suzanne Egan:** And then we have part of that cease and desist and enforcement order is to file as NOI. I think the first order of business is whether that cease and desist order should be ratified. That establishes the status quo....where are we here. Is there a violation? What is it? Is there work being done on the property that has not been permitted by the commission? If that is the case then under the law we issued a cease and desist order. And then we can find out the remedy.

**Steve Langlois:** The applicant knocked the house down and was never brought before anyone.

**John Lopez:** So the commission needs to ratify and amend.

**Suzanne Egan:** We need to make a determination at a public hearing whether or not there's been a violation of the OoC. We have photos, and OoC that we issued, we have photos of what was established at the site, we have the agent informing us that it is not in compliance, whether the technicalities have been complied with is relevant. The main focus is whether the plans submitted that we issued an OoC for has been complied with or not.

**Vincent Buscanera:** I want to apologize for what has happened. I wasn't trying to be ignorant of the law of the con com rules, but I've had a tough couple years with my son. He had brain cancer. I never meant to do anything illegal or go against John. I took this house out of a law suit with the attorney generals office. I had to fix the road and the retaining wall that fell in that would have cost the city a ton of money. I dealt with Denis (Nadeau) and I did everything he asked me to do. I have all my building material sitting there and I want to just continue building my house so that I can have a place for my son. If we could start from scratch. I had signs there, they were taken. I had safety cones in front of my house that were taken. I've had problems with neighbors. There were neighbors in favor of this. I have to get my son in school in the fall.

**Steve Langlois:** Is there an environment monitor over there?

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**John Lopez:** The OOC required one but none was assigned. The OOC required a pre-construction site visit and at that visit a signed copy of the environmental monitor contract was to be given to me. No contract was ever executed, no monitor assigned by the applicant. Nor was a preconstruction site visit ever scheduled.

**Vincent Buscanera:** I notified John Lopez on January 11<sup>th</sup> telling him that I was starting the job and I needed help with the people who put their stuff in the right of way. We needed to get the excavating machine into the yard and they had all their docks there.

**Suzanne Egan:** I have a suggestion – this is complicated because the lot is in a state of disarray. If we take everything and have it reviewed to help the commission with the applicant write up an agreement or a schedule of everything that has to happen to remedy this and make recommendations to the commission. Everything that has been done on this land is in violation of the order of conditions. The plan that was approved and the steps that were issued in the OOC have not been complied with. Under our rules and regulations the remedy is a fine. I would recommend that we issue a cease and desist order and fines to make sure that there is remedy.

**Vincent Buscanera:** We've done everything that was required under the enforcement order.

**John Lopez:** True.

**Suzanne Egan:** It would be helpful if we could hire a third party reviewer to go through the OOC that was issued, the violations, the condition of the site, and a review of the proposed new OOC and a path forward as to what is our next step.

**Steve Langlois:** The OOC was breached and by knocking the building down putting up more concrete than was originally planned ... we just can't let this go.

**John Lopez:** Does the applicant have to go before the planning board? Does this constitute a new structure within a pre-existing nonconforming lot.

The Commission discusses the fine to be levied against the applicant. \$300 per day from the date of the Cease and Desist (February 3<sup>rd</sup>).

**John Lopez:** If Mr. Buscanera had asked Mike Seekamp to be the environmental monitor, the conditions of the order would have been followed and we wouldn't be here discussing this.

**Suzanne Egan:** Motion that in light of the violation having occurred on February 3<sup>rd</sup> that penalties in the amount of \$300 per day be imposed for a total of \$9,000. That \$3,000 be paid and the \$6,000 be held in abeyance until the date certain when the applicant brings this project into compliance. If so along with a schedule that is created through reviewed of the proposed OOC then the remainder of the fines be waived. The cease and desist to continue and the NOI be reviewed by third party consultant.

**Suzanne amends the motion to assess a fine of \$9,000. The applicant shall pay \$2,500 and that the remainder of the fine shall be due and payable upon any further violation. The cease and desist remain in affect and the submitted OOC be reviewed by 3<sup>rd</sup> party consultant. Second by Alan Corey. AIF.**

**Suzanne Egan: \$2,500 to be paid within 10 days. Second by Alan Corey. AIF**

**Suzanne Egan makes a motion to retain Mill River to review the NOI. Second Alan Corey. AIF**

**Suzanne Egan motion to continue the NOI to April 4<sup>th</sup>. Second by Alan Corey. AIF**

**Motion to adjourn at 9:00 p.m.**

APPROVED

*Scan, file  
Con Com, Lopez  
P. Board, Njain  
3-3-2016*



5 Dartmouth Drive Suite 101,  
Auburn NH 03032-3984

March 3, 2016  
File: 195113169

**Attention: John Lopez, Conservation Agent**  
City of Amesbury Conservation Commission  
62 Friend Street  
Amesbury, MA 01913

Dear Mr. Lopez and Members of the Commission,

**Reference: Notice of Intent Third-Party Review**  
Amesbury Chevrolet  
103 Macy Street  
Amesbury, MA

This letter presents a summary of findings from a review conducted by Stantec Consulting Services Inc. (Stantec) of the revised Notice of Intent (NOI) prepared by W.C. Cammett Engineering, Inc. (Cammett) for the proposed "Phase II" of improvements of the Amesbury Chevrolet facility (Project Site) located at 103 Macy Street in Amesbury dated February 15, 2016.

The review conducted by Stantec included a review of the following documents:

- Letter to the Commission from Cammett, dated February 15, 2016;
- Application for Notice of Intent, prepared by Cammett, Revised February 15, 2016, including Stormwater Management Report, Wetland Delineation, Long Term Pollution Prevention Plan (LTPPP), and Stormwater Pollution Prevention Plan (SWPPP); and
- Project Plans, prepared by Cammett and dated 10-09-2015 and last revised 02-15-16 (17 Sheets).

As presented in the updated NOI, the proposed project consists of the construction of a new, 16,000 square foot service facility, grading, stormwater system improvements, proposed dumpster pad, and repaving within the 100-foot Buffer Zone to Bordering Vegetated Wetlands (BVW) established in the Massachusetts Wetlands Protection Act (WPA), and repaving within the 50-foot No-Build Zone established under the Amesbury Wetlands Protection Ordinance (Ordinance). Activities presented in the NOI as occurring beyond the limits of the jurisdiction of the Amesbury Conservation Commission (Commission) include the demolition of an existing building, additional grading and repaving, sewer service extensions to the existing building and proposed building addition, replacement of a portion of the site stormwater system, additional site landscaping and the construction of a temporary dewatering basin and concrete washout area. A summary of Stantec's findings, based on a review of the materials noted above and the responses to our initial review letter dated December 18, 2015 are summarized below followed by supporting information.



March 3, 2016  
John Lopez, Conservation Agent  
Amesbury Chevrolet – 103 Macy Street  
Page 2 of 5

**Reference: Notice of Intent Third-Party Review**

**Summary of Findings**

**A – Field delineated wetlands at the Project Site include a BVW located along the southern and western edges of the Project Site. Based on Stantec's observations during a visit to the project site under the initial NOI review, the limits of this BVW appear to have been delineated accurately.**

**B – During the site visit, Stantec observed several vehicles and other items (e.g., a dumpster) located partially within the limits of the BVW (see site photographs 5 and 6 of the initial review in Appendix A). The revised design submitted indicates a proposed vegetated wetland berm is to be constructed adjacent to the southern edge of the Project Site to define the limits of BVW and prevent future encroachment into this wetland. A proposed location for the dumpster is shown on the revised plans. The revised plans also include the construction of a vegetated berm to provide a buffer between the parking areas and the adjacent BVW.**

**C – The stream, to which the aforementioned BVW discharges, is noted as intermittent in the NOI. However based on a review of the USGS StreamStats online software, Stantec has determined that this stream qualifies as a perennial watercourse as defined at 310 CMR 10.58(2)(a)1ci, beginning at the confluence of two streams within a wetland located north of Macy Street. As such, the limits of Riverfront Area associated with this stream appear to extend onto the north-western portion of the parcel at 103 Macy Street. Based on a review of available information, it does not appear that the proposed work is within Riverfront Area; however the Commission may wish to confirm this by requesting that Cammet depict the limits of Riverfront Area on the project plans. The revised plans do not depict the limits of Riverfront Area at the project site, but Cammet notes in an accompanying letter that future improvements under Phase III will include work proposed within Riverfront Area.**

**D – Overall, the information provided within the NOI form (WPA Form 3), figures, and narrative appears to be administratively complete. The error noted previously in the NOI form related to inappropriately checking the box indicating impacts to BVW has been corrected.**

**E – Overall, inconsistent information was provided relative to the stormwater system of the project to support the Applicant's statement that there is a decrease in impervious area. Diagrams of the existing and proposed condition indicate a reduction of 192 SF of pavement would occur was included with the submission letter. However, the submitted stormwater analysis indicates additional pavement area of approximately 0.098 acres (~4,268 SF) appears in the post development calculations that are inconsistent with the diagrams noted previously. In addition, the analysis indicates increases in runoff would occur in the post 2 and 10 year storm events that does not meet standard 2 of the stormwater checklist. Review and updates to the stormwater analysis is needed.**



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John Lopez, Conservation Agent  
Amesbury Chevrolet – 103 Macy Street  
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**Reference: Notice of Intent Third-Party Review**

**Updated Site Improvements**

The revised site and grading design indicates a grass vegetated berm is to be constructed adjacent to the BVW area within the project limits. The berm design would redirect some of the surface runoff away from the wetland area. In addition, the design detail on sheet DT-2 indicates a stone trench underdrain located in gravel areas and adjacent paved area would be installed in proximity to the wetlands area.

**Review of Documents**

**NOI**

Information contained in the revised NOI form (WPA Form 3) appears to be administratively complete and accurate.

**Stormwater Report**

Information contained in the stormwater portion of the application package includes the site description and Mass DEP checklist for stormwater report and a long term pollution prevention plan (LTPPP). We note the following:

- A. Under standard 2, the checklist notes calculations are provided to show the post development peak does not exceed the predevelopment, but these calculations imply an increase under the post development condition. We note the following inconsistencies relative to the submitted calculations:
  1. The amount of pavement in the post development calculations sums to 1.651 acres and is greater than the 1.553 acres under the pre-development calculations. Please review and revise to be consistent with the project intent noted as a reduction in pavement.
  2. The amount of grass fair (50-75%) increases in the post development condition. We would anticipate the amount to remain the same or be reduced.
  3. The amount of woods decreases under the post development condition along with a change in condition from good under the existing condition to fair under the proposed condition. We would anticipate this item would be the same under both conditions.
  4. The stormwater comparison tables 1 and 2 imply increases under the post development conditions. Please review and update the table and analysis consistent with standard 2 – no increase in runoff. It is likely that the above adjustments to the analysis could address this issue.
  
- B. The submitted plans identify a permanent location for the dumpster as noted in the LTPPP located outside the 50 foot buffer setback. The Commission should consider the location and if there is appropriate screening.



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**SWPPP**

The revised submittal did not include a SWPPP for the site. The initial submission included a SWPPP. We recommend that a copy of the executed EPA-NOI notice shall be obtained and included in the SWPPP prior to the start of construction.

**Recommendations:**

We recommend the Applicant discuss the application and the above noted issues with the Conservation Commission and update acceptable to the Commission.

Regards,

**Stantec Consulting Services Inc.**

A handwritten signature in black ink, appearing to read 'Michael Leach', written over a light blue horizontal line.

Michael Leach,  
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c. Amesbury Planning Board