

MEMO

To: Zoning Board of Appeals

From: City Councilors

Date: April 14, 2026

RE: Comment on 27 Kimball Road 40B Project

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CITY OF AMESBURY, MA

We appreciate the opportunity to provide comments on the 40B project proposed for development at 27 Kimball Road. We have serious concerns about this project. These concerns reflect both the concerns that have been raised by every department in our City and those shared by our residents. These concerns fall into the following categories: traffic and safety, access for emergency vehicles and requirements for emergency management, environment, impacts on abutters, and costs that could fall to the city as a result of this project.

Traffic and safety are a serious concern because Kimball is a narrow and winding road that does not have sidewalks or a curb. On the stretch of Kimball Road between Route 110 and Lions Mouth, where this development will occur, there is rarely an edge of the road that can be used by pedestrians; in fact, a common comment from residents has been that they do not feel safe walking or biking along this stretch of Kimball Road. This project significantly increases the number of houses on this stretch of Kimball Road. Consequently, this development will exacerbate existing safety risks to an already overcrowded road that does not support alternative forms of transportation.

The second concern is access for emergency vehicles and requirements for emergency management. The concern about access is in part due to the narrow and winding nature of Kimball Road. It is also caused by the number of units being proposed for this lot. We also have concerns about water pressure for fire hydrants that need to be addressed. It is critically important to understand what events could cause a drop in water pressure in the hydrants and how that could be prevented. Finally, we need to understand who is legally responsible for the efficiency of the fire hydrants in the event of a fire if the hydrants do not operate as expected/required. Is the ZBA aware of any state law regarding this aspect of the project? Can the project deed/ownership be used to specify legal responsibility for the hydrants' efficiency as part of the ZBA's approval process for the project?

Environmental concerns about the project are rooted in the high level of disturbance required to develop the proposed project at this site. The project requires the destruction of wetlands protected by local ordinance (although they are not protected under state law). The destruction of wetlands is particularly problematic because the project is on a hill and loss of wetlands may lead to increased stormwater runoff that may damage property down-slope. Additionally, it is critically important to ensure that reviews of the water infiltration systems/storm water systems take into account the impacts of climate change on storm frequency and intensity. We also need to ensure that responsibility for system testing and maintenance is clearly defined. In particular,

we need to understand who is legally responsible for the efficiency and specification requirements of these systems should they not operate as expected/required over time. Is the City aware of any state law that applies to this aspect of the project? Can the project deed/ownership be used to specify legal responsibility for the water infiltration systems/storm water maintenance systems efficiency and testing as part of the ZBA's approval process for the project? We would like to see ownership of this aspect of the project be expressly stated as the sole responsibility of the housing project owner in the deed itself. Expecting that ownership of this project will change over time, it is vital that this issue be included in the ownership documents - including the property's recorded deed, any subsequent deed of conveyance, any settlement statement/closing statement, management agreement/assignment of contract, and so on. Overall, the goal must be to take every step possible to ensure that ownership of all aspects of the water infiltration systems/storm water systems at the project site remain the sole responsibility of the project owner in perpetuity and do not become the responsibility of the City of Amesbury as the project ownership changes over time.

The high level of disturbance to the site also raises questions about impacts on abutters. Concerns have been expressed about the removal of trees that separate adjoining properties, which will substantially degrade the level of privacy currently experienced by abutters. There are also concerns about the potential for flooding to occur on surrounding properties as a result of this development. The ZBA should ensure that all actions needed to remediate flooding are the sole and complete responsibility of the developer. As stated previously, this responsibility should be legally specified in the property ownership/deed so that it is not revoked when the property changes hands.

Finally, we have significant concerns that problems caused by this development will result in substantial future costs to the City of Amesbury. For example, who will pay for the increased maintenance of Kimball Road that will result from the additional traffic? Similarly, who will be responsible for paying for improvements at the intersection of Kimball Road and Route 110 that will be needed to support the increased level of traffic caused by this development as was noted in the Technical Review? Can the ZBA include payments of these costs in the permit conditions for this project? Additionally, it is important that the ZBA require the developer to pay for any improvements that are needed to the existing sewer and water systems to support this project. Finally, it is critically important to ensure that ongoing maintenance and testing of all systems (e.g., fire hydrants and water infiltrations systems / storm water systems) are funded by the property owner in perpetuity.

The concerns we are raising are not new. As noted above, they have been expressed since this project was initially proposed by every department in our City and by residents. In all of the meetings that have followed, we have not heard solid explanations for how these concerns will be addressed. We realize that peer review will be a critical part of the process for this development. We request the ZBA to take all steps possible to ensure a rigorous peer-review process for each category of concern. We sincerely hope that you will give serious consideration to all of these concerns in your review of this project and your final determination.