
NOTICE OF INTENT

28 Haverhill Road

Amesbury, MA

PREPARED FOR

Essek Petrie
Pulte Homes of New England
1900 West Park Drive, Suite 180
Westborough, MA 01581

PREPARED BY



120 Front Street
Suite 500
Worcester, MA 01608
508.513.2715

April 2026



April 9, 2026

Ref: 16809.00

Amesbury Conservation Commission
39 South Hunt Road
Amesbury, MA 01913

Re: 28 Haverhill Road – Notice of Intent

Dear Commissioners:

On behalf of the Applicant, Pulte Homes of New England, VHB is submitting the enclosed Notice of intent (NOI) for work to construct two residential buildings (the Project) at 28 Haverhill Road in Amesbury, Massachusetts (the Project Site). This application is being filed pursuant to the Massachusetts Wetlands Protection Act (WPA), MGL c.131, §40 and its implementing regulations, 310 CMR 10.00, and the City of Amesbury Wetlands Protection Ordinance, Article 15 (the Bylaw). The Project will consist of two residential buildings, associated parking lots, community amenities, and associated stormwater and ancillary landscape activities to support this use. A full scope of work is included in the attached NOI narrative.

Portions of the Project Site contain resource areas subject to the jurisdiction of the WPA and the Bylaw, including: Bank, Bordering Vegetated Wetland (BVW), Bordering Land Subject to Flooding (BLSF), and the 200-foot Riverfront Area (RFA) associated with an unnamed perennial stream. The WPA establishes a 100-foot buffer zone to Bank and BVW. The Ordinance establishes a 100-foot buffer zone from the edge of BLSF and regulates the 100-foot buffer zone as a resource area. Work is required within RFA and the 100-foot buffer zone to BVW and BLSF.

In compliance with the WPA and the Ordinance, notification to abutters within 300 feet of the Project has been made by certified, return receipt mail on this date. A copy of the abutter notification form and a certified list of abutters are enclosed as part of the NOI. As required under the WPA, a copy of the NOI package has been filed with the Massachusetts Department of Environmental Protection Northeast Regional Office.

Checks made payable to the City of Amesbury in the amount of \$800.00 for the Municipal share of the NOI filing fee and \$1,575.00 for the local filing fee are included with this submission. A check made payable to the Commonwealth of Massachusetts in the amount of \$775.00 has been submitted to the MassDEP lockbox for payment of the State share of the NOI filing fee.

Please advertise this matter for public hearing at the Commission's next scheduled meeting. If you have any questions concerning this submittal or need any additional information, please contact me at 617-607-2709 or bhilgendorff@vhb.com.

Sincerely,

VHB

A handwritten signature in black ink, appearing to read "Bridget Hilgendorff", written over a light blue horizontal line.

Bridget Hilgendorff
Environmental Scientist

Ref: 16809.00
04/13/2026
Page 2



cc:
Attachments

Table of Contents

Notice of Intent Forms

WPA Form 3
NOI Fee Transmittal Form
Copies of Filing Fee Checks
Legal Notice Form

Notice of Intent Figures

Figure 1 – USGS Map
Figure 2 – Aerial Map
Figure 3 – NHESP Map
Figure 4 – FEMA Map

Attachment A – NOI Narrative

Introduction.....	1
Site Description.....	2
Wetland Resource Areas.....	2
Work Description.....	7
Mitigation Measures	8
Regulatory Compliance.....	10
Summary.....	16

Attachment B – Abutter Information

Attachment C - Photolog

Attachment D – Stormwater Report (Bound Separately)

Attachment E – Project Plans (Bound Separately)

Notice of Intent Forms

- › WPA Form 3
- › NOI Wetland Fee Transmittal Form
- › Copies of Filing Fee Checks
- › Legal Notice Form



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 3 - Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
MassDEP File #:
eDEP Transaction #:1995865
City/Town:AMESBURY

A.General Information

1. Project Location:

a. Street Address	28 HAVERHILL ROAD	c. Zip Code	01913
b. City/Town	AMESBURY	e. Longitude	70.93856W
d. Latitude	42.84284N	g.Parcel/Lot #	1
f. Map/Plat #	76		

2. Applicant:

☐ Individual ☒ Organization

a. First Name	ESSEK	b. Last Name	PETRIE
c. Organization	PULTE HOMES OF NEW ENGLAND		
d. Mailing Address	1900 WEST PARK DRIVE, SUITE 180		
e. City/Town	WESTBOROUGH	f. State	MA
g. Zip Code	01581		
h. Phone Number	508-621-2404	i. Fax	
j. Email	essek.petrie@pultegroup.com		

3. Property Owner:

☐ more than one owner

a. First Name		b. Last Name	
c. Organization	NEWBURYPORT PROPERTIES LLC		
d. Mailing Address	11 WINDWARD DRIVE		
e. City/Town	NEWBURYPORT	f. State	MA
g. Zip Code	01905		
h. Phone Number		i. Fax	
j. Email			

4. Representative:

a. First Name	BRIDGET	b. Last Name	HILGENDORFF
c. Organization	VHB		
d. Mailing Address	120 FRONT STREET, SUITE 500		
e. City/Town	WORCESTER	f. State	MA
g. Zip Code	02451		
h. Phone Number	617-607-2709	i. Fax	
j. Email	bhilgendorff@vhb.com		

5. Total WPA Fee Paid (Automatically inserted from NOI Wetland Fee Transmittal Form):

a. Total Fee Paid	1,575.00	b. State Fee Paid	775.00	c. City/Town Fee Paid	800.00
-------------------	----------	-------------------	--------	-----------------------	--------

6. General Project Description:

THE APPLICANT, PULTE HOMES OF NEW ENGLAND, LLC, IS PROPOSING TO CONSTRUCT TWO RESIDENTIAL BUILDINGS (THE "PROJECT") AT 28 HAVERHILL ROAD IN AMESBURY, MASSACHUSETTS (THE "PROJECT SITE"). AS PROPOSED, THE PROJECT CONSISTS OF TWO RESIDENTIAL BUILDINGS, ASSOCIATED PARKING LOTS, COMMUNITY AMENITIES, AND ASSOCIATED STORMWATER AND ANCILLARY LANDSCAPE ACTIVITIES TO SUPPORT THIS USE.

7a. Project Type:

- | | |
|---|--|
| 1. ☐ Single Family Home | 2. ☒ Residential Subdivision |
| 3. ☐ Limited Project Driveway Crossing | 4. ☐ Commercial/Industrial |
| 5. ☐ Dock/Pier | 6. ☐ Utilities |
| 7. ☐ Coastal Engineering Structure | 8. ☐ Agriculture (eg., cranberries, forestry) |



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 3 - Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
MassDEP File #:
eDEP Transaction #:1995865
City/Town:AMESBURY

9. ☐ Transportation

10. ☐ Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. ☐ Yes ☒ No

If yes, describe which limited project applies to this project:

2. Limited Project

8. Property recorded at the Registry of Deeds for:

a. County:

SOUTHERN ESSEX

b. Certificate:

c. Book:

41629

d. Page:

131

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

1. Buffer Zone & Resource Area Impacts (temporary & permanent):

☐ This is a Buffer Zone only project - Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.

2. Inland Resource Areas: (See 310 CMR 10.54 - 10.58, if not applicable, go to Section B.3. Coastal Resource Areas)

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
---------------	-----------------------------	-------------------------------

a. ☐ Bank

1. linear feet

2. linear feet

b. ☐ Bordering Vegetated Wetland

1. square feet

2. square feet

c. ☐ Land under Waterbodies and Waterways

1. Square feet

2. square feet

3. cubic yards dredged

d. ☐ Bordering Land Subject to Flooding

1. square feet

2. square feet

3. cubic feet of flood storage lost

4. cubic feet replaced

e. ☐ Isolated Land Subject to Flooding

1. square feet

2. cubic feet of flood storage lost

3. cubic feet replaced

f. ☒ Riverfront Area

Unnamed Perennial Stream

1. Name of Waterway (if any)

2. Width of Riverfront Area (check one)

☐ 25 ft. - Designated Densely Developed Areas only

☐ 100 ft. - New agricultural projects only

☒ 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project

360214

square feet

4. Proposed Alteration of the Riverfront Area:

58216

6796

51420



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 3 - Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
MassDEP File #:
eDEP Transaction #:1995865
City/Town:AMESBURY

- a. total square feet b. square feet within 100 ft. c. square feet between 100 ft. and 200 ft.

5. Has an alternatives analysis been done and is it attached to this NOI?

☒ Yes ☐ No

6. Was the lot where the activity is proposed created prior to August 1, 1996?

☒ Yes ☐ No

3.Coastal Resource Areas: (See 310 CMR 10.25 - 10.35)

Resource Area Size of Proposed Alteration Proposed Replacement (if any)

a. ☐ Designated Port Areas	Indicate size under	Land under the ocean below,
b. ☐ Land Under the Ocean	1. square feet	
	2. cubic yards dredged	
c. ☐ Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes, below	
d. ☐ Coastal Beaches	1. square feet	2. cubic yards beach nourishment
e. ☐ Coastal Dunes	1. square feet	2. cubic yards dune nourishment
f. ☐ Coastal Banks	1. linear feet	
g. ☐ Rocky Intertidal Shores	1. square feet	
h. ☐ Salt Marshes	1. square feet	2. sq ft restoration, rehab, crea.
i. ☐ Land Under Salt Ponds	1. square feet	
	2. cubic yards dredged	
j. ☐ Land Containing Shellfish	1. square feet	
k. ☐ Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. cubic yards dredged	
l. ☐ Land Subject to Coastal Storm Flowage	1. square feet	

4.Restoration/Enhancement

☐ Restoration/Replacement

If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please entered the additional amount here.

a. square feet of BVW

b. square feet of Salt Marsh



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 3 - Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
MassDEP File #:
eDEP Transaction #:1995865
City/Town:AMESBURY

5. Projects Involves Stream Crossings

☐ Project Involves Streams Crossings

If the project involves Stream Crossings, please enter the number of new stream crossings/number of replacement stream crossings.

a. number of new stream crossings

b. number of replacement stream crossings

C. Other Applicable Standards and Requirements

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage of Endangered Species program (NHESP)?

a. ☐ Yes ☒ No

If yes, include proof of mailing or hand delivery of NOI to:
Natural Heritage and Endangered Species
Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581

b. Date of map: FROM MAP VIEWER

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18)....

c. Submit Supplemental Information for Endangered Species Review * (Check boxes as they apply)

1. ☐ Percentage/acreage of property to be altered:

(a) within Wetland Resource Area

percentage/acreage

(b) outside Resource Area

percentage/acreage

2. ☐ Assessor's Map or right-of-way plan of site

3. ☐ Project plans for entire project site, including wetland resource areas and areas outside of wetland jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

a. ☐ Project description (including description of impacts outside of wetland resource area & buffer zone)

b. ☐ Photographs representative of the site

c. ☐ MESA filing fee (fee information available at: <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/mass-endangered-species-act-mesa/mesa-fee-schedule.html>)

Make check payable to "Natural Heritage & Endangered Species Fund" and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

d. ☐ Vegetation cover type map of site

e. ☐ Project plans showing Priority & Estimated Habitat boundaries

d. OR Check One of the following

1. ☐ Project is exempt from MESA review. Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <http://www.mass.gov/eea/agencies/dfg/dfw/laws-regulations/cmr/321-cmr-1000-massachusetts-endangered-species-act.html#10.14>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. ☐ Separate MESA review ongoing.



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 3 - Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
MassDEP File #:
eDEP Transaction #:1995865
City/Town:AMESBURY

a. NHESP Tracking Number

b. Date submitted to NHESP

3. ☐ Separate MESA review completed.

Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review...

2. For coastal projects only, is any portion of the proposed project located below the mean high waterline or in a fish run?

a. ☒ Not applicable - project is in inland resource area only

b. ☐ Yes ☐ No

If yes, include proof of mailing or hand delivery of NOI to either:

South Shore - Cohasset to Rhode Island, and the Cape & Islands:

North Shore - Hull to New Hampshire:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 S. Rodney French Blvd
New Bedford, MA 02744

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930

If yes, it may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office.
For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional office.

3. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

a. ☐ Yes ☒ No

If yes, provide name of ACEC (see instructions to WPA Form 3 or DEP Website for ACEC locations). **Note:** electronic filers click on Website.

b. ACEC Name

4. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?

a. ☐ Yes ☒ No

5. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L.c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L.c. 130, § 105)?

a. ☐ Yes ☒ No

6. Is this project subject to provisions of the MassDEP Stormwater Management Standards?

a. ☒ Yes, Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:

1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook ☐ Vol.2, Chapter 3)

2. ☐ A portion of the site constitutes redevelopment

3. ☐ Proprietary BMPs are included in the Stormwater Management System

b. ☐ No, Explain why the project is exempt:

1. ☐ Single Family Home



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 3 - Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
MassDEP File #:
eDEP Transaction #:1995865
City/Town:AMESBURY

☐

2. ☐ Emergency Road Repair

3. ☐ Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department by regular mail delivery.

1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.) ☒
2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area. ☒
3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s)). ☒
4. Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology. ☒
4. List the titles and dates for all plans and other materials submitted with this NOI. ☐

a. Plan Title: **b. Plan Prepared By:** **c. Plan Signed/Stamped By:** **c. Revised Final Date:** **e. Scale:**

LEWIS RIDGE 28

HAVERHILL ROAD
(ROUTE 110)

AMESBURY, MA

CIVIL DESIGN
GROUP, LLC

MATTHEW LEIDNER, PE

April 4, 2026

1" = 30'

5. ☐ If there is more than one property owner, please attach a list of these property owners not listed on this form.

6. ☐ Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7. ☐ Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8. ☐ Attach NOI Wetland Fee Transmittal Form.

9. ☒ Attach Stormwater Report, if needed.



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 3 - Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
MassDEP File #:
eDEP Transaction #:1995865
City/Town:AMESBURY

E. Fees

1.

Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

394969	03/25/2026
2. Municipal Check Number	3. Check date
394980	03/25/2026
4. State Check Number	5. Check date
VHB	
6. Payer name on check: First Name	7. Payer name on check: Last Name

F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

1. Signature of Applicant

2. Date

3. Signature of Property Owner (if different)

4. Date

5. Signature of Representative (if any)

6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a copy of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in Section C, Items 1-3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 3 - Notice of Wetland Fee Transmittal Form

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
MassDEP File #:
eDEP Transaction #:1995865
City/Town:AMESBURY

A. Applicant Information

1. Applicant:

a. First Name	ESSEK	b. Last Name	PETRIE
c. Organization	PULTE HOMES OF NEW ENGLAND		
d. Mailing Address	1900 WEST PARK DRIVE, SUITE 180		
e. City/Town	WESTBOROUGH	f. State	MA
g. Zip Code	01581	j. Email	essek.petrie@pultegroup.com
h. Phone Number	5086212404	i. Fax	

2. Property Owner:(if different)

a. First Name		b. Last Name	
c. Organization	NEWBURYPORT PROPERTIES LLC		
d. Mailing Address	11 WINDWARD DRIVE		
e. City/Town	NEWBURYPORT	f. State	MA
g. Zip Code	01905	j. Email	
h. Phone Number		i. Fax	

3. Project Location:

a. Street Address	28 HAVERHILL ROAD	b. City/Town	AMESBURY
-------------------	-------------------	--------------	----------

Are you exempted from Fee? ☐

Note: Fee will be exempted if you are one of the following:

- City/Town/County/District
- Municipal Housing Authority
- Indian Tribe Housing Authority
- MBTA

State agencies are only exempt if the fee is less than \$100

B. Fees

Activity Type	Activity Number	Activity Fee	RF Multiplier	Sub Total
B.) EACH BUILDING (FOR DEVELOPMENT) INCLUDING SITE;	1	1050.00	RFA MULTIPLIER 1.5	1575.00
		City/Town share of filing fee \$800.00	State share of filing fee \$775.00	Total Project Fee \$1,575.00

LEGAL NOTIFICATION
AMESBURY CONSERVATION COMMISSION

In accordance with the Wetland Protection Act (Massachusetts General Law, Chapter 131, Section 40 and the Amesbury Wetlands Protection Ordinance:

The applicant, _____ has filed a _____
Name Form Name

with the Amesbury Conservation Commission for the proposed

Description of work – intent

at _____, Amesbury, MA 01913.
Address of Property

A Public Hearing will be held _____ at _____ on
Address/Location of meeting Time

_____ at which time all persons and organizations
Month/Day/Year

having interest may be heard. Copies of the application may be examined at the Conservation Commission office, 39 South Hunt Road, Amesbury, MA 01913. The application can also be viewed by visiting the Amesbury Conservation Commission website at
<https://www.amesburyma.gov/AgendaCenter/Conservation-Commission-12>

Regards,

Fred Zackon, Acting Chair

AMESBURY CONSERVATION COMMISSION

Publish: (No later than five (5) days prior to public hearing)

Please send invoice to:

Your Name:

Street Address:

City/Town, State, Zip Code:

Telephone / Cell:

E-mail Address:

Once completed email to: NTLegals@newburyportnews.com

Notice of Intent Figures

- › Figure 1 – USGS Map
- › Figure 2 – Aerial Map
- › Figure 3 – NHESP Map
- › Figure 4 – FEMA Map

Figure 1: USGS Site Location
28 Haverhill Road
Amesbury, MA



 Project Area

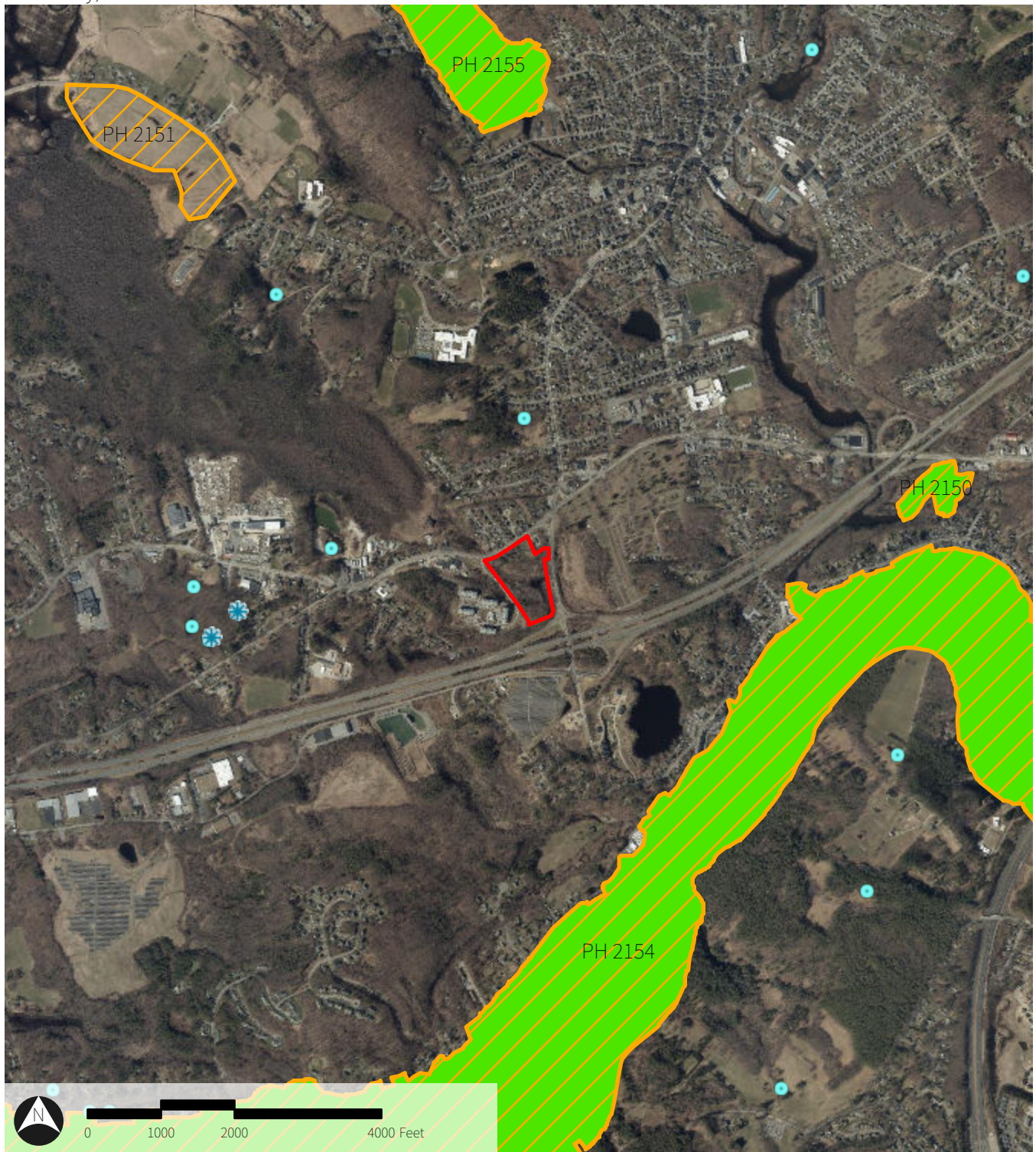
Figure 2: Aerial Overview
28 Haverhill Road
Amesbury, MA



Path: /arcgis/home/NOILayouts.aprx (arcgis, 2/24/2026)

 Project Area

Figure 3: Priority Habitat
28 Haverhill Road
Amesbury, MA



- Project Area
- NHESP Potential Vernal Pools
- ★ NHESP Certified Vernal Pools
- NHESP Estimated Habitats of Rare Wildlife
- NHESP Priority Habitats of Rare Species

Figure 4: FEMA Floodplain
28 Haverhill Road
Amesbury, MA



Path: /arcgis/home/NOILayouts.aprx (arcgis, 2/24/2026)

- | | | |
|---|--|--|
| ■ A: 1% Annual Chance of Flooding, no BFE | ■ X: 1% Drainage Area < 1 Sq. Mi. | Project Area |
| ■ AE: 1% Annual Chance of Flooding, with BFE | ■ X: Reduced Flood Risk due to Levee | |
| ■ AE: Regulatory Floodway | Area Not Included | |
| ■ AH: 1% Annual Chance of 1-3ft Ponding, with BFE | Area with no DFIRM - Paper FIRMs in Effect | |
| ■ AO: 1% Annual Chance of 1-3ft Sheet Flow Flooding, with Depth | | |
| ■ VE: High Risk Coastal Area | | |
| ■ D: Possible But Undetermined Hazard | | |
| ■ X: 0.2% Annual Chance of Flooding | | |

Attachment A

Notice of Intent Narrative

- › Introduction
- › Site Description
- › Work Description
- › Mitigation Measures
- › Regulatory Compliance
- › Summary

Attachment A - Notice of Intent Narrative

This Notice of Intent (NOI) is filed pursuant to the Massachusetts Wetlands Protection Act (WPA) (MGL Chapter 131, Section 40) and its implementing regulations (310 CMR 10.00) and Article 15 of the City of Amesbury Wetlands Protection Ordinance and its implementing regulations (the Ordinance). This narrative describes wetland resource areas associated with the Project Site, the proposed work, impacts to wetland resource areas, mitigation measures, and how the Project meets the performance standards of the WPA Regulations. Refer to the accompanying Project plans included as Attachment E (bound separately) for a plan layout and details of the Project components.

Introduction

The Applicant, Pulte Homes of New England, LLC, is proposing to construct two residential buildings (the "Project") at 28 Haverhill Road in Amesbury, Massachusetts (the "Project Site"). As proposed, the Project consists of two residential buildings, associated parking lots, community amenities, and associated stormwater improvements and ancillary landscaping to support this use.

Portions of land on or near the Project Area contain resource areas subject to the jurisdiction of the WPA. These areas include Bank, Bordering Vegetated Wetland (BVW), Bordering Land Subject to Flooding (BLSF) and the 200-foot Riverfront Area (RFA) associated with an unnamed perennial stream. In addition, the Ordinance establishes a 100-foot buffer zone from the edge of BLSF and regulates the 100-foot buffer zone from the edge of Bank, BVW, and BLSF as a resource area. The Project meets all performance standards under the WPA.

Wetland resource areas near the Project Site will be protected from impacts during construction through the implementation of an erosion and sedimentation control program. This program includes provisions to limit erosion through stabilization and prevent sediment from leaving the site by installing structural controls. Runoff generated from the project will be collected and treated in accordance with design guidelines¹ developed by Department of Environmental Protection (DEP) and standards contained in the WPA Regulations.

¹ DEP, 2008. *Massachusetts Stormwater Handbook*.

Site Description

The Project Site is located within an approximately 13.27-acre parcel located at the 28 Haverhill Road in Amesbury, Massachusetts. The site is bound by Haverhill Road and residential properties to the north, residential buildings to the west, I-495 to the south, and Route 150 and undeveloped wooded areas to the east. The Project Site currently consists of an existing residential building, undeveloped wooded areas, an orchard, and a vegetated wetland associated with an unnamed perennial stream that extends southeast across the central portion of the parcel.

According to the most recently available data provided by the Massachusetts Natural Heritage and Endangered Species Program² (NHESP), no Priority Habitats of Rare Species or Estimated Habitats of Rare Wildlife or certified or potential vernal pools have been mapped in the vicinity of the Project Site (Figure 3). The Project Site is not located within or near an Area of Critical Environmental Concern (ACEC)³. According to the Massachusetts Department of Environmental Protection (DEP), the Project Area is not located within an Outstanding Resource Water⁴ or an area designated as a Zone II Wellhead Protection Area⁵. According to the Natural Resources Conservation Service (NRCS)⁶ soil survey, soils within the northeastern corner of the Project Site primarily consist of Merrimac fine sandy loam, 8 to 15 percent slopes and Hinkley loamy sand, 3 to 8 percent slopes. The southeastern corner of the Site consists of Paxton fine sandy loam, 3 to 8 percent slopes (305B) and Udorthents, smoothed (651). Running from the northwest to the southeast, the Site consists of Maybid silt loam, 0 to 3 percent slopes (12A).

The most recently issued Flood Insurance Rate Map (FIRM)⁷ for the area (FIRMette Numbers 25009C0104G and 25009C0108G, effective July 8, 2025), produced by the Federal Emergency Management Agency (FEMA) indicates that a portion of the Project Site is located within Zone A floodplain (Figure 4). With the exception of the existing trail, no work is proposed within or near BLSF.

Wetland Resource Areas

Wetland resource areas on the Project Site were delineated on August 29, 2025 by environmental scientists with Vanasse Hangen Brustlin, Inc. (VHB) in accordance with methods developed by MassDEP⁸ and the U.S. Army Corps of Engineers⁹. The following sections of this narrative describe the wetlands and identify resource areas that are

² NHESP, 2021. *Massachusetts Natural Heritage Atlas, 15th Edition*.

³ Massachusetts Executive Office of Energy and Environmental Affairs, 2009.

⁴ DEP, 2010. Designated Outstanding Resource Waters of Massachusetts.

⁵ DEP, 2012. Approved Wellhead Protection Areas (Zone II).

⁶ Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey.

⁷ Federal Emergency Management Agency, National Hazard Flood Layer. Digital Flood Insurance Rate Map (DFIRM).

⁸ DEP, 2022. Delineating Bordering Vegetated Wetlands Under the Massachusetts Wetlands Protection Act.

⁹ USACE, 2012. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region, Version 2.0.

regulated under the WPA regulations (310 CMR 10.00) and/or the Ordinance. Resource areas are shown on the accompanying Project plans (Attachment E).

An Abbreviated Notice of Resource Area Delineation (ANRAD) was prepared and filed for this project on December 15, 2025 (DEP File #002-1358). A peer review of the ANRAD has been completed and the Commission voted to approve the wetland boundaries. The Applicant is awaiting issuance of the Order of Resource Area Delineation (ORAD).

Wetlands Protection Act

The resource areas identified within or near the Project Site subject to state regulations under the WPA include Bank, BVW, LUWW, and BLSF. The resource areas are defined under the WPA (310 CMR 10.00) as follows:

- › **Bank:** *As defined at 310 CMR 10.54 (2), a Bank is the portion of the land surface which normally abuts and confines a water body. The upper boundary of Bank is the first observable break in slope.*
- › **Bordering Vegetated Wetlands:** *As defined by 310 CMR 10.55 (2)(a) and (c), BVWs "are freshwater wetlands which border on creeks, rivers, streams, ponds and lakes... Bordering Vegetated Wetlands are areas where the soils are saturated and/or inundated such that they support a predominance of wetland indicator plants... The boundary of Bordering Vegetated Wetlands is the line within which 50% or more of the vegetational community consists of wetland indicator plants and saturated or inundated conditions exist."*
- › **Bordering Land Subject to Flooding:** *As defined by 310 CMR 10.57(2)(a), BLSF is "an area with low, flat topography adjacent to and inundated by flood waters rising from creeks, rivers, streams, ponds or lakes. It extends from the banks of these waterways and water bodies; where a bordering vegetated wetland occurs, it extends from said wetland." The boundary of BLSF is the estimated maximum lateral extent of flood water which will theoretically result from the statistical 100-year frequency storm. Areas identified by FEMA to be within the 100 year floodplain are regulated as BLSF.*
- › **Land Under Waterbodies and Waterways:** *As defined by 310 CMR 10.56(2), LUWW is "the bottom of, or land under, the surface of the ocean or any estuary, creek, river, stream, pond, or lake."*
- › **Mean Annual High-Water Line:** *As defined by 310 CMR 10.58(a)(2), Mean Annual High Water is "the line that is apparent from visible markings or changes in the character of soils or vegetation due to the prolonged presence of water and that distinguishes between predominantly aquatic and predominantly terrestrial land." The MHW is usually coincident with the first observable break in slope but can also be determined by other field indicators, including changes in slope, changes in vegetation, stain lines, top of pointbars, changes in bank materials, or bank undercuts.*

- › **Riverfront Area:** As defined by 310 CMR 10.58(a)(3), Riverfront Area is *"the area of land between a river's mean annual high-water line measured horizontally outward from the river and a parallel line located 200 feet away."*

The Ordinance

The resource areas are defined under the Ordinance as follows:

- › **Land Under Waterbodies and Waterways:** As defined in Section 17(c), LUWW is the same as 310 CMR 10.56(2) with the following addition: *"The term 'pond' shall include any open body of fresh water with a surface area observed or recorded within the last ten years of at least 5,000 square feet. Ponds shall contain standing water except for periods of extended drought."*
- › **Land Subject to Flooding or Inundation by Groundwater or Surface Water:** As defined in Section 18.1(c), the definition is the same as 310 CMR 10.57(2) with the following addition: *"The term 'vernal pool' shall include any confined basin or depression not occurring in existing lawns, gardens, landscaped areas, or driveways which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, contains at least 200 cubic feet of water at some time during most years, is free of adult predatory fish populations, and provides essential breeding and rearing habitat functions for amphibian, reptile, or vernal pool community species, regardless of whether the wetland site has been certified as a vernal pool by the Massachusetts Division of Fisheries and Wildlife and Fisheries. The presumption of essential vernal pool habitat value may be overcome by the presentation of credible evidence which in the judgment of the Commission demonstrates that the basin or depression does not provide the habitat functions as specified in the Ordinance regulations. The buffer zone for vernal pools shall extend 100 feet from the mean annual high-water line defining the depression. The term 'isolated land subject to flooding' shall include an area, depression, or basin that holds at minimum one-quarter (1/4) acre-foot of water and at least six inches of standing water once a year. The buffer zone for isolated land subject to flooding shall extend 100 feet from the highest extent of flooding."*
- › **Inland Banks:** As defined in Section 18.2(c), the definition of Bank is the same as 310 CMR 10.54(2)(a), (b), and (c).
- › **Bordering and Isolated Vegetated Wetlands:** As defined in Section 18.3(c), Vegetated Wetlands are defined as, *"freshwater wetlands, including both bordering vegetated wetlands (i.e., bordering on freshwater bodies such as on creeks, rivers, streams, ponds and lakes, and bordering on coastal resource areas such as salt marshes and estuaries) and isolated vegetated wetlands which do not border on any permanent water body. The types of freshwater wetlands are wet meadows, marshes, swamps, bogs and vernal pools. Vegetated Wetlands are areas where soils are saturated and/or inundated such that they support a predominance of wetland indicator plants. The ground water and surface water hydrological regime, soils and the vegetational community which occur in each type of freshwater wetlands, including both bordering and isolated vegetated*

wetlands, are defined under the Ordinance based on G.L. c. 131 s. 40. The boundary of Vegetated Wetland, whether Bordering or Isolated, is the line within which 50% or more of the vegetational community consists of wetland indicator plants and saturated or inundated conditions exist. Wetland indicator plants shall include but not necessarily be limited to those plant species identified in the Act.”

- › **Riverfront Area:** As defined in Section 19.1(c), the Riverfront Area definition is the same as 310 CMR 10.58(2) with the following addition: *“The Inner Riparian Zone is the area from 0 – 100 feet from the river’s mean annual high water line; and the Outer Riparian Zone is the area from 100 – 200 feet from the river’s mean annual high water line, stream or creek.”*
- › **Mean Annual High-Water Line:** Section 19.4 of the Ordinance state, *“Notwithstanding any provisions of 310 CMR 10.58, the Commission shall presume that the mean annual high water line of a non-tidal river is coincident with the outer (landmost) boundary of any Bordering Vegetated Wetland (as defined in these regulations) that may be adjacent to the river. This presumption may be overcome upon a clear showing that the mean annual high water line is closer to the river.”*
- › **Buffer Zone:** As defined in Section 20(c), the Buffer Zone is, *“The buffer zone is the area within a minimum distance of 100 horizontal feet of any Resource Area specified in AWR 2.0 (1-5), excluding the buffer zone itself, Land Subject to Coastal Storm Flowage, and the Riverfront Area. The buffer width shall be measured horizontally in a landward direction from the Resource Area boundary as surveyed in the field.”*

Delineated resource areas are described in more detail in the following sections of this attachment.

Table 1 Delineated Resource Areas

Flag Numbers	Resource Type	Description
WF1-64 to WF1-99 (WF1-64 connect to WF1-200)	BVW	BVW associated with the mapped perennial stream located in the western and southern portions of the Site.
WF1-100 to WF1-127 (WF1-127 connect to culvert)	BVW	BVW associated with the mapped perennial stream located in the western portions of the Site.
WF1-200 to WF1-240 (WF1-200 connect to culvert & WF1-240 connect to WF1-64)	BVW	BVW associated with the mapped perennial stream located in the eastern portions of the Site.
MHW1-100 to MHW1-132 (MHW1-100 & MHW1-132 connect to culvert)	Bank/Mean Annual High-Water Line	MAHWL of the mapped perennial stream located in the northwestern portion of the Site. MAHWL is coincident with Bank along this line.
MHW1-140 to MHW1-171 (MHW1-140 & MHW1-171 connect to culvert)	Bank/Mean Annual High-Water Line	MAHWL of the mapped perennial stream located in the northeastern portion of the Site. MAHWL is predominantly coincident with Bank along this line.
MHW1-200 to MHW1-227 (MHW1-200 and MHW1-227 connect)	Bank/Mean Annual High-Water Line	MAHWL of the mapped perennial stream located in the northwestern portion of the Site. MAHWL is coincident with Bank along this line.

to culvert)		
MHW1-240 to MHW1-245 (MHW1-240 connect to culvert and MHW1-245 connect to MHW1-408)	Bank/Mean Annual High-Water Line	MAHWL of the mapped perennial stream located in the central portion of the Site. MAHWL is coincident with Bank along this line.
MHW1-305 to MHW1-323 (MHW1-323 connect to MHW1-305)	Bank/Mean Annual High-Water Line	MAHWL of the mapped perennial stream located in the eastern portion of the Site. Bank is coincident with MAHWL from flags 305 to 313.
MHW1-400 to MHW1-408 (MHW1-408 connect to MHW1-245)	Mean Annual High-Water Line	MAHWL of the mapped perennial stream located in the southeastern portion of the Site. Bank is not coincident with MAHWL along this line.
MHW1-500 to MHW1-505 (MHW1-505 connect to MHW1-401)	Mean Annual High-Water Line	MAHWL of the mapped perennial stream located in the southern portion of the Site. Bank is not coincident with MAHWL along this line.

Source: VHB, 2025

Wetland 1

Wetland 1 consists of a forested/shrub swamp and wet meadow located in the central portions of the Site that is associated with Perennial Stream 1. The wetland is generally bound by a residential access road to the west, Haverhill Road and undeveloped woodland to the north, undeveloped woodland to the south, and Route 150 Extension to the east. Plant species observed include red maple (*Acer rubrum*) and American elm (*Ulmus americana*) trees and/or saplings; poison ivy (*Toxicodendron radicans*) climbing woody vines; highbush blueberry (*Vaccinium corymbosum*), common winterberry (*Ilex verticillata*), arrow-wood (*Viburnum dentatum*), speckled alder (*Alnus rugosa*), and silky dogwood (*Cornus amomum*) shrubs; and cinnamon fern (*Osmunda cinnamomea*), sensitive fern (*Onoclea sensibilis*), broad-leaf cattail (*Typha latifolia*), skunk-cabbage (*Symplocarpus foetidus*), sedges, rushes, spotted Joe-pye-weed (*Eupatoriadelphus maculatus*), and spotted touch-me-not (*Impatiens capensis*) ground cover. Soils were depleted and hydrology was defined by saturation and flow patterns. Wetland 1 borders the unnamed perennial stream (Perennial Stream 1) and is regulated as BVW and supports BLSF under the WPA and the Ordinance.

Perennial Stream 1

Perennial Stream 1 enters the site via culvert at the northwest property boundary, flows through the central portion of the Site in a general south-easterly direction, and exits the site via the culvert at the southeastern property boundary, flowing east via the culvert under Route 150. It is flanked on both sides by Wetland 1. Perennial Stream 1 appears to originate from a large offsite BVW to the northwest and is an unnamed perennial tributary to Bailey Pond and the Merrimack River, located offsite to the southeast. Perennial Stream 1 supports Bank, BVW, BLSF, Mean Annual High-Water Line, LUWW, and 200-foot RFA under the WPA and the Ordinance.

Riverfront Area

Portions of both the inner (0-100') and outer (100-200') Riverfront Area are present on the Project Site. The RFA generally consists of BVW associated with the unnamed perennial stream and undeveloped wooded areas.

Bordering Land Subject to Flooding

BLSF extends onto the Project Site (FEMA Floodway Map Numbers 25009C0104G and 25009C0108G, effective July 8, 2025). There is no known Base Flood Elevation (BFE) for the mapped Zone A floodplain onsite. The BLSF on the Project Site consists of wooded areas and is associated with Wetland 1 and Perennial Stream 1.

Buffer Zone

A 100-foot buffer zone extends horizontally outward from all BVW boundaries described above, as defined in 310 CMR 10.02(2)(b). The Ordinance also establishes a 100-foot buffer zone from the limits of BLSF. The buffer zone is not considered a resource under the WPA, but areas within the buffer zone are under the jurisdiction of the issuing authority. Within the Project Area, the buffer zone to Wetland 1 and BLSF is generally characterized by undeveloped wooded areas.

Work Description

The Applicant is proposing to construct two residential buildings and associated parking lots, install utilities and a stormwater management system, and complete associated grading and landscaping activities. The Project will also incorporate open space with passive recreation elements on the portion of the land outside the developable area, which comprises the vast majority (9.76± acres) of the property. This open space is proposed to include a neighborhood park, stone dust walking path, and trail network with a small public vehicular and bicycle stone dust parking area off Haverhill Road. The walking path is proposed to extend from the parking area through the neighborhood park and then transition to a trail. The trail is proposed to continue past a proposed pollinator meadow, and then run all the way to the southern edge of the site where it will connect to an existing offsite trail. The pollinator meadow will be mowed as low as possible and seeded with a native New England Wildlife seed mix. Work associated with the public park and associated walkways will result in minimal earth disturbance. Creation of the pollinator meadow and trail rehabilitation will involve virtually no earth disturbing activities.

Work will be limited to the 200-foot Riverfront Area and 100-foot buffer zone to BVW. No work is proposed within Bank, BVW, LUWW, BLSF, or below Mean Annual High-Water Line.

Temporary impacts from the Project will result from the installation of sediment and erosion controls downgradient of the proposed work to protect downgradient resource areas.

Work in Riverfront Area

Work within RFA includes the construction of a portion of one building, a portion of the associated paved parking lots, the installation of belowground utilities and stormwater management features, the installation of a retaining wall, and associated grading and landscaping activities. Work within the RFA will also include the installation of a stone dust parking lot and walking path, a neighborhood park, a bike rack, rehabilitating an existing trail, and the creation of a pollinator meadow. There is a total of 360,214 square feet (SF) of RFA present onsite. Approximately 6,796 SF of work is proposed within the 0-100' RFA associated with the creation of the pollinator meadow and trail rehabilitation and approximately 51,420 SF of work is proposed within the 100-200' RFA. The Project will result in approximately 16,068 SF of additional impervious surface within the RFA.

Work in Buffer Zone

Proposed work within the 100-foot buffer zone to BVW includes a small portion of one proposed building and its associated parking lot, a portion of the retaining wall, the installation of the stone dust parking lot and walking path, neighborhood park, and associated grading. Work will also include rehabilitating the existing trail and creating a pollinator meadow. The Project will result in approximately 24,498 SF of alteration to the 100-foot buffer zone.

Mitigation Measures

A suite of mitigation measures is proposed to prevent short- and long-term impacts to wetland resource areas. Mitigation measures proposed for this Project include a sediment and erosion control program, which will include structural and non-structural practices.

Erosion and Sediment Control

An erosion and sedimentation control program will be implemented to minimize temporary impacts to wetland resource areas during the construction phase of the project. The program incorporates Best Management Practices (BMPs) specified in guidelines developed by the DEP¹⁰ and the U.S. Environmental Protection Agency (EPA)¹¹.

Proper implementation of the erosion and sedimentation control program will:

- › minimize exposed soil areas through sequencing and temporary stabilization;
- › place structures to manage stormwater runoff and erosion; and

¹⁰ DEP, 1997. *Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas: A Guide for Planners, Designers, and Municipal Officials*.

¹¹ EPA, 2007. *Interim Developing Your Stormwater Pollution Prevention Plan: A Guide for Construction Sites*. Office of Water. Report EPA 833-R-060-04.

- › establish a permanent vegetative cover or other forms of stabilization as soon as practicable.

The following sections describe the controls that will be used and practices that will be followed during construction. These practices comply with criteria contained in the NPDES General Permit for Discharges from Large and Small Construction Activities issued by the EPA.

Non-Structural Practices

Non-structural practices to be used during construction include temporary stabilization, temporary seeding, permanent seeding, and dust control. These practices will be initiated as soon as practicable in appropriate areas within the Project Area.

Temporary Stabilization

Mulching may be used to reinforce seeded areas where erosion control matting is not required or warranted, but where some protection is warranted. Mulching may also be used to stabilize areas where construction activities will temporarily cease for more than 14 days. Temporary vegetative cover may also be established using hydro-seeding for areas of exposed soils where construction will cease for more than 14 days. Hydro-seeding may consist of wood fibers, seed, polymers and/or stabilizing emulsion.

Temporary Seeding

If conditions allow, a temporary vegetative cover will be established on areas of exposed soils (including stockpiles) that remain unstabilized for a period of more than 60 days. The seeded surfaces will be covered with a layer of straw mulch or bonded fiber matrix as described above. The seed mix shall include a blend of rapid germinating grasses that are indigenous to eastern Massachusetts.

Permanent Seeding

Upon completion of final grading, any areas not covered by pavement, other forms of stabilization, or other methods of landscaping will be seeded with a native seed mix. The mix will be applied at a rate specified by the manufacturer and will be covered with mulch or bonded fiber matrix as described above.

Dust Control

The erosion and sediment control program includes provisions to minimize the generation of dust during dry and windy conditions. When necessary, larger areas of exposed soil will be wetted to prevent wind borne transport of fine grained sediment. Enough water shall be applied to wet the upper 0.5 inches of soil. The water will be applied as a fine spray to prevent erosion. A water truck will be kept on the property (or at a nearby location) to facilitate this practice.

Structural Practices

Structural erosion and sedimentation controls to be used on the Project Area include erosion control barriers, tree protection fences, water control structures, and dewatering filters.

Erosion Control Barriers

Prior to any ground disturbance, an approved erosion control barrier will be installed at the downgradient limit of work. As construction progresses, additional barriers will be installed around the base of stockpiles and other erosion prone areas. The barriers will be entrenched into the substrate to prevent underflow.

If sediment has accumulated to a depth which impairs proper functioning of the barrier, it will be removed by hand or by machinery operating upslope of the barriers. This material will be either reused in the Project Area or disposed of at a suitable offsite location. Any damaged sections of the barrier will be repaired or replaced immediately upon discovery.

Stabilized Construction Exits

Stone anti-tracking pads will be installed at each access point to the work area to prevent the offsite transport of sediment by construction vehicles. The stabilized construction exits will be at least fifty feet long and will consist of a 6-inch thick layer of crushed stone (2 to 3 inches in diameter). The stone will be placed over a layer of non-woven filter fabric. The anti-tracking pads will remain in place until construction is completed.

Stormwater Management

The Project will include approximately 2.17 SF of net new impervious area associated with the buildings and parking lots.. A Stormwater Report demonstrating compliance with the MassDEP policy is included in Attachment D. A plan to control construction-related impacts including erosion, sedimentation and other pollutant sources during construction and land disturbance activities is outlined in the Mitigation Measures section above. A highly detailed erosion and sedimentation control plan is required to be developed prior to construction as part of the Stormwater Pollution Prevention Plan (SWPPP) under the Environmental Protection Agency's National Pollutant Discharge Elimination System Construction General Permit.

Regulatory Compliance

As demonstrated below, the Project work fully complies with applicable performance standards contained in the WPA for work in the 200-foot Riverfront Area and the 100-foot buffer zone to BVW. Compliance with each of the applicable performance standards is described in more detail below.

Riverfront Area (310 CMR 10.58)

As proposed, the Project will require work within undeveloped portions of the RFA. According to 310 CMR 10.58(4):

Where the presumption set forth in 310 CMR 10.58(3) is not overcome, the applicant shall prove by a preponderance of the evidence that there are no practicable and substantially equivalent economic alternatives to the proposed project with less adverse effects on the interests identified in M.G.L. c. 131 § 40 and that the work, including proposed mitigation, will have no significant adverse impact on the riverfront area to protect the interests identified in M.G.L. c. 131 § 40. In the event that the presumption is partially overcome, the issuing authority shall make a written determination setting forth its grounds in the Order of Conditions and the partial rebuttal shall be taken into account in the application of 310 CMR 10.58 (4)(d) 1.a. and c.; the issuing authority shall impose conditions in the Order that contribute to the protection of interests for which the riverfront area is significant.

(a) Protection of Other Resource Areas. The work shall meet the performance standards for all other resource areas within the riverfront area, {...} When work in the riverfront area is also within the buffer zone to another resource area, the performance standards for the riverfront area shall contribute to the protection of the interests of M.G.L. c. 131, § 40 in lieu of any additional requirements that might otherwise be imposed on work in the buffer zone within the riverfront area.

The Project has been designed to meet the performance standards for all resource areas located in the RFA. No work is proposed within BVW, BLSF, or Bank.

(b) Protection of Rare Species. No project may be permitted within the riverfront area which will have any adverse effect on specified habitat sites of rare wetland or upland, vertebrate or invertebrate species, as identified by the procedures established under 310 CMR 10.59 or 10.37, or which will have any adverse effect on vernal pool habitat certified prior to the filing of the Notice of Intent.

The Project is not located within any Estimated Habitat of Rare Wildlife or Priority Habitat of Rare species. There are no vernal pool habitats located on the Project Site.

(c) Practicable and Substantially Equivalent Economic Alternatives

The proposed Project has been designed to address these requirements. As stated in 310 CMR 10.58, work within the RFA requires that *"there must be no practicable and substantially equivalent economic alternative to the proposed Project with less adverse effects on the interests identified in M.G.L. c. 131 § 40."*

Due to the Project Site's proximity to an unnamed perennial stream, work within RFA is unavoidable. The Applicant has reviewed and evaluated potential location and design alternatives for the Project. The alternatives included:

- › Alternative 1 – The No-Build Alternative
- › Alternative 2 – Fragment Building Locations
- › Alternative 3 (the Preferred Alternative) – Limit Buildings to northern limit of parcel

Alternative 1, the No-Build Alternative, would result in no new residential buildings. Or associated parking areas. Therefore, the No-Build Alternative was rejected as a viable alternative as it does not satisfy the Project's purpose.

Alternative 2 consisted of fragmenting the proposed residential buildings, locating one in the northern limit of the parcel and the second within the southern limit of the parcel in order to reduce work within RFA. Alternative 2 would require a wetland and stream crossing in order to establish access to the southern portion of the parcel, resulting in impacts to BVW and BLSF, as well as additional impacts within the buffer zone to Bank, BVW, and BLSF. As a result, Alternative 2 was deemed unfeasible.

The Preferred Alternative includes the construction of the two residential buildings, parking areas, and installation of the associated utilities and stormwater features within the northern limits of the parcel. The Preferred Alternative also includes the installation of a public stone dust parking area and walking path, neighborhood park, and pollinator meadow within the buffer zone to BVW and BLSF, as well as the RFA. The Preferred Alternative avoids direct impacts to BVW and BLSF, will not result in alterations exceeding 10% of the RFA, and will reduce tree clearing to the maximum extent practicable. The selected alternative was determined to best meet the goals of the Project while minimizing environmental impacts.

(d) No Significant Adverse Impact

As stated in 310 CMR 10.58(4)(d): *"The work, including proposed mitigation measures, must have no significant adverse impact on the riverfront area to protect the interests identified in M.G.L. c. 131, § 40.*

1. *Within 200 foot riverfront areas, the issuing authority may allow the alteration of up to 5000 square feet or 10% of the riverfront area within the lot, whichever is greater, on a lot recorded on or before October 6, 1997 or lots recorded after October 6, 1997 subject to the restrictions of 310 CMR 10.58(4)(c)2.b.vi., or up to 10% of the riverfront area within a lot recorded after October 6, 1997, provided that:*
 - a. *At a minimum, a 100 foot wide area of undisturbed vegetation is provided. This area shall extend from mean annual high-water along the river unless another location would better protect the interests identified in M.G.L. c. 131 § 40. If there is not a 100 foot wide area of undisturbed vegetation within the riverfront area, existing vegetative cover shall be preserved or extended to the maximum extent feasible to approximate a 100 foot wide corridor of natural vegetation. ... Proposed work which does not meet the requirement of 310 CMR 10.58(4)(d)1.a. may be allowed only if an applicant demonstrates by a preponderance of evidence from a competent source that an area of undisturbed vegetation with an overall average width of 100 feet will provide equivalent protection of the riverfront area, or that a partial rebuttal of the presumptions of significance is sufficient to justify a lesser area of undisturbed vegetation;*

The Project will not disturb more than 10% of the RFA within the lot. Work within the RFA will primarily be limited to the outer 100-feet, maintaining a 100-

foot wide area of undisturbed vegetation. Approximately 35,996 SF of work within the RFA is associated with the proposed buildings, paved parking lots, and associated utilities, stormwater management system, retaining wall and grading and landscaping activities. Impacts associated with the creation of the stone dust parking lot will be mitigated by the creation of a pollinator meadow. The pollinator meadow will extend into the inner 100-feet of the Riverfront Area, but will maintain a 100-foot wide area of vegetation. The proposed walking path will consist of stone dust within the outer 100-feet of the Riverfront Area and will be maintained in its existing condition within the inner 100-feet of the Riverfront Area. Per 310 CMR 10.58(6)b, the walking path is considered exempt within the Riverfront area as certain minor activities identified in 310 CMR 10.02(2)(b)1. This includes "Unpaved pedestrian walkway[s] less than 30 inches wide for private use and less than three feet wide for public access on conservation property," under 310 CMR 10.02(2)(b)(2)a.

- b. Stormwater is managed according to standards established by the Department in its Stormwater Policy.*

Runoff generated from impervious surfaces will be collected and managed in accordance with the DEP Stormwater Management Regulations.

- c. Proposed work does not impair the capacity of the riverfront area to provide important wildlife habitat functions. For work within an undeveloped riverfront area which exceeds 5,000 square feet, the issuing authority may require a wildlife habitat evaluation study under 310 CMR 10.60.*

The Project has been designed and located as close to the roadway as feasible in order to minimize impacts to the Riverfront Area and existing open space on the Project Site. A large portion of the proposed work is located within the footprint of an existing orchard and residential house currently located on the Project Site. The Project also proposes to create a pollinator meadow within the Riverfront Area in order to enhance and create wildlife habitat functions present within the parcel.

- d. Proposed work shall not impair groundwater or surface water quality by incorporating erosion and sedimentation controls and other measures to attenuate nonpoint source pollution.*

Erosion and sedimentation control measures have been incorporated into the Project design to ensure that work will be done in a manner that prevents impacts to the groundwater and surface water quality.

Work in Buffer Zone

The buffer zone is not a resource area and, therefore, work within a buffer zone is not governed by specific regulatory performance standards. In general, work within a buffer zone is permissible when said work has been designed, or can be conditioned, such that there will be no impact on the downgradient wetland resource area(s) being buffered. As stated in 310 CMR 10.53(1) of the WPA Regulations:

For work in Buffer Zone subject to review under 310 CMR 10.02(2)(b)3., the Issuing Authority shall impose conditions to protect the interests of the Act identified for the adjacent Resource Area... The issuing authority may consider the characteristics of the Buffer Zone, such as the presence of steep slopes, that may increase the potential for adverse impacts on Resource Areas. Conditions may include limitations on the scope and location of work in the Buffer Zone as necessary to avoid alteration of Resource Areas. The Issuing Authority may require erosion and sedimentation controls during construction, a clear limit of work, and the preservation of natural vegetation adjacent to the Resource Area and/or other measures commensurate with the scope and location of work with the Buffer Zone to protect the interests of the Act.

The Project has been designed to address these considerations. As identified in the Mitigation Measures section of this attachment, measures have been incorporated into the Project design to ensure that work will be done in a manner that prevents impacts to downgradient wetland resources. Upon completion of work, areas of disturbance associated with temporary access and laydown areas within the buffer zone will be restored to its pre-existing condition.

Amesbury Wetlands Protection Ordinance

The Amesbury Conservation Commission has established regulations of the administration of the Amesbury Wetlands Protection Ordinance. Compliance with applicable performance standards is described below.

Riverfront Area (§ 19.1(d))

When a Riverfront Area is determined to be significant to a protected value, the following regulations shall apply:

- (1) Except as stated below, the Commission hereby incorporates 310 CMR 10.58 in its regulations for all matters related to Ordinance jurisdiction in lands within 200 feet of rivers and streams.*
- (2) Notwithstanding the above, a river is any natural flowing body of water that empties to any ocean, lake, pond, other river, stream or wetland and which flows throughout the year. Perennial rivers, streams and creeks are rivers; intermittent streams are not. Notwithstanding 310 CMR 10.58, the burden of proof shall be on any applicant to show that a river, stream or creek is not perennial (i.e., is intermittent).*

Perennial Stream 1 was identified as perennial according to the current USGS map (see Figure 1).

- (3) For any river or stream that is tidally influenced, the Commission, upon any claim that any such waters do not qualify as a river under these regulations, shall consider factual information and evidence concerning the degree of tidal effects, including but not limited to, water body morphology, flow, volume, tidal range, salinity, wildlife habitat, shellfish habitat, fish and fisheries, and the nature of other Resource Areas in determining whether or not the water body is a river or stream or not. The burden of*

proof shall be on the applicant to demonstrate that the flowing body of water does not have primarily riverine characteristics.

Perennial Stream is not tidally influenced.

- (4) *Notwithstanding any provisions of 310 CMR 10.58, the Commission shall presume that the mean annual high water line of a non-tidal river is coincident with the outer (landmost) boundary of any Bordering Vegetated Wetland (as defined in these regulations) that may be adjacent to the river. This presumption may be overcome upon a clear showing that the mean annual high water line is closer to the river. Such evidence may include hydrological measurements and calculations prepared by a registered professional engineer and/or hydrologist, and/or stream flow stage data from U.S. Geological Survey stream gauges and survey. For non-tidal rivers lacking any Bordering Vegetated Wetland, the inner boundary of the 200-foot Riverfront Area shall be the top of Inland Bank as determined by the first observable break in slope or the mean annual flood level, whichever is lower. For tidal rivers, the inner boundary of the 200-foot Riverfront Area shall be the mean annual high water line.*

VHB Wetland Scientists used field indicators to determine the Mean Annual High Water Line is generally not coincident with the outer boundary of the BVW. Field indicators included changes in vegetation type, undercut banks or exposed roots, slope breaks, flow patterns, staining or moss lines on rocks or tree trunks, erosional features, and tree morphology. The Applicant is awaiting issuance of the ORAD associated with this Project Site.

- (5) *Notwithstanding any provisions of 310 CMR 10.58, the alternatives analysis shall include only lots adjacent to the lot(s) being proposed for development, or located in the near vicinity.*

Please reference the Alternatives Analysis included in the above WPA Regulatory Compliance portion of the narrative.

- (6) *Notwithstanding the above provisions, no project may be permitted which will have any adverse effect on specified habitat of rare vertebrate or invertebrate and rare plant species, as identified by procedures established under 310 CMR 10.59.*

The Project is not located within any Estimated Habitat of Rare Wildlife or Priority Habitat of Rare species.

- (7) *The Commission may impose such additional requirements as are necessary to protect the wetland values protected under the Ordinance.*

Work within the RFA will be limited to the outer 100-feet and will not result in alterations greater than 10% of the RFA located on the Project Site. The Project has been designed to minimize environmental impacts.

Buffer Zone (§ 20(d))

- (1) *The intent of the Conservation Commission is to move all structures and activities as far away as possible from any Resource Area, in order to protect the wetland values of Resource Areas.*

The project does not propose new structures within the 100-foot buffer zone to BVW and BLSF, with the exception of a small portion of one proposed building. Additional work within the buffer zone will be limited to a small portion of the proposed parking lot, a neighborhood park, a stone dust walking path to provide public access and connectivity to the existing walking path located on the Project Site, and a portion of the retaining wall. The majority of work within the buffer zone is limited to the outer 50-feet. Work within 50-feet of BVW and BLSF will be limited to rehabilitating the existing walking trail. The walking trail will remain in its current condition and will provide public access to other areas of open space.

- (2) *Except as otherwise specified, Resource Area buffers shall be retained and maintained in a naturally vegetated condition. Where buffer disturbance has occurred during construction, revegetation with native vegetation may be required.*

Areas of disturbance associated with grading and laydown areas will be stabilized and seeded with a native seed mix following the completion of work. A portion of the proposed building, parking lot, neighborhood park, and walkway will be located within the 100-foot buffer zone. Additional impervious surface will be limited to the outer limits of the buffer zone.

- (3) *The Commission may require that already-altered buffer zone be restored in order to protect or improve Resource Area values. Restoration means planting native vegetation, grading, correcting site drainage, removing debris, or other measures which will improve, restore and protect the wetland values of the Resource Area.*

The buffer zone consists of undeveloped wooded areas and the existing maintained walking path in its current condition.

- (4) *Notwithstanding the above provisions, no project may be permitted which will have any adverse effect on specified habitat of rare vertebrate or invertebrate and rare plant species, as identified by procedures established pursuant to 310 CMR 10.59.*

The Project is not located within any Estimated Habitat of Rare Wildlife or Priority Habitat of Rare species.

- (5) *The Commission may impose such additional requirements as are necessary to protect the wetland values protected under the Ordinance.*

Temporary sedimentation and erosion controls will be installed downgradient of work within the buffer zone to prevent impacts to downgradient wetland resource areas.

Summary

The Applicant is proposing to construct two residential buildings at 28 Haverhill Road in Amesbury, Massachusetts. The Project consists of two residential buildings, associated parking lots, community amenities, and associated stormwater and ancillary landscaping activities to support this use.

Wetland resources in the vicinity of the Project Site which are subject to the jurisdiction of the WPA and the Ordinance include BVW, BLSF, and the 200-foot RFA associated with an unnamed perennial stream. The WPA establishes a 100-foot buffer zone to BVW. The Ordinance establishes a 100-foot buffer zone from the edge of BLSF and regulates the 100-foot buffer zone as a resource area. A suite of mitigation and protective measures are proposed to prevent short- and long-term impacts to resource areas and their buffer zones. Mitigation measures proposed include an erosion and sedimentation control program, which will include structural and non-structural practices.

The applicant respectfully requests that the Amesbury Conservation Commission find these measures adequately protective of the interests identified in the WPA and the Ordinance and issue an Order of Conditions approving the work described in this NOI and shown on the accompanying plans.

Attachment B

Abutter Information

- › Notice to Abutters
- › List of Abutters

**NOTIFICATION TO ABUTTERS
UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT
AND AMESBURY WETLANDS PROTECTION ORDINANCE**

In accordance with the Massachusetts General Laws, Chapter 131, Section 40, and the Amesbury Wetlands Protection Ordinance, you are hereby notified of the following:

The Amesbury Conservation Commission will hold a public hearing on

5/4/26 at 6:30 pm, located VIRTUALLY
(date) (time) (hearing location)

Amesbury, to consider a Notice of Intent submitted by
(application type)

to construct two residential buildings, associated parking lots, community amenities, and associated stormwater and ancillary landscape activities to support this use.
(brief description of the proposed project)

at 28 Haverhill Road, Amesbury, 01913
(project location)

Copies of the application may be examined at the Conservation Commission office, 39 South Hunt Road, Amesbury, MA 01913. The application can also be viewed by visiting the Amesbury Conservation Commission website at <https://www.amesburyma.gov/AgendaCenter/Conservation-Commission-12>. For more information concerning the date, time or place of hearing, contact the Conservation Commission at 978-388-8110.

NOTE: Notice of the public hearing, including its date, time, and place will be posted in City Hall not less than 48 hours in advance. **The meeting link will be on the agenda posted on the City's website.**

NOTE: Notice of the public hearing, including its date, time, and place will be published in the Newburyport Daily News not less than 5 business days prior to the public hearing.

NOTE: You may also contact the Amesbury Conservation Commission or the Department of Environmental Protection (DEP) Wetlands Division- Northeast Regional Office (NERO) for more information about this application or the Wetlands Protection Act. The DEP, Northeast Regional Office can be reached at 978-694-3405.

Covid-19 Notice: This meeting will be conducted under the 'Executive Order Suspending Certain Provisions of the Open Meeting Law G.L. c.30A, §20, signed on March 12, 2020. The public can view this meeting on ACTV Channel 6, and the ACTV website.

To submit a public comment, you can email conservation@amesburyma.gov with PUBLIC COMMENT in the subject line.

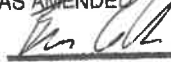
ALIGN CREDIT UNION	JOE ROSEANNA	FAM BAM FAMILY TRUST APRIL 11.2025
19 HAVERHILL RD	23 HAVERHILL RD	25 HAVERHILL RD
LOWELL, MA 01852	AMESBURY, MA 01913	AMESBURY, MA 01913
MASTER DEED	LYNDA M KUBIK TRUST	LABOMBARD NICOLE M
27 HAVERHILL RD	41 HAVERHILL RD	21 HAVERHILL RD
AMESBURY, MA 01913	AMESBURY, MA 01913	AMESBURY, MA 01913
ST JOSEPH CEMETERY	HILL JAMES MICHAEL	26 HAVERHILL ROAD LLC
12 HAVERHILL RD	24 HAVERHILL RD	26 HAVERHILL RD
BROOKLINE, MA 02184	AMESBURY, MA 01913	NORTH HAMPTON, NH 03862
AMESBURY HEIGHTS LLC	ROMAN CATHOLIC ARCHBISHOP BSTN	THE FORTY HAVERHILL ROAD REALTY TRUST II
36 HAVERHILL RD	20 HAVERHILL RD	40 HAVERHILL RD
BRAINTREE, MA 02184	BRAINTREE, MA 02184	AMESBURY, MA 01913
PAGE MICHAEL	WALKER CHARLES & RACHEL WALKER T/E	LEVESQUE ANTHONY B
29 HAVERHILL RD	5 MERRILL AVE	7 MERRILL AVE
AMESBURY, MA 01913	AMESBURY, MA 01913	AMESBURY, MA 01913
JOYAL DEREK J	GALLAGHER SUSAN B	LUNEAU MARC A
9 MERRILL AVE	10 MERRILL AVE	6 MERRILL AVE
AMESBURY, MA 01913	AMESBURY, MA 01913	AMESBURY, MA 01913
EATON MICHELLE L	MAVROFOROS GEORGIOS	WELCH MICHAEL
2 MERRILL AVE	31 HAVERHILL RD	33 HAVERHILL RD
AMESBURY, MA 01913	AMESBURY, MA 01913	AMESBURY, MA 01913
KUBIK JOSEPH A	THE FITZGERALD FAMILY REVOCABLE TRUST	AMESBURY CITY OF
3 HOYT AVE	5 HOYT AVE	35 HAVERHILL RD
AMESBURY, MA 01913	AMESBURY, MA 01913	AMESBURY, MA 01913
LYNDA M KUBIK TRUST & BRUCE W KUBIK TRUST	LYNDA M KUBIK TRUST	LEGAULT TODD M.
4 HOYT AVE	2 HOYT AVE	4 JACQUELINE DR
AMESBURY, MA 01913	AMESBURY, MA 01913	AMESBURY, MA 01913
THE WILDING FAMILY TRUST	SANBORN PATRICIA	PERKINS MARCIA
3 JACQUELINE DR	27 HAVERHILL RD #A	27 HAVERHILL RD #B
AMESBURY, MA 01913	AMESBURY, MA 01913	AMESBURY, MA 01913

AMESBURY CITY OF
JACQUELINE DR
AMESBURY, MA 01913

NEWBURYPORT PROPERTIES LLC
28 HAVERHILL RD
AMESBURY, MA 01913

AMESBURY CITY OF
JACQUELINE DR
AMESBURY, MA 01913

THE BOARD OF ASSESSORS OF THE TOWN OF
AMESBURY, MA HEREBY CERTIFIES THAT THIS
LIST OF ABUTTERS IS THE MOST RECENT
APPLICABLE TAX LIST AS REQUIRED BY CHAPTER
40A, SECTION 11 OF THE MASSACHUSETTS
GENERAL LAWS AS AMENDED

 5/25/26

Attachment C

Photolog

Photography Log

PROJECT NUMBER

16809.00

CLIENT

Pulte Homes of New England
1900 West Park Drive, Suite 180
Westborough, MA 01581

LOCATION

28 Haverhill Road
Amesbury, MA 01913



NO. 1 / 10/2024 GOOGLE MAPS

DESCRIPTION

View of the existing orchard located at the northern limit of the Project Site.



NO. 2 / 10/2018 GOOGLE MAPS

DESCRIPTION

View of the existing house located at the northern limit of the Project Site.



NO. 3 / 09/2019 GOOGLE MAPS

DESCRIPTION

View of the western limit of the parcel.

Attachment D

Stormwater Report (Bound Separately)

Attachment E

Project Plans (Bound Separately)