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PROJECT NARRATIVE

to accompany

NOTICE OF INTENT

For

Joanne Ryan

92 Lake Attitash Road

Amesbury

December 9, 2024

Overview

Joanne Ryan is seeking the approval for a partial re-building of her family home located at 92 Lake Attitash Road. The project involves tearing down the existing building to the foundation, repairing part of the foundation and replacing part of it. A new home will be constructed on the same footprint with a slight adjustment to remove an encroachment over the property line. The existing setback to the resource area is maintained although a concrete pad at grade is removed and replaced with a pervious patio.

Current Site Conditions

The site is currently completely developed with landscaping, 2 single family homes, a driveway and stairs. The site contains ½ of a right of way that extends to the Lake for those residents of the Subdivision that created the right of way with deeded access. The lake boundary itself is a retaining wall, with a stairway down to the lake and a dock within the right of way. There is an additional stairway within the right of way that helps to navigate a steep drop in slope at the bottom of the hill.

The single family home closest to the water, which is where Joanne lives with her mother was previously owned by her parents. The existing home is constructed on a full foundation with a walk out basement. There is a water side deck constructed over a concrete slab. The existing slab is located about 12 feet from Lake Attitash.

The site currently receives stormwater from Lake Attitash Road that runs down the driveway. In the winter and spring this runoff is laden with coarse sand from municipal street sanding on Lake Attitash Road. In 2015, James Ryan installed a trench grate and infiltrating french drain to prevent this water from running directly into the lake untreated and capture the sediment. This system is being retained.

Resource areas consist of buffer zone to bank, with the wall along the lake making up the bank.

Resource Areas:

The project area is located within the buffer zone to the bank of Lake Attitash. The entire project site is located in the buffer zone to bank. The upper limit of the bank is on the wall and stairs that make up the shoreline of the lake in this area. The project site is adjacent to Lake Attitash, a Great Pond.

Proposed Project:

The proposed project involves the removal of the building from the existing foundation, making some repairs and building a foundation wall where the foundation is currently a kneewall along the water side (all within the existing footprint). A new home will be constructed on this existing foundation with these improvements.

The existing slab under the water side deck will be replaced with a pervious patio with a deck overhead, improving site infiltration and drainage. As noted above, in 2015 an infiltrator designed to accommodate runoff coming off of Lake Attitash Road was installed and will continue to function. The pervious patio provides some additional infiltration capacity for stormwater that bypasses that system.

Wetland Protection Act Regulations

General Performance Standards 310 CMR 10.02 and 10.05: Buffer Zone to Bank

The project area is located within within 100 feet of the Bank of Lake Attitash. The work, soil disturbance, and grading will occur within the buffer zone, with the closest point located about 12 feet from the lake with temporary disturbance 4 or 5 feet closer, mainly during demolition, as the equipment required to remove the existing slab will need room to operate. There will be no disturbance or alteration to the Bank. A portion of the temporary disturbance is located within the area of 100 year flood as mapped by FEMA, but that disturbance will not change grade and will not effect flood volume of the resource area.

The area of the buffer zone impacted by this project is entirely developed with a house, walkways, walls, a deck, and landscaping. There will be no disturbance of any undeveloped areas of the buffer zone.

Amesbury Wetland Protection Regulations

The project is located within the 100 foot buffer to Bank associated with Lake Attitash, and the 100 foot Buffer to Bordering Land Subject to Flooding. There is no undeveloped buffer within the project area, with the entire lot being developed. The proposed project will result in an improvement over existing conditions by reducing the untreated stormwater discharge to Lake Attitash. Given the existing foundation and the need for enough room to turn around cars between the two buildings, the proposed replacement home cannot be located any further landward. Performance standards for both buffer zones are spelled out in AWR 20.0.

Under 20.0, paragraph b) in the pre-amble recognizes that in some cases a resource area buffer "...is not present (i.e. has already been altered and/or encroached upon), the Commission shall presume that there already exists a significant adverse effect or cumulative effect upon the wetland values of the Resource Area..." This section recognizes that in cases such as this one, the functions and values of the buffer zone are limited. In this case, the applicant is proposing a project that will improve the ability of this buffer zone to protect the resource area by removing a concrete pad and installing pervious patio.

Buffer to Bordering Land Subject to Flooding:

Other than temporary disturbance, the proposed project will be outside Bordering Land Subject to Flooding, and by managing stormwater, the work in the buffer zone will have a positive impact on this resource area.

Bank:

No work is proposed within the bank.

The general performance standards are provided for work in buffer zones to bank in 18.2(d). This section is addressed below:

(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 the resource area.

The proposal will result in impervious structures and activities further away from the resource area, as far as can reasonably be achieved given site constraints. The replacement of the concrete slab with a pervious patio will be consistent with this section.

(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.

In this case existing buffer is being retained and improved slightly.

(3) The Commission may require that already-altered buffer zone be restored in order to protect or improve Resource Area value. 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 applicant is proposing to improve site drainage with the pervious patio.

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

The project site is not within any of the above habitat areas.

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

We believe that the project as proposed will not only protect the wetland values, but represents an improvement by further infiltrating stormwater.

Additional, project specific performance standards are provided in section 21. The applicable sections are addressed below:

21.1 Septic Systems

No septic system is proposed. The new house will tie in to the existing sewer connection.

21.2 Pools and Tennis Courts

The applicant is not proposing a pool or a tennis court.

21.3 Landscaping

This section states that ***“No lawns or driveways may be constructed within 25 feet of any Resource Area...”*** the paragraph continues to define the resource areas.

The entire site is already landscaped. The pavement that was added is greater than 25 feet from the resource area.

21.4 Piers

The applicant is not proposing any new pier or dock. There is an existing sectional seasonal dock.

21.5 Underground Storage Tanks

The applicant is not proposing any Underground Storage Tanks.

21.6 Filling

The applicant is not proposing any filling.

21.7 Structures

No new structures are proposed. A reconstructed structure on the existing footprint, with the same foundation (with improvements and repairs) is proposed.

(1) The intent of the Conservation Commission is to move all structures and activities as far away as possible from any Resource Area.

The driveway and parking between the two buildings on the lot limit the ability of the applicant to relocate the existing structure landward. However, consistent with this language, the at grade slab is being removed on the water side of the building and replaced with a pervious patio.

(2) The Commission may at its discretion allow a proposed structure on a wall-type foundation within 100 to 50 feet of the Resource Area, as defined in AWR 2.0 (1-5), if satisfied that mitigation required in the Order of Conditions is sufficient to protect the Resource Area.

The foundation is an existing condition.

(3) No mitigation is sufficient to allow a structure on a wall-type foundation less than 50 feet to a Resource Area, as defined in AWR 2.0 (1-5).

The foundation is an existing condition.

(4) The Commission may at its discretion allow a structure on an open pile foundation within 100 to 35 feet of a Resource Area, as defined in AWR 2.0 (1-5).

The foundation is existing, however the deck will be supported on piles and the existing slab foundation for the existing deck removed to improve the condition over the existing grandfathered structure.

(5) No mitigation is sufficient to allow a structure on an open pile foundation less than 35 feet to a Resource Area, as defined in AWR 2.0 (1-5).

The existing building and foundation pre-dates the ordinance and the foundation is an existing condition.

(6) New structures and substantially renovated or reconstructed structures on any barrier beach are required to be constructed on an open pile-type foundation.

Under the regulations, this section is the only one that would be triggered by reconstructing a structure. However it only applies to barrier beaches, which do not currently exist in Amesbury.