



July 26, 2026

City of Amesbury
Conservation Commission
39 South Hunt Road
Amesbury, MA 01913

Re: Notice of Intent – Supplement #3
Rocky Hill MBTA Community at Elm Street
265, 277, 281, 287, and 287½ Elm Street, Amesbury, Massachusetts
MassDEP File #002-1362

Members of the Amesbury Conservation Commission:

On behalf of Dale Development, LLC, and in association with Millenium Engineering, Inc., Lucas Environmental, LLC (LE) is pleased to submit this Supplement to the Notice of Intent (NOI) filed with the Amesbury Conservation Commission for the proposed Rocky Hill MBTA Community residential development located at 265, 277, 281, 287, and 287½ Elm Street in Amesbury, Massachusetts (Assessor's ID Map 68: Lots, 12, 13, 15, 20 & Map 80: Lots 3, 4). This Supplement #3 has been prepared to in response to the BETA Group, Inc. (BETA) peer review letter, dated July 10, 2026, and following the previous working session with the City of Amesbury Office of Community and Economic Development (OCED) staff, and peer review consultants VHB, Inc. and BETA.

The Applicant has revised the plans to address the peer review for the Conservation Commission as well as the Site Plan Review process with the Planning Board. The full set of revised plans was only sent to the Planning Board on July 1st and not copied to the Commission with Millenium Engineering's (MEI) submission.

The submitted materials in this Supplement include the following:

1. Revised Site Plans (revision date: June 29, 2026). Note that this includes additional revisions to Sheets C3.3, C5.0, C5.1, C6.0, C6.1, C9.1, and L1_1 to address BETA's comments (same date for consistency).
2. Revised Figure 6.
3. Revised WPA Form 3 (select pages).

The original BETA Comments are identified below in *italics*, and the new comments are in *italics* and prefaced with *BETA2*. The Applicant's original responses are provided in standard format, and the new responses are provided in **bold**. Comments that required no further discussion have been removed for brevity.

PLAN AND GENERAL COMMENTS

- A2. *A registered PLS stamp is present on the boundary lines sheets C-3.0 through C-3.2; however, no PLS stamp is present on the existing conditions plans on Sheets C-3.3 through C-3.8. A PLS stamp should be provided on the existing conditions plans.*

LE Response: Please Note the Board of Registration allows a civil engineer to stamp existing conditions and topography plans. MEI will also provide a PLS stamp on the final existing conditions plans to be recorded at the South Essex Registry of Deeds.

BETA2: Comment remains. An existing conditions plan with a PLS stamp was not included in the resubmitted plans. MEI will provided stamp on final plans to be recorded.

LE Response 2: A previously noted, the Board of registration allows a civil engineer to stamp existing conditions and topography plans. The Existing Conditions Plans provided with this supplement have been stamped by a Professional Engineer. MEI can provide a stamp on the final plans to be recorded with the Registry of Deeds, if the Commission so requires.

- A3. *A survey benchmark should be provided on the plans.*

LE Response: The elevations shown on the plans are based upon NAVD88. The final Plans will provided a benchmark reflecting this datum.

BETA2: Comment remains. A benchmark has not been provided on the resubmitted plans.

LE Response 2: MEI has added a benchmark to the Existing Conditions Plans provided with this supplement. See Sheet C3.3.

- A5. *Provide a note on the plans referencing the approved ORAD in effect for the Site.*

LE Response: Note referencing ORAD has been added to the Existing Conditions Plan which will be included in the final Plans.

BETA2: Comment remains. An existing conditions plan with a note referencing the ORAD was not included in the resubmitting plans.

LE Response 2: MEI has added the requested note to the Existing Conditions Plans provided with this supplement. See Sheet C3.3.

CONSTRUCTION COMMENTS

- W1. *The Project, as currently depicted, will disturb more than one (1) acre of land; therefore, a Notice of Intent (NOI) must be submitted to the Environmental Protection Agency (EPA) under the Construction General Permit (CGP) and a Stormwater Pollution Prevention Plan (SWPPP) must be prepared. The Commission could consider a Special Condition within the Order of Conditions that requires the submission of the SWPPP for review and approval prior to the commencement of work.*

LE Response: As typical for a project of this size disturbance, a Notice of Intent will be submitted to the Environmental Protection Agency (EPA) under the Construction General Permit (CGP) and a Stormwater Pollution Prevention Plan (SWPPP). This will be included as part of the Construction Management Plan to be reviewed by the City. As typical, the Site Contractor will need to be included in the preparation of this plan.

BETA2: BETA defers to the Commission on the Special Condition suggested in Comment W1.

LE Response 2: LE concurs with BETA's recommended Special Condition.

- W2. *Silt sacks should be depicted on the catch basins along Elm Street near the construction entrance.*

LE Response: Concur, silt sack will be added to catch basins within 100 feet of the Construction Entrance.

BETA2: Comment remains. Erosion & sedimentation control plan sheets depicting silt sacks within the Elm Street catch basins were not included in the resubmitted plan.

LE Response 2: Silt sacks have been added to the Elm Street catch basins and identified on the Erosion & Sedimentation Control Plans. See Sheet C9.1.

- W3. *The temporary earth stockpile locations that are depicted between the WFB-92 to WFB-111 and WFB-55 to WFB-68 Series BVWs and upgradient of flag WFA-76 should be relocated outside of the 100-foot Buffer Zone to BVW. If this is not feasible, erosion and sedimentation controls should be depicted around the entire stockpile/staging area within Buffer Zones.*

LE Response: Concur, all stockpile locations will be located outside the 100-Foot Buffer Zone with notation added for erosion controls to be provided if located within any Buffer Zones.

BETA2: Comment remains. Revised erosion & sedimentation control plans should be submitted showing the new stockpile locations surrounded by erosion controls.

LE Response 2: The temporary stockpile areas have been moved outside the 100-Foot Buffer Zone. See the Erosion & Sedimentation Control Plans.

- W4. *Erosion and sedimentation controls should be depicted between the proposed work and the B Series WFB-92 to WFB-111 and WFB-55 to WFB-68 wetland.*

Response: Concur, the erosion control barrier has been updated in accordance with this comment, and will be identified on the final Plans.

BETA2: Comment remains. Revised erosion & sedimentation control plans have not been submitted.

LE Response 2: The trail has been removed next to flags WFB-92 to WFB-111. Erosion controls were added at location where trail remains near flags WFB-53 to 70 & WFB-58 to 67. See the revised plans for the Erosion & Sedimentation Control Plans.

W5. *The proposed location of erosion and sedimentation controls conflict with proposed grading at the following locations:*

- North of house #80;
- West of Building #2;
- Adjacent to the following flags: WFA-185, WFA-180, WFA-170, WFA-146, and WFA-107;
- South of the G3 building; and
- East of Building 18.

LE Response: Concur, the erosion and sedimentation controls have been updated reflecting revised site plan design and grading, and will be identified on the final Plans.

BETA2: Comment remains. Revised erosion & sedimentation control plans have not been submitted.

LE Response 2: Erosion controls have been revised at these locations. See the revised plans for the Erosion & Sedimentation Control Plans.

W6. *The proposed work does not appear constructable without some level of temporary and/or permanent impacts to BVW to facilitate access and sufficient space to work at the following locations:*

- | | |
|-------------------------|--|
| • WFB-104/WFB-103; | 4 feet |
| • WFB-117/WFB-118; | 25 feet |
| • WFB-32R; | 10 feet |
| • WFB-36; | 2 feet |
| • WFB-53/WFB-54; | 10 feet, No grading, 4-foot wide bark mulch path |
| • WFB-90; | No impact path removed |
| • WFA-49; | 25 feet |
| • WFA-11; | 25 feet |
| • WFA-21/WFA-22; | 26 feet |
| • WFA-28; | 9 feet |
| • WFA-32; | 10 feet |
| • WFA-42/WFA-43/WFA-44; | 100+ feet |
| • WFC-14; and | 5 feet |
| • WFC-21. | 2 feet |

LE Response: The Plans have been modified pulling the limit of work away from resource areas at many locations. At all locations noted, all earthwork fill operations occur upgrade from the resource areas providing a minimum two feet separation from resource areas providing enough space for erosion control barriers to be installed and maintained. The Applicant worked with the Planning Department to increase these setback areas and reduce temporary Buffer Zone impacts. The approximate distance from each flag to the proposed work is provided above.

BETA2: In locations where work is proposed within 5 feet or less of the wetland boundary, the Commission could consider requiring the Applicant to install signage to ensure that construction activities do not occur and construction materials are not used or placed beyond the erosion control boundaries/limits of work.

LE Response 2: The erosion controls are a good visual barrier to the limit of work and are common practice in the industry; therefore, signage would not be necessary. If signage is necessary, it can be made a Special Condition in the Order of Conditions.

- W7. *The Project will require a significant area of earthwork. A preliminary phasing plan has been provided; however, a more detailed phasing plan to supplement the erosion control plan that limits the total area of disturbance at the Site should be provided, with provisions to temporarily stabilize previous phases as appropriate before further advancing work.*

LE Response: The filling operation is expected to take approximately five to six months to bring the project up to the final rough grade. During this time, specific erosion control measures will be implanted as needed to control and consternated runoff areas. The project will be subject to weekly inspections, monitoring, and implementing any additional erosion control measures needed.

BETA2: BETA defers to the Commission on requiring the Applicant to provide a detailed phasing plan as detailed in Comment W7.

LE Response 2: As noted and discussed with the Conservation Commission, this project involves a significant fill operation. As such, the site will be cleared once erosion controls are installed. A phasing plan is not feasible, as the fill requires construction activity throughout the entire limit of work, i.e., it cannot be phased into smaller areas.

- W8. *Proposed snow storage is shown within the 100-foot Buffer Zone to multiple wetland series and within the 200-foot RA. Snow storage should be relocated outside of the 100-foot Buffer Zone to wetlands and RA where feasible.*

LE Response: Snow clearing will be located as far as practical from the resource areas. Note the runoff from the melting piles will be collected and treated though the stormwater management system.

BETA2: According to the updated plans, snow storage is still proposed within Buffer Zone and RA throughout the Site and within approximately 30-feet of the BVW boundary. BETA defers to the Commission on acceptance of the snow storage areas.

LE Response 2: As previously discussed with the Commission, all snow storage areas are directed such that the stormwater will drain toward the stormwater management system and not into the resource areas. The Applicant defers to the Commission.

MITIGATION COMMENTS

- W10. *Invasive species including glossy buckthorn (*Frangula alnus*), Japanese knotweed (*Fallopia japonica*), garlic mustard (*Alliaria petiolata*), bush honeysuckle (*Lonicera spp.*), and bittersweet (*Celastrus orbiculatus*) are present at the Site. The Applicant should provide information and Best Management Practices (BMPs) regarding how work will be conducted to ensure invasive species do not spread as a result of construction.*

LE Response: An Invasive Species Management Plan (ISMP) has been prepared to address this for the limit of work for the project (enclosed).

BETA2: A preliminary ISMP has been submitted by the Applicant that identifies species present at the site and proposed removal methods consisting of mechanical and/or chemical control. BETA recommends that once a contractor is selected to perform invasive species management, a revised ISMP be submitted detailing the specific management techniques, disposal methods, and follow-up monitoring and maintenance that will be implemented at the site.

*The submitted ISMP proposes herbicide application for the management of Japanese knotweed (*Reynoutria japonica*). The timing of herbicide application should be coordinated to ensure that adjacent construction activities do not disturb treated areas prior to the herbicide taking full effect.*

Additionally, the ISMP submitted by the contractor should include standards to evaluate the success of invasive species management. These standards should include measurable criteria, such as a target percentage of invasive species cover, to determine when management goals have been achieved.

LE Response 2: The proposed ISMP provides suggested chemical and mechanical controls, along with recommended actions. Based upon a discussion with the Conservation Commission's Sustainability & Conservation Planner, in lieu of a revised ISMP, the Contractor will provide notice to the Commission prior to invasive removal for their preferred method, based upon the options provided in the ISMP. This can be included as a Special Condition.

- W11. *Areas of Buffer Zone and RA proposed to be restored post-construction should be monitored for at least three (3) growing seasons to demonstrate successful establishment of plantings and limited invasive species pressure.*

LE Response: Two seasons is required per the WPA, and an ISMP has been prepared to control invasive species establishment. The Applicant is amenable to three years of monitoring if the Commission so requires.

BETA2: BETA defers to the Commission on the monitoring requirements for restoration within the Buffer Zone and RA.

LE Response 2: LE defers to the Commission, but maintains that two years is more than appropriate and consistent with the state guidelines.

- W12. *It is recommended that areas subject to native plantings/restoration within jurisdictional areas be mowed only once per year during late fall; this could be included as a Special Condition. If so, it is recommended that signage be required to demarcate these areas and this requirement in the field.*

LE Response: Areas proposed for meadow will be mowed only once per year in the later fall.

BETA2: BETA recommends the Commission include the Special Condition in Comment W12 in perpetuity.

LE Response 2: The Applicant is amenable to this Special Condition.

- W13. The species included in the proposed seed mixes that will be used for stabilization should be provided on the plans.

LE Response: The Landscape Plans have been revised to note this.

BETA2: Species included in the New England Conservation Wildlife Mix, New England Native Warm Season Grass Mix, and New England Wildflower Mix have been provided on the plans. The Applicant should confirm if the New England Native Warm Season Grass Mix is proposed within lawn adjacent to buildings within jurisdictional areas.

LE Response 2: The New England Native Warm Season Grass Mix is proposed within lawn adjacent to buildings within jurisdictional areas.

BYLAW REGULATORY COMMENTS

- W15. *The Applicant should provide information describing how the Project was designed to comply with the Performance Standards set forth at Section 20(d)1 and 2 as significant permanent alterations including 41,525 square feet of structures, 130,170 square feet of hardscape, 1,150 square feet of stone outfalls, and portions of the stormwater management system are proposed within Buffer Zone in close proximity to the wetland boundary.*

LE Response: Based upon a working session with the OCED and the Public Hearing with the Conservation Commission on June 1st, the Applicant has made significant revisions to the project design to avoid and minimize impacts to the Buffer Zones. **See NOI – Supplement #2 for the remainder of LE’s original response, including discussion of the major project revisions.**

BETA2: The Applicant has reduced impacts to both the 100-foot and 25-foot Buffer Zones and has proposed mitigation measures for impacts, including invasive species management, installation of a wildlife corridor, construction of a boardwalk to the wetland, establishment of a conservation restriction, and installation of trail crossing to southern off-site parcels.

However, the Applicant states in the response to this comment that the proposed boardwalk will result in additional wetland impacts, including 5 square feet of permanent impacts and 230 square feet of temporary impacts, which have not been disclosed on the WPA Form 3. It is unclear if the Applicant is proposing construction of the boardwalk under this filing or under a separate filing as the boardwalk is depicted on the plans with a construction detail but is noted in the comment response letter to be subject to future permitting. The Applicant should submit an updated WPA Form 3 that reflects all proposed impacts to Resource Areas and provide details demonstrating how the boardwalk complies with the performance standards at 310 CMR 10.55(4).

The Commission could consider including a Special Condition requiring the Applicant to submit final details regarding the conservation restriction, boardwalk, and trail crossing prior to the commencement of work.

BETA defers to the Commission regarding the acceptance of the proposed Buffer Zone impacts, as the Project continues to involve substantial development within the Buffer Zone.

LE Response 2: The Applicant has included the proposed boardwalk, and associated impacts under the NOI application and on the revised Plans. The WPA Form 3 has been revised to include the additional five (5) square feet of wetland impact. The impacts have been assessed consistent with other boardwalk projects that the City of Amesbury Conservation Commission has approved. The Applicant requests that it be approved under this application.

The future trail crossing is NOT included in this project and should be referenced in a Special Condition for future permitting, which the Applicant will undertake, and the City will be responsible for the construction.

The requirement for the conservation or deed restriction should be incorporated into a Special Condition. The intent is for the Applicant and the OCED to prepare the details and legal documentation at a later date; however, these can take months to prepare. As such, it should be conditioned to be completed prior to the completion of the project, and not required for the start of construction to avoid further delays for the project initiation.

WPA PERFORMANCE STANDARDS COMMENTS

BORDERING VEGETATED WETLAND (310 CMR 10.55)

- W16. *The Applicant should evaluate areas where work is proposed up to the wetland boundary outlined in Comment W6 and determine if impacts will be required for this work.*

LE Response: At all locations noted, all earthwork fill operations occur upgradient from the resource areas providing a minimum two feet separation from resource areas providing enough space for erosion control barriers to be installed and maintained. See Response to Comment W6.

BETA2: See BETA2 response to Comment W6.

LE Response 2: See LE Response 2 to Comment W6.

- W17. *Within the supplemental documents, the Applicant states that a portion of the proposed Riverfront Area Restoration is located within BVW, and that a 4,570-square-foot wetland replication area is proposed; however, no further details have been provided regarding the proposed BVW impacts, compliance with Performance Standards, or the replication area. The plans should be updated to depict the location of BVW impacts with erosion and sedimentation controls depicted at the limits of work. Information should be provided to clarify whether the proposed plantings are for BVW enhancement or if there is a separate replication area. Plantings within the BVW boundary should include wetland species appropriate for the area. An updated WPA form should also be submitted that discloses all proposed impacts.*

LE Response: The area is currently part of the legally mowed and maintained agricultural fields. No impacts to the BVW proposed, only restoration of the area, which is shown on the Site Plans within the proposed Restoration Area. A separate specification can be provided for this area; however, it was intended that the area would be reseeded and left to naturalize otherwise to wetland, as soil amendments are not anticipated, although tilling may be warranted and can be determined at the time of installation. Select pages of the WPA Form have been provided for project-wide revisions and impact assessment.

BETA2: Comment remains. Although the Applicant is proposing restoration of BVW, any proposed ground disturbances such as tilling are considered BVW impacts and require compliance with the performance standards at 310 CMR 10.55(4). The work would likely comply with the Performance Standards given that it is intended to support restoration. The plans should be updated to clearly depict the location and extent of work within the BVW, with the proposed seed mix and erosion and sedimentation controls shown at the limits of work.

The Applicant has also disclosed additional BVW impacts associated with the wetland viewing boardwalk that have not been included on the updated WPA Form 3. It is unclear if the construction of the boardwalk will be permitted under this filing or an additional filing as the boardwalk is shown on the plans with a construction detail but is noted to being subject to future permitting in the comment response letter. Further information should be provided on all proposed BVW impacts and proposed replication to mitigate for impacts. LE response to W15 states that a 4,570 square foot wetland replication area is proposed due to the Riverfront Area Restoration occurring within BVW; however, it is assumed that the wetland replication area actually refers to wetland restoration that will occur as a result of RA restoration activities.

Additionally, callouts are shown over the BVW impact area on Sheet L1_1 of the landscaping plans, which obscure visibility of this area.

LE Response 2: As previously noted, tilling and other earthwork is not required for this proposed BVW restoration area. The area is currently being maintained for agricultural uses and tilling is likely occurring legally and lawfully as part of the use under existing conditions. LE maintains that the tilling is not an impact in this case, and one final till to allow for better hydroseeding for the Wetland Seed Mix is appropriate and permissible without quantification as an impact.

LE defers to the Commission, and recommends a Special Condition if tilling is not authorized, as the area can be seeded and restored without it. The Plans identify the limit of wetlands and Riverfront (which overlap) so they are identified on the Plans.

See LE Response 2 to Comment W15 for the boardwalk.

Sheet L1_1 in the revised Plans has been revised to adjust the callouts.

BORDERING/ISOLATED LAND SUBJECT TO FLOODING (310 CMR 10.57)

LE Response 2: No further comments in this section.

RIVERFRONT AREA (310 CMR 10.58)

W20. *The Applicant has provided a narrative detailing how the Project complies with the Performance Standards for degraded RA at 310 CMR 10.58(5); however, areas of the RA that are not considered degraded are subject to the Performance Standards at 310 CMR 10.58(4). Only the locations of the existing gravel drive, structures, and decks should be examined under 310 CMR 10.58(5) and all other work within RA must comply with the Performance Standards at 310 CMR 10.58(4). Details regarding how the Project complies with these Performance Standards set forth in the Act should be provided. The alternatives analysis that will be provided for impacts to non-degraded RA should also detail the alternatives for the structural stormwater management measures proposed within RA as required by the Regulations. MassDEP has previously applied both sets of regulations to a single Site as noted in the attached Superseding Order of Conditions (SOOC) issued under MassDEP File No. 002-1012.*

BETA2: Although BETA has previously received guidance from MassDEP on other Projects across different regions indicating that both sets of RA Performance Standards under 310 CMR 10.58(4) and 10.58(5) may be applied to a single project (consistent with the above-referenced SOOC), the Applicant has stated that MassDEP has provided guidance to the contrary stating that both standards should not be used for the same project. Given the conflicting information, the Commission should determine whether it is appropriate to apply the Performance Standards for degraded RA to portions of the RA that are not degraded. Regardless of the means of documenting compliance, BETA notes that much of the work within RA at the Site is proposed within non-degraded areas and improvements to altered RA is proposed.

LE Response 2: See NOI – Supplement #2 for the remainder of LE’s original response, including discussion of the major project revisions. LE has provided written confirmation of the guidance provided by MassDEP as of 2022, which is more recent than the SOC provided by BETA. LE contacted MassDEP and confirmed that this is the approach in the Northeast Regional Office, and other regions may have differing interpretations. The Applicant has provided significant mitigation for the RFA as well as the overall project for work in the Buffer Zones.

W21. *“Figure 5 – Existing RFA Impact Areas” does not depict the conditions of the eastern extent of RA where portions of structures, decks, pavement, and stormwater management are proposed. The non-developed RA within the limit of work should be quantified and depicted on this figure. “Figure 6 – Proposed RFA Impact Area” does not include the impacts associated with the driveways and structures at the western extent of RA and does not quantify a corner of the parking near unit 71. “Figure 7 – Proposed RFA” Impact Areas does not accurately depict the extent of permanent impacts to RA. These figures should be revised to reflect the existing and proposed conditions of RA.*

LE Response: Figures 6 through 8 have been updated to reflect the project revisions. Additionally:

- Figure 5 is only showing the EXISTING conditions, therefore no proposed work was identified.
- Figure 6 has been revised to reflect the project revisions.
- Figure 7 accurately depicts the permanent impacts to RFA.

BETA2: BETA provides the following comments regarding the RA figures:

- *Figure 5 has not been resubmitted. BETA requested revisions to this figure as the existing conditions of the eastern extent of RA where structures are proposed were not shown on the figure.*
- *Figure 6 has been resubmitted; however, the Applicant should provide details on the proposed conditions within the RA adjacent to the stormwater basin as impacts for construction access and grading to the north and east of the basin shown on plan sheet C-6.0 are not depicted on the figure.*
- *Figure 7 does not accurately depict the proposed conditions of RA, as the shading associated with Buildings #15, #16, and #17 is incomplete.*

LE Response 2: LE provides the following response to the RFA Figures:

- **Figure 5 does not require revisions. The graphic depicts EXISTING conditions only, therefore, no proposed structures are identified. The entire limit of the RFA for this area is identified.**
- **Figure 6 has been revised to adjust minor hatching inconsistencies. This does not affect the impact numbers, but was a graphic revision only. Additionally, these Figures are meant to be graphics only for presentation of the impacts for convenience of discussion. As such, not all details from the Plans are included on these graphics, such as grading. The stamped Plans contain the appropriate information.**
- **Figure 7 accurately depicts the areas in the RFA where the project does not fully comply with the RFA performance standards for 310 CMR 10.58(5)(c) and (d) as noted in the original NOI application. These graphic identifies the areas that require mitigation per 310 CMR 10.58(5)(g). This Figure was not meant to depict the full RFA impacts, only Figure 6.**

- W22. *The NOI narrative provides details regarding construction of the RA restoration area including excavating the area to a minimum of six inches below the final design elevation; however, the grading plans do not depict grading within this location. The Project plans should be updated to depict all proposed work at the Site.*

LE Response: Subgrades are not typically shown on the plans. Final grades for the RFA Restoration Area has been identified on the Plans. Note that no regrading is proposed within the legally mowed and maintained agricultural fields within the Restoration Areas.

BETA2: Comment remains. No grades are depicted within the RA Restoration Area on resubmitted grading & drainage plan sheets.

LE Response 2: As noted in the previous response, all the grading has been identified on the Plans. Areas in the RFA Restoration Area that do not show proposed grading are not proposed to be graded.

- W23. *The Applicant should provide a planting plan for the RA restoration areas as a planting list has been submitted with no plan.*

LE Response: The location of trees and shrubs in the field is intended to be planted randomly under the supervision of a qualified PWS. A detailed planting plan showing the location of each tree/shrub is not proposed to allow for field specific conditions, substitutions, and other factors that need to be controlled during construction. This is common practice and reasonable for this project. If so required, the project could be conditioned to include the Restoration Area specifications on the Landscape or Site Plans.

BETA2: The Commission could consider including a Special Condition within the Order of Conditions requiring the Conservation Commission or its Agent to approve locations of plantings within the restoration area prior to installation.

LE Response 2: Based upon a discussion with the Conservation Commission's Sustainability & Conservation Planner, the wetland scientist will determine final location of the plantings in the field during implementation. The Applicant is amenable to a Special Condition that the Applicant's wetland scientist oversee the planting installation.

Enclosed please find two (2) copies of this NOI Supplemental Package. A link to an electronic copy of the pdf file of the NOI application and supporting documentation will be provided concurrently with this submittal via the OpenGov portal. LE will provide the electronic copy to the peer review consultants as discussed in the interest of time, and copy the Commission.



500A Washington Street, Quincy, MA 02169

If you have any questions, please do not hesitate to contact me at 617.405.4140 or cml@lucasenviro.com. Thank you for your consideration in this matter.

Sincerely,
LUCAS ENVIRONMENTAL, LLC

Christopher M. Lucas, PWS, CWS, RPSS
Certified Wetland Scientist/Professional Soil Scientist

Enclosures:

1. Revised WPA Form (select pages)
2. Revised Figures 6
3. Revised Site Plans (June 29, 2026)

cc: Applicant: Dale Development, LLC – Robert Dale (electronic copy)
 Owners: True Homestead Limited Partnership(s) (electronic copy)
 287 Elm Street Realty Trust (electronic copy)
 Stanley O. Bean Jr. Revocable Trust (electronic copy)
 Millenium Engineering, Inc. (electronic copy)
 MassDEP – NERO (electronic copy, hard copy available upon request)



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 Number

Document Transaction Number

Amesbury

City/Town

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

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. ☐ Bank	1. linear feet	2. linear feet
b. ☐ Bordering Vegetated Wetland	5 perm; 230 temp 1. square feet	4,570 2. square feet
c. ☐ Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. ☐ Bordering Land Subject to Flooding	1. square feet 3. cubic feet of flood storage lost	2. square feet 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 tributary to Powwow River 1. Name of Waterway (if available) - specify coastal or inland	

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: 341,962
square feet

4. Proposed alteration of the Riverfront Area: **See Supplement #2 for Revised RFA Impact Analysis.**

<u>20,467 - Permanent</u>	<u>0 - Perm; 3,211 - Temporary</u>	<u>20,467 - Perm; 12,972 Temp</u>
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)

Note: for coastal riverfront areas, please complete **Section B.2.f.** above.

