



Stantec Consulting Services Inc.
5 Dartmouth Drive, Suite 200, Auburn NH 03032

June 13, 2024
File 179450868

Mr. Timothy Broadrick, Chairman, and
Amesbury Conservation Commission
39 South Hunt Road - Amesbury, MA 01913

Cc: Mr. Nipun Jain, Director of Planning
Amesbury Department of Public Works
Attn: Mr. Joseph Buckley P.E. – Director

**Reference: Notice of Intent Application Peer Review Services of Stormwater Portion Only
For two sites located upon Assessor Map 88, Lots 1 and 82 at
2-14 and 13 Merrimac Street – Amesbury, MA
Applicant: 14 Merrimac Street LLC and 13 Merrimac Street LLC**

Dear Mr. Broadrick and Members of the Commission:

This letter presents a summary of findings from an independent review conducted by Stantec Consulting Services Inc (Stantec) for the drainage system portion only of the Notice of Intent (NOI) submitted by Rimmer Environmental Consulting, LLC and Millennium Engineering, Inc. for redevelopment activities at the property identified as 2-14 Merrimac Street – Assessor Map 88 Lot 1 and modification for a parking lot and storage garage at 13 Merrimac Street – Assessor Map 88, Lot 88 on behalf of 14 Merrimac Street LLC and 13 Merrimack Street LLC (Applicant). The application identifies the current property owner as Robbins Enterprise, LLC. The NOI application submission includes:

1. Copy of Notice of Intent Mass Wetlands Protection Act and City of Amesbury Wetlands Ordinance, Marina at Amesbury Point, 2 and 13 Merrimac Street, March 11, 2024 by Rimmer Environmental Consulting;
2. Notice of Intent Narrative by Rimmer Environmental Consulting;
3. Proposed Site Plan Marina at Amesbury Point in Amesbury MA, March 2024 plan set by Millennium Engineering, Inc.;
4. Stormwater Management Report for the Marina at Amesbury Point dated March 11, 2024 prepared by Millennium Engineering, Inc.;
5. Flood Storage Exhibits dated March 11, 2024 prepared by Millennium Engineering, Inc.;
6. Abutter list.

As presented in the NOI, the project consists of two separate parcels. The Applicant's submission proposes to redevelop the existing marina site at 2-14 Merrimac Street (Lot 1) located along the westerly edge of the Pow Wow River as it flows to the Merrimack River. The submitted plans indicate most of the site is located within the 100-year floodplain (Land Subject to Flooding) and is entirely within the 200-foot riverfront area. The existing site does not have any stormwater facilities and the site runoff sheet flows to both rivers. The submitted site plans and information indicate the redevelopment on Lot 1 would demolish all the existing buildings except one maintenance building, and proposes to construct a new marina clubhouse building and separate restaurant building with new utility connections along with a new parking lot having 78 parking spaces. The plans indicate site improvements will include construction of catch basins to collect some of the site stormwater with a water quality treatment structure provided on the drain pipe outlet prior to discharge into the Pow Wow River. In addition, the site development includes construction of a rain garden that generally collects most of the driveway runoff and provides treatment prior to discharge to the Pow Wow River. The remainder of the site will continue to sheet flow to the adjacent rivers.

Design with community in mind

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The proposed development on lot 82 at 13 Merrimac Street, located across the street from the marina, is to retain the existing residential dwelling and reconstruct/adjust the existing gravel parking lot to identify 18 parking spaces which will be used to support the new facilities at the marina site. Lot 82 is located above the 100-year floodplain. The submitted plans indicate the edge of a Bordering Vegetated Wetland (BVW) is adjacent to and crosses the westerly property line near the southwest corner. We note the NOI application calls this location an intermittent stream channel location and notes the impacts are related to inland bank impacts. Most of the proposed site improvements are within the 100-foot buffer zone of the BVW/Inland Bank. In addition, a sidewalk improvement and crosswalk are proposed in Merrimac Street to connect the two development lots which is located within a portion of the 100-200 foot riverfront area.

Please note the site development and stormwater report has been reviewed on behalf of the Planning Board and a copy of the review comments are attached to this letter for Commission use and information. We understand that the stormwater review is to be shared with the Commission and the apparent and pertinent comments from the Planning Board letter are also copied below for review, comment, and consideration. Please note that the references to the photos below are not specifically in order since they are relative to the Planning Board letter attached. In addition, the NOI application was reviewed relative to the Amesbury Wetland Ordinance as noted below. Based upon the above submitted information, we offer the following general comments:

* From the Planning Board letter:

1. * The Applicant has provided a stormwater management report for the project. We note the following general concerns:
 - a. Standard 1: The Applicant proposes new paved driveway and parking along the westerly side of the site that will create sheet flow discharge towards the Merrimack River. The design does not appear to provide treatment for this new pavement and does not appear to meet standard 1. The Applicant should review and provide treatment for this new pavement discharge to meet compliance with standard 1.
 - b. Standard 1: The length and width of the riprap apron in the report does not match the detail in the plan set or the size shown on the plans. Please revised the design as necessary to provide the necessary apron size to meet compliance with standard 1.
 - c. Standard 2: The analysis and calculations do not include the 25-year analysis per the specific design and construction standards of Section 7.10 of the Amesbury Subdivision Rules and Regulations and referenced under Section XI.C.8.p of the Bylaws. The analysis should be updated accordingly.
 - d. Standard 2: The proposed site features in the report does not identify/discuss the proposed sidewalk widening and sidewalk construction in Merrimac Street including the changes to the access for the boat ramp. In addition, the analysis does not address the changes to Merrimac Street and impacts to the City existing stormwater system. The analysis and calculations should be revised to address the work in Merrimac Street and demonstrate compliance is achieved. – no increase in runoff.
 - e. Standard 2: The report does not address the impacts to each abutter to lot 88 (13 Merrimac Street), to lot 1 (2 Merrimack Street) or to Merrimac Street under the pre and post development conditions to demonstrate compliance is achieved. The analysis should be updated accordingly.

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- f. Standard 2: The report lacks hydraulic pipe calculations for the proposed pipes and pipe network systems indicating the system pipe velocities, hydraulic grade line/elevations to demonstrate the proposed systems are of adequate size to convey under gravity flow conditions for the storm events and demonstrate the minimum velocity of 3 FPS and maximum 10 FPS are provided per section 7.10.C of the Amesbury Subdivision Rules and Regulations. The analysis should be updated accordingly.
- g. Standard 2: The existing conditions delineation for E1 does not address/account for the off-site areas that contribute to the site. It appears that portions of the roadway right-of-way and possibly the roadway pavement sheet flow to the site. Please review and revise the existing subcatchment delineation and analysis accordingly. In addition, the post development subcatchment delineations and analysis should be revised accordingly and demonstrate compliance is achieved – no increase in runoff.
- h. Standard 2: The existing conditions delineation for E2 does not address/account for the off-site areas that contributes to the site. In addition, it appears the westerly portion of the site drains to the existing wetland on Map 88 lot 35 versus to Map 88 lot 83 as indicated on the pre-development drainage area plan. Please review and revise the existing subcatchment delineation and analysis accordingly. The post development delineations and analysis should be revised accordingly. Please verify compliance is achieved – no increase in runoff.
- i. Standard 2: The amount of grass in post subcatchment P1F (~30%) in the calculations does not appear to be representative of the design presented. In addition, the boardwalk area does not appear to be represented in the calculations. Please review and revise to be representative of the design presented.
- j. Standard 2: The amount of grass in post subcatchment P1E (~16%) in the calculations does not appear to be representative of the design presented. Please review and revise to be representative of the design presented.
- k. Standard 2: The post development delineation for subcatchment P1E indicates a portion of the proposed driveway runoff is not directed to the rain garden for treatment. It appears that regrading of the driveway could direct most of the new driveway runoff to the rain garden for treatment. We recommend the Applicant review and revise the design accordingly
- l. Standard 3: The submitted checklist indicates the required recharge volume calculations are provided and that recharge BMPs have been size to infiltrate the required recharge volume, but the supporting information states that no recharge is provided and contradicts the checklist. We note that the Applicant is proposing a peastone diaphragm along the gravel parking area at 13 Merrimac Street.
- m. Standard 4: The report includes a Long Term Pollution Prevention and Operations and Maintenance Plan document that is undated. We recommend the Applicant clarify/address the following relative to the document:
 - 1. Please provide an endorsement for the illicit discharge statement to meet compliance with standard 10.
 - 2. Please clarify/address the following in the Post Construction BMP's that is part of Standard 4, which appear to be absent and typically includes the following:
 - A. Good housekeeping practices;
 - B. Provisions for storing materials and waste products inside or under cover;
 - C. Vehicle washing controls;

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- D. Requirements for routine inspections and maintenance of stormwater BMPs and checklist that identifies each BMP (provide O&M manuals for all systems);
 - E. Spill prevention and response plans;
 - F. Provisions for maintenance of lawns, gardens, and other landscaped areas;
 - G. Requirements for storage and use of fertilizers, herbicides, and pesticides;
 - H. Pet waste management provisions;
 - I. Provisions for solid waste management;
 - J. Snow disposal and plowing plans relative to Wetland Resource Areas (including location plan);
 - K. Winter Road Salt and/or Sand Use and Storage restrictions;
 - L. Street/parking lot sweeping schedules;
 - M. Documentation that Stormwater BMPs are designed to provide for shutdown and containment in the event of a spill or discharges.
 - N. Training for staff or personnel involved with implementing Long-Term Pollution Prevention Plan;
 - O. A plan identifying each location requiring maintenance under the BMPs should be included in the document.
- 3. Amesbury is a MS4 community, and we recommend copies of the stormwater inspection checklists be provided to the City on an annual basis.
 - 4. We recommend the updated document be a separate complete document as typically requested by the Board.
- n. Standard 4: The water quality calculations for the TSS removal in the report indicate the calculations is based upon only the pavement areas contributing the CDS unit (0.49 ac.), but does account/ address that all of the subcatchment flow (0.63 ac) will be directed to the CDS unit. Please update the calculation to address the total flow to the unit and demonstrate the unit is properly sized to address and treat the flow.
 - o. Standard 4: The analysis does not indicate or address treatment of the new pavement relative to post development subcatchment P1F. The report and analysis should be revised to provide addition information to clarify how this standard has been met under this design.
 - p. Standard 7: The proposed site features in the report does not identify/discuss if hull painting, service, and maintenance is part of the project. Please update accordingly.
 - q. Standard 8: The report includes a document noted as Erosion and Sediment Control BMP's but does not reference the plans and details. We note this section also indicates the project is subject to an EPA Construction General Permit (CGP) and SWPPP has not been prepared or provided. We recommend the Applicant clarify/address the following relative to standard 8:
 - 1. Provide necessary erosion control measures along the resource areas since a 50-foot buffer is not provided in accordance with section 2.2.1.a. of the CGP. Please include construction details of the measures in the project plan set.
 - 2. Names of Persons or Entity Responsible for Plan Compliance with the erosion and sediment control plan;
 - 3. Identify temporary sediment basin areas and provide detail drawings and specifications for erosion control BMPs, including sizing calculations;
 - 4. Construction Sequencing Plan;
 - 5. Sequencing of Erosion and Sedimentation Controls;

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6. The total disturbance does not account for the sidewalk reconstruction or utility impacts within Merrimac Street. The plan should be updated accordingly.
 7. Location of the waste material dumpster, hazardous waste, and sanitary waste facilities noted on the plans are absent and should be indicated.
 8. Inspection and Maintenance Log Form.
 - r. An estimated operations and maintenance budget per Standard 9 was absent. Please include in an updated submission.
 - s. The existing conditions characteristics in the report does not identify/discuss the 100-year flood plain of the site. Please update accordingly.
2. * The submission includes colored plans of the Applicant's determination of flood storage for the existing and proposed conditions. We recommend the Applicant clarify/address the following relative to the submitted plans:
- a. The existing plan indicates areas below elevation 6 that are altered along the Pow Wow River, but the submission does not address the existing and proposed changes. Please update accordingly.
 - b. The existing plan implies the existing buildings are floodproofed by the lack of color, but documentation that the existing buildings are floodproofed was absent from the submission. Based upon a site visit (see photos 11-14), it appears only the existing dwelling with the retaining wall may meet this criteria, but spot elevations of the wall and floor elevations were absent from the submission. Please review and provide additional information that supports the information presented on the existing conditions plan.
 - c. The existing conditions plan indicates the existing stairs are not part of the flood plain. Please explain, especially since they are part of the floodplain in the proposed conditions.
 - d. The small rectangular area at the southwest corner of the site is shown in the floodplain in the existing conditions, but not under the proposed conditions. Please explain and update accordingly.
 - e. Under the proposed conditions, we would anticipate the elevator shaft would be floodproof. Please review and clarify as appropriate.
 - f. The proposed plan indicates a narrow area of elevation 6-7 is created along the back of the existing seawall. Please clarify what is being proposed on the grading plan for proper construction.
 - g. Upon revision to address the above, please demonstrate that the proposed development will not cause a reduction in flood capacity.
3. * The submission does not address if some of the marina boat spaces would be converted to provide public boat access to the restaurant. The Applicant should consider this as an alternative relative to the required parking for the project, and as appropriate and acceptable to the Commission.
4. * The project proposes changes to the existing marina site that alters the marina building location, introduces non-marina uses to the site, and appears to require an update to the Chapter 91 license. The submitted information does not address this issue or address if a separate chapter 91 license or modification is to be obtained under this application. The Applicant should provide additional information and supporting documentation that demonstrates how the Chapter 91

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license for this project application will be addressed and obtained that is acceptable to the Commission.

5. * The project proposes impacts to Merrimac Street including the construction of sidewalks and curbing, reconstruction of sidewalks, installation of a cross walk, and construction of utilities in the roadway to serve the new development located within the 200-foot riverfront area. We note the design indicates a portion of the abutting boat launch access from Merrimac Street will be blocked and removed by the Applicant's proposed sidewalk design (see photos 1-2). In addition the project include a cross walk and reconstruction of the sidewalk along Merrimac street along lot 82 located within the 200-foot riverfront area (see photos 3-5). We recommend the Applicant verify the proposed improvements within the City's roadway, impacts to the existing boat launch access, and impacts to existing utilities shown on site meets approval of the Department of Public Works by obtaining approval documentation from the Department for inclusion in the Commission's project file.
6. * It was observed that several portions of the existing seawall top were loose and in disrepair as noted in photos 7-9. Are maintenance improvements proposed for these areas? Please clarify/address and provide any supporting details as applicable.
7. *The areas adjacent to the existing building that is to remain including the foundation was observed in disrepair as seen in photos 10 -11. It is our understanding the existing building is to be refurbished, but the extent of impacts to conduct repairs and any impacts associated with the floodplain are unclear. Please clarify.
8. The NOI submission identifies the following resources areas associated with the project:
 - Riverfront Area;
 - Inland Bank;
 - Bordering Land Subject to Flooding;
 - Priority Habitat
 - a. The submission identifies the project as Riverfront Area redevelopment under 310 CMR 10.58(5) related to the riverfront area and addresses items (a) through (e) of the CMR, but does not propose or discuss restoration or mitigation under (f) or (g). We recommend the Applicant provide information/discussion of these items for consideration by the Commission and for consideration as part of (h) under the CMR.
 - b. The project proposed modifications to the Inland Bank buffer zone on Lot 82 (13 Merrimac Street) including removal some of the existing gravel parking area in the 25-foot buffer zone, preservation of existing vegetation, proposed vegetative enhancement of the 25 foot buffer area, and installation of a proposed landscape barrier along the southerly edge of the parking area within the 100-foot buffer zone. A fence is proposed along the northerly side of the parking lot. The Commission will need to consider if these improvements are acceptable and meet the performance standards under Section 20.d of the Amesbury Wetland Regulations (AWR).
 - c. The NOI identifies that the existing marina site - Lot 1 - is also located in the Bordering Land Subject to Flooding (BLSF) (100-year flood plain) with the limit identified as elevation 11 the encompasses most of the site. The NOI notes the site development increases the flood storage capacity, but as noted above in comment 2, the Applicant will need to

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- clarify/demonstrate the project would meet the requirements of 310 CMR 10.57 and Section 18.1.d of the AWR for consideration by the Commission.
- d. The NOI does not identify the priority habitat species associated with the priority habitat noted in the application. The NOI should be updated accordingly including supporting information relative to compliance with Section 19.1.d.(6) of the AWR and 310 CMR 10.59 as may be applicable for consideration by the Commission.
9. The Applicant's proposes to place open pile structures at 21 feet from the edge of the property line at the resource area (river bank) which does not comply with section 21.7(5) of the AWR. The Regulations require a minimum 35 foot setback. We note that under 310 CMR 10.58(5), the regulations discuss proposed work within the previously developed Riverfront Area, but the NOI information does not discuss in detail the current existing conditions, especially relative to the 25 foot riverfront area. The NOI information under section 7.0 notes a waiver for the 35-foot structure no build zone is requested, but a formal request document with supporting justification was not included in the NOI information per section 7.13 of the AWR. We recommend the Applicant prepare and provide additional and supporting information relative to the existing conditions, the proposed conditions, and waiver request for review and consideration by the Commission.
10. The Applicant proposes boardwalks, walkways, landscaping, and pavement within 25 feet of the resource area (river bank) which does not comply with section 21.3 of the AWR. The Regulations require as 25-foot buffer to the resources. We note that under 310 CMR 10.58(5), the regulations discuss proposed work within the previously developed Riverfront Area, but the NOI information does not discuss in detail the current existing conditions, especially relative to the 25 foot riverfront area. The NOI information under section 7.0 notes a waiver for the 25-foot landscape no build zone is requested, but a formal request document with supporting justification was not included in the NOI information per section 7.13 of the AWR. We recommend the Applicant prepare and provide additional and supporting information relative to the existing conditions, the proposed conditions, and waiver request for review and consideration by the Commission.
11. The NOI does not identify or discuss invasive species that were observed on Lot 1 in the buffer zone of the BLSF as noted in photos 10 -11. The NOI should be updated to identify the invasive species in the project area and provide a management plan for review and consideration by the Commission.
12. It is our understanding the project design has been submitted for review by the Amesbury Planning Board. At this time, we are not aware if there are revisions to the project design as a result of the review by the Board that would require revisions to the stormwater design and analysis or the site design plans. We recommend the Applicant also address and incorporate the revisions requested under the Planning Board review into the revision noted above with the subsequent submission.

Recommendations:

At this time, it appears the application information is not complete enough to make a recommendation to the Commission as noted in the comments above. We recommend the Applicant discuss the project issues with the Conservation Commission prior to updating the project design, drainage report, checklist and supporting information to address the comments noted above

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and resubmit revised drawings and supporting information. We recommend that the Applicant provide a summary response letter with the revised drawings and supporting information demonstrating how each comment noted above has been addressed.

We are available to discuss this information. Please do not hesitate to call or e-mail if you have any questions.

Regards,

Stantec Consulting Services Inc.

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

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

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Attachments: Copy of letter to Amesbury Planning Board dates June 13, 2024; site visit photos 5-24-2024.