



Amesbury

CONSERVATION COMMISSION
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62 Friend Street
Second Floor
Amesbury, MA 01913

Amesbury Conservation Commission Waiver Request Form

All projects submitted for review to the Amesbury Conservation Commission should comply with the Amesbury Wetlands Ordinance and its implementing regulations as well as the Massachusetts Wetlands Act and its implementing regulations (310 CMR § 10.00). If you cannot comply with any portion of the Amesbury Wetlands Regulations you should file this waiver request identifying any areas where your proposed project is not in full compliance.

Project: Marina at Amesbury Point

Applicant: 14 Merrimac Street LLC and 13 Merrimac Street LLC

Applicant's Address: 2 Merrimac Street Amesbury, MA 01970

Contact Information: Telephone: _____

Email: mcs@conops.consulting

I hereby request a waiver pursuant to the Amesbury Wetlands Regulations § 7.13 from the following section(s)

21.3 Landscaping and 21.7 Structures

of the aforementioned regulations. The reason(s) for the waiver request is/are (use additional sheet if necessary):

Buffer Zone is not present i.e., has already been altered and/or encroached upon. Therefore the Commission shall presume
that there already exists a significant adverse effect or cumulative adverse effect upon the wetland values of the resource area.
See attached narrative for additional detail.

Applicant signature

June 18, 2024

Date

Marina at Amesbury Point
14 Merrimac Street LLC and 13 Merrimac Street LLC
City of Amesbury Wetlands Ordinance – Waiver Request

The applicant requests the Commission grant two waivers for this project: 1) Sections 21.3 Landscaping which requires lawns and driveways be located more than 25 feet from any Resource Area defined in AWR 2.00 (104). (Though no lawns or driveways are specifically proposed, if the intention of this section is to apply to other landscaping activities as well then the waiver is requested), and 2) Section 21.7 Structures, which requires structures to be located structures on open pile foundations a minimum of 35 feet from a Resource Area.

Existing Conditions:

The project site at 2 Merrimac Street is bounded on two sides by rivers such that virtually all of the site is within jurisdictional resource areas. The riverbank consists entirely of coastal engineering structures including concrete block retaining walls and riprap slope. Above the bank, the 35-foot Buffer Zone consists of stone and gravel surfaces and existing structures and is entirely altered. There are no naturally vegetated areas within the 35-foot Buffer Zone to the River as noted in the photos included in the Notice of Intent narrative, with the exception of a few non-native black locust (*Robinia pseudo-acacia*) trees in very poor condition along the bank of the Powwow River.

At 13 Merrimac Street, the 25-foot buffer zone adjacent to the banks of a paved watercourse contains a row of mature non-native trees Norway maple (*Acer platanoides*) and small amounts of patchy grass, but otherwise consists of an informal gravel parking area.

Proposed Conditions:

At 2 Merrimac Street, the area within 35 feet of the river is proposed to be converted from a closed foundation structure to an open foundation structure, not located any closer to the river than existing conditions. This change will significantly improve the flood storage capacity of the site. An at-grade composite wood boardwalk is proposed over the existing stone surface between the structure and the seawall is located over what is now a stone and gravel surface. This boardwalk is to be constructed in sections and can be removed seasonally to prevent damage from flooding. The semi-pervious boardwalk will not result in any alteration of functional buffer zone and does not affect the permeability of the surface or drainage conditions of the site.

Native plantings and stormwater management features, including a rain garden are also proposed within 35 feet of the river which will significantly improve renovation of stormwater runoff from the site prior to discharge to the river.

Waiver Rationale:

Section 20 of the Ordinance Regulations states “If the 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 adverse effect upon the wetland values of the Resource Area. This presumption may be overcome upon a clear showing that there is no significant or cumulative effect the protection of said wetland values.” The applicant contends that a significant adverse and

cumulative adverse effect exists within both the 25-foot Buffer Zone to Inland Bank and the 35-foot Buffer Zone to a River. In addition, Section 20 (d) of the Regulations states, “the Commission may require that already-altered buffer zone be restored in order to protect or improve Resource Area values. Restoration consists of planting native vegetation, grading, correcting site drainage, removing debris or other measures which will restore and protect the wetland values of the resource area.” Work proposed within these buffers is intended to comply with this requirement to improve resource area values as described below.

Section 21.3 Landscaping Waiver

Work proposed within 25 feet of resource areas consists entirely of supplemental plantings of native species to improve wildlife habitat at 2 and 13 Merrimac Street, as well as construction of a rain garden to improve the quality of stormwater runoff prior to discharge to the river. This work is consistent with the mitigation described in Section 20.

Section 21.7 Structures

The proposed new building is located generally within the footprint of existing structures and does not extend any closer to the river than the existing structures. The construction of the new building on an open pile foundation significantly improves the flood resiliency of the structure but also the flood storage volume available on site and is therefore an improvement to existing conditions.

Based on the extent of previous development on site, the entire Buffer Zone has been altered and does not provide important Buffer Zone values. The work proposed will improve the ability of the Buffer Zone to protect wetland resource functions of flood storage, storm damage prevention, water quality, protection of wildlife habitat and protection of fisheries habitat. For these reasons, we request a waiver to the 35-foot No Build Zone for construction of the structure with open pile foundations and for the 25-foot No Build zone to allow for proposed landscaping.



MASSWILDLIFE

DIVISION OF FISHERIES & WILDLIFE

1 Rabbit Hill Road, Westborough, MA 01581
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MASS.GOV/MASSWILDLIFE

April 01, 2024

14 Merrimac Street LLC & 13 Merrimac Street LLC
2 Merrimac Street
Amesbury, Massachusetts 01913

Amesbury Conservation Commission
5 School Street
Amesbury, MA 01913

RE: Applicant: 14 Merrimac Street LLC & 13 Merrimac Street LLC
 Project Location: Amesbury Point, 2 & 13 Merrimac Street
 Project Description: Redevelopment of Marina
 DEP Wetlands File No.: 002-1330
 NHESP File No.: 24-17267
 Heritage Hub Form ID: RC-84335

Dear Commissioners & Applicant:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the "Division") received a Notice of Intent with site plans (dated March 2024, revised date N/A) in compliance with the rare wildlife species section of the Massachusetts Wetlands Protection Act Regulations (310 CMR). The Division also received the MESA Review Checklist and supporting documentation for review pursuant to the MA Endangered Species Act Regulations (321 CMR 10.18).

WETLANDS PROTECTION ACT (WPA)

Based on a review of the information that was provided and the information that is currently contained in our database, the Division has determined that this project, as currently proposed, **will not adversely affect** the actual Resource Area Habitat of state-protected rare wildlife species. Therefore, it is our opinion that this project meets the state-listed species performance standard for the issuance of an Order of Conditions.

Please note that this determination addresses only the matter of rare wildlife habitat and does not pertain to other wildlife habitat issues that may be pertinent to the proposed project.

MASSACHUSETTS ENDANGERED SPECIES ACT (MESA)

Based on a review of the information that was provided and the information that is currently contained in our database, the Division has determined that this project, as currently proposed, **will not result in a prohibited Take** of state-listed rare species. This determination is a final decision of the Division of Fisheries and Wildlife pursuant to 321 CMR 10.18. Any changes to the proposed project or any additional work beyond that shown on the site plans may require an additional filing with the Division pursuant to the MESA. This project may be subject to

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further review if no physical work is commenced within five years from the date of issuance of this determination, or if there is a change to the project.

Please note that this determination addresses only the matter of state-listed species and their habitats. If you have any questions regarding this letter please contact Melany Cheeseman, Endangered Species Review Assistant, at Melany.Cheeseman@mass.gov, (508) 389-6357.

Sincerely,

A handwritten signature in black ink, consisting of several loops and a final flourish.

Jesse Leddick
Assistant Director

cc: