



May 11, 2026

Ref: 16809.00

Amesbury Conservation Commission
City of Amesbury
1 Market Street
Amesbury, MA 01913

Re: 28 Haverhill Road – Notice of Intent (MassDEP #002-1365)

Dear Commissioners:

On behalf of the Applicant, Pulte Homes of New England, VHB is submitting the following responses to comments noted in the MassDEP NOI File Number letter on behalf of the project team.

RIVERFRONT

Alternatives analysis required by 10.58(4)(c) appears to be insufficient. "Reducing the scale of activity" (e.g., a smaller development footprint) was not considered.

Response: As requested by MassDEP, the project proponent evaluated the potential to reduce the scale of the activity by analyzing a smaller development footprint. The Riverfront Area (RFA) regulations require 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." As detailed in the Notice of Intent (NOI) application, the project has already been designed to utilize below-grade parking to minimize the project footprint by eliminating a substantial number of conventional surface parking spaces and thereby reducing encroachment into the RFA.

In response to MassDEP's request, the proponent evaluated an alternative that would eliminate the portion of the building located within the RFA. This "reduced footprint" alternative would decrease the overall building envelope within the RFA and result in approximately a 25% reduction in the total residential unit count. The reduction in units directly reduces the project's revenue-generating capacity while leaving fixed development costs (such as land acquisition, site preparation, core building systems, structured parking, and regulatory compliance) largely unchanged. In addition, due to zoning constraints on maximum building height and the need to accommodate required parking, the building cannot be made taller or otherwise reconfigured to recapture the lost units elsewhere on the site. As a result, the reduced footprint alternative cannot reasonably maintain a comparable development program or economic return relative to the proposed project.

It is also worth noting that the original project development concept included three buildings. This concept exceeded the 10% Riverfront Area impact threshold and was dismissed because it does not comply with the Riverfront Area regulatory requirements. In addition, there was an alternative that resulted in less impacts when considering a comparable development program or economic return relative to the proposed project.

Accordingly, while this alternative would modestly reduce impacts to the RFA by decreasing the building mass within the Riverfront Area, it would do so at the cost of substantially diminishing the project's economic viability.



Based on the approximately 25% reduction in unit count, the inability to relocate those units within the constraints of zoning and parking requirements, and the disproportionate effect on project revenues relative to costs, this reduced footprint alternative does not constitute a practicable and substantially equivalent economic alternative under 310 CMR 10.58. For these reasons, this alternative has been dismissed.

Unable to confirm that 10.58(4)(d)1 is met. Regs allow up to 10% alteration, including clearing and grading. Information on alteration in Riverfront Area was unclear and seemed focused on impervious surfaces.

Response: Under the Wetlands Protection Act and its implementing regulations at 310 CMR 10.58 (Riverfront Area), the project has been separated into two components for purposes of evaluating Riverfront Area (RFA) impacts and demonstrating compliance with the applicable performance standards:

1. The Lewis Ridge Residential Project; and
2. The public access improvements, consisting of the trail system, small parking area, public park area, and pollinator meadow.

This separation allows for a clear accounting of impacts attributable to the private residential development versus those associated with the public amenities and recognizes that certain public trail components are exempt from regulation under the RFA provisions, as described below.

The total RFA on the site is 360,214 square feet (sf). The Lewis Ridge residential project will alter a total of 35,996± sf of RFA, including 16,068± sf of new impervious area associated with residential buildings and parking. Accordingly, the residential project alone results in an alteration of less than 10% of the total on-site RFA. This level of alteration is within the 10% limit for new development established under 310 CMR 10.58(4)(d)1., and therefore the residential component complies with the RFA performance standards for new development.

The public access component includes an unpaved trail system, a small stone dust parking area, a designated public park area, and a 6,796± sf pollinator meadow that will replace an area that appears to have been historically maintained as turf/lawn. The 960 sf. walking path and 1,669 s.f parking lot for total of 2,629 s.f are offset and more than mitigated by the creation of the 6,796 sf pollinator meadow, which replaces existing maintained lawn with a higher-value native plant community providing improved habitat, infiltration, and ecological function. This results in a mitigation ratio greater than 2:1 for the non-exempt public parking and ADA complaint trail impact and is consistent with the avoidance, minimization, and mitigation framework required under the Riverfront Area standards.

In summary:

- The Lewis Ridge Residential Project independently complies with the 10% RFA alteration limit, with an impact of just under 10% of the on-site Riverfront Area.
- The ADA compliant trail public parking area (2,629 s.f.) is more than fully mitigated by the 6,796 sf pollinator meadow, providing a net ecological benefit within the RFA.

Taken together, the provision of enhanced RFA habitat through the pollinator meadow demonstrate that the project meets the Riverfront Area performance standards under the Wetlands Protection Act and 310 CMR 10.58.

STORMWATER

A stormwater peer review is recommended.

Response: The Conservation Commission voted to hire a peer reviewer to review the stormwater design. We anticipate that the Commission will coordinate this with the Planning Board to engage a firm to review the project.

Unable to confirm that there is minimum separation between the bottom of the infiltration units and estimated seasonal highwater, or that the proper hydrological soils groups were used for calculating infiltration rates.

Response: An extensive geotechnical evaluation of the site was conducted by the proponent's geotechnical engineering consultant, Sanborn Head, in August and September 2025. This evaluation included numerous test pits and soil borings performed throughout the site, the results of which are included in the attachments of the stormwater report submitted with the Notice of Intent. This geotechnical data, along with soils data from the Natural Resources Conservation Service (NRCS), was used to estimate seasonal high groundwater and the hydrological soil group for the purposes of calculating infiltration rates. The applicant recognizes that additional test pits will be required within the footprints of the proposed infiltration systems to confirm the design assumptions. Accordingly, the infiltration system detail submitted with the Notice of Intent includes a note stating that confirmatory test pits shall be conducted prior to the start of construction within the footprints of the systems.

Although a riprap energy dissipation pad is proposed at the Culvert 1 outlet, MassDEP has concerns about post construction erosion, as it is at the top of such a steep slope. The ConCom should ask for additional information on how erosion at the outfall will be prevented, as well as proof that discharge on that steep of a slope is considered appropriate by the Stormwater Handbook.

Response: Since the design flow to this riprap apron is very small (<2 CFS in the 100-year storm), it was intentionally located on the slope in order to minimize impacts within riverfront area. Alternatively, the design could be updated to extend the riprap down to the bottom of the slope. We propose to further discuss this with the Commission and its peer reviewer to reach a consensus prior to making this change.

MassDEP also has concerns about soil erosion during construction due to work on steep slopes across the site. A rigorous erosion control plan is needed which requires disturbed slopes be stabilized with natural fiber erosion control mats (e.g., coir mats).

Response: The project plans have details for the erosion control details including stabilized construction entrance, slope stabilization with geotextile filter fabric matting, diversion berms, temporary sediment basin, temporary stockpile, silt sack, and perimeter erosion control details to address these concerns. In addition, the project will be subject to a NPDES Stormwater Pollution Prevention Plan which will include a highly detailed erosion and sediment control plan and require monitoring of the project to confirm that the project is managed properly.

Ref: 16809.00
05/11/2026
Page 4



If you have any questions concerning this submittal or need any additional information, please contact me at 508-513-2715 or smorrison@vhb.com.

Sincerely,

VHB

A handwritten signature in black ink, appearing to read "Scott Morrison".

Scott Morrison, PWS
Senior Environmental Scientist

cc: MassDEP NERO