

August 12, 2025

Submitted via ViewPoint Cloud

Amesbury Conservation Commission
39 South Hunt Road
Amesbury, MA 01913

Re: Request for Determination of Applicability
8 Noel Street
Amesbury, Massachusetts

[LEC File #: GEIC\13-162.01]

Dear Members of the Commission:

On behalf of the Applicant, Boston Gas Company (BGC), LEC Environmental Consultants, Inc., (LEC) respectfully submits this Request for a Determination of Applicability (RDA) seeking confirmation that a man-made stormwater basin located at 8 Noel Street is not a jurisdictional wetland under the *Massachusetts Wetlands Protection Act* (M.G.L., c. 131, s. 40) and its implementing *Regulations* (310 CMR 10.00), or the City of *Amesbury Wetlands Protection Ordinance* and *Amesbury Wetland Regulations*. Based on aerial photos, the man-made earthen basin was likely constructed in the late 1960s. It is connected to a stormwater outfall and assists in stormwater management for upgradient development.

Background

BGC is planning a remediation project in the Powwow River to clean up historic contamination associated with the Former Amesbury Manufactured Gas Plant (MGP) Site located off Water Street. BGC anticipates using parts of 8 Noel Street for equipment laydown, so the jurisdictional status of this basin is important to project design. BCG intends to fully restore and enhance the capacity and function of the man-made basin after remediation is complete.

All aspects of the remediation project within the Commission's jurisdiction, including any related construction activities on the 8 Noel Street property, will be subject to the Commission's review through a future comprehensive Notice of Intent (NOI) filing.

Field Observations

LEC performed a wetland delineation on this property on June 13, 2024, where it first identified the historic stormwater feature. Other Wetland Resource Areas present on 8 Noel Street include Bordering Vegetated Wetland (BVW), Isolated Vegetated Wetland (IVW), Bank/Mean Annual High Water, and

LEC Environmental Consultants, Inc.			www.lecenvironmental.com	
12 Resnik Road Suite 1 Plymouth, MA 02360 508.746.9491	380 Lowell Street Suite 101 Wakefield, MA 01880 781.245.2500	100 Grove Street Suite 310 Worcester, MA 01605 508.753.3077	P. O. Box 590 Rindge, NH 03461 603.899.6726	680 Warren Avenue Suite 3 East Providence, RI 02914 401.685.3109
PLYMOUTH, MA	WAKEFIELD, MA	WORCESTER, MA	RINDGE, NH	EAST PROVIDENCE, RI

Riverfront Area associated with the Powwow River, and Bordering Land Subject to Flooding (BLSF). The man-made stormwater basin and resource areas are identified on the *Existing Conditions Plan 8 Noel Street*, prepared by GEI Consultants, Inc., dated August 2025 (Attachment B).

The man-made stormwater basin is approximately 26,000 square foot in area and falls mostly within Riverfront Area of the Powwow River. The perimeter of the basin is defined by distinct 4-to-7-foot-tall earthen berms along the east side and smaller 2-to-5-foot-tall man-made slopes along the north, west, and south sides of the basin. An opening in the easterly berm is outfitted with a 36-inch diameter Corrugated Metal Pipe (CMP) which, while partially buried and clogged with sediment, still functions as an outlet for stormwater to flow out of the basin. The outlet conveys stormwater from the basin to the east, into a shallow man-made ditch which then flows down a moderate slope into a BVW and then into the Powwow River.

The man-made stormwater basin is currently dominated by a dense monoculture of an invasive species, common reed (*Phragmites australis*). This non-native, invasive grass prefers disturbed soils typically found in man-made depressions that are frequently inundated or saturated by surface water and/or groundwater, like stormwater basins. The influence of groundwater on hydrology in this basin is unknown.

Regulatory Context

In 2014, the *Wetlands Protection Act Regulations* were revised to stipulate that stormwater features designed, constructed, and installed after November 18, 1996 (the effective date of DEP's Stormwater Policy), do not create jurisdictional resource areas or buffer zones (310 CMR 10.02(2)(c)). This provision does not mandate that stormwater features constructed prior to 1996 which display wetland characteristics must be considered Wetland Resource Areas, so we request the Commission consider whether stormwater features constructed prior to 1996 are jurisdictional on a case-by-case basis.

The man-made stormwater basin at 8 Noel Street was constructed for the purpose of collecting stormwater and directing it toward wetlands and the Powwow River. The basin is currently overgrown with *Phragmites*. While the stormwater inputs resulted in wetland hydrology and the presence of wetland vegetation, the feature continues to function as a stormwater basin and is best characterized as a stormwater management feature in need of maintenance rather than as a wetland under the *Act Regulations* and *Ordinance*.

Based on the analysis provided above, the Applicant respectfully requests that the Conservation Commission issue a Negative Determination confirming that while the basin falls within Riverfront Area, the basin itself is not a wetland and “not an area subject to jurisdiction under the Act.” (WPA Form 2, § B (1) - Negative Determination).



A check made payable to the City of Amesbury in the amount of One Hundred and Ten Dollars (\$110.00) for the RDA filing fee per the *Ordinance* has been mailed to the Amesbury Conservation Commission. We trust that this information is sufficient to facilitate your review, and we look forward to discussing the matter at your September 2, 2025 Public Hearing.

If you have any questions regarding this matter or require additional information, please contact me at 508-746-9491 or mmanganello@lecenvironmental.com.

Thank you for your consideration of this request.

Sincerely,

LEC Environmental Consultants, Inc.

A handwritten signature in black ink, appearing to read "Mark Manganello", is written over a horizontal line.

Mark Manganello, Senior Wetland Scientist
Assistant Director of Ecological Services

Attachments

cc: DEP/NERO
Kenneth E. Lento, Boston Gas Co.
GEI Consultants, Inc.

Attachment A

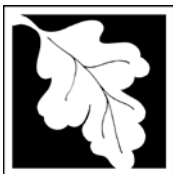
WPA Form 1 – Request for Determination of Applicability

Affidavit of Service

Abutter Letter

Notification to Abutters

Certified Abutters List



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Amesbury
City/Town

WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
and the Amesbury Wetlands Protection Ordinance and
Amesbury Wetland Regulations

A. General Information

Important:

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. Applicant:

Boston Gas Company

Name

Kenneth.lento@nationalgrid.com

E-Mail Address

170 Data Drive

Mailing Address

Waltham

City/Town

MA

State

02451-2222

Zip Code

(781) 906-3992

Phone Number

Fax Number (if applicable)

2. Representative (if any):

LEC Environmental Consultants, Inc.

Firm

Mark Manganello

Contact Name

mmanganello@lecenvironmental.com

E-Mail Address

12 Resnik Road, Suite 1

Mailing Address

Plymouth

City/Town

MA

State

02360

Zip Code

508-746-9491

Phone Number

508-746-9492

Fax Number (if applicable)

B. Determinations

1. I request the Amesbury make the following determination(s). Check any that apply:
Conservation Commission

- ☒ a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- ☐ b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- ☐ c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- ☒ d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance** or **bylaw** of:

Amesbury

Name of Municipality

- ☐ e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).



WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
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Amesbury Wetland Regulations

C. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

8 Noel Street

Street Address

65

Assessors Map/Plat Number

Amesbury

City/Town

87

Parcel/Lot Number

- b. Area Description (use additional paper, if necessary):

See attached Letter.

- c. Plan and/or Map Reference(s):

Existing Conditions Plan 8 Noel Street, prepared by GEI Consultants, Inc.

Title

August 2025

Date

Title

Date

Title

Date

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

No work is proposed.



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

Amesbury

City/Town

WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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Amesbury Wetland Regulations

C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

No work is proposed. See attached Letter.

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- ☐ Single family house on a lot recorded on or before 8/1/96
- ☐ Single family house on a lot recorded after 8/1/96
- ☐ Expansion of an existing structure on a lot recorded after 8/1/96
- ☐ Project, other than a single family house or public project, where the applicant owned the lot before 8/7/96
- ☐ New agriculture or aquaculture project
- ☐ Public project where funds were appropriated prior to 8/7/96
- ☐ Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- ☐ Residential subdivision; institutional, industrial, or commercial project
- ☐ Municipal project
- ☐ District, county, state, or federal government project
- ☐ Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

Amesbury

City/Town

WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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Amesbury Wetland Regulations

D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Coastal Connections, Inc.

Name

35 Water Street

Mailing Address

Amesbury

City/Town

MA

State

01913

Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

Signature of Applicant

08/12/2025

Date

Signature of Representative (if any)

8/7/2025

Date

AFFIDAVIT OF SERVICE

Under the
Massachusetts Wetlands Protection Act
and the
City of Amesbury Wetlands Protection Ordinance

I, Sharon A. Sullivan, on behalf of Boston Gas Company, hereby certify under the pains and penalties of perjury that on August 13, 2025 I gave notification to abutters in compliance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and Section 40 and 310 CMR 10.05 (4) (a) and the City of Amesbury Wetlands Protection Ordinance, in connection with the following matter:

A Request for Determination of Applicability filed under the *Massachusetts Wetlands Protection Act* and the *City of Amesbury Wetlands Protection Ordinance* by LEC Environmental Consultants, Inc., on behalf of Boston Gas Company, with the City of Amesbury Conservation Commission on August 12, 2025 for activities located at 8 Noel Street (Assessor's Parcel ID: 65/87), Amesbury, Massachusetts.

The form of notification, and a list of the abutters to whom it was given and their addresses, are attached to this Affidavit of Service.


Sharon A. Sullivan
Permitting Technician

8/13/2025
Date

August 13, 2025

Certificate of Mailing

«Name»

«Name2»

«Address»

«City», «State» «Zip»

Re: Request for Determination of Applicability
8 Noel Street
(Assessor's Parcel ID: 65/87)
Amesbury, Massachusetts

[LEC File #: GEIC\13-162.01]

Dear Abutter:

On behalf of the Applicant, Boston Gas Company, LEC Environmental Consultants, Inc. (LEC) has filed a Request for Determination of Applicability (RDA) seeking confirmation that a man-made stormwater basin located at 8 Noel Street is not a jurisdictional Wetland Resource Area under the *Massachusetts Wetlands Protection Act* (M.G.L. c. 131, § 40), its implementing Regulations (310 CMR 10.00), or the *City of Amesbury Wetlands Protection Ordinance* and *Amesbury Wetland Regulations*.

The RDA and accompanying site plans are available for review by the public at the Amesbury Conservation Commission. The remote Public Hearing will be held on September 2, 2025 at 6:30 p.m., in accordance with the provisions of the *Act*, its implementing *Regulations*, the *Ordinance*, and its implementing *Regulations*. Notice of the Public Hearing, including its date, time, and place, will be published at least five (5) days in advance in the *Newburyport Daily News*. Notice of the Public Hearing will also be posted at the Amesbury City Hall at least 48 hours in advance. Please check the City's website and the Board/Committee's page for any updated information on the meeting.

Please do not hesitate to review the materials and/or attend the public hearing should you have questions or concerns about the proposed project.

Sincerely,

LEC Environmental Consultants, Inc.



Mark Manganello

Assistant Director of Ecological Services

LEC Environmental Consultants, Inc.

www.lecenvironmental.com

12 Resnik Road
Suite 1
Plymouth, MA 02360
508.746.9491

380 Lowell Street
Suite 101
Wakefield, MA 01880
781.245.2500

100 Grove Street
Suite 310
Worcester, MA 01605
508.753.3077

P.O. Box 590
Rindge, NH 03461
603.899.6726

680 Warren Avenue
Suite 3
East Providence, RI 02914
401.685.3109

PLYMOUTH, MA

WAKEFIELD, MA

WORCESTER, MA

RINDGE, NH

EAST PROVIDENCE, RI

**NOTIFICATION TO ABUTTERS
UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT
AND AMESBURY WETLANDS PROTECTION ORDINANCE**

In accordance with the Massachusetts General Laws, Chapter 131, Section 40, and the Amesbury Wetlands Protection Ordinance, you are hereby notified of the following:

The Amesbury Conservation Commission will hold a public hearing on

September 2, 2025 at 6:30 pm, located VIRTUALLY
(date) (time) (hearing location)

Amesbury, to consider a Request for Determination of Applicability submitted by
(application type)

to seek confirmation that a man-made stormwater basin is not jurisdictional as a Wetland Resource Area
(brief description of the proposed project)

at 8 Noel Street
(project location)

Copies of the application may be examined at the Conservation Commission office, 39 South Hunt Road, Amesbury, MA 01913. The application can also be viewed by visiting the Amesbury Conservation Commission website at <https://www.amesburyma.gov/AgendaCenter/Conservation-Commission-12>. For more information concerning the date, time or place of hearing, contact the Conservation Commission at 978-388-8110.

NOTE: Notice of the public hearing, including its date, time, and place will be posted in City Hall not less than 48 hours in advance. **The meeting link will be on the agenda posted on the City's website.**

NOTE: Notice of the public hearing, including its date, time, and place will be published in the Newburyport Daily News not less than 5 business days prior to the public hearing.

NOTE: You may also contact the Amesbury Conservation Commission or the Department of Environmental Protection (DEP) Wetlands Division- Northeast Regional Office (NERO) for more information about this application or the Wetlands Protection Act. The DEP, Northeast Regional Office can be reached at 978-694-3405.

Covid-19 Notice: This meeting will be conducted under the 'Executive Order Suspending Certain Provisions of the Open Meeting Law G.L. c.30A, §20, signed on March 12, 2020. The public can view this meeting on ACTV Channel 6, and the ACTV website.

To submit a public comment, you can email conservation@amesburyma.gov with PUBLIC COMMENT in the subject line.

53-125
NIKAS AARON HEATH
LAURA WHITNEY NIKAS T/E
22 CHASE ST
AMESBURY, MA 01913

53-128
PORT REALTY TRUST I
ERIC L PRIMACK (TRUSTEE)
4 FIELD STREET
AMESBURY, MA 01913

53-130
SABLOCK PETER E & JEANETTE M
KATHERINE JEANETTE CURRIE
6 FIELD ST
AMESBURY, MA 01913

53-133
SALCEDO JEURY
72 AUBIN ST
AMESBURY, MA 01913

65-47
METCALF DALE D
THERESA M METCALF T/E
23 FIELD STREET
AMESBURY, MA 01913

65-50
REGAN WILLIAM J
ROSEANN F REGAN T/E
11 FIELD ST
AMESBURY, MA 01913

65-52-A
MOTSIS NICHOLAS D
JENNA L MOTSIS
3 FIELD ST
AMESBURY, MA 01913

65-73
TIMOTHY J VEDRANI INTER VIVOS TRUST
TIMOTHY J VEDRANI (TRUSTEE)
28 E GREENWOOD ST
AMESBURY, MA 01913

66-1
CARLA ANNE PALERMO, TRSTEE
PALERMO REALTY TRUST
6 RIVER ST
AMESBURY, MA 01913

66-5
ROPP REBECCA AND CHAD ROPP (T/E)
166 STATE STREET
NEWBURYPORT, MA 01950

53-126
CISNEROS HERNANDEZ ROBERTO CARLOS
KATIE HERNANDEZ (T/E)
30 CHASE ST
AMESBURY, MA 01913

53-128-A
PORT REALTY TRUST I
ERIC L PRIMACK (TRUSTEE)
4 FIELD STREET
AMESBURY, MA 01913

53-131
HUMPHRIES LISA A
JAMES W HUMPHRIES III T/E
8 FIELD ST
AMESBURY, MA 01913

65-32
SPARHAWK ENDEAVOR LLC
35 WATER ST
AMESBURY, MA 01913

65-48
MARSHALL THOMAS R
NANCY J MARSHALL T/E
19 FIELD ST
AMESBURY, MA 01913

65-51
DAVID MARC O
7 FIELD STREET
AMESBURY, MA 01913

65-53
MASS ELECTRIC CO
C/O PROPERTIES DEPT
20 SYLVAN ROAD
WALTHAM, MA 02451

65-82
RIVER LANE REALTY LLC
23 NOEL ST
AMESBURY, MA 01913

66-2
AMESBURY CITY OF
62 FRIEND ST
AMESBURY, MA 01913

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OUELLETTE MARY ANN
20 AUBIN STREET
AMESBURY, MA 01913

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USTICK TODD A
IVANA M USTICK
23 CHASE ST
AMESBURY, MA 01913

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MERRILL CINDY L
19 CHASE ST
AMESBURY, MA 01913

65-44
SCOTT RICHARD E
KATHERINE A SCOTT
71 AUBIN STREET
AMESBURY, MA 01913

65-49
BRUNO JOHN
RENEE BRUNO
17 FIELD ST
AMESBURY, MA 019132908

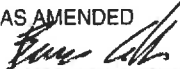
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THURLOW MEGHAN E
MATTHEW R THURLOW T/E
5 FIELD ST
AMESBURY, MA 01913

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LOPEZ LIDIANN
30 E GREENWOOD ST
AMESBURY, MA 01913

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SPARHAWK ENDEAVOR LLC
35 WATER ST
AMESBURY, MA 01913

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MASS ELECTRIC CO
C/O PROPERTIES DEPT
40 SYLVAN ROAD
WALTHAM, MA 02451

THE BOARD OF ASSESSORS OF THE TOWN OF
AMESBURY, MA HEREBY CERTIFIES THAT THIS
LIST OF ABUTTERS IS THE MOST RECENT
APPLICABLE TAX LIST AS REQUIRED BY CHAPTER
40A, SECTION 11 OF THE MASSACHUSETTS
GENERAL LAWS AS AMENDED

 8/6/25

I want to...

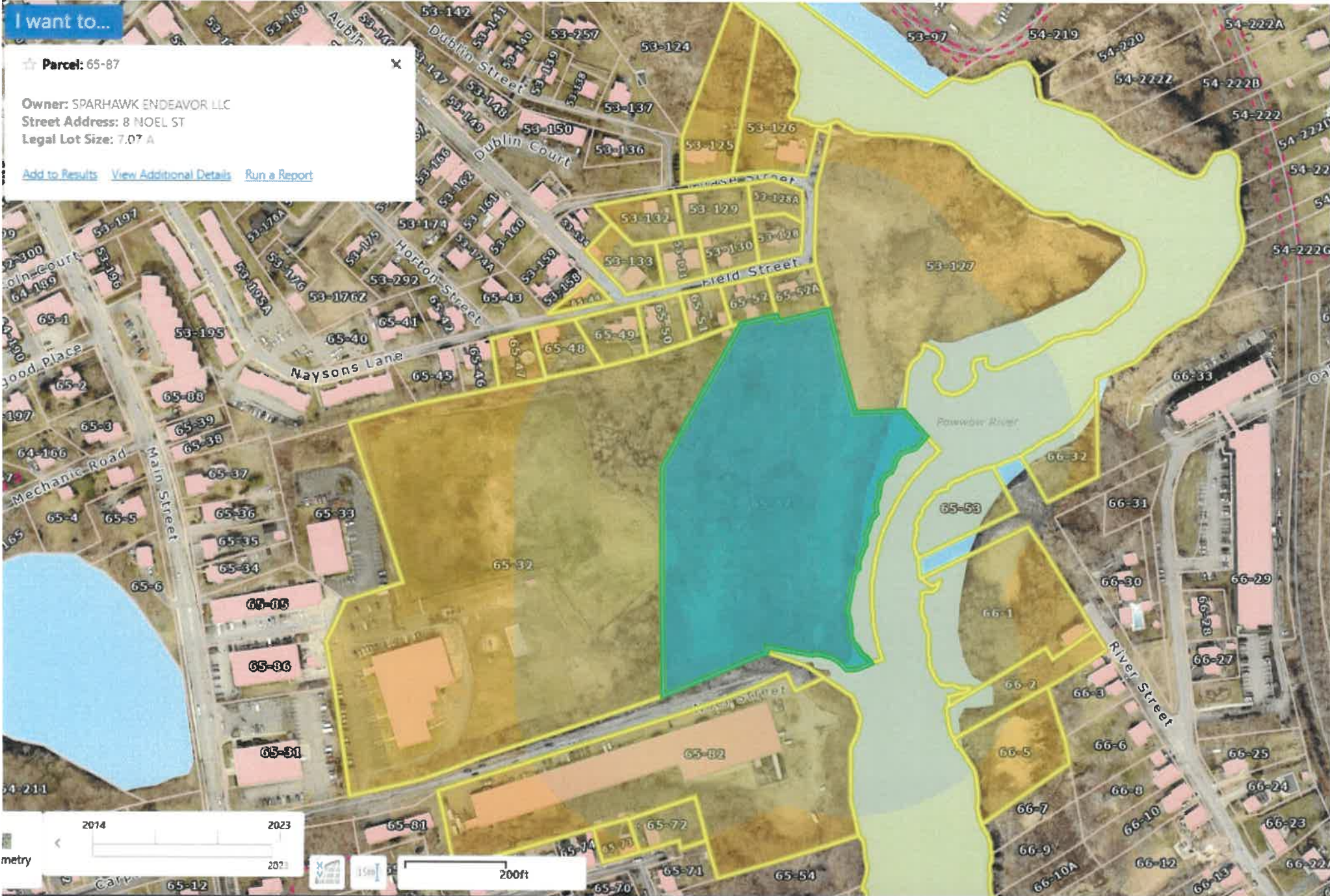
☆ Parcel: 65-87

Owner: SPARHAWK ENDEAVOR LLC

Street Address: 8 NOEL ST

Legal Lot Size: 7.07 A

[Add to Results](#) [View Additional Details](#) [Run a Report](#)



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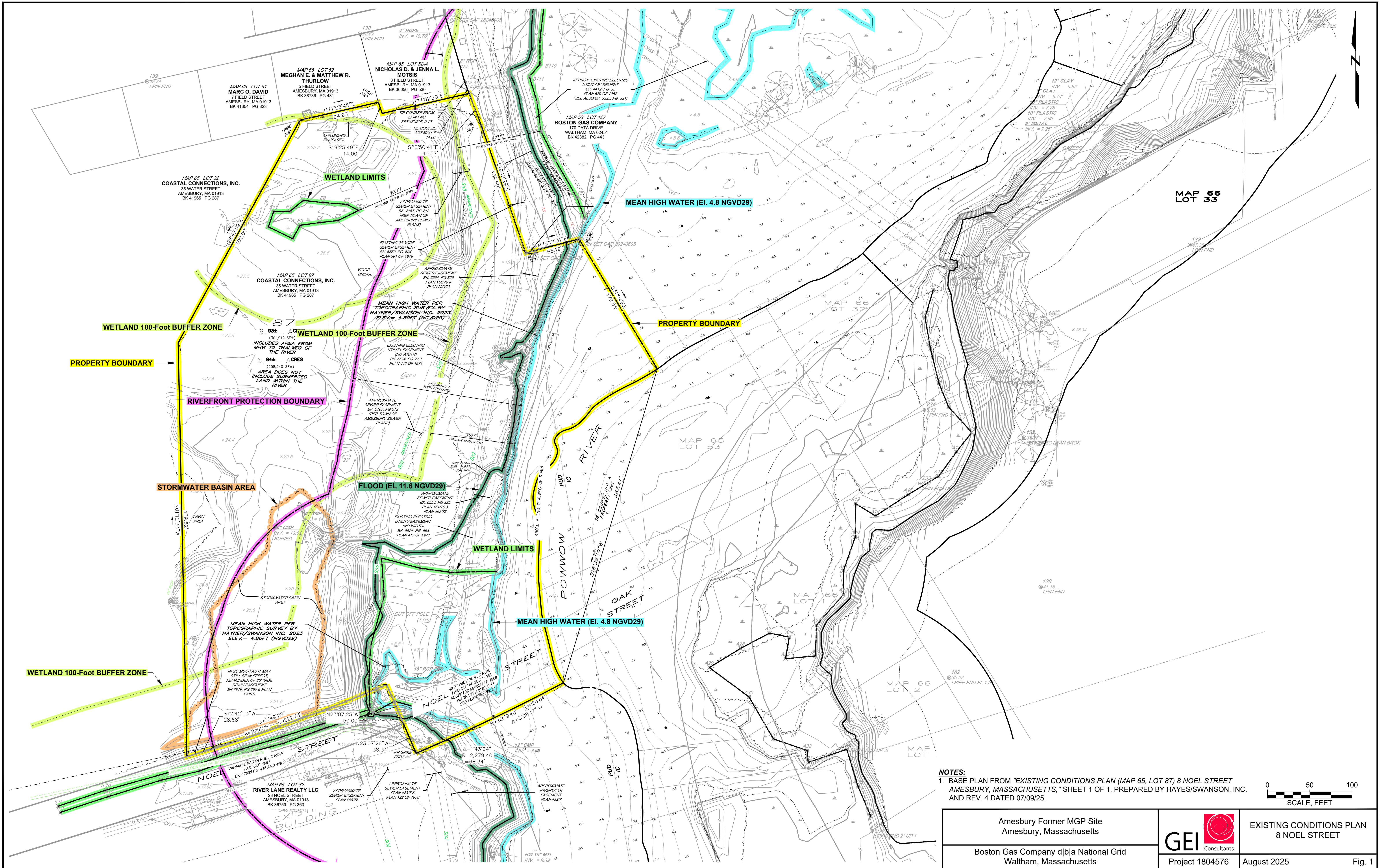
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Attachment B

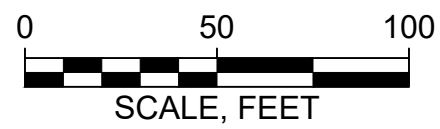
Existing Conditions Plan 8 Noel Street

prepared by GEI Consultants, Inc.

dated August 8, 2025



NOTES:
1. BASE PLAN FROM "EXISTING CONDITIONS PLAN (MAP 65, LOT 87) 8 NOEL STREET AMESBURY, MASSACHUSETTS," SHEET 1 OF 1, PREPARED BY HAYES/SWANSON, INC. AND REV. 4 DATED 07/09/25.



Amesbury Former MGP Site Amesbury, Massachusetts		EXISTING CONDITIONS PLAN 8 NOEL STREET	
Boston Gas Company d/b/a National Grid Waltham, Massachusetts		Project 1804576	August 2025 Fig. 1

Attachment C

Figure 1: USGS Topographic Map

Figure 2: MassGIS Orthophoto

Figure 3: FEMA Map

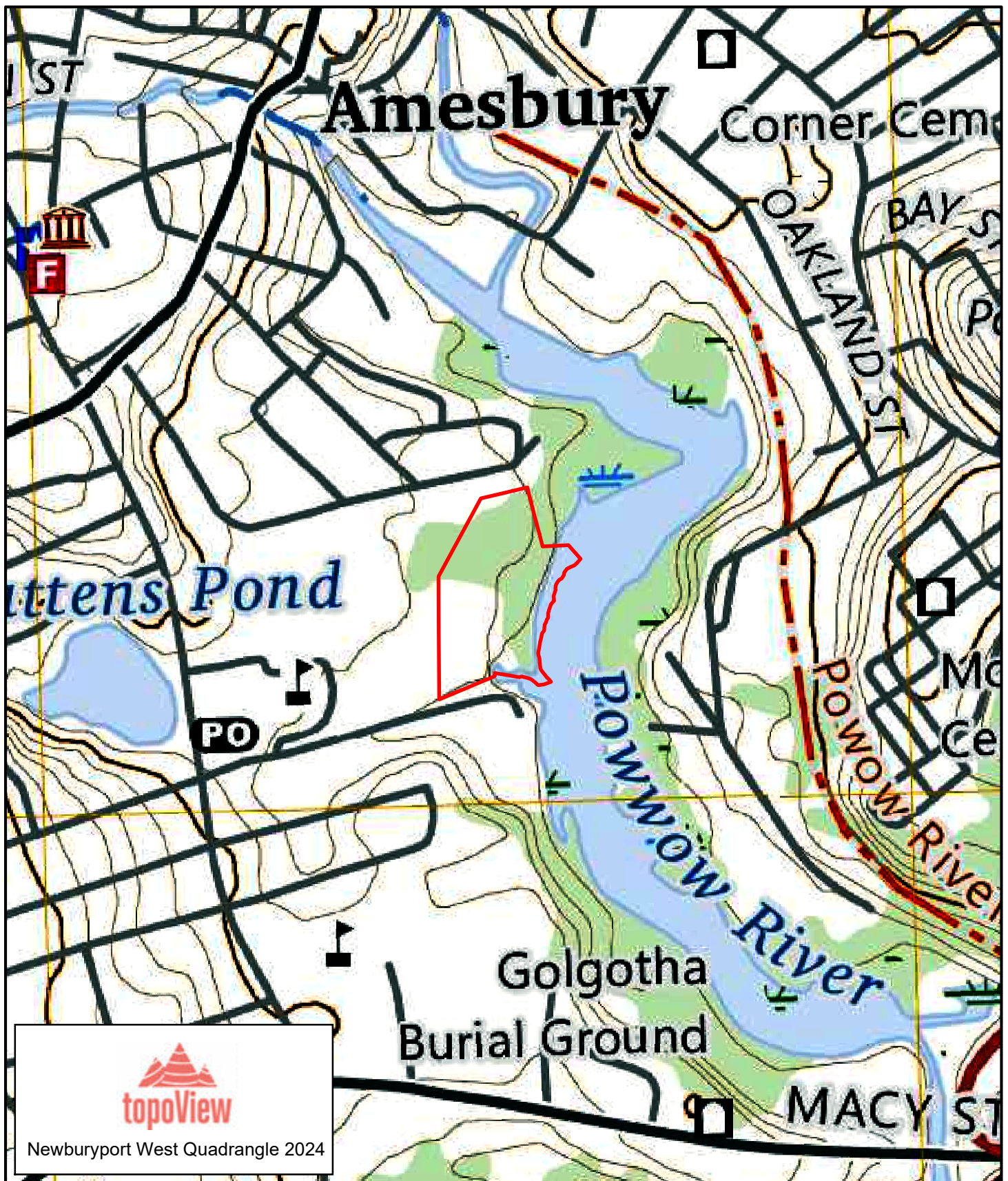




Figure 2: MassGIS Orthophoto
8 Noel Street
Amesbury, MA

August 12, 2025

