



MEMORANDUM

DATE: 4/8/2026

TO: Rebecca Frey and the Amesbury Zoning Board of Appeals

FROM: Amanda Armington (Conservation Agent)

SUBJECT: Conservation Commission Comments on 27 Kimball Road 40B Development

On behalf of the Conservation Commission, the following comments and concerns are provided for the Zoning Board of Appeals' consideration regarding the proposed Chapter 40B project at 27 Kimball Road.

At its regularly scheduled meeting on April 6, 2026, the Conservation Commission voted to approve an Abbreviated Notice of Resource Area Delineation (ANRAD) for the subject property. This ANRAD was peer reviewed by Weston & Sampson.

As part of the delineation, a Bordering Vegetated Wetland (BVW) was identified on the southern portion of the property. This resource area is jurisdictional under the Massachusetts Wetlands Protection Act (WPA), as well as the Amesbury Wetlands Regulations and applicable local ordinances. Accordingly, the applicant will be required to file a Notice of Intent (NOI) for any proposed work affecting this wetland resource area.

Additionally, an Isolated Vegetated Wetland (IVW) was delineated on the eastern portion of the property. This resource area is not jurisdictional under the WPA and is regulated solely under local wetlands regulations. As such, under the Chapter 40B application process, review, waivers, and approvals associated with this area fall under the authority of the Zoning Board of Appeals.

During the Commission's review, a public comment and a concern raised by a Commission member questioned whether the IVW had been adequately evaluated for potential classification as a vernal pool. While the peer reviewer did not observe indicators consistent with vernal pool conditions, questions remain regarding the season in which the evaluation was conducted and whether it was sufficient to conclusively rule out such classification.

Given these considerations, the Conservation Commission recommends that the Zoning Board of Appeals require its designated wetland peer reviewer to further evaluate the IVW for vernal pool characteristics. Should the IVW be determined to function as a vernal pool, the Zoning Board would have a stronger

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basis to require additional mitigation measures associated with proposed fill in this area, in support of any waiver the applicant has requested.

Additionally, the Conservation Commission expresses concern regarding the apparent lack of an adequate native vegetated buffer between the proposed residential development and adjacent wetland resource areas. The Commission encourages the Zoning Board of Appeals to consider requiring the incorporation of a sufficient native buffer to protect wetland functions and values, enhance habitat, and ensure long-term ecological integrity.