

MEMORANDUM IN SUPPORT OF SPECIAL PERMIT

29 Lake Attitash Road, Amesbury, Massachusetts

Applicant: Frank Cavallaro

To: Amesbury Planning Board

Date: December 8, 2025

I. Introduction and Summary

This memorandum is submitted on behalf of the Applicant in support of the request for a Special Permit under Amesbury Zoning Ordinance Article X(J)(5) and Article XIV (Water Resources Protection Overlay District) for the construction of a moderately sized single-family residence in Zone C of the Overlay District.

The proposed project consists of a single-family dwelling of modest scale, with a total impervious area of approximately 980 square feet, well below thresholds that would create meaningful impacts to groundwater recharge or surface-water runoff. The home will be served by modern stormwater best management practices, erosion controls, and a construction plan specifically tailored to minimize disturbance.

As demonstrated below, the project fully complies with the dimensional, design, and performance requirements of Article XIV, and the Planning Board can make all required findings under Article X(J)(5). The proposal protects the watershed, maintains or improves recharge characteristics, and is consistent with both the Ordinance and the character of the surrounding neighborhood—all of which is already developed with similar residential uses, including the abutting properties whose owners have raised concerns.

II. Applicable Legal Standards

The requested Special Permit must satisfy both the general criteria for Special Permits under Article X(J)(5) and the specific performance standards applicable within the Water Resources Protection Overlay District under Article XIV.

A. Article X(J)(5) – Special Permit Findings

Article X(J)(5) requires the Planning Board to find that the proposed use is in harmony with the purpose and intent of the Zoning Ordinance, is appropriate for the site, will not be detrimental to the neighborhood or the City, and complies with all other applicable provisions of the Ordinance. These findings focus on whether the project is suitably designed, environmentally responsible, and compatible with surrounding uses.

B. Article XIV – Water Resources Protection Overlay District (Zone C)

Article XIV (J) sets forth standards intended to protect groundwater resources through careful regulation of land use, site design, and construction practices. Within Zone C, single-family residential uses are permitted by Special Permit, provided the project minimizes land disturbance and impervious surfaces, maintains groundwater recharge, employs appropriate stormwater and erosion controls, and avoids uses that could introduce contaminants into the watershed.

III. Project Description

The Applicant proposes a single-family dwelling of modest size that has been thoughtfully designed to limit impervious area and reduce land disturbance. The home will contain approximately 700 square feet of living area, designed in a manner that limits overall building footprint and site disturbance. The combined footprint of the house and other impervious surfaces is expected to total only 980 square feet, a figure far below the level of coverage typical of nearby residential properties. The layout of the project preserves a substantial portion of the lot in its natural vegetated condition, which will promote infiltration and protect the hydrological characteristics of the site.

Stormwater from roof and driveway areas will be directed to appropriately sized infiltration measures designed in accordance with the Massachusetts Stormwater Handbook and Article XIV's performance standards. These measures will ensure that post-development rates are less than or equal to pre-development rates. During construction, the Applicant will implement erosion and sediment controls—such as silt fencing, stockpile protection, and stabilized construction entrances—to prevent sedimentation and protect downstream resources. Once construction is complete, disturbed areas will be promptly revegetated to restore stability to the site.

The project does not involve the use, storage, or handling of hazardous materials, nor does it include any activities restricted by Article XIV. It is a straightforward residential development of the type contemplated by the Ordinance.

A bordering vegetated wetland is located near the development area. The Project has been designed to keep structures outside the 50-foot buffer zone to the greatest extent practicable. The final wetland delineation, which will be confirmed during the wetlands permitting process, may determine that a small portion of the proposed structure lies within the 50-foot buffer. If that occurs, the Applicant will seek approval from the Amesbury Conservation Commission under Section 21.7(4) of the Amesbury Wetlands Regulations, which allows construction no closer than 35 feet from a wetland when the structure is supported on a pile or pier foundation and when the Commission determines that the design will not adversely affect wetland interests. If any portion of the Project is ultimately located between 35 and 50 feet from the wetland, the Applicant proposes to use a pile-supported foundation specifically to minimize soil disturbance, preserve natural drainage and vegetative cover, and avoid impacts to wetland resource functions, consistent with the standards and review criteria of Section 21.7(4).

IV. Compliance With Article XIV — Water Resources Protection Overlay Standards

Article XIV emphasizes the protection of groundwater quantity and quality, and the Applicant's proposal aligns with these purposes. First, the very low level of impervious surface significantly reduces the potential for increased runoff and allows the site to continue functioning as an effective recharge area. Second, the stormwater design maintains natural drainage patterns and ensures that storm flows are managed on-site rather than discharged onto neighboring properties or into surface water bodies. Third, clearing and grading have been limited to the smallest feasible area necessary to construct the home and install utilities, preserving the majority of the lot in a natural state.

The Project complies with Article XIV(B)(7)(1), which governs single-family residential uses and requires that stormwater design maintain natural drainage patterns, minimize disturbance, and preserve pre-development infiltration to the greatest extent practicable. Consistent with this standard, the site has been designed so that groundwater recharge will occur through the preservation of natural vegetated cover and existing drainage characteristics, and a proposed rain garden for treatment. The Project does not rely on swales, basins, ponds, or other engineered facilities; instead, runoff will infiltrate on-site in a manner consistent with the site's natural hydrology, thereby maintaining pre-development stormwater patterns and water quality to the maximum practicable extent.

During the construction phase, the Applicant will implement best management practices to control erosion and sedimentation. These measures will be monitored and maintained throughout construction to prevent off-site impacts. Upon completion, the project will pose no risk of contamination because it does not involve any prohibited uses or storage of hazardous substances. The result is a project that not only satisfies but exceeds the protective intent of Article XIV.

V. Required Special Permit Findings – Article X(J)(5)

The project is fully in harmony with the general purpose and intent of the Zoning Ordinance. Amesbury's regulations expressly contemplate single-family residential use in Zone C, and the Applicant's design carefully balances the reasonable use of the property with the environmental sensitivities of the Overlay District. The home's scale, siting, and stormwater measures are all tailored to minimize its footprint and preserve the function of the watershed.

The project will not be detrimental to the neighborhood or the City. The area surrounding the site is already developed with single-family homes, many of which have substantially greater impervious coverage than what is proposed here. The new residence will blend naturally into the existing residential fabric and will not introduce any adverse traffic, safety, or environmental impacts. The modest volume of stormwater generated will be fully managed on-site, and groundwater recharge will be maintained.

The proposal is also appropriate for the site. The lot is of adequate size to accommodate a home of this nature, and the design preserves the site's environmental features while providing for a reasonable residential use.

VI. Response to Neighbor Concerns

Several abutters have raised generalized concerns regarding potential impacts on the watershed. The Applicant understands the importance of protecting Amesbury's water resources and has taken significant steps to ensure that this project does exactly that. The surrounding neighborhood, including the properties owned by those who have expressed concerns, has been developed with single-family homes for many decades. While many of those structures predate the current zoning framework—and some have been subsequently modified, expanded, or newly constructed—the area has long supported residential use in a manner that coexists with the community's water resource protections. A moderate-sized home with limited impervious area and modern stormwater controls will not create impacts distinguishable from, or greater than, the impacts associated with these existing homes, and in fact will incorporate contemporary design practices that provide a higher level of environmental protection.

The Ordinance does not prohibit residential development in Zone C; rather, it requires that such development be designed responsibly. This project has been designed with precisely that standard in mind, and the measures proposed here meet and exceed what is necessary to protect the watershed.

VII. Conclusion

For all of the reasons set forth above, the proposed single-family residence complies with every applicable standard of Articles X(J)(5) and XIV of the Amesbury Zoning Ordinance. The project is appropriate in scale, environmentally responsible, and consistent with the surrounding neighborhood. It fully protects the City's water resources while allowing for a reasonable and permitted residential use of the property. The Applicant therefore respectfully requests that the Planning Board grant the requested Special Permit.

Respectfully submitted,

David Guerette

David Guerette, Esq.

Dalton & Finegold LLP

Counsel for the Applicant,

Frank Cavallaro