



MILLENNIUM ENGINEERING, INC.
Land Surveyors and Civil Engineers

July 24, 2024

Mr. Timothy Broadrick, Chairman
Amesbury Conservation Commission
39 South Hunt Road
Amesbury, MA. 01913

Mr. Nipun Jain, Director
Amesbury Community & Economic Development
39 South Hunt Road
Amesbury, MA. 01913

Re: Response to Peer Review Comments for
2-14 and 13 Merrimack Street – Amesbury, MA.

Members of the Commission,

The following provides our response to design review comments provided by Michael Leach and Gerald Fortin of Stantec Consulting Services. Please note we have included the peer review comments (italized) with our response to assist the Board with its review.

From the Planning Board Letter

Please note the site development and stormwater report has been reviewed on behalf of the Planning Board and a copy of the review comments are attached to this letter for Commission use and information. We understand that the stormwater review is to be shared with the Commission and the apparent and pertinent comments from the Planning Board letter are also copied below for review, comment, and consideration. Please note that the references to the photos below are not specifically in order since they are relative to the Planning Board letter attached. In addition, the NOI application was reviewed relative to the Amesbury Wetland Ordinance as noted below. Based upon the above submitted information, we offer the following general comments:

** From the Planning Board letter:*

Comment 1.a:	<i>*Standard 1: The Applicant proposes new paved driveway and parking along the westerly side of the site that will create sheet flow discharge towards the Merrimack River. The design does not appear to provide treatment for this new pavement and does not appear to meet standard 1. The Applicant should review and provide treatment for this new pavement discharge to meet compliance with standard 1.</i>
Response:	This portion of the site is currently paved and flows directly to the Merrimack River. The entire site flows untreated to either the Merrimack or Powwow Rivers. We strongly disagree that this is a new untreated discharge as it is currently untreated and discharges to the same location. While this area is not being directed to a BMP, it is directed towards a relatively flat area of pea stone which will provide some treatment before reaching the river.



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<i>Comment 1.b:</i>	<i>*Standard 1: The length and width of the riprap apron in the report does not match the detail in the plan set or the size shown on the plans. Please revised the design as necessary to provide the necessary apron size to meet compliance with standard 1.</i>
Response:	The rip rap apron has been adjusted on the plans.
<i>Comment 1.c:</i>	<i>*Standard 2: The analysis and calculations do not include the 25-year analysis per the specific design and construction standards of Section 7.10 of the Amesbury Subdivision Rules and Regulations and referenced under Section XI.C.8.p of the Bylaws. The analysis should be updated accordingly.</i>
Response:	MEI has revised the storm water report to include the 25-year analysis.
<i>Comment 1.d:</i>	<i>*Standard 2: The proposed site features in the report does not identify/discuss the proposed sidewalk widening and sidewalk construction in Merrimac Street including the changes to the access for the boat ramp. In addition, the analysis does not address the changes to Merrimac Street and impacts to the City existing stormwater system. The analysis and calculations should be revised to address the work in Merrimac Street and demonstrate compliance is achieved. – no increase in runoff.</i>
Response:	The proposed sidewalk changes along Merrimac Street and access to the boat ramp were incorporated per the city's request. Note 5 has been added to Sheet C-4 noting the net decrease of 415 s.f. of impervious area.
<i>Comment 1.e:</i>	<i>*Standard 2: The report does not address the impacts to each abutter to lot 88 (13 Merrimac Street), to lot 1 (2 Merrimack Street) or to Merrimac Street under the pre and post development conditions to demonstrate compliance is achieved. The analysis should be updated accordingly.</i>
Response:	The report does address the impact of the abutter at 13.5 Merrimac Street as there is a design point located there. There is a defined drainage swale that runs along the western property line of 13 Merrimac which ultimately drains to the design point. The abutter to the north of 13 Merrimac Street flows onto the 13 Merrimac Property. All stormwater runoff at 2 Merrimac Street flows to the river as it does currently or is caught in the drainage system. It is our opinion that it is not necessary to provide calculations to each abutter for the reasons stated above.
<i>Comment 1.f:</i>	<i>*Standard 2: The report lacks hydraulic pipe calculations for the proposed pipes and pipe network systems indicting the system pipe velocities, hydraulic grade line/elevations to demonstrate the proposed systems are of adequate size to convey under gravity flow conditions for the storm events and demonstrate the minimum velocity of 3 FPS and maximum 10 FPS are provided per section 7.10.C of the Amesbury Subdivision Rules and Regulations. The analysis should be updated accordingly.</i>
Response:	Pipe sizing calculations have been included with this submittal.
<i>Comment 1.g:</i>	<i>*Standard 2: The existing conditions delineation for E1 does not address/account for the</i>



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	<i>off- site areas that contribute to the site. It appears that portions of the roadway right-of-way and possibly the roadway pavement sheet flow to the site. Please review and revise the existing subcatchment delineation and analysis accordingly. In addition, the post development subcatchment delineations and analysis should be revised accordingly and demonstrate compliance is achieved – no increase in runoff.</i>
Response:	Subcatchment E1 has been revised. The plans have been revised to include curbing along Merrimac and Main Street that would direct offsite stormwater runoff into the city’s drainage system.
<i>Comment 1.h:</i>	<i>*Standard 2: The existing conditions delineation for E2 does not address/account for the off- site areas that contributes to the site. In addition, it appears the westerly portion of the site drains to the existing wetland on Map 88 lot 35 versus to Map 88 lot 83 as indicated on the pre-development drainage area plan. Please review and revise the existing subcatchment delineation and analysis accordingly. The post development delineations and analysis should be revised accordingly. Please verify compliance is achieved – no increase in runoff.</i>
Response:	Subcatchments E2 and E3 have been revised to include off-site runoff. The portion of Sub-catchment E2 that seems to flow west towards Map 88 lot 35 is actually caught in a paved swale that directs the water southeast towards DP2. Additional topography has been added to better illustrate the swale along the property line.
<i>Comment 1.i:</i>	<i>*Standard 2: The amount of grass in post subcatchment P1F (~30%) in the calculations does not appear to be representative of the design presented. In addition, the boardwalk area does not appear to be represented in the calculations. Please review and revise to be representative of the design presented.</i>
Response:	The square footage of grass in sub catchment P1F has been corrected. The area of the boardwalk has been included in the calculations as part of the gravel area listed in the Hydrocad report.
<i>Comment 1.j:</i>	<i>*Standard 2: The amount of grass in post subcatchment P1E (~16%) in the calculations does not appear to be representative of the design presented. Please review and revise to be representative of the design presented.</i>
Response:	The square footage of grass in subcatchment P1E has been recalculated and is nearly the same as previously represented (~22%).
<i>Comment 1.k:</i>	<i>*Standard 2: The post development delineation for subcatchment P1E indicates a portion of the proposed driveway runoff is not directed to the rain garden for treatment. It appears that regrading of the driveway could direct most of the new driveway runoff to the rain garden for treatment. We recommend the Applicant review and revise the design accordingly</i>
Response:	The Rain Garden cannot get larger and is at its maximum capacity during a 100-year storm event. Directing more pavement runoff to the rain garden would cause it to overtop the berm.



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<i>Comment 1.1:</i>	<i>*Standard 3: The submitted checklist indicates the required recharge volume calculations are provided and that recharge BMPs have been sized to infiltrate the required recharge volume, but the supporting information states that no recharge is provided and contradicts the checklist. We note that the Applicant is proposing a peastone diaphragm along the gravel parking area at 13 Merrimac Street.</i>
Response:	The checklist indicates that the infiltration BMPs have been sized to the maximum extent practicable, however in this design with the associated constraints, no infiltration is feasible. We believe the checklist is accurate as currently shown.
<i>Comment 1.m.1:</i>	<i>*Standard 4: Please provide an endorsement for the illicit discharge statement to meet compliance with standard 10.</i>
Response:	The illicit discharge statement has been endorsed.
<i>Comment 1.m.2.a:</i>	<i>*Please clarify/address the following in the Post Construction BMP's that is part of Standard 4, which appear to be absent and typically includes the following: Good housekeeping practices.</i>
Response:	A construction Phase has been added to the O and M Manual which includes this section.
<i>Comment 1.m.2.b:</i>	<i>*Please clarify/address the following in the Post Construction BMP's that is part of Standard 4, which appear to be absent and typically includes the following: Provisions for storing materials and waste products inside or under cover.</i>
Response:	A construction Phase has been added to the O and M Manual which includes this section.
<i>Comment 1.m.2.c:</i>	<i>*Please clarify/address the following in the Post Construction BMP's that is part of Standard 4, which appear to be absent and typically includes the following: Vehicle washing controls.</i>
Response:	A construction Phase has been added to the O and M Manual which includes this section.
<i>Comment 1.m.2.d:</i>	<i>*Please clarify/address the following in the Post Construction BMP's that is part of Standard 4, which appear to be absent and typically includes the following: Requirements for routine inspections and maintenance of stormwater BMP's and checklist that identifies each BMP (provide O&M Manuals for all systems):</i>
Response:	The O and M Manual has been revised.
<i>Comment 1.m.2.e:</i>	<i>*Please clarify/address the following in the Post Construction BMP's that is part of Standard 4, which appear to be absent and typically includes the following: Spill prevention and response plans.</i>
Response:	The O and M Manual has been revised.



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<i>Comment</i> <i>1.m.2.f:</i>	<i>*Please clarify/address the following in the Post Construction BMP's that is part of Standard 4, which appear to be absent and typically includes the following: Provisions for maintenance of lawns, gardens, and other landscaped areas.</i>
Response:	The O and M Manual has been revised.
<i>Comment</i> <i>1.m.2.g:</i>	<i>*Please clarify/address the following in the Post Construction BMP's that is part of Standard 4, which appear to be absent and typically includes the following: Requirements for storage and use of fertilizers, herbicides, and pesticides.</i>
Response:	The O and M Manual has been revised.
<i>Comment</i> <i>1.m.2.h:</i>	<i>*Please clarify/address the following in the Post Construction BMP's that is part of Standard 4, which appear to be absent and typically includes the following: Pet waste management provisions.</i>
Response:	The O and M Manual has been revised.
<i>Comment</i> <i>1.m.2.i:</i>	<i>*Please clarify/address the following in the Post Construction BMP's that is part of Standard 4, which appear to be absent and typically includes the following: Provisions for solid waste management.</i>
Response:	The O and M Manual has been revised.
<i>Comment</i> <i>1.m.2.j:</i>	<i>*Please clarify/address the following in the Post Construction BMP's that is part of Standard 4, which appear to be absent and typically includes the following: Snow disposal and plowing plans relative to Wetland Resource Areas (including location plan).</i>
Response:	The O and M Manual has been revised.
<i>Comment</i> <i>1.m.2.k:</i>	<i>*Please clarify/address the following in the Post Construction BMP's that is part of Standard 4, which appear to be absent and typically includes the following: Winter Road Salt and/or Sand Use and Storage restrictions.</i>
Response:	The O and M Manual has been revised.
<i>Comment</i> <i>1.m.2.l:</i>	<i>*Please clarify/address the following in the Post Construction BMP's that is part of Standard 4, which appear to be absent and typically includes the following: Street/parking lot sweeping schedules.</i>
Response:	The O and M Manual has been revised.
<i>Comment</i> <i>1.m.2.m:</i>	<i>*Please clarify/address the following in the Post Construction BMP's that is part of Standard 4, which appear to be absent and typically includes the following: Documentation that Stormwater BMPs are designed to provide for shutdown and containment in the event of a spill or discharges.</i>
Response:	There will no longer be the storing of boats or maintenance on the site, therefor, we



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	do not believe the BMPs are required to be designed for spill prevention.
<i>Comment I.m.2.n:</i>	<i>*Please clarify/address the following in the Post Construction BMP's that is part of Standard 4, which appear to be absent and typically includes the following: Training for staff or personnel involved with implementing Long-Term Pollution Prevention Plan.</i>
Response:	A section on training has been added to the O&M.
<i>Comment I.m.2.o:</i>	<i>*Please clarify/address the following in the Post Construction BMP's that is part of Standard 4, which appear to be absent and typically includes the following: A plan identifying each location requiring maintenance under the BMPS should be included in the document.</i>
Response:	A separate O&M Plan has been added to the O&M Manual identifying all of the BMPs that require maintenance.
<i>Comment I.m.3:</i>	<i>*Amesbury is a MS4 community, and we recommend copies of the stormwater inspection checklists be provided to the City on an annual basis.</i>
Response:	Copies of the inspection reports will be sent to the City.
<i>Comment I.m.4:</i>	<i>*We recommend the updated document be a separate complete document as typically requested by the Board.</i>
Response:	A separate Operation and Maintenance Manual has been provided with this submittal.
<i>Comment I.n:</i>	<i>*Standard 4: The water quality calculations for the TSS removal in the report indicate the calculations is based upon only the pavement areas contributing the CDS unit (0.49 ac.), but does account/ address that all of the subcatchment flow (0.63 ac) will be directed to the CDS unit. Please update the calculation to address the total flow to the unit and demonstrate the unit is properly sized to address and treat the flow.</i>
Response:	Per the manufacturer, this unit is designed to handle 10 cfs which exceeds the 100-year storm peak flow.
<i>Comment I.o:</i>	<i>*Standard 4: The analysis does not indicate or address treatment of the new pavement relative to post development subcatchment PIF. The report and analysis should be revised to provide addition information to clarify how this standard has been met under this design.</i>
Response:	This portion of the site is currently paved and flows directly to the Merrimack River. The entire site flows untreated to either the Merrimack or Powwow Rivers. We strongly disagree that this is a new untreated discharge as it is currently untreated and discharges to the same location. While this area is not being directed to a BMP, it is directed towards a relatively flat area of pea stone which will provide some treatment before reaching the river.
<i>Comment I.p:</i>	<i>*Standard 7: The proposed site features in the report does not identify/discuss if hull painting, service, and maintenance is part of the project. Please update accordingly.</i>



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Response:	There will be no storing or maintenance of boats if this proposal is approved.
<i>Comment 1.q.1:</i>	<i>*Standard 8.... Provide necessary erosion control measures along the resource areas since a 50-foot buffer is not provided in accordance with section 2.2.1.a. of the CGP. Please include construction details of the measures in the project plan set.</i>
Response:	Silt sock with silt fence is now proposed to provide the double row of erosion controls due to the lack of the 50' buffer.
<i>Comment 1.q.2:</i>	<i>*Standard 8.... Names of Persons or Entity Responsible for Plan Compliance with the erosion and sediment control plan.</i>
Response:	This information will be included in the SWPPP.
<i>Comment 1.q.3:</i>	<i>*Standard 8.... Identify temporary sediment basin areas and provide detail drawings and specifications for erosion control BMPs, including sizing calculations.</i>
Response:	A sediment basin has been added to Sheet C-8 and a detail of the basin has been added to Sheet C-13.
<i>Comment 1.q.4:</i>	<i>*Standard 8.... Construction Sequencing Plan.</i>
Response:	Construction sequencing has been added to Sheet C-12
<i>Comment 1.q.5:</i>	<i>*Standard 8 Sequencing of Erosion and Sedimentation Controls.</i>
Response:	Construction sequencing has been added to Sheet C-12
<i>Comment 1.q.6:</i>	<i>*Standard 8 The total disturbance does not account for the sidewalk reconstruction or utility impacts within Merrimac Street. The plan should be updated accordingly.</i>
Response:	Note 4 has been added to Sheet C-4 identifying the total disturbance with the R.O.W.
<i>Comment 1.q.7:</i>	<i>*Standard 8 Location of the waste material dumpster, hazardous waste, and sanitary waste facilities noted on the plans are absent and should be indicated.</i>
Response:	The location of these items has been added to the Sedimentation and Erosion Control Plan Sheet C-8.
<i>Comment 1.q.8:</i>	<i>*Standard 8 Inspection and Maintenance Log Form.</i>
Response:	The sample inspection form has been included in the revised O and M Manual.
<i>Comment 1.r:</i>	<i>*An estimated operations and maintenance budget per Standard 9 was absent. Please include in an updated submission.</i>



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Response:	An estimates O&M Budget has been added to the Manual.
<i>Comment 1.s:</i>	<i>*The existing conditions characteristics in the report does not identify/discuss the 100-year flood plain of the site. Please update accordingly.</i>
Response:	The report has been revised to reference the 100-year flood plain.
<i>Comment 2.a:</i>	<i>*The existing plan indicates areas below elevation 6 that are altered along the Pow Wow River, but the submission does not address the existing and proposed changes. Please update accordingly.</i>
Response:	The calculations and plans have been revised to show all intervals starting at 4-5.
<i>Comment 2.b:</i>	<i>*The existing plan implies the existing buildings are floodproofed by the lack of color, but documentation that the existing buildings are floodproofed was absent from the submission. Based upon a site visit (see photos 11-14), it appears only the existing dwelling with the retaining wall may meet this criteria, but spot elevations of the wall and floor elevations were absent from the submission. Please review and provide additional information that supports the information presented on the existing conditions plan.</i>
Response:	We disagree with this statement. If the existing buildings were not constructed in a manner to allow flood water to freely enter and exit the building, we would consider that as available flood storage. Where these buildings have not, we do not agree that this should be counted as available flood storage. The average grade at the top of the retaining wall around the dwelling is 11.3 with the lowest elevation of 10.91.
<i>Comment 2.c:</i>	<i>*The existing conditions plan indicates the existing stairs are not part of the flood plain. Please explain, especially since they are part of the floodplain in the proposed conditions.</i>
Response:	The existing buildings are at grade and are not designed to accept flood waters. We would not count this as available flood storage.
<i>Comment 2.d:</i>	<i>*The small rectangular area at the southwest corner of the site is shown in the floodplain in the existing conditions, but not under the proposed conditions. Please explain and update accordingly.</i>
Response:	The flood plain existing conditions plan has been revised to exclude the small rectangular area at the southwest corner of the site.
<i>Comment 2.e:</i>	<i>*Under the proposed conditions, we would anticipate the elevator shaft would be floodproof. Please review and clarify as appropriate.</i>
Response:	The elevator foundation will be floodproofed and the top of foundation/ pit will be built to an elevation 1' above the base flood elevation. The door and entry to the lobby will be provided with angle slots to insert flood barriers if a known event were to be understood. All electronics are installed at the attic level well above the BFE. The elevator lobby walls will be furnished with flood vents sized for the area served and 12" max. to bottom of vent above grade.



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<i>Comment 2.f:</i>	<i>*The proposed plan indicates a narrow area of elevation 6-7 is created along the back of the existing seawall. Please clarify what is being proposed on the grading plan for proper construction.</i>
Response:	The grading in that area has been revised slightly. The proposed 7 contour wraps around the site at the back of the sea wall. Adequate flood storage is provided.
<i>Comment 2.g:</i>	<i>*Upon revision to address the above, please demonstrate that the proposed development will not cause a reduction in flood capacity.</i>
Response:	Adequate compensatory flood storage has been provided. The plans have been certified by a professional engineer.
<i>Comment 3:</i>	<i>* The submission does not address if some of the marina boat spaces would be converted to provide public boat access to the restaurant. The Applicant should consider this as an alternative relative to the required parking for the project, and as appropriate and acceptable to the Commission.</i>
Response:	Under the chapter 91 license there are a few marina boat spaces provided for public boat access. These spaces have not been included in the parking calculations. However, should the planning board deem the boat spaces appropriate/acceptable, they may be added to the parking calculation.
<i>Comment 4:</i>	<i>* The project proposes changes to the existing marina site that alters the marina building location, introduces non-marina uses to the site, and appears to require an update to the Chapter 91 license. The submitted information does not address this issue or address if a separate chapter 91 license or modification is to be obtained under this application. The Applicant should provide additional information and supporting documentation that demonstrates how the Chapter 91 license for this project application will be addressed and obtained that is acceptable to the Commission.</i>
Response:	The Massachusetts Department of Environmental Protection (MADEP), Waterways Regulation Program issued a Determination of Applicability under 310 CMR 9.0 which defined the jurisdictional limits (historic filled tidelands) at the site in the Jurisdictional Determination (JD 20-5750) issued by MADEP on November 10, 2020. Based on this determination, a Waterways Regulation Program's, Chapter 91 license application was submitted to MADEP. On February 15, 2022, MADEP issued Chapter 91 License No. 15457 to authorize previously unauthorized historic filled tidelands, shoreline structures, reconfigured marina floats, and establish a reconfiguration zone at the site. Based on MADEP's Jurisdictional Determination (JD-20-5750), and issued License 15457, and pre-application filing meeting with MADEP, the proposed location of the new restaurant building will be constructed outside of the MADEP's jurisdiction limits, therefore the non-water dependent use is allowed at the site. The new water-dependent use marina building, however, will be partially located within MADEP Chapter 91's jurisdictional limits, or historic filled tidelands, therefore a new License will be required. The application for a new MADEP Waterways Regulation Program's Chapter 91 license was submitted to MADEP via their online portal



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	system on May 16, 2024. The application is currently being reviewed. An approved Order of Conditions will need to be submitted to MADEP prior to final issuance of the new license.
<i>Comment 5:</i>	<i>* The project proposes impacts to Merrimac Street including the construction of sidewalks and curbing, reconstruction of sidewalks, installation of a cross walk, and construction of utilities in the roadway to serve the new development located within the 200-foot riverfront area. We note the design indicates a portion of the abutting boat launch access from Merrimac Street will be blocked and removed by the Applicant's proposed sidewalk design (see photos 1-2). In addition the project include a cross walk and reconstruction of the sidewalk along Merrimac street along lot 82 located within the 200-foot riverfront area (see photos 3-5). We recommend the Applicant verify the proposed improvements within the City's roadway, impacts to the existing boat launch access, and impacts to existing utilities shown on site meets approval of the Department of Public Works by obtaining approval documentation from the Department for inclusion in the Commission's project file.</i>
Response:	The Location of sidewalks, curbing, and crosswalks within the right of way have been review/coordinated with the city. Any construction within the city's right of way will be coordinated with the city's future plan for the public boat ramp.
<i>Comment 6:</i>	<i>* It was observed that several portions of the existing seawall top were loose and in disrepair as noted in photos 7-9. Are maintenance improvements proposed for these areas? Please clarify/address and provide any supporting details as applicable.</i>
Response:	There will be minor repairs & resetting of the top course only. Full replacement of the seawall will be in a future phase.
<i>Comment 7:</i>	<i>*The areas adjacent to the existing building that is to remain including the foundation was observed in disrepair as seen in photos 10 -11. It is our understanding the existing building is to be refurbished, but the extent of impacts to conduct repairs and any impacts associated with the floodplain are unclear. Please clarify.</i>
Response:	There will be no impact to the flood plain while refurbishing the existing building. All repairs will be completed from the interior of the building.
<i>Comment 8.a:</i>	<i>The NOI submission identifies the following resources areas associated with the project:</i> • <i>Riverfront Area;</i> • <i>Inland Bank;</i> • <i>Bordering Land Subject to Flooding;</i> • <i>Priority Habitat</i> <i>The submission identifies the project as Riverfront Area redevelopment under 310 CMR 10.58(5) related to the riverfront area and addresses items (a) through (e) of the CMR, but does not propose or discuss restoration or mitigation under (f) or (g). We recommend the Applicant provide information/discussion of these items for consideration by the Commission and for consideration as part of (h) under the CMR.</i>
Response:	These sections do not apply to the proposed project, since the entire project site is located within degraded Riverfront Area and it complies with section (c), (d) and (e)



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	as described in the NOI. Sections (f) and (g) apply to mitigation in the form of restoration of degraded riverfront area for work that does not otherwise meet the criteria under 10.58(5)(c), (d) and (e).
<i>Comment 8.b:</i>	<i>.....The project proposed modifications to the Inland Bank buffer zone on Lot 82 (13 Merrimac Street) including removal some of the existing gravel parking area in the 25-foot buffer zone, preservation of existing vegetation, proposed vegetative enhancement of the 25 foot buffer area, and installation of a proposed landscape barrier along the southerly edge of the parking area within the 100-foot buffer zone. A fence is proposed along the northerly side of the parking lot. The Commission will need to consider if these improvements are acceptable and meet the performance standards under Section 20.d of the Amesbury Wetland Regulations (AWR).</i>
Response:	No response required.
<i>Comment 8.c:</i>	<i>.....The NOI identifies that the existing marina site - Lot 1 - is also located in the Bordering Land Subject to Flooding (BLSF) (100-year flood plain) with the limit identified as elevation 11 the encompasses most of the site. The NOI notes the site development increases the flood storage capacity, but as noted above in comment 2, the Applicant will need to clarify/demonstrate the project would meet the requirements of 310 CMR 10.57 and Section 18.1.d of the AWR for consideration by the Commission.</i>
Response:	The project results in a net increase of 6,773 cf of flood storage based upon updated plans which add the stairs on the existing marina building back into the floodplain as recommended by Stantec. The buildings on site all contain walls that extend to grade. The buildings themselves, regardless of whether they are floodproofed, are not part of BLSF. While some leakage into the structures may occur during times of flooding, there is not a free flow of floodwater into these structures and therefore they provide minimal flood storage capacity.
<i>Comment 8.d:</i>	<i>..... The NOI does not identify the priority habitat species associated with the priority habitat noted in the application. The NOI should be updated accordingly including supporting information relative to compliance with Section 19.1.d.(6) of the AWR and 310 CMR 10.59 as may be applicable for consideration by the Commission.</i>
Response:	The applicant is not required to identify the priority habitat species, but it is presumed to be an aquatic species, likely sturgeon, based upon the habitat mapping on MassGIS. NHESP has provided its review letter (see attached) which states that the project “will not adversely affect the actual Resource Area Habitat of state-protected wildlife species” and “will not result in a prohibited take of state-listed rare species.”
<i>Comment 9:</i>	<i>The Applicant’s proposes to place open pile structures at 21 feet from the edge of the property line at the resource area (river bank) which does not comply with section 21.7(5) of the AWR. The Regulations require a minimum 35 foot setback. We note that under 310 CMR 10.58(5), the regulations discuss proposed work within the previously developed Riverfront Area, but the NOI information does not discuss in detail the current existing conditions, especially relative to the 25 foot riverfront area. The NOI information under</i>



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	<i>section 7.0 notes a waiver for the 35-foot structure no build zone is requested, but a formal request document with supporting justification was not included in the NOI information per section 7.13 of the AWR. We recommend the Applicant prepare and provide additional and supporting information relative to the existing conditions, the proposed conditions, and waiver request for review and consideration by the Commission.</i>
Response:	As described in Section 7.0 of the Notice of Intent narrative, the applicant is requesting waivers to the 35-foot No Build Zone for construction of the structure with an open pile foundation and for the 25-foot No Build Zone to allow for proposed landscaping activities. At 2 Merrimac, the proposed structure does not extend any closer to the resource than existing conditions. The area between the structure and the river at this location consists of a concrete block seawall. Between the wall and the building is a stone/gravel area to allow pedestrian access to the waterfront (see photos on pages 9-10 of the Notice of Intent narrative). This area is previously developed and entirely devoid of vegetation. The remainder of the 25 foot buffer zone is pavement or gravel and is previously developed, with the exception of a few non-native and invasive black locust trees along the bank of the Powwow River, which are proposed to be retained. Landscape activities will improve the quality of the buffer zone in these areas. Section 20 of the Amesbury Wetlands 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...” See Waiver Request Form attached.
<i>Comment 10:</i>	<i>The Applicant proposes boardwalks, walkways, landscaping, and pavement within 25 feet of the resource area (river bank) which does not comply with section 21.3 of the AWR. The Regulations require as 25-foot buffer to the resources. We note that under 310 CMR 10.58(5), the regulations discuss proposed work within the previously developed Riverfront Area, but the NOI information does not discuss in detail the current existing conditions, especially relative to the 25 foot riverfront area. The NOI information under section 7.0 notes a waiver for the 25-foot landscape no build zone is requested, but a formal request document with supporting justification was not included in the NOI information per section 7.13 of the AWR. We recommend the Applicant prepare and provide additional and supporting information relative to the existing conditions, the proposed conditions, and waiver request for review and consideration by the Commission.</i>
Response:	See response above and Waiver Request Form attached.
<i>Comment 11:</i>	<i>The NOI does not identify or discuss invasive species that were observed on Lot 1 in the buffer zone of the BLSF as noted in photos 10-11. The NOI should be updated to identify the invasive species in the project area and provide a management plan for review and consideration by the Commission.</i>
Response:	The invasive species in this area consist of Norway Maple (<i>Acer platanoides</i>). This is noted in Section 3 of the NOI narrative. While non-native, since they are mature trees,



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	that due provide some habitat value, no management is proposed. The overall habitat is proposed to be enhanced by addition of understory that includes native shrubs.
<i>Comment 12:</i>	<i>It is our understanding the project design has been submitted for review by the Amesbury Planning Board. At this time, we are not aware if there are revisions to the project design as a result of the review by the Board that would require revisions to the stormwater design and analysis or the site design plans. We recommend the Applicant also address and incorporate the revisions requested under the Planning Board review into the revision noted above with the subsequent submission.</i>
Response:	No response required.

We trust this response letter provides the necessary information for the Board's review. If you have any questions or comments, please feel free to contact our office at your convenience.

Sincerely,

Millennium Engineering, Inc.

James Melvin, P.E.
Project Manager