SECTION II – PROJECT NARRATIVE

1.0 INTRODUCTION

On behalf of Dale Development, LLC, and in association with Millenium Engineering, Inc., Lucas Environmental, LLC (LE) is pleased to submit this Notice of Intent (NOI) to the Amesbury Conservation Commission for the proposed Rocky Hill MBTA Community residential development located at 265, 277, 281, 287, and 287½ Elm Street in Amesbury, Massachusetts (Assessor's ID Map 68: Lots, 12, 13, 15, 20 & Map 80: Lots 3, 4). As currently designed, proposed work will occur within the 100-Foot Buffer Zone and the 25-Foot and 50-Foot City of Amesbury Buffer Zones to Bordering Vegetated Wetlands (BVW) and Inland Bank, as well as within the 200-Foot Riverfront Area associated with an unnamed tributary to the PowWow River. This NOI is submitted in accordance with the Massachusetts Wetlands Protection Act (WPA; M.G.L. Ch. 131, Section 40) and implementing regulations (310 CMR 10.00 et seq.) and the City of Amesbury Wetlands Protection Ordinance (Chapter 460) and associated Rules & Regulations.

This Project Narrative describes the existing conditions and proposed design/regulatory compliance for work within jurisdictional areas on and near the site. The proposed project is depicted on the Site Plans entitled "Proposed Site Plan Review Plans, Rocky Hill MBTA Community at Elm Street, in Amesbury, MA," (Plans) prepared by Millenium Engineering, Inc., last revised December 22, 2025.

2.0 EXISTING CONDITIONS

The project is located off Elm Street in Amesbury, Massachusetts (See Figure 1 – USGS Map and Figure 2 – Aerial Map) and consists of six parcels identified as follows on the Amesbury Assessor's Maps.

- 265 Elm Street #R Map 68, Lot 12
- 277 Elm Street #R Map 68, Lot 13
- 281 Elm Street Map 68, Lot 20
- 287 Elm Street Map 68, Lot 15
- 287 Elm Street Map 80, Lot 03
- 287½ Elm Street Map 80, Lot 04

The general location of the site is the area northeast of Elm Street, west of Interstate 95, and south of Interstate 495. The six properties total approximately 65.6 acres, and consist of two existing dwellings along Elm Street, agricultural fields, and forested uplands and wetlands. The project area is bounded by undeveloped forested land to the east and south, residential and commercial properties along Elm Street to the west, and Interstate 495 to the north. Elevations on the site range from 68 fee to the north end down to 42 feet along the back of the perennial stream along the southern parcel boundary.

Two unnamed streams flow generally to the southwest through the Project Area. The northern stream flows under Elm Street just south of the entrance to the Carriage Town Marketplace and the southern stream flows under Elm Street approximately 400 feet north of the junction with Macy Street. The two streams converge at a point north of Macy Street, approximately 750 to 800 feet south of Elm Street, and continue to flow as a single stream under Macy Street and then west-southwest to the Powwow River.

The undeveloped upland areas consist of a mix of agricultural fields and forest. Common vegetation observed within the upland forest includes red oak (*Quercus rubra*), sugar maple (*Acer saccharum*), American beech (*Fagus grandifolia*), white pine (*Pinus strobus),* red maple (*Acer rubrum*), black cherry (*Prunus serotina*), American witch-hazel (*Hamamelis virginiana*), honeysuckle (*Lonicera sp.*), wild sarsaparilla (*Aralia nudicaulis*), Canada mayflower (*Maiathemum canadense*), Virginia creeper (*Parthenocissus quinquefolia*), and grape (*Vitis sp.*).

A review of the current MassGIS data layer for the Massachusetts Natural Heritage Atlas (effective August 1, 2021) under the Natural Heritage and Endangered Species Program (NHESP) indicates that no portion of the Project Area is located within Estimated Habitats of Rare Wildlife or Priority Habitats of Rare Species. No Certified Vernal Pools under the jurisdiction of the Wetlands Protection Act Regulations (310 CMR 10.00 et seq.) or the Massachusetts Endangered Species Act (321 CMR 10.00 et seq.) occur within the Project Area; nor is there any mapped Potential Vernal Pools (PVP) within the site (See Figure 3 – NHESP Map).

Per MassGIS data, the site is not located within an Area of Critical Environmental Concern (ACEC), MassDEP Wellhead Protection Area, Outstanding Resource Water (ORW), or a Watershed Protection Area.

3.0 WETLAND RESOURCE AREAS

Wetland resource areas were reviewed by the Amesbury Conservation Commission under an Abbreviated Notice of Resource Area Delineation (ANRAD) application submitted in March 2023. The ANRAD underwent peer review, and an Order of Resource Area Delineation (ORAD) was issued on August 7, 2023 (MassDEP File #002-1316) (ORAD #1). A second ANRAD designed to clarify several omissions to ORAD #1 was submitted in February 2024 and an ORAD was subsequently issued on March 18, 2024 (MassDEP File #002-1327) (ORAD #2). See Appendix A for a copy of the valid ORADs.

Under the Massachusetts Wetlands Protection Act and Ordinance, the approved wetlands on and near the site are regulated as described below. The Ordinance includes all resource areas and Buffer Zones defined under the WPA regulations. In addition, the Ordinance protects Freshwater Wetlands whether or not they border on a water body or waterway and also includes the 100-Foot Buffer Zone as a resource area.

3.1 Inland Bank

Section 310 CMR 10.54 of the WPA defines a Bank *as the portion of the land surface which normally abuts and confines a water body. It occurs between a water body and a vegetated bordering wetland and adjacent flood plain, or, in the absence of these, it occurs between a water body and an upland. The upper boundary of a Bank is the first observable break in the slope or the mean annual flood level, whichever is lower. The lower boundary of a Bank is the mean annual low flow level*. Inland Bank is defined similarly under Section 18.2(c) of the Amesbury Wetlands Regulations; however, Section VIII of the Wetlands Ordinance states that the upper boundary is the *higher* of the first observable break in slope or the mean annual flood level.

The delineated Mean Annual High Water Line (MAHW) along the perennial portions of the streams generally coincides with the Bank and is described below.

3.2 Bordering Vegetated Wetlands/Freshwater Wetland

Section 310 CMR 10.55 of the WPA defines BVW as *freshwater wetlands which border on creeks, rivers, streams, ponds and lakes. The types of freshwater wetlands are wet meadows, marshes, swamps and bogs. Bordering Vegetated Wetlands are areas where the soils are saturated and/or inundated such that they support a predominance of wetland indicator plants. The boundary of Bordering Vegetated Wetlands is the line within which 50% or more of the vegetational community consists of wetland indicator plants and saturated or inundated conditions exist. Wetland indicator plants are also those classified in the indicator categories of Facultative, Facultative+, Facultative Wetland-, Facultative Wetland, Facultative Wetland+, or Obligate Wetland in the National List of Plant Species That Occur in Wetlands: Massachusetts (Fish & Wildlife Service, U.S. Department of the Interior, 1988) or plants exhibiting physiological or morphological adaptations to life in saturated or inundated conditions.* Under the Ordinance, Freshwater Wetlands *shall include all wetlands whether or not they border on a water body.* The delineated BVWs are described below and include Wetlands A and B.

3.3 Isolated Vegetated Wetland/Freshwater Wetland

As defined under Section VIII of the Ordinance, Freshwater Wetlands *shall include all wetlands whether or not they border on a water body. For the purposes of this Ordinance, all bordering vegetated wetlands, as well as isolated vegetated wetlands encompassing at least 500 sq. ft. shall be regulated by this Ordinance.* Isolated Vegetated Wetlands *per se* are not regulated under the WPA. However, if an IVW ponds a sufficient volume of water, it would be regulated under the WPA as Isolated Land Subject to Flooding. The delineated IVW area is described below as Wetland C.

3.4 Bordering Land Subject to Flooding

According to the July 3, 2012, FEMA Flood Insurance Rate Maps (FIRM) for Essex County, Massachusetts, Maps Number 25009C0106F and 25009C0107F, the majority of the Study Area is located within a Zone X Area of Minimal Flood Hazard. Areas immediately along the two streams that flow through the Study Area are mapped as Zone X, 0.2 percent Annual Chance Flood Hazard (i.e., 500-year flood). This includes areas of one percent annual chance flood with average depth less than one foot or with drainage areas less than one square mile. Because no Zone A (100-year flood) is mapped within the Study Area, Bordering Land Subject to Flooding (100-year floodplain) is presumed not to be present within the Study Area (See Figure 4 – FEMA Map). Per the currently valid ORADs issued for this project site, Bordering Land Subject to Flooding (i.e., 100-year floodplain) was confirmed NOT to be present within.

According to the July 8, 2025, FEMA Flood Insurance Rate Maps (FIRM) for Essex County, Massachusetts, Maps Number 25009C0106G and 25009C0107G, the majority of the site is located within Zone X (Unshaded) which is classified as an Area of Minimal Flood Hazard outside the 500-year flood level. However, areas immediately adjacent to the two streams that flow through the site have been updated by FEMA in 2025 (See Figure 4A – FEMA FIRMette) and mapped as Special Flood Hazard Areas (SFHA) Zone A which are defined without a Base Flood Elevation (BFE) with a 1% annual chance of inundation from the 100-year flood event.

The Applicant's maintains that BLSF is not present on the site per the approved ORADs for the purposes of this NOI filing, and will comply with all applicable FEMA regulations.

3.5 Isolated Land Subject to Flooding

Section 310 CMR 10.57(2)(b) of the WPA defines ILSF as *an isolated depression or closed basin without an inlet or an outlet. It is an area which at least once a year confines standing water to a volume of at least ¼ acre-feet and to an average depth of at least six inches.* ILSF is defined similarly under Section 18.1(c) of the Amesbury Wetlands Regulations, with the addition that *the buffer zone for isolated land subject to flooding shall extend 100 feet from the highest extent of flooding*. Based upon visual observations, the IVW appears too shallow to hold water to a depth of at least six inches and would not meet the definition of ILSF under the WPA, which was confirmed through the ANRAD review.

3.6 Land Under Water Bodies and Waterways

Section 310 CMR 10.56 of the WPA defines LUWW *as the land beneath any creek, river, stream, pond or lake. Said land may be composed of organic muck or peat, fine sediments, rocks or bedrock. The boundary of Land under Water Bodies and Waterways is the mean annual low water level.* LUWW is defined similarly under Section 17.1(c) of the Amesbury Wetlands Regulations, with the addition that *the term "pond" shall include any open body of fresh water with a surface area observed or recorded within the last ten years of at least 5,000 square feet*. LUWW is present within the perennial portions of the streams that flow through the Study Area and within beaver impounded wetlands present within the Study Area. The boundary of LUWW was not delineated in the field.

3.7 Riverfront Area

Section 310 CMR 10.58(2)(a)(3) of the WPA defines Riverfront Area *as the area of land between a river's mean annual high water line measured horizontally outward from the river and a parallel line located 200 feet away.* Riverfront Area is defined similarly in Section 19.1(c) of the Amesbury Wetlands Regulations. Under the Riverfront Performance Standards, Section 19.1(d)(4) of the Amesbury Wetlands Regulations, it states: *Notwithstanding any provisions of 310 CMR 10.58, the Commission shall presume that the mean annual high water line of a non-tidal river is coincident with the outer (land most) boundary of any Bordering Vegetated Wetland (as defined in these regulations) that may be adjacent to the river. This presumption may be overcome upon a clear showing that the mean annual high water line is closer to the river.*

Portions of the unnamed streams located within the Study Area are mapped as perennial on the current USGS topographic map (Newburyport West, MA, NH Quadrangle, 2021) and are therefore presumed to be perennial. The Mean Annual High Water (MAHW) line was delineated in the field for the perennial portion of these streams, as described for Bank 1 and Bank 2 in the following section.

3.8 Resource Area Descriptions

Wetland resource areas field delineated include two areas of BVW identified as Wetlands A and B. The IVW is identified as Wetland C. The stream segments are identified as Streams 1 and 2. Each is described below.

Bank 1 – Southern Unnamed Stream

The northern MAHW line of the mapped perennial length of the southern stream is delineated with blue survey flagging numbered sequentially from BF1-1 to BF1-76. The upper reach of the delineated stream length is confined within a relatively well-defined channel and the Banks are well defined. The perennial portion of the stream begins at about flag BF1-8, based upon the USGS mapping. Near flag BF1-11, the stream channel splits and the northern most channel was delineated. Downstream of this location the channel becomes less well defined and disappears within a flooded beaver impoundment. Where the impoundment was flooded, the apparent limit of flooding was delineated. In areas where the channel was apparent, the delineated MAHW line is coincident with the Bank. In areas where the channel was flooded by the beaver impoundment, the MAHW line is upgradient of the flooded Bank.

Bank 2 – Northern Unnamed Stream

The southern MAHW line of the mapped perennial length of the northern stream is delineated with blue survey flagging numbered sequentially from BF2-1 to BF2-27. The perennial portion of the stream begins at about flag BF2-22, based upon the USGS mapping. For most of the delineated stream, the channel is fairly well defined, except for a portion between flags BF2-14 and BF2-22 where the channel flows through a cattail marsh and becomes less well defined. The delineated MAHW line is generally coincident with the Bank.

Wetland A – BVW/Freshwater Wetland

Wetland A borders on the southern stream within the Study Area and is delineated with pink survey tape numbered sequentially from WFA-1 to WFA-205. The wetland contains areas of palustrine forested (PFO), scrub-shrub (PSS) and emergent (PEM) vegetation. A significant area of the wetland has been historically inundated by beaver impoundments. Common vegetation observed within the wetland includes red maple, yellow birch (*Betula alleghaniensis*), black gum (*Nyssa sylvatica*), American hornbeam (*Carpinus caroliniana*), glossy buckthorn (*Frangula alnus*), cinnamon fern (*Osmunda cinnamomea*), sensitive fern (*Onoclea sensibilis*), poison ivy (*Toxicodendron radicans*), and cattail (*Typha latifolia*). Observed soils are variable but generally consisted of a fine sandy loam with shallow redoximorphic features and a depleted matrix. Local, state, and federal boundaries are coincident.

Wetland B – BVW/Freshwater Wetland

Wetland B borders on the northern stream within the Study Area and generally consists of forested (PFO) red maple swamp. Wetland B is delineated with pink survey tape numbered sequentially from WFB-1 to WFB-135. Common vegetation observed within the wetland includes red maple, gray birch (*Betula populifolia*), common winterberry (*Ilex verticillata*), glossy buckthorn, northern spicebush (*Lindera benzoin*), cinnamon fern, and intermediate woodfern (*Dryopteris intermedia*). Observed soils consisted of a fine sandy loam or silt loam with shallow redoximorphic features and a depleted B-horizon matrix. Local, state, and federal boundaries are coincident.

Wetland C – IVW/Freshwater Wetland

Wetland C consists of an IVW/Freshwater Wetland located within the north central portion of the Study Area. Wetland C was delineated with pink survey tape numbered sequentially from WFC-1 to WFC-30. Common vegetation observed within the wetland includes red maple, gray birch, black gum, common greenbrier (*Smilax rotundifolia*), New York fern (*Thelypteris noveboracensis*), and poison ivy (*Toxicodendron radicans*). A small portion of the wetland extends into the agricultural field. Observed soil within the wetland is silt loam with a B-horizon exhibiting a shallow depleted soil matrix. Local and federal boundaries are coincident.

Riverfront Area

The RFA extends 200 feet horizontally from the delineated MAHW line along the north and south streams within the Study Area. This includes the delineated BVW described above as well as adjacent upland areas. The adjacent upland RFA consists of primarily forested land along the northern stream and a mix of forested land and agricultural fields along the southern stream. Typical vegetation within the upland RFA includes red oak, sugar maple, American beech, white pine, red maple, black cherry, American witch-hazel, honeysuckle, wild sarsaparilla, Canada mayflower, Virginia creeper, and grape.

The streams identified in the Study Area are shown on the current USGS map at intermittent and perennial The perennial portion of the southern stream begins at about flag BF1-8, based upon the USGS mapping. The perennial portion of the southern stream begins at about flag BF2-22, based upon the USGS mapping. Upgradient of these locations are confirmed as intermittent per the regulations as noted below.

Per Section 310 CMR 10.58(2)(a)1.c. of the WPA, "*a stream shown as intermittent on the current USGS map…that has a watershed size of less than one square mile is characterized under the State Wetlands Protection Act as "intermittent" unless the stream has a watershed size of at least one-half square mile and has a predicted flow rate greater than or equal to 0.01 cubic feet per second (cfs) at the 99% flow duration using the USGS StreamStats method…".* The WPA employs the USGS StreamStats model to determine affected watershed area jurisdiction.

StreamStats analyses were conducted using points on the two streams located approximately 200 feet southwest of Elm Street. The results of the StreamStats analyses support the conclusion that the USGS mapped intermittent portions of the streams are intermittent. The watersheds of both streams, from a point approximately 200 feet south of Elm Street, are both less than one-half square mile (northern stream = 0.20 square mile, southern stream = 0.27 square mile) and both have predicted flow rates less than 0.01 cubic feet per second at the 99% flow duration (northern stream = 0.00381 cfs, southern stream = 0.00447 cfs).

Therefore, both streams are confirmed as intermittent per at the points identified on the Plans, and no Riverfront Area upgradient, as approved through the ORADs.

4.0 PROJECT DESCRIPTION

The Rocky Hill MBTA Community is designed to meet the criteria and spirit of the Rocky Hill Multi-family Overlay District ("RH-MFOD"), Section XI.V of the Amesbury Zoning Code, and the accompanying Design Guidelines set forth in the "Residential Pattern Book, The Rocky Hill, Amesbury". The Applicant and City planning staff worked extensively on concept plans and the Residential Pattern Book which is incorporated in the RH-MFOD. As a result of this collaborative planning process, the Applicant proposes to construct a residential development on approximately 32.6 acres of upland within the approximate 65.6-acre project site located generally on the east side of Elm Street and comprised of the aforementioned six individual tax parcels (collectively, the "site").

The Rocky Hill MBTA Community is designed with two distinct neighborhoods with a total of 379 units proposed. The South Neighborhood is proposed as a total of 83 units in a mix of single-family, duplex, triplex and quad-plex buildings and will be marketed for-sale to individual homeowners. The North Neighborhood is proposed as 296 units in 29 multi-unit buildings. Ten percent (10%) of residences within Rocky Hill MBTA Community will be designated as "Affordable Housing". Each neighborhood includes community buildings, formal greens, pocket parks and related amenities (See Site Plans for additional details). A series of connected trails within the proposed development and adjacent forested areas of the site perimeter will serve the residents and the general public. A parking area is designated for public access to the trails immediately off a roundabout which separates the two Neighborhoods. A significant portion of the approximate 65.6-acre site will remain in its natural, forested, and wetland condition. Deed restrictions will ensure the permanent protection of wetlands, stream corridors, and other sensitive environmental areas adjacent to the development.

The proposed redevelopment also includes a significant improvement to the management of stormwater. The design of the stormwater system complies with the Massachusetts Stormwater Management Policy and the City of Amesbury Stormwater Ordinance. In addition, in compliance with the Amesbury Wetlands Protection Ordinance, all proposed structures meet or exceed the required 25-foot minimum setback from wetlands. The project has also been designed to maximize groundwater recharge and ensure groundwater quality protection in accordance with City of Amesbury Smart Growth Zoning District requirements.

The proposed improvements involve the collection, treatment, and infiltration of the surface runoff (and collection and infiltration of the roof runoff), which represents a major improvement over the existing conditions. The stormwater management system will treat for the new impervious surfaces, by collecting and treating the accumulated runoff from the parking areas and providing adequate subsurface infiltration. The proposed subsurface infiltration systems will be preceded by deep-sump catch basins, then followed by either a bioswale or a Contech® CDS treatment unit (labeled as a water quality unit on the Plans), which will provide the removal of the total suspended solids (TSS) in the stormwater. As an additional measure of treatment, each infiltration system (except for those designed for the roof drains) will be constructed with a StormTech® Isolator Row (StormTech Chambers wrapped in woven geotextile fabric, with two layers at the bottom). This filter system provides enhanced suspended solids and pollutant removal. See the Stormwater Management Report for additional details on the stormwater management system (provided under separate cover).

The proposed stormwater management system is sized for the 100-year storm, and will adequately allow for the treatment of the first ½-inch of runoff, or the "first flush" from a storm event. This approach will accomplish the following goals:

- Improve the existing site conditions of uncontrolled runoff by collecting, treating, and recharging runoff.
- Provide TSS removal/treatment for all paved surfaces and additional infiltration. The TSS removal calculations show that the stormwater management systems remove 85% of the TSS in the pre-treatment subsurface infiltration basins and 80% of the TSS in the constructed wetland and surface infiltration basins, which meets or exceeds the requirement to remove 80% TSS for new development per the 2020 Amesbury Subdivision Rules and Regulations.
- Provide 87,815 cubic feet of recharge, which exceeds the 26,902 cubic feet required volume.
- Provide Total Phosphorous (TP) removal/treatment for all paved surfaces and additional infiltration. Per Millenium Engineering, by providing the ½ inch water quality volume by infiltration, the project meets the 60% TP removal requirement of the 2020 Amesbury Subdivision Rules and Regulations.
- Decrease the stormwater peak rate of runoff from the site for all storm events.
- Provide a robust stormwater management system capable of collecting and treating the 100-year storm event.

The proposed stormwater management measures described above will have no adverse impacts to resource areas or adjacent properties. Runoff peak flows will be reduced, water quality will be enhanced, and groundwater recharge will be increased over existing conditions resulting in a substantial improvement compared to the existing conditions.

Erosion and sedimentation control Best Management Practices (BMPs) have been incorporated into the project design in order to control runoff and prevent siltation to the wetland resource area during construction (See Site Plans). At the outset of the construction, the site limit of work will be staked and erosion controls will be installed.

5.0 REGULATORY COMPLIANCE

The following section details the project's compliance with the performance standards for each resource area, specifically the 200-Foot Riverfront Area (310 CMR 10.58) and the locally regulated Buffer Zones. No impacts are proposed to Inland Bank, BVW, IVW, BLSF, or LUWW, therefore no further discussion is warranted for these resource areas.

As noted during the Massachusetts Environmental Policy Act (MEPA) review for this project, the Applicant proposed impacts to the BVW for an emergency access roadway. The project has been redesigned to avoid the need for this access, and as such, no longer proposed temporary or permanent impacts to BVW. The City of Amesbury Wetlands Protection Ordinance protects the area within the 100-Foot Buffer Zone as a resource area, as well as restricting various project specific activities in the 50-Foot and 25-Foot Buffer Zones.

5.1 Land Alteration

A significant portion of the project site (64.42 acres) has been previously altered. Approximately 40.8 acres of the site is uplands and the remaining approximately 23.62 acres of area is either BVW or Riverfront Area and/or their associated Buffer Zones. There are large open fields (formerly agricultural) and pockets of wooded areas. The project has been designed to minimize impacts to the existing wooded areas to the maximum extent practicable. The project has also reduced street width and implemented a compact design for residential units to minimize impervious area and land alteration to the maximum extent practicable. The Applicant is working with the City of Amesbury on reducing street widths to the minimum size for vehicles to safely travel. Residential lots have been narrowed to minimize the street frontage required for each lot, reducing street length. Additionally, single-family dwelling units will be attached, which is helpful in reducing lot width, land alteration, and impervious area. Sewer and water infrastructure will not result in any additional impact to land with all sewer piping located under roadways.

The project has worked to maximize open space with a majority of the perimeter of the site remaining in a natural state. Stormwater mitigation areas incorporate low impact development (LID) measures which include bioswales, rain gardens, and vegetated stormwater features where feasible.

5.2 Riverfront Area

The project complies with the WPA performance standards for the resource area RFA. Section 310 CMR 10.58(5) of the WPA describes the performance standards for redevelopment in the RFA, as portions of the existing RFA are currently degraded. The performance standard (*italics*) and the compliance statement (standard format) for RFA are listed below. Table 5-1 on the following page provides an updated summary of the RFA impacts and proposed restoration areas.

TABLE 5-1
RIVERFRONT AREA IMPACT ANALYSIS

RFA Description	Existing (sf)	Proposed (sf)
Total RFA On-Site	**341,962**	**341,962**
Degraded Areas		
Structures & Decks (Permanent)	875 (0.26%)	2,822 (0.83%)
Gravel Drive	3,135 (0.92%)	0 (0.00%)
Pavement (Permanent)	0 (0.00%)	3,008 (0.88%)
Patios (Permanent)	0 (0.00%)	870 (0.25%)
Total Degraded Areas	**4,010 (1.18%)**	**6,700 (1.96%)**
Non-Degraded & Disturbed Areas		
Lawn & Field Areas	27,928 (8.2%)	0 (0.0%)
Landscaped Areas	0 (0.0%)	8,443 (2.5%)
Temporary Impact Areas*	0 (0.0%)	26,537 (7.8%)
Stormwater (Permanent)	0 (0.0%)	17,731 (5.2%)
Total Non-Degraded & Disturbed Areas	**27,928 (8.2%)**	**52,711 (15.5%)**
Total Degraded & Non-Degraded Areas	**31,938 (9.4%)**	**59,411 (17.5%)**
Restoration		
Restored Temporary Impact Areas	0 (0.0%)	26,537 (7.8%)
Restoration Areas	0 (0.0%)	8,780 (2.6%)
Total Restoration Areas	**0 (0.0%)**	**35,317 (10.4%)**

*** Temporary Impact Areas in the RFA include areas that require temporary earthwork and grading for construction of the stormwater features. These areas will be restored upon completion.**

5.2.1 Consistency with Section 310 CMR 10.58(5) RFA Standards

310 CMR 10.58(5) Redevelopment Within Previously Developed Riverfront Areas; Restoration and Mitigation.

Notwithstanding the provisions of 310 CMR 10.58(4)(c) and (d), the issuing authority may allow work to redevelop a previously developed riverfront area, provided the proposed work improves existing conditions. Redevelopment means replacement, rehabilitation or expansion of existing structures, improvement of existing roads, or reuse of degraded or previously developed areas. A previously developed riverfront area contains areas degraded prior to August 7, 1996 by impervious surfaces from existing structures or pavement, absence of topsoil, junkyards, or abandoned dumping grounds. Work to redevelop previously developed riverfront areas shall conform to the following criteria:

Approximately 4,010 square feet (1.18%) of existing degraded areas are present on the site, with approximately 341,962 square feet of RFA total on the Site (See Figure 5). As such, the project is subject to the redevelopment standards of the RFA.

(a) *At a minimum, proposed work shall result in an improvement over existing conditions of the capacity of the riverfront area to protect the interests identified in M.G.L. c. 131 § 40. When a lot is previously developed but no portion of the riverfront area is degraded, the requirements of 310 CMR 10.58(4) shall be met.* See Table 5-1 and Figures 5 & 6 for supporting documentation on the following section.

Overall, the Applicant has reduced the work in the RFA and provided significant restoration to degraded and disturbed areas of the RFA.

Approximately 4,010 square feet (1.18%) of the RFA is currently degraded. Degraded area in the RFA is being increased from 4,010 square feet to 6,700 square feet (1.96%), less than 1% increase of impervious surfaces. The existing degraded areas of the RFA will be restored near Elm Street, although a portion will remain to keep an existing historic house. Additionally, portions of the exiting lawn and field areas that are not proposed for redevelopment within the RFA will be restored upon completion of the project totaling 8,780 square feet (2.6%).

No new permanent work is proposed within the Inner Riparian Zone (0- to 100-Foot RFA), although approximately 5,105 square feet of temporary work is proposed to construct the stormwater features, which will be restored to a naturally vegetetated area upon completion of the work. Approximately 26,537 square feet (7.8%) of total temporary impacts are proposed in the RFA and include areas that require temporary earthwork for construction of the stormwater ponds and other impervious structures (21,432 square feet in the 100- to 200-Foot RFA.) These areas will be fully restored upon completion.

Permanent RFA impacts proposed include 32,874 square feet or 9.6%. This consists of 17,731 square feet of the RFA to be impacted for proposed stormwater management. Additionally, 2,822 square feet of work associated with new structures and decks, 3,008 square feet of new pavement, and 870 square feet of patios is proposed in the Outer Riparian Zone. Landscaping in the RFA is approximately 8,443 square feet.

A summary of RFA impacts is as follows:

- Permanent impacts = 32,874 sf [17,731 + 2,822 + 3,008 + 870 + 8,443] (9.7%)
- Temporary Impacts = 26,537 sf (7.8%)
- Total RFA Impacts = 59,411 sf [32,874 + 26,537] (17.5%)
- Total Net Impacts = 24,094 sf [59,411 (impact) – 35,317 (restoration)] (7.0%)

As the total existing degraded area is approximately 1.18%, and the project proposes at total of 1.96% of total degraded areas, the project has not exceeded the 10% threshold. Additionally, the project proposed total permanent impacts of 9.7% to degraded and non-degraded areas, or 7.0% accounting for mitigation, also below the 10% threshold. The temporarily impacted areas will restored in place upon completion of the work to construction the stormwater features.

The Applicant has committed to mitigation of the temporary impacts to the RFA in addition to the proposed restoration areas. The Applicant is proposing 8,780 square feet (2.6%) of restoration of the RFA. The mitigation/restoration will include a wildflower/pollinator meadow to provide additional habitat with nectar, pollen, and seeds that serve as food for native butterflies, insects, birds, and other animals. It would be anticipated that this area would be mowed annually in the late fall to maintain the area as a meadow. The specifications for the restoration areas are described in further detail in the following sections.

(b) Stormwater management is provided according to standards established by the Department.

This standard has been met. The project has been designed in accordance with the Massachusetts Stormwater Management Standards. A Stormwater Management Report is included with this NOI.

(c) Within 200 foot riverfront areas, proposed work shall not be located closer to the river than existing conditions or 100 feet, whichever is less, or not closer than existing conditions within 25 foot riverfront areas, except in accordance with 310 CMR 10.58(5)(f) or (g).

This standard has not been met; however, is the impacted area closer to the river is being restored in-situ. 5,105 square feet is currently proposed within 100 feet of the stream. The closest limit of existing disturbance in the RFA is 110 feet. The closest limit of proposed disturbance to the stream in the RFA is 75 feet. The new work located closer to the stream consists of approximately 10,727 square feet of temporary RFA impacts to construct the stormwater features, and will be restored to a naturally vegetated area upon completion of construction. See Figures 5, 6 & 7.

(d) Proposed work, including expansion of existing structures, shall be located outside the riverfront area or toward the riverfront area boundary and away from the river, except in accordance with 310 CMR 10.58(5)(f) or (g).

This standard has not been met; however, is being mitigated per 310 CMR 10.58(5)(g). The closest limit of existing degraded area in the RFA is 172 feet from the stream with the closest existing structure 184 feet from the stream. The closest limit new degraded area is 164 feet from the stream and the closest newly proposed structure to the stream in the RFA is 156 feet.

The new degraded area located closer to the stream than existing conditions consists of approximately 2,040 square feet (0.6%). The new structures located closer to the stream than existing conditions consists of approximately 613 square feet (0.2%). See Figures 5, 6 & 7. See (c) above regarding discussion of proposed limit of work distances to the stream.

(e) *The area of proposed work shall not exceed the amount of degraded area, provided that the proposed work may alter up to 10% if the degraded area is less than 10% of the riverfront area, except in accordance with 310 CMR 10.58(5)(f) or (g).*

As the total existing degraded area is approximately 1.18%, and the project proposes 9.7% of total permanent impacts to degraded and non-degraded areas, the project has not exceed the 10% threshold. The Applicant has proposed restoration as part of this RFA work, as noted above and below.

(f) *When the applicant proposes restoration on-site of degraded riverfront area, alteration may be allowed notwithstanding the criteria of 310 CMR 10.58(5)(c), (d), and (e) at a ratio in square feet of at least 1:1 restored area to area of alteration not conforming to the criteria. Areas immediately along the river shall be selected for restoration.*

Not applicable.

(g) *When an applicant proposes mitigation either on-site or in the riverfront area within the same general area of the river basin, alteration may be allowed notwithstanding the criteria of 310 CMR 10.58(5)(c), (d), or (e), at a ratio in square feet of at least 2:1 of mitigation area to area of alteration not conforming to the criteria or an equivalent level of environmental protection where square footage is not a relevant measure…*

The new degraded area located closer to the stream than existing conditions consists of approximately 2,040 square feet (0.6%). The new structures located closer to the stream than existing conditions consists of approximately 613 square feet (0.2%). The total non-conforming area is approximately 2,653 square feet.

Approximately 8,780 square feet (2.6%) of RFA restoration is proposed or 3.3:1 for the non-conforming work. The temporary impacts to the RFA are proposed to be restored in-situ at 1:1.

5.2.2 Consistency with Section 19.1 of the Ordinance (RFA)

The RFA performance standard (*italics*) and the compliance statement (standard format), are listed below (Section 19.01(d)).

(1) *Except as stated below, the Commission hereby incorporates 310 CMR 10.58 in its regulations for all matters related to Ordinance jurisdiction in lands within 200 feet of rivers and streams.*

The previous section documents the project's compliance with 310 CMR 10.58.

(2) Notwithstanding the above, a river is any natural flowing body of water that empties to any ocean, lake, pond, other river, stream or wetland and which flows throughout the year. Perennial rivers, streams and creeks are rivers; intermittent streams are not. Notwithstanding 310 CMR 10.58, the burden of proof shall be on any applicant to show that a river, stream or creek is not perennial (i.e., is intermittent).

The intermittent and perennial portions of the existing streams on the site were evaluated and confirmed through the two ORADs referenced above.

(3) For any river or stream that is tidally influenced…..

Not applicable as the streams on the site are not tidally influenced.

(4) Notwithstanding any provisions of 310 CMR 10.58, the Commission shall presume that the mean annual high water line of a non-tidal river is coincident with the outer (landmost) boundary of any Bordering Vegetated Wetland (as defined in these regulations) that may be adjacent to the river. This presumption may be overcome upon a clear showing that the mean annual high water line is closer to the river. Such evidence may include hydrological measurements and calculations prepared by a registered professional engineer and/or hydrologist, and/or stream flow stage data from U.S. Geological Survey stream gauges and survey. For non-tidal rivers lacking any Bordering Vegetated Wetland, the inner boundary of the 200-foot Riverfront Area shall be the top of Inland Bank as determined by the first observable break in slope or the mean annual flood level, whichever is lower. For tidal rivers, the inner boundary of the 200-foot Riverfront Area shall be the mean annual high water line.

The boundaries of the intermittent and perennial portions of the existing streams on the site were confirmed through the two ORADs referenced above.

(5) Notwithstanding any provisions of 310 CMR 10.58, the alternatives analysis shall include only lots adjacent to the lot(s) being proposed for development, or located in the near vicinity.

An alternatives analysis is not required for redevelopment projects subject to 310 CMR 10.58(5). Alternative site designs were presented in the Environmental Notification Form and Environmental Impact Reports which adequately and appropriately completed review with the Massachusetts Environmental Protection Act (MEPA) Office.

Impacts within the riverfront area along the South Neighborhood portion of the Rocky Hill development have increased from those shown in earlier filings. In order to satisfy planning and design goals of the City and its professional staff, neighborhood parks and amenities were increased and located in ways that expanded the development footprint and limits of disturbance closer to riverfront buffer zones. In consideration, applicant is offering excess mitigation.

The collaborative efforts between the development team and the Town are well-documented. Early conceptual site plans served as the basis for a jointly produced *Residential Pattern Book* setting the design guidelines for the project. The site plan developed incrementally as the building architecture and home-type mix, site civil, and landscape architectural design advanced.

At the Town's encouragement, the most focused, final rounds of design zeroed in on the South Neighborhood and worked to increase the size of the internal common areas in keeping with the *Pattern Book* guidelines. This had the effect of pushing building locations out toward the perimeter of the development area with the increased impacts to the RFA being of the greatest consequence.

Upon realizing this increase and after much discussion, the Team assembled the attached documentation, quantifying these differences and proposed mitigation. The decision to proceed on this manner was made on the basis of the relatively modest extents of the increase, the existing condition of the affected areas, and out of respect for the collective efforts of the design team with Town staff and committees to arrive at the proposed Site Plan.

The Applicant reduced the unit count in order to accommodate the changes to incorporate the park space. The historic building near Elm Street will also remain.

(6) Notwithstanding the above provisions, no project may be permitted which will have any adverse effect on specified habitat of rare vertebrate or invertebrate and rare plant species, as identified by procedures established under 310 CMR 10.59.

A review of the current MassGIS data layer for the Massachusetts Natural Heritage Atlas (effective August 1, 2021) under the NHESP indicates that no portion of the Study Area is located within Estimated Habitats of Rare Wildlife or Priority Habitats of Rare Species.

(7) The Commission may impose such additional requirements as are necessary to protect the wetland values protected under the Ordinance.

The Applicant is working with the Town to ensure protection of the wetland values protected under the Ordinance.

5.3 City of Amesbury Wetlands Protection Ordinance

The following sections detail the project's compliance with the City of Amesbury Wetlands Protection Ordinance.

5.3.1 Consistency with Section 20.0 of the Ordinance (Buffer Zone)

The Buffer Zone performance standard (*italics*) and the compliance statement (standard format), are listed below (Section 20.0.d)). The project has been designed to avoid structures in the 50-Foot Buffer Zone, and permanent impacts in the 25-Foot Buffer Zone to the extent feasible.

(1) The intent of the Conservation Commission is to move all structures and activities as far away as possible from any Resource Area, in order to protect the wetland values of Resource Areas.

All structures have been located at least 50 feet from the limit of the BVW.

(2) Except as otherwise specified, Resource Area buffers shall be retained and maintained in a naturally vegetated condition. Where buffer disturbance has occurred during construction, revegetation with native vegetation may be required.

Figure 8 provides a breakdown of the impacts to the Buffer Zone, which have been minimized to the extent practicable. Approximately 31,076 square feet of temporary impacts to the 25-Foot Buffer Zone are proposed in order to construct the overall project. These areas will be restored in-situ upon completion. Additionally, approximately 1,150 square feet of permanent impact is proposed within the 25-Foot Buffer Zone for the drainage stone outfall.

(3) The Commission may require that already-altered buffer zone be restored in order to protect or improve Resource Area values. Restoration means planting native vegetation, grading, correcting site drainage, removing debris, or other measures which will improve, restore and protect the wetland values of the Resource Area.

As noted above, approximately 31,076 square feet of temporary impacts to the 25-Foot Buffer Zone will be restored in-situ upon completion.

(4) Notwithstanding the above provisions, no project may be permitted which will have any adverse effect on specified habitat of rare vertebrate or invertebrate and rare plant species, as identified by procedures established pursuant to 310 CMR 10.59.

A review of the current MassGIS data layer for the Massachusetts Natural Heritage Atlas (effective August 1, 2021) under the NHESP indicates that no portion of the Study Area is located within Estimated Habitats of Rare Wildlife or Priority Habitats of Rare Species.

(5) The Commission may impose such additional requirements as are necessary to protect the wetland values protected under the Ordinance.

Acknowledged.

5.3.2 Consistency with Section 21.0 of the Ordinance

The Applicant has reviewed the project-specific performance standards in detail. The overall project meets the performance standards as follows. The performance standard (*italics*) and the compliance statement (standard format) for each applicable section are described below.

21.2. Pools and Tennis Courts

(1) The intent of the Conservation Commission is to move all structures and activities as far away as possible from any Resource Area.

As noted in the previous sections, all structures have been located at least 50 feet from Resource Areas.

(2) The Commission may at its discretion allow a proposed pool or tennis courts and all associated structures and facilities if they are at least 50 feet from a Resource Area, as defined in AWR 2.0 (1-4), (specifically, (1) Any freshwater or coastal wetland, isolated wetland, beach, dune, flat, marsh, wet meadow, bog, swamp, vernal pool, creek, river, stream, pond or lake; 2) Any bank bordering on a freshwater or coastal wetland or water body; 3) Land under water bodies, including but not limited to, land under ponds, lakes, rivers, streams, creeks, or any fresh water wetland; or 4) Land subject to flooding or inundation by groundwater or surface water, including but not limited to, fresh water wetlands, isolated wetlands, wet meadows, marsh, swamps, bogs, vernal pools, streams, rivers, ponds, lakes, or reservoirs) if it is satisfied that mitigation required in the Order of Conditions is sufficient to protect the Resource Area.

A corner of the proposed pool patio is located within the outer 50-Foot Buffer Zone; however, the pool and all associated structures and mechanical equipment are located greater than 50 feet from the limit of the BVW. As such, the Applicant believes this is compliant with the intent of this performance standard.

21.3. Landscaping

No lawns or driveways may be constructed within 25 feet of any Resource Area, as defined in AWR 2.00 (1-4), (specifically, (1) Any freshwater or coastal wetland, isolated wetland, beach, dune, flat, marsh, wet meadow, bog, swamp, vernal pool, creek, river, stream, pond or lake; 2) Any bank bordering on a freshwater or coastal wetland or water body; 3) Land under water bodies, including but not limited to, land under ponds, lakes, rivers, streams, creeks, or any fresh water wetland; or 4) Land subject to flooding or inundation by groundwater or surface water, including but not limited to, fresh water wetlands, isolated wetlands, wet meadows, marsh, swamps, bogs, vernal pools, streams, rivers, ponds, lakes, or reservoirs).

No lawns are driveways are proposed in the 25-Foot Buffer Zone.

21.6. Filling

(1) No fill shall be placed in any Resource Area or any buffer zone so as to alter the flow of surface water in a way that the Conservation Commission feels will adversely affect the wetland values of the Resource Area(s).

The Applicant does not anticipate that the proposed project twill alter the flow of surface water to adversely affect the Resource Area, particularly with the limited permanent alteration in the 25-Foot Buffer Zone, and all structures proposed 50 feet from the BVW.

(2) No filling or excavation or other alteration of salt marshes shall be permitted.

Not applicable, as there is no Salt Marsh on the site.

(3) The Commission at its discretion may allow the filling of up to 2,500 square feet of Vegetated Wetland for a limited project, if satisfied that mitigation required in the Order of Conditions is sufficient to protect the Resource Area…..

Not applicable, as there are no impacts proposed to the Vegetated Wetlands/BVW on the project site.

(4) A bridge covering a Resource Area is considered fill.

Not applicable, as there are no bridges proposed over any Resource Areas.

(5) Compatible fill shall be used for beach and dune nourishment projects. Compatible fill means clean sediment of a grain size that is approximately the same as the area being nourished (e.g., if the area being nourished consists of gravel, sand, silt or clay, then the fill brought in for nourishment should be gravel, sand, silt or clay). Clean means the sediment does not contain contaminants and is free of debris.

Not applicable, as this is not a beach or dune nourishment project.

(6) Dumping of lawn wastes, brush or leaves or other materials or debris is not permitted in any Resource Area.

No dumping of lawn wastes, brush or leaves or other materials or debris is proposed.

(7) The Commission is authorized to deny any filling of any Resource Area in order to protect the wetland values of the Resource Area.

No wetland fill is proposed, and the work in the RFA meets the other applicable performance standards.

21.7. Structures

(1) The intent of the Conservation Commission is to move all structures and activities as far away as possible from any Resource Area.

As noted in the previous sections, all structures have been located at least 50 feet from Resource Areas.

(2) The Commission may at its discretion allow a proposed structure on a wall-type foundation within 100 to 50 feet of the Resource Area, as defined in AWR 2.0 (1-5), if satisfied that mitigation required in the Order of Conditions is sufficient to protect the Resource Area.

The Applicant has graded the site appropriately to minimize impacts to the Buffer Zone and RFA, and proposed appropriate RFA mitigation.

(3) No mitigation is sufficient to allow a structure on a wall-type foundation less than 50 feet to a Resource Area, as defined in AWR 2.0 (1-5).

No wall-type foundations are proposed within 50 feet of a Resource Area.

(4) The Commission may at its discretion allow a structure on an open pile foundation within 100 to 35 feet of a Resource Area, as defined in AWR 2.0 (1-5).

Not applicable.

(5) No mitigation is sufficient to allow a structure on an open pile foundation less than 35 feet to a Resource Area, as defined in AWR 2.0 (1-5).

Not applicable.

(6) New structures and substantially renovated or reconstructed structures on any barrier beach are required to be constructed on an open pile-type foundation.

Not applicable as the site is not located on a Barrier Beach.

5.3.3 Waivers (Section 7.13)

Based upon a review of the project, the Applicant does not believe any waivers are formally required, as the project is consistent with the performance standards for work in the RFA and Buffer Zone.

6.0 RESTORATION

As part of the proposed project work, the Applicant is proposing the restoration of previously degraded Riverfront Area and Buffer Zone with native tree, shrub, and herbaceous species. The following describes the sequence of construction activities and provides information regarding grading, planting, and seeding following construction of the RFA and 25-Foot Restoration Areas. The Conservation Commission will be notified prior to the commencement of work, to schedule inspection of the work. A qualified Professional Wetland Scientist (PWS) will document conditions relative to vegetation composition and structure, topography, and soils both before and after restoration measures are implemented.

Approximately 35,317 square feet of Riverfront Area and 31,076 square feet of the 25-Foot Buffer Zone restoration are proposed. The goal is to create a forested Riparian restoration area over time, while the 25-Foot Buffer Zone is proposed as a wildlife meadow to restore naturally over time.

Clearing, Grading, and Soils

The Restoration Areas will be cleared and grubbed, and will be excavated to a depth of a minimum of six (6) inches below the final design elevations. Areas that contain invasive species will be excavated to a depth of approximately two to three feet to the extent feasible where groundwater will not be impacted. Minor modifications to this grading plan may be made in the field by the PWS in response to subsurface conditions. Approximately four to six inches of top soil will be added. After soils have been placed and tilled, the RFA Restoration Areas will be planted and seeded. Any fine grading will be completed and erosion controls will be left in place until adequate vegetation cover is established and inspected.

Shrub and Tree Planting

The shrubs and trees used for re-vegetation of the mitigation areas will be obtained from a reputable plant nursery. Shrubs will measure approximately two to three (2-3) feet in height, and tree seedlings will have a minimum caliper size of one to two (1-2) inches with root balls secured with burlap. Several trees are proposed with a minimum caliper size of three (3) inches. Rootstock will be grouped within the restoration areas to approximate natural communities and provide food and/or cover for wildlife. Plantings should be placed according to the locations identified on the plans and be performed by hand under the supervision of a qualified PWS. After soils have been placed and tilled, the RFA Restoration Areas will be planted with the native shrubs and trees listed in Table 6-1, and the seed mixes will be applied to both the RFA Mitigation Areas and the 25-Foot Buffer Zone Restoration Areas.

TABLE 6-1
RIVERFRONT AREA RESTORATION PLANTING SCHEDULE*

Common Name	Scientific Name	Indicator Status	Planted Size (height)	Quantity
Trees = 45				
Northern Red Oak	*Quercus rubra*	FACU	3” caliper	9
White Oak	*Quercus alba*	FACU	3” caliper	9
Red Maple	*Acer rubrum*	FAC	3" caliper	7
Gray Birch	*Betula populifolia*	FAC	1-2” caliper	7
Box Elder	*Acer negundo*	FAC+	1-2" caliper	5
Black Gum	*Nyssa sylvatica*	FAC	1-2" caliper	4
American Hornbeam	*Carpinus caroliniana*	FAC	1-2" caliper	4
Shrubs = 180				
Northern Arrow-wood	*Viburnum recognitum*	FAC	2-3’ height	30
Serviceberry	*Amelanchier canadensis*	FAC	2-3” height	30
Witch Hazel	*Hamameilis virginiana*	FACU	2-3’ height	30
Alternate-leaved Dogwood	*Cornus alterniflora*	UPL	2-3’ height	30
Gray Dogwood	*Cornus racemose*	FAC	2-3’ height	30
American Hazelnut	*Corylus americana*	FACU	2-3’ height	30
Ground Cover				
New England Conservation/Wildlife Mix		Varies	1,750 sf / 1 lb	10 lbs.
New England Wildflower Mix		Varies	1,900 sf / 1 lb	9 lbs.

Note: Trees and shrubs shall be randomly spaced throughout mitigation area to simulate natural growth patterns.

Seeding

The following tables list the species in the New England Conservation/Wildlife Mix and the New England Wildflower Mix to be used in both the RFA Restoration Areas and the 25-Foot Buffer Zone Restoration Areas.

The New England Wildflower mix provides a selection of native wildflowers and grasses to insure that a variety of species will survive in conditions from dry to moist. It is an appropriate seed mix for roadsides, commercial landscaping, parks, golf courses, industrial sites and areas undergoing ecological restoration. The mix can be applied by hydro-seeding (no tackifiers), by mechanical spreader, or by hand. Lightly rake or roll after sowing to increase seed to soil contact. Apply on a clean, weed free seed bed. Best results are obtained with a Spring or late fall dormant seeding.

The New England Conservation/Wildlife Mix provides a permanent cover of grasses, wildflowers, and legumes. For both good erosion control and wildlife habitat value. The mix is designed to be a no-maintenance seeding, and is appropriate for cut and fill slopes, detention basin side slopes, and disturbed areas adjacent to commercial and residential projects.

TABLE 6-2
NEW ENGLAND CONSERVATION/WILDLIFE MIX

Species Common Name	Species Latin Name	Indicator Status
Virginia Wild Rye	*Elymus virginicus*	FACW-
Little Bluestem	*Schizachyrium scoparium*	FACU
Big Bluestem	*Andropogon gerardii*	FAC
Creeping Red Fescue	*Festuca rubra*	FACU
Switch Grass	*Panicum virgatum*	FAC
Partridge Pea	*Chamaecrista fasciculata*	FACU
Deer Tongue	*Panicum clandestinum*	FAC+
Indian Grass	*Sorghastrum nutans*	UPL
Common Milkweed	*Asclepias syriaca*	FACU-
Ox Eye Sunflower	*Heliopsis helianthoides*	UPL
Purple Joe Pye Weed	*Eupatorium purpureum*	FAC
Grass Leaved Goldenrod	*Euthamia graminifolia*	FAC
Blue Vervain	*Verbena hastata*	FACW
Golden Alexanders	*Zizia aurea*	FAC
Flat Topped/Umbrella Aster	*Aster umbellatus*	FACW
Early Goldenrod	*Solidago juncea*	NI

TABLE 6-3 NEW ENGLAND WILDFLOWER MIX		
Species Common Name	**Species Latin Name**	**Indicator Status**
Little Bluestem	*Schizachyrium scoparium*	FACU
Indian Grass	*Sorghastrum nutans*	UPL
Partridge Pea	*Chamaecrista fasciculata*	FACU
Virginia Wild Rye	*Elymus virginicus*	FACW-
Canda Wild Rye	*Elymus canadensis*	FACU+
Red Fescue	*Festuca rubra*	FACU
Butterfly Milkweed	*Asclepias tuberosa*	NI
New York Ironweed	*Vernonia noveboracensis*	FACW+
Evening Primrose	*Oenothera biennis*	FACU
New England Aster	*Aster novae-angliae*	FACW-
Black Eyed Susan	*Rudbeckia hirta*	FACU-
Early Goldenrod	*Solidago juncea*	NI
Hollow-Stem Joe Pye Weed	*Eupatorium fistulosum*	FACW
Starved/Calico Aster	*Aster lateriflorus*	FACW

Irrigation

If necessary, the Restoration Areas will be irrigated with an approved water source if natural hydrological cycles do not provide sufficient water to initially sustain the newly planted vegetation. Irrigation practices will only be used in drought situations or if other unforeseen situations warrant the need for irrigation practices. After planting and seeding, the replication area shall be mulched with straw. The mulch shall provide sufficient cover for moisture retention, seed protection, and soil stabilization. The mulch will be free of weeds, reeds, twigs, chaff, debris, and excessive amounts of seed and grain.

Monitoring

Monitoring of the Restoration Areas will be performed by a qualified PWS to ensure successful plant establishment for a minimum two years in accordance with all applicable permit conditions. The first inspection will take place after the first growing season or 180 growing season days after planting. Two inspections will occur each year, one in the late spring and another in the early fall. A yearly monitoring report will be prepared and submitted to the appropriate regulatory agencies and will describe the work completed and vegetation within the replicated site as well as any action to be taken to repair, restore, or replant the area if needed.

After the inspections, the contractor will replace all plants that have not become established and re-seed areas that have not reached the desired 75% percent cover of native vegetation. Once all areas have been stabilized with vegetation and monitoring is complete, the erosion control and siltation barriers shall be removed. If conditions develop that impede the success of the replication efforts, corrective action shall be taken.

If the required corrective measures are minor in nature, including additional erosion controls, removal of undesirable invasive plants, or minor regrading/re-seeding, then the work shall be performed as required.

7.0 SUMMARY

The proposed project consists of the construction of the Rocky Hill MBTA Community residential development located at 265, 277, 281, 287, and 287½ Elm Street in Amesbury, Massachusetts (Assessor's ID Map 68: Lots, 12, 13, 15, 20 & Map 80: Lots 3, 4). As currently designed, proposed work will occur within the 100-Foot Buffer Zone and the 25-Foot and 50-Foot City of Amesbury Buffer Zones to Bordering Vegetated Wetlands (BVW) and Inland Bank, as well as within the 200-Foot Riverfront Area associated with an unnamed tributary to the PowWow River. Applicable stormwater standards will be met or exceeded and erosion and sedimentation controls shall be installed before the start of work, and maintained until the entire site area has been stabilized. The project will include new water quality and quantity controls designed to protect surface and groundwater resources and adjacent properties from potential impacts resulting from the proposed project.

The Rocky Hill MBTA Community is designed to meet the criteria and spirit of the Rocky Hill Multi-family Overlay District ("RH-MFOD"), Section XI.V of the Amesbury Zoning Code, and the accompanying Design Guidelines set forth in the "Residential Pattern Book, The Rocky Hill, Amesbury". The Applicant and City planning staff worked extensively on concept plans and the Residential Pattern Book which is incorporated in the RH-MFOD. As a result of this collaborative planning process, the Applicant proposes to construct a residential development on approximately 32.6 acres of upland within the approximate 65.6-acre project site located generally on the east side of Elm Street and comprised of the aforementioned six individual tax parcels.

The Rocky Hill MBTA Community is designed with two distinct neighborhoods with a total of 379 units proposed. The South Neighborhood is proposed as a total of 83 units in a mix of single-family, duplex, triplex and quad-plex buildings and will be marketed for-sale to individual homeowners. The North Neighborhood is proposed as 296 units in 29 multi-unit buildings. Ten percent (10%) of residences within Rocky Hill MBTA Community will be designated as "Affordable Housing". Each neighborhood includes community buildings, formal greens, pocket parks and related amenities

It is LE's opinion, based on our professional education, training, and familiarity with the project site, that the proposed work will not have any permanent adverse effect on any interests identified in the Wetlands Protection Act or the City of Amesbury Wetlands Protection Ordinance and are designed to minimize adverse effects on the local ecosystem. The basis for our opinion is as follows:

- The project meets the performance standards for RFA of the Wetlands Protection Act under 310 CMR 10.58.

- The project meets the performance standards for RFA and the Buffer Zone under the City of Amesbury Wetlands Protection Ordinance under Section 19.1 and Section 20.0.

- The project meets the project-specific performance standards under the City of Amesbury Wetlands Protection Ordinance for Sections 21.2. Pools and Tennis Courts, 21.3. Landscaping, 21.6. Filling, and 21.7. Structures.

- The project does not require any impacts to BVW.

- Temporary impacts for grading and construction of the stormwater features within the RFA will be restored in-situ.

- On-site restoration is proposed within 8,780 square feet of the Riverfront Area along the unnamed tributary of the Powwow River.

- The project has been designed to avoid structures in the 50-Foot Buffer Zone, and permanent impacts in the 25-Foot Buffer Zone to the extent feasible.

- Erosion controls are proposed for the project to protect resource areas during construction.

- The project complies with the MassDEP Stormwater Management Standards.

The proposed design achieves the goals of the Applicant, while being sensitive to adjacent regulated resource areas to the extent feasible. Accordingly, the Applicant respectfully requests that the Conservation Commission consider a finding that the proposed design is adequately protective of the interests identified in the Wetlands Protection Act and City of Amesbury Wetlands Protection Ordinance, and issue an Order of Conditions approving the project as described in this NOI application and as shown on the attached Site Plans.