

Project narrative
for
501 Main Street
Amesbury, Mass.

Reason for the project:

The retaining wall at 501 Main Street is leaning towards the Merrimack River.

Proposed solution:

In order to avoid creating erosion and further destabilizing the bank of the river we are proposing to remove and replace the existing block wall with a new Shea block wall. This new wall will not impede the rising tides during tidal storms (flooding) but will protect the land behind the wall from wave action and Ice damage.

Additionally, we believe that the proposed wall replacement project will protect the resource areas from damage by preventing the existing wall from collapsing into the Merrimack River.

Impacts to wetland resource areas:

With regard to Bordering Land Subject to Flooding (BLSF)

No additional flood storage volume will be lost as the result of the proposed project within Bordering Land Subject to Flooding.

The area chosen will not restrict flows of the Merrimack River.

Work in those portions of bordering land subject to flooding found to be significant to the protection of wildlife habitat shall not impair its capacity to provide important wildlife habitat functions. Except for work which would adversely affect vernal pool habitat, a project or projects on a single lot, for which Notice(s) of Intent is filed on or after November 1, 1987, that (cumulatively) alter(s) up to 10% or 5,000 square feet (whichever is less) of land in this resource area found to be significant to the protection of wildlife habitat, shall not be deemed to impair its capacity to provide important wildlife habitat functions. Additional alterations beyond the above threshold, or altering vernal pool habitat, may be permitted if they will have no adverse effects on wildlife habitat, as determined by procedures contained in 310 CMR 10.60

There will be no change in use of the land. The main purpose of the project is to prevent collapse of the wall and the land behind the wall from falling into the Merrimack River.

With regard to Riverfront Area, the entire property lies within 200-feet of the Merrimack River.

(3) Presumption. Where a proposed activity involves work within the riverfront area, the issuing authority shall presume that the area is significant to protect the private or public water supply; to protect the groundwater; to provide flood control; to prevent storm damage; to prevent pollution; to protect land containing shellfish; to protect wildlife habitat; and to protect fisheries. The presumption is rebuttable and may be overcome by a clear showing that the riverfront area does not play a role in the protection of one or more of these interests. In the event that the presumption is deemed to have been overcome as to the protection of all the interests, the issuing authority shall make a written determination to this effect, setting forth its grounds on Form 6. Where the applicant provides information that the riverfront area at the site of the activity does not play a role in the protection of an interest, the issuing authority may determine that the presumption for that interest has been rebutted and the presumption of significance is partially overcome.

This presumption is applicable. Therefore the stated purpose of the project i.e., to prevent collapse of the wall and the land behind the wall from falling into the Merrimack River, will protect the groundwater; to provide flood control; to prevent storm damage; to prevent pollution; to protect land containing shellfish; to protect wildlife habitat; and to protect fisheries.

(4) General Performance Standard. Where the presumption set forth in 310 CMR 10.58(3) is not overcome, the applicant shall prove by a preponderance of the evidence that there are no practicable and substantially equivalent economic alternatives to the proposed project with less adverse effects on the interests identified in M.G.L. c.131 § 40 and that the work, including proposed mitigation, will have no significant adverse impact on the riverfront area to protect the interests identified in M.G.L. c. 131 § 40. In the event that the presumption is partially overcome, the issuing authority shall make a written determination setting forth its grounds in the Order of Conditions and the partial rebuttal shall be taken into account in the application of 310 CMR 10.58 (4)(d)1.a. and c.; the issuing authority shall impose conditions in the Order that contribute to the protection of interests for which the riverfront area is significant.

While we believe that the Presumption set forth in 310 CMR 10.58 (3) is overcome, we also believe that there is no practicable and substantially equivalent economic alternative to the proposed project.

Other Resource Areas:

(a) Protection of Other Resource Areas. The work shall meet the performance standards for all other resource areas within the riverfront area, as identified in 310 CMR 10.30 (Coastal Bank), 10.32 (Salt Marsh), 10.55 (Bordering Vegetated Wetland), and 10.57 (Land Subject to Flooding). When work in the riverfront area is also within the buffer zone to another resource area, the performance standards for the riverfront area shall contribute to the protection of the interests of M.G.L. c. 131, § 40 in lieu of any additional requirements that might otherwise be imposed on work in the buffer zone within the riverfront area.

The other resource areas that exist on this property include Bordering Land Subject to Flooding (addressed above) and the buffer zone of the Bank of the Merrimack River. As stated above; There will be no change in use of the land. The major purpose of the project is to protect the resource areas within the Buffer Zone.

Rare Species: We are waiting for a response from the Department of Fish and Game's Natural Heritage and Endangered Species program response to this project.

(b) Protection of Rare Species. No project may be permitted within the riverfront area which will have any adverse effect on specified habitat sites of rare wetland or upland, vertebrate or invertebrate species, as identified by the procedures established under 310 CMR 10.59 or 10.37, or which will have any adverse effect on vernal pool habitat certified prior to the filing of the Notice of Intent. (c) Practicable and Substantially Equivalent Economic Alternatives.