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May 11, 2026

City of Amesbury
Conservation Commission
1 Market Street
Amesbury, MA 01913

RE: 3 Old Merrill Street, Amesbury – Accessory Dwelling Unit (ADU) - Notice of Intent (NOI)

Dear Members of the Conservation Commission,

On behalf of Andrea McKee (Applicant), Hancock Associates hereby submits this Notice of Intent (NOI) in request to permit construction of an Accessory Dwelling Unit (ADU) within Riverfront Area and the 100-foot Buffer Zone to Inland Bank at 3 Old Merrill Street in Amesbury.

All work proposed herein has been designed in accordance with performance standards under the Massachusetts Wetland Protection Act, the City of Amesbury Wetland Protection Ordinance, and the Massachusetts Endangered Species Act (MESA). As such, we respectfully request that the City of Amesbury Conservation Commission consider issuance of an Order of Conditions to permit the scope of work detailed herein.

Wetland Resource Areas

Prior to performing field wetland delineations, a desktop review was conducted using available MassGIS data layers, City of Amesbury GIS data layers, USGS 7.5-minute quadrangle maps, NRCS soil survey maps, aerial photography, and FEMA Flood Insurance Rate Maps (FIRM).

According to the desktop review, portions of the lot occur within mapped NHESP Priority Habitats of Rare Species habitat. The scope of work herein is, however, exempt from Massachusetts Endangered Species Act (MESA) Review under 321 CMR 10.14(5) afforded to the, *“construction or removal of structures that are secondary to the primary residence and located within existing paved areas and lawfully developed and maintained lawns or landscaped areas on residential properties, provided there is no expansion of such existing paved, lawn and landscaped areas”*.

According to the FEMA FIRM, there is mapped Zone AE 100-year floodplain coinciding with the resource area Bordering Land Subject to Flooding (BLSF) located on the property occurring at elevation 9.5'. This elevation was located via a topographic survey and is detailed on our Permit Site Plans herein.

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No other peripheral environmental sensitive resource areas were identified on the lot to include NHESP Certified or Potential Vernal Pools, Areas of Critical Environmental Concern (ACECs), Outstanding Resource Waters (ORWs), Cold Water Fisheries, Surface Water Protection Zones, or Wellhead Protection Areas.

As the Merrimack River is a USGS mapped perennial stream, Mean Annual High Water (MAHW) was field delineated by a qualified professional wetland scientist on December 11, 2025. MAHW is pronounced and well defined as it coincides with a stone retaining wall at water's edge of the Merrimack River with clear field indicators of bankfull condition. MAHW is detailed on our Permit Site Plans herein as Wetland Flags (WF) 100 through 106.

The wetland scientist did not observe any Bordering Vegetated Wetlands (BVW) on the lot, as there is an abrupt transition to upland upgradient of the shoreline retaining wall.

Existing Conditions

The property is a 0.40-acre waterfront residential lot located on the shoreline of the Merrimack River. The entire property is located within Riverfront Area, thus the total Riverfront Area on the Lot is 19,722sf. The lot is developed with a single-family home constructed in 1961 with associated appurtenances to include a brick patio and a concrete dock (see Existing Conditions Plan as Sheet 2 of 5 of the Permit Site Plans). Degraded surface areas existing as impervious surfaces, land devoid of vegetation and topsoil, and/or locations of dumping and junk on the lot of pre-dating August 7, 1996 totals 3,925sf.

Proposed Conditions

The Applicant is proposing to construct a modest 750sf ADU adjacent to the existing home over a footprint that exists as maintained lawn (See Site Plan as Sheet 4 or 5 of the Permit Site Plans). The ADU will be serviced by new tie-ins to municipal water and sewer. The ADU would include a permeable 2-car pea stone finish parking area and the installation of subsurface infiltration chambers in the treatment of stormwater runoff. The total surface area of permanent alteration of Riverfront Area proposed herein is 1,200sf. All work is proposed over surfaces that exist as maintained turf lawn in the existing condition. There is no removal of native woody or herbaceous vegetation proposed.

No work is proposed at or below the 100-year floodplain elevation, thus no work is proposed within BLSF.

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The project has been designed to meet all state and local performance standards for wetland protection as follows.

Riverfront Area - 310 CMR 10.58(4)

In accordance with 310 CMR 10.58(4), *“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”*.

The following section demonstrates how the project complies with these performance standards:

310 CMR 10.58(4)(a) Protection of Other Resource Areas

Riverfront Area is the only wetland resource area in which work is proposed, thus the project protects other resource areas.

310 CMR 10.58(4)(b) Protection of Rare Species

Although portions of the project are proposed within NHESP mapped Estimated and Priority Rare Species, all work is proposed over existing lawn without expansion. The scope of work herein is, thus, exempt from Massachusetts Endangered Species Act (MESA) Review under 321 CMR 10.14(5) afforded to the, *“construction or removal of structures that are secondary to the primary residence and located within existing paved areas and lawfully developed and maintained lawns or landscaped areas on residential properties, provided there is no expansion of such existing paved, lawn and landscaped areas”*. The project will thus protect rare species.

310 CMR 10.58(4)(c) Practicable and Substantially Equivalent Economic Alternatives

In efforts to avoid, minimize and mitigate impacts within the Riverfront Area, the Applicant has no practicable and sustainable economic equivalent alternative and herein considers only the “No Build” alternative in which the project is not executed.

Preferred Alternative – The Project

As proposed herein, the design team has made every effort to avoid, minimize and mitigate for alteration within the Riverfront Area to the maximum extent practicable.

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In effort to avoid impact, the entire lot is located within Riverfront Area, thus the Applicant has no practicable alternative to avoid impact within Riverfront Area.

In effort to minimize impact, the design team has located the footprint of the proposed ADU over existing lawn as far away from the River as possible by constraint to the north and east by Zoning Frontage and Side Setbacks, and setback from the existing home to the west.

In effort to mitigate for the impact, the Applicant proposes to renaturalize a total of 2,500sf of surface area existing as lawn, representing a (2:1) restoration of Riverfront Area to that which the Applicant proposes to permanently alter. The area proposed for restoration is closer to the river, and will be converted through ecological restoration into a native woody plant community, providing greater net benefit in the interests of Riverfront Area protection than the existing condition (See Native Planting Table on Site Plan).

“No Build” Alternative

The intent of the project is to construct a permittable ADU on the property to support family. As demonstrated, there is no economically equivalent alternative by constraint of Riverfront Area and municipal Zoning Ordinance to otherwise construct an ADU. Thus the “No Build” Alternative is the only other alternative and it not economically equivalent.

310 CMR 10.58(4)(d) No Significant Adverse Impact

In accordance with 310 CMR 10.58(4)(d), “the issuing authority may allow the alteration of up to 5,000 square feet or 10% of the riverfront area within the lot, whichever is greater, on a lot recorded on or before October 6, 1997”.

The construction proposed herein totals 1,200sf (or 6.1% of the total Riverfront Area on the Lot), in accordance with this standard.

Stormwater Treatment

Single-family homes are exempt from demonstration of compliance with the MassDEP Stormwater Management Standards, however, as designed herein, all stormwater runoff from the new ADU would drain and infiltrate through Cultech Infiltration Chambers, designed to meet or exceed all state and municipal stormwater management standards. Refer to the Stormwater Management Plan and Site Plan specifications for details.

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Best Management Practices (BMPs)

In management of wetland protection during construction, the Applicant proposes to use conventional Best Management Practices (BMPs) for soil, sediment and erosion protection to include but not limited to installation and maintenance of perimeter sediment controls, a stone sediment tracking apron, and soil stockpile protection (See Site Preparation and Erosion Control Plan as Sheet 3 of 5 of the Permit Site Plan).

Conclusion

The project has been designed in accordance with performance standards for Riverfront Area. With restoration offered at a 2:1 ratio to alteration allowed, the Applicant believes the project is permissible and will maintain all interests for wetland protection defined in the WPA. As such, we respectfully request that the Commission consider issuance of an Order of Conditions permit to approve the scope of work detailed herein.

Please feel free to contact me at (508) 460-1111 ext. 535 or dcowell@hancockassociates.com if you have any questions or requests for additional supporting information. We look forward to presenting this matter at your next available public hearing.

Regards,
Hancock Associates on behalf of Alliance Point Realty Trust



David J Cowell, PWS, CWB, CERP
Associate Senior Wetland Scientist / Project Manager



cc: MassDEP Northeast Regional Office (NERO)
Natural Heritage and Endangered Species Program (NHESP)

Attachments:

- A – WPA Form 3
- B – Figures and Exhibits
- C – Abutter Notification
- D – Stormwater Report
- E – Site Plans