

**AMESBURY CONSERVATION COMMISSION  
JOINT MEETING WITH PLANNING BOARD  
AMESBURY CITY HALL AUDITORIUM, 62 Friend Street  
January 27, 2014, 7 PM**

**Meeting started at 7:05 PM.**

**Present for Conservation Commission: Kinsey Boehl, Alan Corey, Steve Langlois, Suzanne Egan, Michael Bik. Absent: Jack Tremblay. Also present was John Lopez, Agent. Paul Bibaud was recording secretary.**

**Present for Planning Board: David Frick, Ted Semesnyi, Lars Johannessen, Nipun Jain, City Planner**

**NOI # 002- 1087**

**19 Evans Place & 21 R Evans Place (Saba)**

**Consultant Peer Review.**

**John Lopez:** The commission will recall that this is a notice of intent in support of a proposed subdivision, including a 1,200 foot roadway in support of a proposed 12 single family dwellings and two existing single family dwellings. The hearing was opened at the January 3, 2014 meeting. The Conservation Commission continued to January 27, 2014. The commission carried a motion to solicit a peer review pursuant to the proposed development project at 19 Evans Place and 21R Evans Place. The commission requested that I solicit a peer review by BSC Group, pursuant to the MA Wetlands Protection Act, the city of Amesbury Wetlands Ordinance, and the MA Storm Water Standards. The commission has received a copy on January 22, 2014. If there are no outstanding issues, I recommend that this be approved.

No outstanding issues were voiced from any on the commission.

***Motion was made by Michael Bik to approve #002-1087, 19 Evans Place and 21 R Evans Place for approval for the peer review to be done by BSC Group. Motion was seconded by Alan Corey. Vote was unanimous.***

***Motion was made by Michael Bik to continue this hearing to March 3, 2014. Seconded by Suzanne Egan. Vote was unanimous.***

**NOI #002-xxx – 27-31 Water Street- Heritage Park Project (city) Pre-Application Conference- Lower Millyard Heritage Park - 25, 27, 31 Water Street Site Plan Review**

**John Lopez:** These two hearings are very similar and actually overlap in many areas pursuant to a proposed Water Street realignment and redevelopment project, and a proposed Heritage park in the Lower Millyard.

The applicant is here tonight and the commission will recall that the Lower Millyard Water Street Realignment project was opened on January 6, 2014, and continued to this evening. The Heritage Park NOI is new for this evening. Applicant is here and ready to provide an overview of the project.

**Nipun Jain:** Mr. Chairman, for the Planning Board, the purpose of the joint meeting is to also provide the Planning Board with information on the pending site plan review hearing on Heritage Park. As the Planning Board will also see in the packages that information was provided to you on the forthcoming site plan review hearing at the next meeting, and environmental aspects are

part of the site plan review process. We coordinated this joint meeting so that you would have a full understanding of the environmental aspects associated with both projects; Heritage Park as well as the realignment of Water Street. That is the reason for this joint meeting. It is not a hearing for the Planning Board, it is just for informational purposes, but feel free to ask questions.

**Gene Crouch, Senior Environmental Scientist with VHB the engineering firm that is doing the design for these two projects.**

I have a display that is sort of an overlay board that will show where the two projects are in relation to each other. There are really three projects being proposed. Right now, we've only submitted on two of those. The two we proposed are the realignment of Water Street and the Lower Millyard (Heritage Park) redevelopment in the flat area. The third project that I'll just give a very brief understanding of is the extension of the Riverwalk. That would follow Mill Street, down to the flat, along the power line, cut across, bridge over the Powow, then rejoin the existing segment, realign through the park, go up along the Back River, cross the Back River on a new bridge, not on the County Road bridge, and then rejoin the Riverwalk on the other side. That project would be constructed by DOT. It is in design now. We've actually filed an ENF which each of you should have received, which actually describes all three projects together. (ENF = Environmental Notification Form, which is filed with MEPA). So it will be done in three phases. Currently, Water Street turns about here and heads up. The plan is to push this section of the curve in Water Street out a little bit. Right now, the DPW garage is here. That will be moved to allow Water Street to slide over, allowing for expansion of the lower Water Street parking lot, to push out to gain a few more parking spaces in there. So Water Street has two phases: one is to realign it, and the other is to create more parking by expanding the parking lot. These are the same plans that were in the Notice of Intent. The resource areas are the Powow River and the Back River. Those are tidal waterways. There is coastal bank along them. It is land under the ocean under them, as well as fish runs under the regulations. They do have riverfront area, which extends 200 feet from the bank. Everything I'm going to be talking about is in riverfront area. There's also a floodplain that extends into this area. It runs along the buildings where they are right up against the banks of the river, so a majority of this site is also in floodplain. The floodplain is at a different elevation than in the Merrimack and down in the ocean, so I've not called this land subdivision. Coastal flooding I identified it as bordering land subject to flooding, which has different regulations or different standards that are associated with it. Then there is the buffer zone, a 100 foot buffer zone, which will include much of Water Street and just about all of the park fall within that buffer zone line. Going onto Water Street quickly, the project starts at the intersection with Elm Street, and for the most part, Water Street in this area will remain in the same orientation and will consist of roadway surface, a little bit of improvement, some drainage improvements, and some sidewalk improvements, with brick sidewalks being put in. The entrances into the parking lot will also be improved as part of that and tied in. Crosswalks and wheelchair ramps, etc. will be put in with new curbing, and some additional bump outs for on-street parking where that is possible. Continuing down to the south, this is where the curve in the road is. Currently it curves up through here, and that is going to get pushed out. The DPW building will be removed. The Carriage Museum is going to remain. This is the area where the parking lot is going to expand. The brick walks will continue through this area, with landscaping with new street trees being brought in. The project will end at the County Bridge over the Back River. It also ties in a walk to the pedestrian walk across the Back River here, which goes over to the RTC, so it brings continuity in that respect. The floodplain line is here. With this project,

there is no impact on floodplain. We designed it to be at grade, not changing the grade at all. There is a little grade change here, but we make up for it elsewhere, so there is no net loss of floodplain from this project.

**David Frick:** On the side of the Water Street toward the river, I noticed there is no brick walk there for an expanse. What's going to be in there?

**Gene Crouch:** That's going to come in as part of the park. You'll see that in the next drawing. There's a feature that will take care of that.

The second project, Heritage Park, will be in this area that is currently being used by DPW as a yard. The existing River Walk comes down and runs through the middle of that, up the side and across the roadway bridge. We'll be realigning that a little bit, getting it ready for the River Walk project, when that comes through. We'll run it back into what is there now along the back river. So everything we're talking about for the Heritage Park is in the floodplain. We're proposing to have a brick plaza, which ties into the entrance of the Carriage Museum. Adjacent to the river walk, there is going to be a misting park with brick pavers and granite, benching with a mist that comes up out of the ground so people can get cool in the summer. That is a recreational feature. There will be a large event field, a lawn area where musical events, art, etc. can take place. We're showing a small section of stone and a little bridge here, which is going to come into play for the river walk project but is being put in now. We're also creating a bio-retention basin here after we excavate down a little bit. This will receive water from a section of Water Street, to treat it before it is released into the river. So some storm water treatment will be associated with this surface basin and will be constructed with the park. We're staying away from the banks of either river. It's all being graded so that there is no net loss to the flood plain.

**Ted Semesnyei:** Asked to show where the canoe launch would be. Mr. Crouch pointed it out on the display board. Mr. Crouch showed where parking would be close to the launch, and explained that the Carriage Museum will stay where it is. Originally it was thought it might need to move. Ted asked how many versions of the plan has there been in the last few months?

**Joe Fahey, Director of Community and Economic Development:** There have been a couple different modifications. You may be thinking of an earlier plan that had a water feature in this location, at one point we had the building moved, as you mentioned. As we reviewed the project and saw it was going to function, we realized we needed to put emphasis on the plaza area and the Carriage Museum, to create some function there. We shifted the water feature over to another area and created the bio-retention basin. But the canoe / kayak launch has always been envisioned for this location. Coupled with that, we have to create a certain amount of parking for that facility. That's how the design developed.

**Trish Domigan, VHB design engineer:** There will be brick walkways on both sides of Water Street. There will be granite curbing along the roadway edge also to have a vertical obstruction from the sidewalk to the roadway, but also so there is a much defined channel for runoff to run into a gutter, so it can be collected in a closed drainage system.

**Lars Johannessen:** Has any thought been given to putting in a hedge or something to buffer the parking lot from the sidewalk?

**Trish Domigan:** There have been a lot of thoughts. We are putting in some trees in certain locations. The concern with hedges, especially next to a roadway that is going to be salted, is that you have a lot of salts going into the vegetation, and it actually will kill the vegetation. Also, the sight distance through here, we don't want to inhibit any sight distance along Water Street, especially since this is going to be a pedestrian dominated area, so when people are traveling on Water Street, they can see clearly where pedestrians are. We'll look at putting some things in

here, but probably not a hedge. The trees are being worked out, so the species and plantings will become clear after meeting with the Planning Board.

**John Lopez, Conservation Commission Agent:** Also, if any proposed planting areas are within Conservation Commission jurisdiction, they would require a copy of that as well. Conservation Commission also asks that all plantings be native, non-hybridized species.

**Lars Johannessen:** Could you point out the lighting?

**Trish Domigan:** Yes. There is actually lighting for the roadway and lighting along the park itself, so the roadway will have lighting along the brick walkways that we're proposing on both sides of Water Street. We couldn't put the streetlights on both sides of Water Street, especially up at Market Square, because the existing sidewalks there are really narrow, and the brick was already installed. In places here we are putting in walkways, you can see symbols that are going to be where street lights will be, along the roadway. It'll be similar to what we have in the downtown area, the acorn heads. We're looking into dark sky LEDs.

**Steve Langlois:** You mentioned Chapter 91. Could you please explain how Chapter 91 affects the Phase 3 part of the project?

**Gene Crouch:** Chapter 91 Waterways Licensing is specifically for special areas of the Commonwealth, which includes navigable areas, navigable waters which are all tidal waters in the Commonwealth, great ponds which are naturally occurring pond of ten acres or more, and any other non-tidal navigable area and Chapter 91 lists "navigable" as something you can float a canoe in. So these waterways are definitely navigable waters and are tidal. They regulate not only activities, filling, dredging, structures in these waters but the use of these waters. If you want to build something and it is non-water dependent, it is going to get a much more stringent review than if you want to build something that is water dependent within a tidal water. These are considered to be in the interest of the Commonwealth, they are owned by the residents of the Commonwealth, and the Chapter 91 program is to manage and maintain on behalf of the citizens of the Commonwealth. It is also to not allow development that would restrict the ability to navigate and use the Commonwealth's waterways for commerce and food production, fishing, fowling, and so forth. That is the basis of the Chapter 91 program. It goes back to Colonial times. Jurisdiction goes back to when there wasn't anything here. So one of the things we end up having to do on developed sites like this is to go back and find as old a map as we can to try to figure out what the waterway used to look like, because their jurisdiction is back to that point. So the bridge across is part of their jurisdiction, because they want to make sure it is a bridge that people can navigate past. That tells us how high we need to raise a bridge to allow canoes and kayaks to navigate past. Those are all things that the DEP reviews through the Chapter 91 program.

**Kinsey Boehl:** Are there plans to clean up the Powow River, such as pulling old tires out of it?

**Gene Crouch:** Not as part of this project. That certainly is something that can be done at any time. In this area, I haven't seen much debris in the river. There is kind of a shoal area with a lot of old brick in it, but that's about it. It's much more of a stony, rubbly kind of material that would be more natural in a waterway.

**Kinsey Boehl:** As far as during construction, is there going to be berms to store equipment on for containing hydraulic fluid or diesel fuel leaks, etc.?

**Gene Crouch:** There will be erosion control line that goes around the site to protect and contain everything. As for the contractors operations and how he manages and house-keeps the site, this is greater than an acre, so he's going to have to do a slip, and it'll have to be all spelled out in a

storm water pollution prevention plan that he'll have to prepare and file with the EPA through the construction general permit program. All that needs to be detailed in that document.

**Steve Langlois:** So basically we're here this evening to approve the third party review, correct? There are no abutters, Conservation Commission is all set?

**John Lopez, Agent:** Mr. Chairman, trying to anticipate the commission's needs, I took the initiative to solicit a peer review proposal. The commissioners have a copy of this, from Mill River Consulting dated Jan. 24, 2014, a letter of engagement for consulting services related to the review of the Notice of Intents, for the lower milliard development, Water Street, Amesbury, MA. This scope of work is limited to the Massachusetts Wetlands Protection Act, and the city of Amesbury Wetlands Ordinance, and their regulations and performance standards. This does not include storm water standards. I believe Nipun Jain, city planner, because we have concurrent jurisdiction, that is something that he discusses and the Planning Board may want to pursue that. But for relevance for tonight's proposal, this contract is limited to wetlands act and the Amesbury ordinance. If there are no outstanding issues, I feel if the commission ids comfortable with this, I would recommend that this be approved and this be continued to Feb. 3, 2014, to the next scheduled meeting of Conservation Commission, where the commission's peer review will have the final report.

***Motion by Suzanne Egan to approve the Mill River Consulting peer review for the Lower Millyard redevelopment project and also continue this to the February 3, 2014 Conservation Commission meeting. This motion is for both Notices of Intent (including Water Street). Motion was seconded by Michael Bik. Vote was unanimous.***

**NOI #002-1090 Lower Millyard- Water Street Redevelopment Project  
(city) – Preliminary Subdivision Plan – Water Street**

**John Lopez:** Mr. Chairman, for purposes of the Conservation Commission portion of this meeting, I think we can close and the commission has a second meeting scheduled at 9 School Street to start just after this meeting. It's a public meeting with public invited, it's really just administrative. So procedurally, we will close this hearing and reconvene at 9 School street.

***Motion by Michael Bik to close the meeting. Motion was seconded by Kinsey Boehl. Vote was unanimous.***

**Meeting adjourned at 7:43 P.M.**