



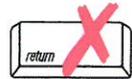
**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

MassDEP File Number:

002-1090

**A. General Information**

**Important:**  
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. From: Amesbury  
 Conservation Commission

2. This issuance is for (check one): a.  Order of Conditions b.  Amended Order of Conditions

3. To: Applicant:

Joseph Fahey  
 a. First Name b. Last Name

City of Amesbury  
 c. Organization

City Hall - 62 Friend Street  
 d. Mailing Address

Amesbury MA 01913  
 e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

City of Amesbury  
 a. First Name b. Last Name

c. Organization

d. Mailing Address

e. City/Town f. State g. Zip Code

5. Project Location:

Water Street Amesbury  
 a. Street Address b. City/Town

53 103; 104; 110  
 c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known:    
 e. Latitude f. Longitude

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Essex South  
 a. County b. Certificate Number (if registered land)

c. Book d. Page

7. Dates: 1.13.14 3.3.14 3.20.14  
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

See Attachment to Order of Conditions and Exhibit  
 a. Plan Title

b. Prepared By c. Signed and Stamped by

d. Final Revision Date e. Scale

See Attachment to Order of Conditions and Exhibit  
 f. Additional Plan or Document Title g. Date



**B. Findings**

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act. Check all that apply:

- a.  Public Water Supply
- b.  Land Containing Shellfish
- c.  Prevention of Pollution
- d.  Private Water Supply
- e.  Fisheries
- f.  Protection of Wildlife Habitat
- g.  Groundwater Supply
- h.  Storm Damage Prevention
- i.  Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**Approved** subject to:

- a.  the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

**Denied** because:

- b.  the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect these interests, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c.  the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**

**Inland Resource Area Impacts:** Check all that apply below. (For Approvals Only)

|  |                      |                      |                      |                       |
|--|----------------------|----------------------|----------------------|-----------------------|
| 3. <input checked="" type="checkbox"/> Buffer Zone Impacts: Shortest distance between limit of project disturbance and wetland boundary (if available) |                      |                      |                      | _____ a. linear feet  |
| Resource Area  | Proposed Alteration  | Permitted Alteration | Proposed Replacement | Permitted Replacement |
| 4. <input type="checkbox"/> Bank   | _____ a. linear feet | _____ b. linear feet | _____ c. linear feet | _____ d. linear feet  |
| 5. <input type="checkbox"/> Bordering Vegetated Wetland  | _____ a. square feet | _____ b. square feet | _____ c. square feet | _____ d. square feet  |
| 6. <input type="checkbox"/> Land Under Waterbodies and Waterways   | _____ a. square feet | _____ b. square feet | _____ c. square feet | _____ d. square feet  |
|  | _____ e. c/y dredged | _____ f. c/y dredged |                      |                       |



**B. Findings (cont.)**

| Resource Area  | Proposed Alteration | Permitted Alteration | Proposed Replacement | Permitted Replacement |
|--|---------------------|----------------------|----------------------|-----------------------|
| 7. <input checked="" type="checkbox"/> <b>Bordering Land Subject to Flooding</b> | 49223               | 49223                | 49228                | 49228                 |
| Cubic Feet Flood Storage   | a. square feet      | b. square feet       | c. square feet       | d. square feet        |
|  | e. cubic feet       | f. cubic feet        | g. cubic feet        | h. cubic feet         |
| 8. <input type="checkbox"/> <b>Isolated Land Subject to Flooding</b>             |                     |                      |                      |                       |
| Cubic Feet Flood Storage   | a. square feet      | b. square feet       |                      |                       |
|  | c. cubic feet       | d. cubic feet        | e. cubic feet        | f. cubic feet         |
| 9. <input checked="" type="checkbox"/> <b>Riverfront area</b>                    | 83635               | 83635                |                      |                       |
| Sq ft within 100 ft  | a. total sq. feet   | b. total sq. feet    |                      |                       |
|  | c. square feet      | d. square feet       | e. square feet       | f. square feet        |
| Sq ft between 100-200 ft   | 83635               | 83635                | 83635                | 83635                 |
|  | g. square feet      | h. square feet       | i. square feet       | j. square feet        |

**Coastal Resource Area Impacts:** Check all that apply below. (For Approvals Only)

|   |   |                |                   |                   |
|---|---|----------------|-------------------|-------------------|
| 10. <input type="checkbox"/> <b>Designated Port Areas</b>                 | Indicate size under Land Under the Ocean, below   |                |                   |                   |
| 11. <input type="checkbox"/> <b>Land Under the Ocean</b>                  | a. square feet  | b. square feet |                   |                   |
|   | c. c/y dredged  | d. c/y dredged |                   |                   |
| 12. <input type="checkbox"/> <b>Barrier Beaches</b>                       | Indicate size under Coastal Beaches and/or Coastal Dunes below  |                |                   |                   |
| 13. <input type="checkbox"/> <b>Coastal Beaches</b>                       | a. square feet  | b. square feet | c. c/y nourishmt. | d. c/y nourishmt. |
| 14. <input type="checkbox"/> <b>Coastal Dunes</b>                         | a. square feet  | b. square feet | c. c/y nourishmt. | d. c/y nourishmt. |
| 15. <input type="checkbox"/> <b>Coastal Banks</b>                         | a. linear feet  | b. linear feet |                   |                   |
| 16. <input type="checkbox"/> <b>Rocky Intertidal Shores</b>               | a. square feet  | b. square feet |                   |                   |
| 17. <input type="checkbox"/> <b>Salt Marshes</b>                          | a. square feet  | b. square feet | c. square feet    | d. square feet    |
| 18. <input type="checkbox"/> <b>Land Under Salt Ponds</b>                 | a. square feet  | b. square feet |                   |                   |
|   | c. c/y dredged  | d. c/y dredged |                   |                   |
| 19. <input type="checkbox"/> <b>Land Containing Shellfish</b>             | a. square feet  | b. square feet | c. square feet    | d. square feet    |
| 20. <input type="checkbox"/> <b>Fish Runs</b>                             | Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above |                |                   |                   |
|   | a. c/y dredged  | b. c/y dredged |                   |                   |
| 21. <input type="checkbox"/> <b>Land Subject to Coastal Storm Flowage</b> | a. square feet  | b. square feet |                   |                   |



## C. General Conditions Under Massachusetts Wetlands Protection Act

(only applicable to approved projects)

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - a. the work is a maintenance dredging project as provided for in the Act; or
  - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
7. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to this Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]

"File Number 002-1090"



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**C. General Conditions Under Massachusetts Wetlands Protection Act**

10. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
12. The work shall conform to the plans and special conditions referenced in this order.
13. Any change to the plans identified in Condition #12 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
14. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
15. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
16. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
17. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
18. **The work associated with this Order is (1)  is not (2)  subject to the Massachusetts Stormwater Policy Standards. If the work is subject to the Stormwater Policy, the following conditions apply to this work and are incorporated into this Order:**
  - a) No work, including site preparation, land disturbance, construction and redevelopment, shall commence unless and until the construction period pollution prevention and erosion and sedimentation control plan required by Stormwater Standard 8 is approved in writing by the issuing authority. Until the site is fully stabilized, construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan, and if applicable, the Stormwater Pollution Plan required by the National Discharge Elimination System Construction General Permit.



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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs until written approval is received from the issuing authority. To request written approval, the following must be submitted: illicit discharge compliance statement required by Stormwater Standard 10 and as-built plans signed and stamped by a registered professional engineer certifying the site is fully stabilized; all construction period stormwater BMPs and any illicit discharges to the stormwater management system have been removed; and all post-construction stormwater BMPs were installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure they are not damaged and will function properly.
- c) Prior to requesting a Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall submit to the issuing authority an Operation and Maintenance (O & M) Compliance Statement for the Stormwater BMPs. This Statement shall identify the responsible party for implementing the Operation and Maintenance Plan and also state that: 1. "Future responsible parties shall be notified in writing of their continuing legal responsibility to operate and maintain the stormwater management BMPs and implement the Pollution Prevention Plan; and 2. The Operation and Maintenance Plan for the stormwater BMPs is complete and will be implemented upon receipt of the Certificate."
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the issuing authority shall presume that the responsible party for maintaining each BMP is the landowner of the property on which the BMP is located. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement acceptable to the issuing authority evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the Operation and Maintenance Plan section of the approved Stormwater Report, and the Massachusetts Stormwater Handbook.
- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three years including inspections, repairs, replacement and disposal (for disposal the log shall indicate the type of material and the disposal location);
  2. Make this log available to MassDEP and the Conservation Commission upon request; and
  3. Allow members and agents of the MassDEP and the Conservation Commission to enter and inspect the premises to evaluate and ensure that the responsible party complies with the Operation and Maintenance requirements for each BMP set forth in the Operations and Maintenance Plan approved by the issuing authority.
- h) All sediments or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.



**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

j) The stormwater management system approved in the Final Order of Conditions shall not be changed without the prior written approval of the issuing authority. Areas designated as qualifying pervious areas for purpose of the Low Impact Site Design Credit shall not be altered without the prior written approval of the issuing authority.

k) Access for maintenance of stormwater BMPs shall not be obstructed or blocked. Any fencing constructed around stormwater BMPs shall include access gates. Fence(s) shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

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**D. Findings Under Municipal Wetlands Bylaw or Ordinance**

1. Is a municipal wetlands bylaw or ordinance applicable?  Yes  No

2. The Amesbury Conservation Commission hereby finds (check one that applies):

a.  that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

1. Municipal Ordinance or Bylaw

2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

b.  that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

Amesbury Wetlands Ordinance

AWO

1. Municipal Ordinance or Bylaw

2. Citation

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

See Attachment to Order of Conditions

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**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

MassDEP File Number:  
002-1090

**E. Issuance**

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form:

This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

3.20.14  
 1. Date of Issuance  
three  
 2. Number of Signers

Signatures:

[Handwritten Signature]  
[Handwritten Signature]  
Alan Carey

**Notary Acknowledgement**

Commonwealth of Massachusetts County of Essex

On this 20 Day \_\_\_\_\_ of \_\_\_\_\_

March 2014  
 Month Year  
Michael Bilc  
 Name of Document Signer

Before me, the undersigned Notary Public, personally appeared

proved to me through satisfactory evidence of identification, which was/were

Known to me  
 Description of evidence of identification

to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

As member of \_\_\_\_\_

Amesbury  
 City/Town

Conservation Commission



Place notary seal and/or any stamp above

[Handwritten Signature]  
 Signature of Notary Public  
JOAN E. BAPTISTE  
 Printed Name of Notary Public  
3.18.16  
 My Commission Expires (Date)

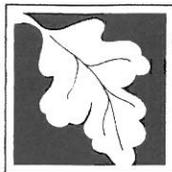
This Order is issued to the applicant as follows:

by hand delivery on

3.20.14  
 Date

by certified mail, return receipt requested, on

\_\_\_\_\_  
 Date



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## **F. Appeals**

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant. Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order or Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

**Section G, Recording Information is available on the following page.**



**WPA Form 5 – Order of Conditions**

002-1090

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**G. Recording Information**

This Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Amesbury  
Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Amesbury  
Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Water Street  
Project Location

002-1090  
MassDEP File Number

Has been recorded at the Registry of Deeds of:

Essex South  
County

Book

Page

for:

City of Amesbury  
Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

3.20.14  
Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant

**ATTACHMENT TO ORDER OF CONDITIONS**

**Applicant:** Joseph Fahey, Director  
City of Amesbury Office of Community and Economic Development

**Properties/Owners:** City of Amesbury

**Site Address:** Water Street (Lower Millyard), Amesbury, MA

**Project:** Water Street (Lower Millyard) Realignment

**DEP File:** 002 -1090

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**Pursuant to Massachusetts Wetlands Protection Act (M.G.L. chapter 131, §40) and its implementing regulations (310 CMR, § 10.00) and the City of Amesbury Wetlands Protection Ordinance and its implementing regulations:**

**This Order permits:** The relocation and improvements of Water Street and expansion of the Water Street parking lot and associated landscaping.

**All work shall conform to the following:**

**Notice of Intent filed by:** Joseph Fahey, Director,  
Office of Community and Economic Planning  
City of Amesbury  
Amesbury City Hall  
62 Friend Street  
Amesbury, MA 01913

**1) Notice of Intent prepared by:**

Vanasse Hangen Brustlin, Inc.  
101 Walnut Street  
Watertown, MA 02472

**2) Site plans prepared by:**

Vanasse Hangen Brustlin, Inc.  
101 Walnut Street  
Watertown, MA 02472

**Entitled:**

Heritage Park, Water Street, Amesbury, MA  
Site Plans - Issued for Permitting Plan Set.  
Date Issued: January 10, 2014.  
Latest Issue, January 10, 2014.  
Series L1 (Legend and General Notes); L2 (Layout and Materials Plan); L3 (Grading Plan); L4 (Planting Concept Plan); L5 (Details); L6 (Details); and L7 (Precadent Imagery).

**3) Additional Correspondence and Relevant Documents:**

**Crouch, Gene F., Letter to Purvi P. Patel, Massachusetts Environmental Policy Act Office – Response to Comments. February 19, 2014. Vanasse Hangen Brustlin, Inc., 101 Walnut Street, Watertown, Massachusetts.**

**Diodata, Paul. Letter to Richard, K. Sullivan, Jr., EEA #15141, February 10, 2014. Commonwealth of Massachusetts of Division of Marine Fisheries, 251 Causeway Street, Boston, MA**

**Ottenheimer, Daniel. Letter to Amesbury Conservation Commission, Notice of Intent Peer Review – Lower Millyard Redevelopment, Water Street, February 3, 2014. Mill River Consulting. Gloucester, MA**

**Sullivan, Richard K., Certificate of the Secretary of Energy and Environmental Affairs on the Environmental Notification Form – Lower Millyard Redevelopment Project, EEA #15141. February 21, 2014. Commonwealth of Massachusetts, Executive Office of Energy and Environmental Affairs, 100 Cambridge Street, Boston, MA.**

**Viola, John D., Letter to Richard K. Sullivan, Jr., Secretary, Executive Office of Energy and Environmental Affairs. Amesbury Lower Millyard Redevelopment Project, Water Street, EEA #15141 (previously EEA #5244 and #11727. February 11, 2014. Commonwealth of Massachusetts Department of Environmental Protection, Northeast Regional Office, Wilmington, MA.**

**I. GENERAL CONDITIONS:**

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order of Conditions (“Order”).
2. Approval of this application does not constitute compliance with any law or regulation other than MGL Chapter 131, Section 40, Wetlands Regulations CMR 10.00 and Amesbury Wetlands Protection Ordinance (“Ordinance”) and it’s implementing regulations (“Regulations”) as promulgated by the Town of Amesbury Conservation Commission (ACC).
3. This Order shall apply to any successor in interest or successor in control of the property.
4. The work authorized hereunder shall be completed within **three (3) years** from the date of this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to one year each upon application to the issuing authority at least **thirty (30) days** prior to the expiration date of the Order.
6. A sign shall be displayed at the site not less than two (2) feet or more than three (3) square feet in size bearing the words,

***“MA DEP File Number 002-1090”***

7. The Amesbury Conservation Commission (ACC) reserves the right to impose additional conditions on this project including but not limited to additional or modified erosion control / siltation controls during construction, if it deems that site conditions warrant such measures to mitigate potential impacts.
8. A copy of this Order and the plan approved in this Order shall be available on site at all times when work is in progress.
9. If the subject parcel is sold or the development rights are transferred to any other person, the applicant shall be required to submit to the ACC a signed and notarized letter of acknowledgement from the buyer or their assignees stating that they have been provided copies of all permits associated with the proposed project, including this Order, and that they understand their responsibility associated with the construction of this project under those permits, including this Order.
10. The applicant shall be required to pay in full any outstanding invoices from the Commission's peer review consultant for this project.
11. This Order of Conditions covers all required work and Best Management Practices as described and defined within the approved plans and associated documents as cited in the Attachment to Order of Conditions and in the Exhibit.
12. The Amesbury Conservation Commission shall designate their conservation agent to act as an '**Environmental Monitor**'. The Environmental Monitor(s) shall conduct weekly monitoring of the work locus as it relates to wetland resources. The Environmental Monitor(s) shall submit weekly monitoring reports to the Amesbury Conservation Commission during the pre-construction and construction phase of the approved work and quarterly monitoring reports during the post construction period. The name and phone number of the Environmental Monitor shall be provided to the applicant in the event that this person has to be contacted, due to an emergency at this site, during any 24-hour period, including weekends. **The monitor(s) shall be given the authority to stop construction should there be unlawful entry into the wetland resources areas and / or for erosion controls purposes.** The Environmental Monitor(s) will be required to inspect all such devices and oversee cleaning and the proper disposal of waste products. Cleaning shall include removal of any entrapped silt. **The Environmental Monitor(s) shall conduct site inspections on site for compliance with this Order at a minimum of once per week during pre-construction and construction phases of work and/or during or immediately after rainstorms of 0.5 inches or more.** No site preparation or construction shall be allowed until the applicant has submitted a letter identifying the name and address of the Environmental Monitor and a site visit schedule.
13. Any modification to the approved site plan shall require review and approval by the ACC. Prior to consideration of any such request, the wetland resource area shall be re-flagged or the originally approved flagging shall be established in the field. The applicant shall be required to submit the modification in request in writing along with all the necessary forms and supporting documents in a timely manner for the Commission's consideration. The ACC may require all modification requests to be reviewed by its peer review consultant and the applicant shall submit the necessary funds to the ACC for the consultant services. The Commission shall review the request and decide if an Amended Order is required.
14. Any change that requires modification of approved plans within the jurisdictional area or changes to the erosion control plan or to the stormwater management system shall require an Amended Order unless the Commission decides otherwise at its regularly posted public meeting. If the ACC decides that a change is of sufficient magnitude that it shall require the imposition of additional conditions to ensure adequate protection of the resource area and /

or the interests covered under the Bylaw and Regulations, an Amended Order shall be required and a new public hearing shall be required.

15. Any requests for modification or amendment of the Order shall not be considered or reviewed if the Order has expired or there is an outstanding Enforcement Order on the subject parcel.

## **II. PRE-CONSTRUCTION CONDITIONS:**

16. Prior to the pre-construction meeting and commencement of any activity on this site, the boundaries of all wetland resource areas shall be identified by flagging, spaced at intervals not greater than 25-feet apart. Wetland flags shall be checked and replaced as necessary and maintained until a Certificate of Compliance is issued for the project.
17. Prior to the pre-construction meeting and commencement of any activity on this site, all erosion control devices approved under this Order shall be properly installed as shown on approved plan. The ACC and/or its Agent shall inspect and approve such installation at a pre-construction meeting. The erosion control devices must remain in place until the Commission or its Agent has authorized their removal. All workers must be instructed not to work beyond this limit.
18. A copy of the recorded Order of Conditions shall be provided to the conservation agent prior to or at the time the pre-construction meeting.
19. **Once the above mentioned pre-construction requirements are complete, the applicant shall contact the Conservation Department prior to site preparation or construction and shall arrange an on-site PRE-CONSTRUCTION MEETING with a representative from the ACC and/or its agent, the project supervisor, the contractor responsible for work, the engineer, wetland scientist (if applicable), and the applicant to ensure all of the Conditions of this Order are understood. Please contact the Amesbury Conservation Department office at (978) 388-8110 ext. 317 at least seventy-two (72) hours prior to any activity to arrange the pre-construction meeting.**
20. Inform all contractors and subcontractors of the conditions and provisions of this Order. This Order shall be included in all construction contracts and subcontracts dealing with the work, and shall supersede other contract requirements.

## **III. CONSTRUCTION CONDITIONS:**

21. Accepted engineering and Best Management Practices for construction standards shall be followed in the conduct of all work. All site improvements shall be installed as per approved plans and engineering details shown on them. Any modifications or deviations from approved plans shall only be made upon approval from the Commission.
22. Erosion control devices shall be inspected by the applicant's representative regularly; and immediately after 0.5 inches of precipitation. Any entrapped silt shall be removed to an area outside of the buffer zone and wetland resource areas; silt fence and hay bales shall be replaced as necessary.
23. No alteration or activity shall occur beyond the limit or work as defined by the siltation barriers shown on the approved plan.

24. All waste generated by, or associated with, the construction activity shall be contained within the construction area, and away from the resource area. There shall be no stump dumps, burying of stumps or any material onsite. The applicant shall maintain a dumpster (or other suitable means) at the site for the storage and removal of such construction material off-site. However, no trash dumpsters will be allowed within 50 feet of the Bordering Vegetated (BVW) or riparian bank.
25. All stockpiles shall be enclosed by erosion control consisting of the approved method. There shall be no stockpiling outside the approved limit of work.
26. Equipment storage and refueling operations shall be situated in an upland area at a distance greater than 50-feet from the BVW or riparian bank. All machinery shall be checked daily for leaking fluids.
27. Cleaning of concrete mixing equipment and/or machinery shall be restricted to upland areas at a distance greater than 100 feet to the BVW.
28. Unless approved by the Commission for control of invasive species, chemicals, pesticides, herbicides, etc. shall not be used or stored within 200 feet of a jurisdictional resource area.
29. Any damage caused as a direct result of this project to any wetland resource areas shall be the responsibility of the applicant to repair, restore and / or replace. Sedimentation or erosion into these areas shall be considered damage to wetland resource areas. If sediment reaches these areas, the Commission and/or its agents shall be contacted and a plan for abatement of the problem and proposed restoration / mitigation measures shall be submitted for approval and implementation. If the applicant fails to address the failure or damage as required by the Commission in a timely manner, it shall be deemed as a violation under the Regulations.

#### **IV. AFTER CONSTRUCTION:**

30. **Upon completion of the project, the applicant shall submit the following to the Amesbury Conservation Commission to Request for a Certificate of Compliance (COC):**
  - a. WPA Form 8A- Request for a Certificate of Compliance;
  - b. A letter from the applicant requesting the Certificate of Compliance with the following information included:
    - i. Name and address of current landowner;
    - ii. The name and address of the individual or other entity to whom the COC is to be issued;
    - iii. The street address and lot number for the project; and DEP file #
    - iv. "As-Built" plans prepared by a Professional Civil Engineer (and / or Registered Professional Land Survey) of the Commonwealth, for public record.
31. If warranted, erosion control devices shall remain in place and functioning properly until all exposed soils have been stabilized with final vegetative cover and the Commission and / or its Agent has authorized their removal.

32. Prior to issue of Certificate of Compliance, the applicant shall be required to pay in full any outstanding invoices from the Commission's construction observation consultant.
33. The applicant shall make request for Certificate of Compliance as provided for under Section 7.12 of the Amesbury Wetlands Regulations, as amended.

**V. PERPETUAL CONDITIONS:**

The following conditions are ongoing and do not expire with the issuance of the Certificate of Compliance:

34. Fertilizers utilized for landscaping and lawn care shall be slow release, low-nitrogen types (<5%), and shall not be used within 25-feet of a resource area. Unless approved by the Commission for control of invasive species, pesticides and herbicides shall not be used within 100-feet of a wetland resource area. This condition shall survive the Order of Conditions and shall run with the title of the property.
35. Water quality to jurisdictional resources shall not differ from pre-construction conditions.

# Exhibit

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February 19, 2014

Vanasse Hangen Brustlin, Inc.

Ref: 12405.00

Ms. Purvi P. Patel, EIT  
Massachusetts Environmental Policy Act Office  
100 Cambridge Street, Suite 900  
Boston, MA 02114

Re: Lower Millyard Redevelopment  
Water Street  
Amesbury, Massachusetts  
EEA# 15141  
Reponse to Comments

Dear Ms. Patel,

The purpose of this letter is to respond to comments received by your office, dated February 11, 2014, provided by the Northeast Regional Office of the Department of Environmental Protection on the referenced Environmental Notification Form (ENF). Below are the specific DEP comments in italics followed by our response.

**Wetlands**

1. *The ENF characterizes the Potowomoc River as a tidal waterway. Even though there may be a tidal influence, MassDEP believes that the river is dominated by riverine processes - not coastal processes, and considers the bank associated with the project site to have the characteristics of an inland bank. ....MassDEP believes the Lower Millyard site has inland bank, and therefore the wetlands performance standards in 310 CMR 10.54 apply to this project.*

We concur that the Powow River supports riverine processes. Representing the resources as inland rather than coastal was considered, but the presence of the daily tidal fluctuations led us to consider the River a coastal rather than an inland resource.

Only Phase 3, the Riverwalk will alter Bank. This will include installation of some riprap to protect the bridge abutments and installation of a sheet steel retaining wall along approximately 350 linear feet of the Bank. Performance standards for Bank [310 CMR 10.54 (4)(a)] require that work not impair the following:

- *the physical stability of the Bank;*

The proposed work will not reduce the physical stability of the Bank. Currently portions of the Bank at the project site are experiencing erosion from the fluctuation water levels and the periodic high velocities flowing down the Powow River channel. Historically this area of the

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River was protected by a timber retaining wall. Evidence of the wall is present although but much deteriorated. The proposed riprap at the proposed bridge abutments and sheet wall will replace the former timber wall and restore physical stability to the Bank.

- *the water carrying capacity of the existing channel within the Bank;*

The proposed sheet wall will be installed at the top of Bank, behind the existing slope of the Bank. Therefore the sheet wall will not reduce the channel width. After the sheet wall is installed, the carrying capacity of the channel within the Bank will provide the same carrying capacity for the river flows.

- *ground water and surface water quality;*

Providing additional stability for the Bank will improve surface water quality by reducing erosion of the Bank and introduction of turbidity in the river flows. The Heritage Park site adjacent to the Bank is contaminated and is subject to a RAM plan for remediation. Stabilizing the Bank will help to contain contaminated materials that may be eroding and improve both ground and surface water quality.

- *the capacity of the Bank to provide breeding habitat, escape cover and food for fisheries;*

The eroding Bank does not provided overhanging vegetation or undercut Banks that would provide valuable shade and cover to fisheries.

- *the capacity of the Bank to provide important wildlife functions.*

The existing eroding Bank supports a few trees (less than 10) and low shrubs along the top, but not large specimens with boles or other important habitat features. The trees do provide some opportunity for perching, resting and nesting for songbirds, squirrels, and other small mammals, but the habitat is not unique. The vegetated Bank is adjacent to an active DPW yard, large managed lawn area and bike path that create disturbance for wildlife. There is little existing wildlife function at the Bank and proposed planting and landscaping within the Heritage Park will restore some of the habitat value.

The DEP has also questioned the use of the sheet steel retaining wall versus use of a geocell technology or geotextile-supported terracing design. As noted in the DEP comments, the Notice of Intent has not been filed for Phase 3, the Riverwalk. The details for the sheet wall, and associated alternatives analysis summary for the use of a geotextile wall verses a sheet wall will be submitted as part of the NOI for Phase 3. VHB reviewed materials forwarded from DEP regarding the use of geotextiles and a stone toe along the riverbank within project limits. Although this method provides for a more naturalistic approach to bank stabilization,



it does not meet the objective of the project, by providing views of the river, and the ability for the public to be at the river's edge for fishing, and enjoying the scenic views of Powow River. The more natural sloped wall will allow for vegetation to grow up over the riverbank as it is currently, and does not meet the park design objective. The intent of the redevelopment of the Lower Millyard is to design open space that celebrates the rich history of this section of Amesbury. The attached graphic of a property plan from 1902 shows timber wharfs along both the Powow and Back Rivers. This area was used as a wharf for ships coming to and from the Amesbury mills. The City has completed the design of Heritage Park with interpretive signage, and features that will educate the public on the historic use of this part of the City.

Additionally, as noted in the following section of the MassDEP comment letter, this area is within one or more disposal sites, as defined by MCP, 310 CMR 40.0000. Although the City is in the process of remediating any contaminated soils in this area, the geotextile slope would not provide for adequate containment of any materials that are not removed under the on-going project, and could potentially allow for soils or contaminants to migrate. The sheet wall has been designed to contain the soils that have not been removed as part of the MCP process.

2. Although not specifically requested the DEP, the following discusses the project site with respect to Riverfront Area and the performance standards for work in Riverfront Area.

Work will be conducted within Riverfront Area associated with the Powow and Back Rivers. Work within the Riverfront Area is limited to degraded and previously developed areas and the project represents an improvement. This work can be allowed under 310 CMR 10.58(5) as *Redevelopment within a Previously Developed Riverfront Area* without meeting the provisions of 310 CMR 10.58(4) (c & d), *provided the proposed work improves existing conditions*. Approximately 130,244 square feet of work within the Riverfront Area will occur due to conversion of an existing roadway and public parking lot and a municipal maintenance facility to parkland. Compliance with 310 CMR 10.58 (5) is provided below:

**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:*

- (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.*
- (b) *Stormwater management is provided according to standards established by the Department.*
- (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).*
- (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).*
- (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).*
- (f) *When an 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 of restored area to area of alteration not conforming to the criteria. Areas immediately along the river shall be selected for restoration. Alteration not conforming to the criteria shall begin at the riverfront area boundary. Restoration shall include:*
- 1. removal of all debris, but retaining any trees or other mature vegetation;*
  - 2. grading to a topography which reduces runoff and increases infiltration;*
  - 3. coverage by topsoil at a depth consistent with natural conditions at the site; and*
  - 4. seeding and planting with an erosion control seed mixture, followed by plantings of herbaceous and woody species appropriate to the site;*
- (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. Alteration not conforming to the criteria shall begin at the riverfront area boundary. Mitigation may include off-site restoration of riverfront areas, conservation restrictions under M.G.L. c. 184, §§ 31 to 33 to preserve undisturbed riverfront areas that could be otherwise altered under 310 CMR 10.00, the purchase of development rights within the riverfront area, the restoration of bordering vegetated wetland, projects to remedy an existing adverse impact on the interests identified in M.G.L. c. 131, § 40 for which the applicant is not legally responsible, or similar activities undertaken voluntarily by the applicant which will support a determination by the issuing authority of no significant adverse*



Ms. Parvi Patel  
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*impact. Preference shall be given to potential mitigation projects, if any, identified in a River Basin Plan approved by the Secretary of the Executive Office of Environmental Affairs.*

*(h) The issuing authority shall include a continuing condition in the Certificate of Compliance for projects under 310 CMR 10.58(5)(f) or (g) prohibiting further alteration within the restoration or mitigation area, except as may be required to maintain the area in its restored or mitigated condition. Prior to requesting the issuance of the Certificate of Compliance, the applicant shall demonstrate the restoration or mitigation has been successfully completed for at least two growing seasons.*

This developed area has existed since before August 7, 1996. The degraded Riverfront Area has existing since the 1800's when this portion of Amesbury was developed as a textile mill. Several of the former mill buildings were removed in the past and the area was reused as a municipal DPW yard and maintenance area. Proposed work involved the removal of concrete foundations, material storage bins, debris piles, concrete slabs and compacted gravel surfaces. The project area will be redeveloped as a park and the existing Water Street will be realigned, the existing public parking lot will be expanded and a public multi-use path will be constructed from the west side of the Powow River to the east side and a steel retaining wall will be installed along the Powow River. The roadway realignment, and parking lot expansion will occur entirely within existing degraded Riverfront Area which is currently paved. Other previously disturbed surfaces within the project will be regraded, covered with topsoil, and vegetated with parkland grasses.

As part of the redevelopment project, a stormwater management system will be installed to treat some of the runoff from Water Street. Two new deep sump catch basins with hoods will be installed in the relocated Water Street and connected to a new bioretention area installed in the Park area.

The proposed work extends to the Bank, the beginning of the Riverfront Area. The project site is fully degraded or previously developed from past land use extending back to the 1800's. Installation of the retaining wall to address ongoing erosion issues will be conducted along the Bank of the River.

The entire project area including the Heritage Park, the Water Street and parking lot improvements and the Riverwalk is degraded or previously developed Riverfront Area. Work will be conducted within this degraded and previously developed area and will exceed 10 percent of the Riverfront Area at the project site. Since the existing Riverfront Area is degraded, the project complies with 310 CMR 10.58(5)(e).



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Since the project site is degraded and will be redeveloped, mitigation or restoration is not required. However, the project will result in the removed debris, placement of topsoil and seeding and planting within the Riverfront Area. Development of the Heritage Park will provide improvement of the Riverfront Area as a result of the Park development. No offsite mitigation, restoration or enhancement is proposed.

#### **Stormwater**

The area of impervious versus pervious for the project site has been reevaluated and recalculated. The overall area of impervious area will actually be reduced by the project rather than increased as reported in the ENF. As reported in the ENF, the impervious area would increase by 0.51 acres. In fact, the impervious area will decrease by 1,133 square feet (0.026 acres). Attached are figures of the project site with the existing and proposed impervious and pervious areas.

Stormwater management will be provided by construction of two rain gardens within the Heritage Park site. The larger rain garden at the western side of Heritage Park will accept runoff from a portion of Water Street and the plaza area of the Heritage Park and will discharge to the Powow River. The smaller rain garden will be on the eastern side of Heritage Park and will accept surface flow from the proposed Riverwalk parking lot for treatment before discharging to the Powow River. Stormwater from the existing Water Street Parking lot and the expansion area of the lot will be collected in deep sump catch basins and directed to the Back River through an existing outfall.

The proposed stormwater management system was provided to the DEP as part of the Lower Milliard Redevelopment Project Notice of Intent (NOI). As an attachment to the NOI, the Stormwater Report fully describes and models pre- and post-construction stormwater management for the Heritage Park and Water Street Improvements (Phases 1 and 2, respectively). The stormwater management report for the Riverwalk will be prepared and submitted with the NOI for the Riverwalk in the near future.

#### **Massachusetts Contingency Plan (MPC)/Chapter 21E**

The following is a summary of the current status of the Heritage Park site and Water Street site remediation activities and the RAM and IRA plans. This was provided by Jon Higgins, the City of Amesbury's LSP working on the remediation of the site.

The IRA Plan (final form) for 31 Water Street (RTN 3-31842) and a RAM Plan for 25 Water Street (RTN 3-31886) was submitted to MassDEP electronically on February 7, 2014. If there are no comments from MassDEP, the IRA work can begin by



March 1, 2014. The RAM for 25 Water Street was all set the day it went in. The IRA Plan also included an Imminent Hazard Evaluation for PCBs in soil with the conclusion; there is no Imminent Hazard condition. The fence (at the site) should remain until the assessment of stream bank soils is completed, after the pending dig programs

There has been no additional environmental assessment work done on 27 Water Street (DPW former UST site). Additional work will need to be done before the proposed work on Water Street begins.

There are actually two Disposal Sites along Mill Street, one has an AUL, the other just initial MCP filings, that will require a written plan by an LSP prior to any disturbance of soil/ground water/pavement or landscaping in or proximate to those areas. Similarly, 35 Water Street (Bartley property) also has an AUL and needs to have a plan written by an LSP before any type of activity that may disturb soils or ground water takes place, including geotech drilling and similar.

The whole area of the Heritage Park and Riverwalk is under MCP Disposal Site use restrictions that will be assessed and appropriate documentation completed before work as proposed can begin. Twenty five and 31 Water Street are covered to some degree with the IRA and RAM Plans (the excavation program and limited backfilling). Thirty one Water Street still has stream bank to be assessed along the Back and Powow Rivers.

It should also be noted that all MCP review and proposed remediation has been coordinated with Joanne Fagen through the Brownfield Support Team (BST) initiative process.

#### **Other Issues**

Three other questions include:

1. Does the project require Federal Consistency Review by CZM?

Although portions of Amesbury are within the Coastal Zone, the project area is not. As such, federal consistency review by CZM is not required. However, the project will require a filing with the US Army Corps of Engineers (USACE) and during that review process; the USACE will typically coordinate with CZM. If determined a detailed consistency review is required,



Ms. Parvi Patel  
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documentation will be prepared and provided to the USACE and CZM that demonstrates the project complies with the Massachusetts Coastal Zone Management Plan.

2. Please fill in Section C on page 14 of the ENF  
Section C of the ENF form has been completed and is attached.

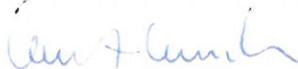
3. Does the project site have flowed tidelands as well? And are they Commonwealth, private and/or local?

The project site does support Commonwealth flowed tidelands within the Powow and Back Rivers. As noted in the ENF, there are also filled tidelands on the project site and a Chapter 91 license is needed to retain the filled lands and reuse them for the parkland and bike lane.

I trust this adequately addresses the additional information you requested on the Lower Millyard Redevelopment Project ENF. Should you have any questions concerning this submittal, or require additional information please contact me at (617) 924-1770.

Very truly yours,

VANASSE HANGEN BRUSTLIN, INC.



Gene F. Crouch  
Senior Environmental Scientist

Attachments:

cc: DEP Northeast Regional Office  
Joseph Fahey, City of Amesbury





Paul J. Diodati  
Director

# Commonwealth of Massachusetts

## Division of Marine Fisheries

251 Causeway Street, Suite 400

Boston, Massachusetts 02114

(617)626-1520

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Deval Patrick  
Governor  
Richard K. Sullivan, Jr.  
Secretary  
Mary B. Griffin  
Commissioner

February 10, 2014

Secretary Richard K. Sullivan, Jr.  
Executive Office of Energy and Environmental Affairs (EEA)  
Attn: MEPA Office  
Purvi Patel, EEA No. 15141  
100 Cambridge Street, Suite 900  
Boston MA 02114

Dear Secretary Sullivan:

Massachusetts Division of Marine Fisheries (*Marine Fisheries*) has reviewed the Environmental Notification Form (ENF) EEA#15141 submitted by the City of Amesbury for the Lower Millyard Redevelopment Project located along the Powow River. The project includes the construction of a riverwalk, canoe launch and reconstruction of retaining walls. We provide the following comments concerning potential impacts to marine fisheries resources and habitats at the project site, for your consideration.

The Powow River provides an important spawning and forage habitat for several diadromous fish species including alewife (*Alosa pseudoharengus*), blueback herring (*Alosa aestivalis*), American eel (*Anguilla rostrata*), and white perch (*Morone americana*).

*Marine Fisheries* recommends a time of year restriction for in water, silt-producing work and work that will restrict passage, from **March 15 to June 30** to protect critical life stages of the above mentioned species.

Thank you for considering our comments. If you have any questions or comments please contact Tay Evans at 978-282-0308 x.168 or [tay.evans@state.ma.us](mailto:tay.evans@state.ma.us).

Sincerely,

Paul Diodati  
Director

PD/te/ko/sd

cc.  
K. Ford, DMF  
T. Evans, DMF  
K. Ostrikis DMF  
G. Crouch, Vanasse Hangen Brustlin, Inc. ([gcrouch@vhb.com](mailto:gcrouch@vhb.com))

# Mill River consulting

Environmental Permitting  
Municipal Environmental Health Consulting

TO: John Lopez, Amesbury Conservation Commission

FROM: Daniel Ottenheimer, Mill River Consulting

RE: Notice of Intent – **Lower Millyard Redevelopment, Water Street**

DATE: February 3, 2014

The Notice of Intent application with accompanying material dated January 13, 2014 as prepared by VHB, including a site plan dated 6/6/12 for the subject properties has been reviewed. A site visit was conducted on 1/17/14.

## **Summary:**

The project scope and intent meets the requirements and guidelines of both the regulations associated with the Massachusetts Wetlands Protection Act, and those of the City of Amesbury Wetlands Ordinance. The activities associated with the proposed redevelopment will impact several resource areas including riverfront area, coastal bank and land subject to flooding. The performance standards for each of these resource areas have been adequately met. Work is also proposed in the buffer zone to resource areas.

The project as proposed will improve stormwater collection and treatment, will provide additional compensatory flood storage than existing conditions, and the overall project provides well-conceived short- and long-term mitigation measures.

## **Request for clarification from Applicant:**

The narrative contains some confusing language about one particular aspect of the project which should be clarified prior to proceeding. In the Work Description on Page A-6 of the report, it describes the removal of the DPW building as a separate action, implying it is not part of this Notice of Intent. However, later information such as the floodplain storage calculations provided in Work in Bordering Land Subject to Flooding on Page A-7 of the report (and elsewhere), the void space of the former DPW building seems to be

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Telephone 978-282-0014 ◆ Fax 978-282-1318

Mill River Consulting, Inc. ◆

included in the compensatory flood storage calculations, implying that activity is part of the Notice of Intent.

If the removal of the DPW building is included in this Notice of Intent, a clarifying letter or statement should be provided for future reference. If the removal of the building is not included in this Notice of Intent, a revised narrative and calculations should be provided and reviewed prior to the Commission acting on the Notice of Intent.

**Recommendation:**

It is our recommendation to endorse the first phase of the project – the paver plaza, event lawn, and misting park – at this point in time, and to withhold endorsement of the second phase – Water Street relocation and improvement and parking lot expansion – until a future hearing. We would recommend the Amesbury Conservation issue an Order of Conditions to approve the first phase of the project with the following project-specific conditions:

- 1. A draft landscape plan is to be provided to the Conservation Commission for their review. This plan should detail the means and methods for developing the park into the area that is described verbally in the application including infiltration areas, lawn areas and tree or other ornamental plantings. The landscape plan is to be submitted to the Conservation Commission prior to request for a pre-construction site visit.*
- 2. All proposed plantings should be native species, of non-hybridized varieties. Additionally, at least 30 days prior to implementation of planting, a written description of the species, size, location and any other relevant characteristics of proposed new plantings is to be provided in written form to the Amesbury Conservation Commission. Review and comments on the plant selection will be provided by the Amesbury Conservation Commission within 14 days of receipt. Written endorsement of the planting scheme is to be provided prior to implementation by the applicant.*
- 3. To the extent it can be safely done using excavating equipment located in the upland area above the top of bank, visible debris removal should be implemented from the Powwow and Back Rivers. This activity should involve a backhoe or excavator to physically remove visible debris that is larger than 3" diameter that can safely be removed by a machine and transferred to an upland area for disposal. This activity should occur at low tide, and is expected to extend no farther than 10' from the bank or however far a machine can safely extend itself. Debris to be removed should not be part of the bank if it will lead to any destabilization or erosion.*

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Notes about suggested condition #3: The intent of this recommendation is to provide for further enhancement to the environment with limited permitting and operational expense involved. The suggestion to not remove material that is not visibly evident from the surface will avoid this from becoming a project considered dredging and thus needing a much more extensive permitting scope of work. Lastly, we have included this recommendation was developed from a suggestion made by one of the Commissioners at an earlier meeting about this project and this report simply provided additional detail.

Thank you for the opportunity to work together on this project.



*The Commonwealth of Massachusetts*  
*Executive Office of Energy and Environmental Affairs*  
100 Cambridge Street, Suite 900  
Boston, MA 02114

Deval L. Patrick  
GOVERNOR

Richard K. Sullivan, Jr.  
SECRETARY

Tel: (617) 626-1000  
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<http://www.mass.gov/envir>

February 21, 2014

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS  
ON THE  
ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Lower Millyard Redevelopment Project  
PROJECT MUNICIPALITY : Amesbury  
PROJECT WATERSHED : Merrimack  
EEA NUMBER : 15141  
PROJECT PROPONENTS : City of Amesbury/Massachusetts Department of  
Transportation  
DATE NOTICED IN MONITOR : January 22, 2014

Pursuant to the Massachusetts Environmental Policy Act (MEPA, M.G. L. c. 30, ss. 61-62I) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **does not require** the preparation of an Environmental Impact Report (EIR).

Project Description

As described in the Environmental Notification Form (ENF), the project consists of the redevelopment of 4.17 acres of the Lower Millyard area of Amesbury to create new public and recreational uses and support existing commercial development. The project will create and improve access along the Powwow River while remediating a brownfields site. The Commonwealth is supporting this project by providing state funding, constructing an extension of the Amesbury Riverwalk (the Riverwalk), and providing technical assistance through the Brownfields Support Team (BST).

The project will be constructed in three phases; Phases 1 and 2 will be constructed by the City of Amesbury and Phase 3 will be constructed by the Massachusetts Department of Transportation (MassDOT). Phase 1 includes the construction of a Heritage Park in the central portion of the site to replace the existing Department of Public Works (DPW) building, lawn area and an area of demolished building foundations. The Heritage Park will surround the existing carriage museum building which will remain and will include a brick paver plaza, a misting park,

landscaping, and a lawn event area. The Riverwalk will be relocated slightly and reconstructed through Heritage Park. Phase 2 includes the relocation and reconstruction of Water Street, which will allow the expansion of the Water Street Public Parking Lot to add 24 parking spaces. Sidewalks with brick pavers will be installed to improve pedestrian access. Nine additional on-street parking spaces will be provided.

Phase 3 involves extension of the Riverwalk approximately 900 feet to Main Street, installation of a canoe launch, and reconstruction of a retaining wall along the Powwow River. The proposed Riverwalk will start at Main Street and enter National Grid-owned right-of-way (ROW). A 14-foot wide prefabricated bridge will be installed over the Powwow River to connect to the portion of the Riverwalk reconstructed during Phase 1. In addition, a 14-foot wide bridge will be installed over the Back River just south of the Water Street Bridge to provide a crossing to the Riverwalk. A gravel parking area within the ROW will provide 21 parking spaces to access the Riverwalk. The canoe launch will be constructed in the Heritage Park and will consist of a solid ramp along the bank of the Powwow River to the water's edge. It will not require the placement of fill or structures within tidal waters. The existing timber retaining wall will be stabilized by the installation of a 350-foot long steel sheet retaining wall. The City will obtain an easement for the Riverwalk on the west side of the Powwow River (adjacent to the ROW).

#### Project Site

The project site consists of a series of municipal-owned parcels located on a peninsula of land that lies at the confluence of the Powwow and Back Rivers within an area known as the Lower Millyard. It is located southeast of the central business district and significantly lower in elevation. The site is bound, to the south and east by the Back River, to the west by the Powwow River and a redeveloped mill building, and to the north by Elm Street and the downtown business district. Existing land uses include a public roadway (Water Street), a public parking lot, the Amesbury DPW yard and two buildings, the Amesbury Carriage Museum and Visitor Center, a series of foundations of demolished factory buildings, and a lawn area which is traversed by the existing Amesbury Riverwalk. The site contains flowed and filled tidelands and was filled pursuant to a waterways license (License No. 5565) issued on June 18, 1969. The project includes cleanup activities pursuant to the Massachusetts Contingency Plan (MCP, 310 CMR 40.0000) and assessment and remediation is ongoing.

#### Permits and Jurisdiction

The project is undergoing review and subject to preparation of an ENF pursuant to 301 CMR 11.03(3)(b)(1)(a), 11.03(3)(b)(1)(f), and 11.03(3)(b)(5) of the MEPA regulations because it requires a State Agency Action, will alter Coastal Bank, will alter one-half or more acres of other wetlands (Riverfront Area and Bordering Land Subject to Flooding), and requires a Chapter 91 (c.91) license from the Massachusetts Department of Environmental Protection (MassDEP) for a new or existing unlicensed non-water-dependent use of waterways or tidelands.

The project requires a Category 2 General Permit from the Army Corps of Engineers. The project also requires Orders of Conditions from the Amesbury Conservation Commission (and, on appeal only, a Superseding Order of Conditions from MassDEP).

The project will receive Financial Assistance from the Commonwealth for each phase – a Massachusetts Parkland Acquisitions and Renovations for Communities (PARC) Program grant (Phase 1), a MassWorks Program grant (Phase 2), and a Massachusetts Department of Fish and Game Boating Access grant (Phase 3). Phase 3 will also be funded and constructed by MassDOT, a State Agency. Therefore, MEPA jurisdiction for this project is broad and extends to all aspects of the project that are likely, directly or indirectly, to cause Damage to the Environment as defined in the MEPA regulations.

#### Environmental Impacts

Potential environmental impacts are associated with alteration and a change in use of filled tidelands and alteration of 4.17 acres (permanent and temporary) of Riverfront Area (RA), 2.73 acres (temporary) of Bordering Land Subject to Flooding (BLSF), and 350 linear feet (lf) (permanent) of Coastal Bank. The misting park will use 5,040 gallons per day (GPD) of water and generate 3,780 GPD of wastewater seven days a week during the months from June through September. There are numerous reporting conditions on-site which are regulated under the MCP (M.G.L. c.21E). Measures to avoid, minimize and mitigate project impacts include redevelopment of an underutilized site, creation of public open space and walkways, and construction of a stormwater management system.

#### Wetlands and Stormwater

The project will be reviewed by the Amesbury Conservation Commission to determine its consistency with the Wetlands Protection Act (WPA), the Wetlands Regulations (310 CMR 10.00), and associated performance standards, including stormwater management standards. According to MassDEP, the City of Amesbury has submitted three Notices of Intent (NOI) (DEP File No. 2-1082, No. 2-1090 for Phase 2, and No. 2-1091 for Phase 1) under the WPA to the Amesbury Conservation Commission. The NOIs are under review. A NOI for Phase 3 has not yet been filed. The project will impact RA, BLSF, Coastal Bank, and buffer zone.

The entire site is within RA. While the ENF does not describe the work within RA or demonstrate the project's consistency with performance standards for RA, I note that the project will provide significant public benefits by creating new parkland, connections to the Riverwalk for improved bicycling and pedestrian use, and boating access to the Powwow River. The City asserts that the entire project area is degraded or previously developed RA and the project represents an improvement. The project will be designed to comply with 310 CMR 10.58(5)(e). Neither mitigation nor restoration is proposed. The project will result in removal of debris, placement of topsoil and seeding, and planting within the RA.

Alteration to BLSF includes excavation or cutting and filling in the floodplain associated with placement of a paver patio and walkways; installation of a misting park with granite benches; paving of roadways, parking areas, bike and pedestrian paths with asphalt; installation of abutments for the bridges; construction of the canoe launch; and landscaping. Overall, the project will result in an increase in floodplain storage volume by 506 cubic yards.

MassDEP comments indicate that additional information and detail on the design and construction of the project including the stormwater management system will be required during permitting and indicate that the project site includes Inland Bank, and therefore, it is subject to the performance standards at 310 CMR 10.54. In particular, MassDEP indicates that the proposed steel sheet retaining wall does not meet the performance standards at 310 CMR 10.54 and recommends the evaluation of alternatives including geocell technology, or a combination of a stone toe with geotextile-supported terracing. The NOI(s) should be revised and resubmitted to provide sufficient information to demonstrate consistency with the WPA. The City indicates that the NOI for Phase 3 (the Riverwalk) will include an alternatives analysis discussing the merits of the geotextile wall versus the steel sheet wall.

According to the ENF, the project will increase on-site imperviousness by 0.51 acres; however, according to the supplemental information provided by the Proponent, a reevaluation of the impervious area indicates an overall reduction in imperviousness by 1,133 sf. The project proposes bio-retention areas and deep sump hooded catch basins.

The ENF indicates that the site contains 4,981 sf of filled tidelands and does not include buildings or structures. Approximately 2,180 sf of existing filled tidelands will be relicensed from industrial use to water access, public use and for new bridges that will span over the Powwow and Back Rivers to facilitate the construction of the Riverwalk. In addition, a canoe launch will be installed within filled tidelands to provide public boating access to the Powwow River and a retaining wall will be installed along the bank of the Powwow River to prevent further erosion.

#### Waste Site Clean Up

According to the ENF, MCP reportable conditions have been identified within the proposed Heritage Park area at 25, and 31 Water Street, and across the Back River at 35 Water Street. Reportable conditions at 25 and 31 Water Street are limited to oil and hazardous material (OHM) impacts to soil; groundwater has not been impacted by OHM at concentrations exceeding MCP reportable concentrations (RC).

A single Release Tracking Number (RTN) is associated with 25 Water Street (RTN 3-31886). Exceedances in soil for metals (chromium, lead and nickel) were reported to MassDEP on November 23, 2013. A Release Abatement Measure (RAM) is planned to address this condition and achieve a Permanent or Temporary Solution.

A single RTN is associated with 27 Water Street (existing DPW property) (RTN 3-16715). It is associated with a release of petroleum from a former underground storage tank which achieved a Class C1 RAO in 2006 as a Temporary Solution.

Three RTNs are associated with 31 Water Street (RTN 3-20679, RTN 3-19634, and RTN 3-1842). A Threat of Release Condition associated with a punctured drum for which a Class A1 Response Action Outcome (RAO) was filed in June 2001. A condition associated with impacted fill materials identified in 2000 and 2001 and a Class B1 RAO was filed in July 2010. In addition, a potential Imminent Hazard condition associated with polychlorinated biphenyls

(PCBs) in soil was reported in November 2013. An Immediate Response Action (IRA) is being finalized for this condition.

A single RTN is associated with 35 Water Street (RTN 3-34108). It includes an Activity and Use Limitation (AUL) associated with impacted soil and groundwater and requires that any subsurface work or work that may disturb the subsurface be completed in a manner consistent with the requirements for a RAM. A RAM will be prepared and submitted to MassDEP prior to performing any work on the site.

MassDEP comments indicate that it is providing compliance assistance to the City and its Licensed Site Professional (LSP) through the Brownfields Support Team (BST) initiative. I refer the Proponents to the extensive comments and recommendations from MassDEP regarding remediation of the site. These comments are offered to support the remediation of the site and assist the City in implementing this project. The Proponents are advised that excavating, removing and/or disposing of contaminated soil, pumping of contaminated groundwater, or working in contaminated media must be conducted in accordance with the provisions of the MGL c.21 E and the MCP. To avoid potential delays in the project, the Proponents should ensure that permits and approvals are obtained early and that environmental testing is conducted well in advance of construction. Contaminated media cannot be managed without the prior submittal of appropriate plans to MassDEP.

#### *Phase 1*

The RAM and IRA Plans for 25 and 31 Water Street, respectively, will address contaminated soil within the top 1-3 feet of the uplands portion of the proposed Heritage Park to eliminate risks to human health, and clean soil will be imported for backfilling to grade. MassDEP notes that additional IRA assessment activities will be required along the banks of the Powwow and Back Rivers at 31 Water Street for Phase 3 activities.

The City indicates that it submitted final versions of the IRA and RAM Plans (electronically) to MassDEP on February 7, 2014. An IRA Status Report is due on February 28, 2014 and every six months thereafter until an IRA Completion Statement is submitted. A RAM Status Report must be submitted 120 days after submittal of the RAM Plan, and every six months thereafter until a RAM Completion Statement is submitted. The IRA Plan requires approval from MassDEP prior to initiation of remediation activities (approval is presumptive if MassDEP does not respond within 21 days).

#### *Phase 2*

A Periodic Review must be submitted to MassDEP every five years after filing the Class C RAO and include the feasibility of implementing a Permanent Solution. The City submitted a Periodic Review for RTN 3-16715 on November 18, 2013. Due to a number of constraints, the LSP recommends additional assessment of the impacted area after the demolition of the DPW building to determine the effects of natural attenuation and the need for remediation. MassDEP comments indicate that if remediation is required to achieve a Permanent Solution, it should be conducted prior to the realignment of Water Street.

*Phase 3*

MassDEP comments indicate that further assessment of soil along the banks of the Powwow and Back Rivers is required, especially along the Back River where several pipes of unknown origin are protruding. Elevated concentrations of PCBs were reported at the top of the bank and at one pipe at 31 Water Street which warrant additional assessment as part of ongoing IRA activities.

According to MassDEP, a National Grid electrical substation through which the Riverwalk is proposed is a disposal site associated with RC exceedances of petroleum hydrocarbons and arsenic in soil. A Class B2 RAO and AUL were filed for the site in 1997. The AUL will require an evaluation and rendering of an opinion by an LSP to determine if any proposed changes in activities or uses within the boundaries of the AUL may result in higher levels of exposure to OHM than currently exists. If remediation is required to allow the construction of the Riverwalk at the site, response actions must be conducted in accordance with the MCP. MassDEP also recommends assessment activities within the National Grid ROW be conducted prior to the construction of the Riverwalk and parking area to determine if releases of OHM have occurred that could pose a risk to human health or the environment.

Construction Period Impacts

The Proponents should adopt best management practices (BMPs) to control erosion and sedimentation during the construction period. The project must comply with MassDEP Solid Waste and Air Pollution Control regulations, pursuant to M.G.L. c.40, s.54 during construction and demolition. All construction and demolition activities should be undertaken in compliance with the conditions of all State and local permits. The Proponents should evaluate construction period impacts, including erosion and sedimentation, air quality and solid waste disposal, and strive to minimize construction impacts (including but not limited to land disturbance, noise, dust, odor, nuisance, vehicle emissions, construction and demolition debris, and construction-related traffic) and consider feasible measures that can be implemented to eliminate or minimize these impacts.

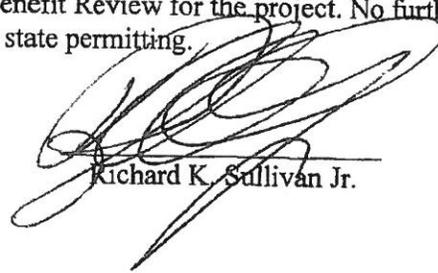
MassDEP can provide a substantial amount of guidance on how to limit the impacts of demolition and construction activities through waste management and recycling efforts. I strongly encourage the Proponents to consult with MassDEP and review its recommendations and adopt practices to the maximum extent practicable. I encourage the Proponents to select project contractors that have installed retrofit emissions control devices, or vehicles that use alternative fuels, and to participate in the Clean Air Construction Initiative (CACI) in an effort to reduce emissions of volatile organic compounds, carbon monoxide and particulate matter (VOC, CO and PM) from diesel-powered equipment. Off-road vehicles are required to use ultra-low sulfur diesel fuel (ULSD).

Conclusion

Based on a review of the ENF, consultation with public agencies and comment letters, I have determined that the ENF has sufficiently defined the nature and general elements of the project for the purposes of MEPA review and demonstrated that the project's environmental impacts will be avoided, minimized and/or mitigated to the extent practicable. Outstanding waterways issues will be addressed through the c.91 licensing process and issues associated with remediation will continue to be addressed through the MCP process. Pursuant to 301 CMR 13.02, I am declining to require an additional Public Benefit Review for the project. No further MEPA review is required. The project may proceed to state permitting.

February 21, 2014

Date



Richard K. Sullivan Jr.

Comments received:

- 02/11/2014 Massachusetts Department of Environmental Protection/Northeast Regional Office
- 02/11/2014 Massachusetts Department of Transportation
- 02/19/2014 Vanasse Hangen Brustlin, Inc.

RKS/PPP/ppp



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Northeast Regional Office • 205B Lowell Street, Wilmington MA 01887 • 978-694-3200

DEVAL L. PATRICK  
Governor

RICHARD K. SULLIVAN JR.  
Secretary

KENNETH L. KIMMELL  
Commissioner

February 11, 2014

Richard K. Sullivan Jr., Secretary  
Executive Office of  
Energy & Environmental Affairs  
100 Cambridge Street  
Boston MA, 02114

RE: Amesbury  
Lower Millyard Redevelopment Project  
Water Street  
EEA # 15141 (previously, EEA # 5244 and #  
11727)

Attn: MEPA Unit

Dear Secretary Sullivan:

The Massachusetts Department of Environmental Protection Northeast Regional Office (MassDEP-NERO) has reviewed the Environmental Notification Form (ENF) submitted by the City of Amesbury for the redevelopment of the Lower Millyard area on a 4.2 acre site in Amesbury (EEA #15141). The three phased project entails construction of Heritage Park in the center of the site at the location of a DPW building in Phase 1. The next phase relocates Water Street and expands the Water Street parking lot by 24 spaces and adds nine on-street spaces. Phase 3 will add a riverwalk and canoe launch, and the retaining wall along the Powwow River will be reconstructed. The riverwalk will extend from Main Street to Mill Street with a 14-foot wide bridge over the Powwow River to connect to the riverwalk associated with Heritage Park. MassDEP provides the following comments.

### Wetlands

The project is reported to impact 350 linear feet of coastal bank, 2.73 acres of bordering land subject to flooding and 4.17 acres of Riverfront Area. The ENF characterizes the Powwow River as a tidal waterway. Even though there may be a tidal influence within the Powwow River, MassDEP believes that the river is dominated by riverine processes - not coastal processes, and considers the bank associated with the project site to have the characteristics of an inland bank. A recent Notice of Intent filing for an adjacent property refers to the Powwow River as "a perennial, tidally-influenced freshwater tributary to the Merrimack River," containing inland bank. This is consistent with the US Fish and Wildlife Service map designation of the Powwow River as "riverine lower perennial unconsolidated bottom permanently flooded." Similarly, MassDEP believes that the Lower Millyard site has inland bank, and therefore the wetlands performance standards in 310 CMR 10.54 apply to this project.

The ENF did not provide sufficient information to understand how the work within wetland resource areas would be undertaken in conformance with the wetlands performance standards. This information is essential in the Notice of Intent (NOI) application. Currently, MassDEP is in receipt of three NOIs for this project, DEP File # 2-1082, #2-1090 (Phase 2), and #2-1091 (Phase 1). According to the ENF, the proposed 350-foot long sheet-pile wall is to be addressed in Phase 3; however, no details of the proposed wall are available and an NOI for that phase of the project has not been filed yet. As was indicated to the project proponent during pre-application discussions, MassDEP does not believe that a sheet-pile wall in this location meets the performance standards in 310 CMR 10.54. Alternatives should be evaluated, including geocell technology or a combination of a stone toe with geotextile-supported terracing, to ensure that the bank alterations have been minimized and mitigated, consistent with the applicable wetlands performance standards.

#### **Stormwater**

The proposed project would increase imperviousness by about 0.51 acres; the total impervious area on the site is estimated at 2.46 acres. The project proposes to add a rain garden and bioretention area to control drainage. Additional information would be needed to understand the proposed drainage system in sufficient detail to affirm that the stormwater management system would be in compliance with the stormwater regulations in 310 CMR 10.05 (6)(k).

#### **Massachusetts Contingency Plan (MCP)/Chapter 21 E**

Portions of the development project are located on one or more disposal sites, as defined in the Massachusetts Contingency Plan (MCP), 310 CMR 40.0000. In response to the ENF, MassDEP Bureau of Waste Site Cleanup (BWSC) has prepared the comments and recommendations presented in the following sections of this memorandum, relative to the identified areas of contamination within the proposed project area.

#### **A. GENERAL REQUIREMENTS**

##### *Contaminated Soil and Groundwater:*

The project proponent is advised that excavating, removing and/or disposing of contaminated soil, pumping of contaminated groundwater, or working in contaminated media must be conducted in accordance with the provisions of Massachusetts General Law, Chapter 21E (MGL c.21E) and the MCP. If permits and approvals under these provisions are not obtained beforehand, considerable delays in the project can occur. The project proponent may not manage contaminated media without the prior submittal of appropriate plans to MassDEP, which describe the proposed contaminated soil and groundwater handling and disposal approach, and establish health and safety procedures. The appropriate environmental testing should be conducted well in advance of the start of construction. Professional environmental consulting services should be retained to provide technical guidance to facilitate the procurement of and compliance with any necessary permits. If dewatering activities are to occur in areas of contaminated groundwater or in areas where dewatering activities could cause contaminants to migrate, a plan must be in place to properly manage the groundwater and to ensure site conditions are not exacerbated by these activities. Dust and/or vapor monitoring and controls are often necessary for large-scale projects in contaminated areas. The need to conduct real-time air monitoring for contaminated dust and to implement dust suppression must be evaluated prior to

excavation of soils, especially those contaminated with compounds such as metals and polychlorinated biphenyls (PCBs). An evaluation of contaminant concentrations in soil should be completed to determine the concentration of contaminated dust that could pose a risk to the health of on-site workers and nearby sensitive receptors. If a dust action level is reached due to on-site activities, additional dust suppression measures should be implemented in order to reduce dust levels or those activities should be halted. A Licensed Site Professional (LSP) must be employed or engaged to manage, supervise or actually perform the necessary response actions at the site.

Capping of Contaminated Soil:

The proposed project includes the construction of a waterfront park and Riverwalk within the boundaries of one or more disposal sites. If capping of contaminated soil is needed to achieve a level of No Significant Risk, MassDEP recommends the following capping design criteria. In unpaved areas, a minimum of three feet of clean soil should be placed over the contaminated soil. This protective layer of clean soil should be separated from the underlying contaminated soil by a geotextile or combination of materials, which will provide both a brightly colored visual marker and a permeable fabric to separate the clean soil from the contaminated soil. In paved areas, a minimum one-foot cap consisting of clean soil, road base and the pavement layer should be placed over the contaminated soil. Similar to unpaved areas, the contaminated soil should be separated from the clean soil or road base using a visual marker and geotextile. In such cases, an Activity and Use Limitation (AUL), prepared in accordance with 310 CMR 40.1012 would be necessary to identify the maintenance requirements of the cap. It should also be noted that a cap constructed as a Release Abatement Measure will not be considered a Permanent Solution until a Phase III completed in accordance with 310 CMR 40.0850 demonstrates the lack of a feasible alternative, as required by 310 CMR 40.0442(4).

New Structures and Utilities:

Construction activities conducted at a disposal site shall not prevent or impede the implementation of likely assessment or remedial response actions at the site. Construction of structures at a contaminated site may be conducted as a Release Abatement Measure, if assessment and remedial activities prescribed at 310 CMR 40.0442(3) are completed within and adjacent to the footprint of the proposed structure prior to or concurrent with the construction activities. Excavation of contaminated soils to construct clean utility corridors should be conducted for all new utility installations.

**B. PROJECT-SPECIFIC RECOMMENDATIONS AND REQUIREMENTS**

1.) Project "Phase 1" - Construction of Heritage Park:

The proposed Heritage Park will be constructed within the boundaries of two active disposal sites at 25 and 31 Water Street. Heavy metals in soil at 25 Water Street have been detected at concentrations exceeding Reportable Concentrations, as listed at 310 CMR 40.1600 (Release Tracking Number [RTN] 3-31886). Reportable Concentrations of heavy metals, petroleum hydrocarbons, and polychlorinated biphenyls (PCBs) have also been detected at the 31 Water Street property. PCBs were observed at concentrations that could pose an Imminent Hazard (RTN 3-31842). The City of Amesbury installed fencing on a portion of the 31 Water Street parcel to restrict access to the elevated PCB-contaminated areas.

MassDEP/BWSC is currently providing compliance assistance to the City and its Licensed Site Professional (LSP) through the Brownfields Support Team (BST) initiative. Remediation of the 25 Water Street and 31 Water Street parcels will be conducted under a Release Abatement Measure (RAM) Plan and Immediate Response Action (IRA) Plan, respectively, in accordance with 310 CMR 40.0000. The remediation plans will address contaminated soil within the top 1-3 feet of the uplands portion of the park to eliminate risks to human health. Clean soil will be imported for backfilling to grade.

It should be noted that additional IRA assessment activities are needed along the river banks of the Back River and Powwow River at 31 Water Street. Project construction on this portion of the property will be conducted during "Phase 3", as described in the ENF.

MCP Response Actions and Report Submittals:

MassDEP/BWSC has provided comments to the City and its LSP on draft versions of their IRA and RAM Plans. Remediation may not proceed until the RAM Plan and IRA Plan are submitted to MassDEP in final form.

Immediate Response Actions:

An Immediate Response Action was initiated at the 31 Water Street property on October 28, 2013 for RTN 3-31842. Pursuant to 310 CMR 40.0420(7), an IRA Plan was due to be submitted to MassDEP by December 28, 2013. The IRA Plan has not been submitted to date. An IRA Status Report is due on February 28, 2014 and every six months thereafter until an IRA Completion Statement is submitted, in accordance with 310 CMR 40.0425. MassDEP approval is required to conduct remediation under an IRA, pursuant to 310 CMR 40.0420. Approval of an IRA Plan is presumed if MassDEP does not issue a written approval or denial within 21 days of receipt of the plan.

Release Abatement Measures:

A Release Abatement Measure Plan is expected to be submitted to MassDEP in accordance with 310 CMR 40.0440 for the remediation of 25 Water Street, RTN 3-31886. A RAM may not be conducted at a site until a complete RAM Plan is received by MassDEP in accordance with 310 CMR 40.0443(1). A RAM Status Report must be submitted 120 days after submittal of the RAM Plan, and every 6 months thereafter until a RAM Completion Statement is submitted. Pursuant to 310 CMR 40.0443(2), no approval is required from MassDEP to conduct a RAM after the submittal of a complete RAM Plan.

Tier Classification & Response Action Outcome Statement:

The MCP requires persons undertaking response actions at a disposal site to submit to MassDEP a Response Action Outcome Statement (RAO) prepared by an LSP in accordance with 310 CMR 40.1000 upon determining that a level of No Significant Risk already exists or has been achieved at a disposal site or portion thereof. In addition, unless an RAO is submitted earlier, a completed Tier Classification Submittal pursuant to 310 CMR 40.0510, and, if appropriate, a completed Tier I Permit Application pursuant to 310 CMR 40.0700, must be submitted to MassDEP within one year of the initial date notice of a release is provided to MassDEP pursuant

to 310 CMR 40.0300 or from the date MassDEP issues a Notice of Responsibility (NOR), whichever occurs earlier.

2.) Project "Phase 2" - Realignment of Water Street and Expansion of Water Street Parking Lot:

The realigned Water Street location will run through the existing DPW property at 27 Water Street. The City plans to demolish the DPW building and relocate its public works to another location in city. The 27 Water Street property is a disposal site with RTN 3-16715 due to a release of petroleum from a former underground storage tank. A Temporary Solution, Class C1 RAO, was filed for the site in 2006. Pursuant to 310 CMR 40.1051(3), a Periodic Review must be submitted to MassDEP every 5 years after filing the Class C RAO and must include the feasibility of implementing a Permanent Solution for the site. On November 18, 2013, the City of Amesbury submitted its first Periodic Review for the site. Although technically feasible to achieve a Permanent Solution, implementation of remedial response actions has reportedly been hindered by the City's financial constraints. Remediation has also been hindered by the presence of contamination under the public right-of-way (Water St.) and the DPW building, as well as a low pressure, high volume natural gas line running through the area of contamination. The City's LSP recommends additional assessment of the impacted area after building demolition to determine the effects of natural attenuation and the current need for remediation, if any. If remediation is needed to achieve a Permanent Solution, it should be conducted prior to the Water Street realignment. Remedial actions must be conducted in accordance with 310 CMR 40.1067 for sites with a Class C RAO. If a Permanent Solution is achieved, a revised Class A RAO pursuant to 310 CMR 40.1000 must be submitted to MassDEP.

3.) Project "Phase 3" - Extension of Riverwalk, Construction of Canoe Launch, and Reconstruction of Powwow River Retaining Wall:

"Phase 3" of the development project includes the construction of a canoe launch at 31 Water Street and reconstruction of the retaining wall along the Powwow River at both 25 & 31 Water Street. As discussed above, 25 and 31 Water Street are disposal sites with RTNs 3-31886 and 3-31842, respectively. Further assessment of soil along the embankment of the Powwow and Back Rivers is needed, with emphasis on the Back River embankment where several pipes of unknown origin are protruding. Limited assessment of the top of the embankment and at one pipe at 31 Water Street has reported elevated PCBs. Due to the concentration of PCBs in soil, assessment at the 31 Water Street property must be done as part of ongoing IRA activities.

Construction of the Riverwalk on the west side of the Powwow River, along Mill Street, will cross the Mill Street Substation, an electrical substation owned and/or operated by National Grid. The substation property is a disposal site with RTN 3-14817 due to petroleum hydrocarbons and arsenic in soil at concentrations exceeding Reportable Concentrations. A Class B2 RAO and Activity and Use Limitation were filed for the site in 1997. The AUL restricts certain activities and uses from occurring at the site, including recreational, playground, or other similar use where a child is likely to be present. The AUL requires an evaluation by an LSP and the rendering of an LSP Opinion in accordance with 310 CMR 40.1080 to determine if any proposed changes in activities or uses within the boundaries of the AUL may result in higher levels of exposure to oil and/or hazardous material than currently exists. If remediation is needed

to allow for a Riverwalk at the site, response actions must be conducted in accordance with 310 CMR 40.1067.

The Riverwalk will be extended southerly within an electric transmission line right-of-way owned by National Grid. In addition, a 21-space gravel parking lot will be installed. MassDEP is not aware of any assessment completed in the National Grid right-of-way and recommends such assessment is completed prior to construction to determine if a release of oil and/or hazardous has occurred that could pose a risk to human health or the environment, as well as to ensure the proper management of soil during construction.

### **Recycling**

The project includes demolition and reconstruction, which will generate construction and demolition (C&D) waste. MassDEP encourages the project proponent to incorporate C&D recycling activities as a sustainable measure for the project. In addition, the proponent is advised that demolition activities must comply with both Solid Waste and Air Pollution Control regulations, pursuant to M.G.L. Chapter 40, Section 54, which provides:

“Every city or town shall require, as a condition of issuing a building permit or license for the demolition, renovation, rehabilitation or other alteration of a building or structure, that the debris resulting from such demolition, renovation, rehabilitation or alteration be disposed of in a properly licensed solid waste disposal facility, as defined by Section one hundred and fifty A of Chapter one hundred and eleven. Any such permit or license shall indicate the location of the facility at which the debris is to be disposed. If for any reason, the debris will not be disposed as indicated, the permittee or licensee shall notify the issuing authority as to the location where the debris will be disposed. The issuing authority shall amend the permit or license to so indicate.”

For the purposes of implementing the requirements of M.G.L. Chapter 40, Section 54, MassDEP considers an asphalt, brick, and concrete (ABC) rubble processing or recycling facility, (pursuant to the provisions of Section (3) under 310 CMR 16.05, the Site Assignment regulations for solid waste management facilities), to be conditionally exempt from the site assignment requirements, if the ABC rubble at such facilities is separated from other solid waste materials at the point of generation. In accordance with 310 CMR 16.05(3), ABC can be crushed on-site with a 30-day notification to MassDEP. However, the asphalt is limited to weathered bituminous concrete, (no roofing asphalt), and the brick and concrete must be uncoated or not impregnated with materials such as roofing epoxy. If the brick and concrete are not clean, the material is defined as construction and demolition (C&D) waste and requires either a Beneficial Use Determination (BUD) or a Site Assignment and permit before it can be crushed.

Pursuant to the requirements of 310 CMR 7.02 of the Air Pollution Control regulations, if the ABC crushing activities are projected to result in the emission of one ton or more of particulate matter to the ambient air per year, and/or if the crushing equipment employs a diesel oil fired engine with an energy input capacity of three million or more British thermal units per hour for either mechanical or electrical power which will remain on-site for twelve or more

months, then a plan application must be submitted to MassDEP for written approval prior to installation and operation of the crushing equipment.

Asbestos removal notification on permit form ANF 001 and building demolition notification on permit form AQ06 must be submitted to MassDEP at least 10 working days prior to initiating work. Except for vinyl asbestos tile (VAT) and asphaltic-asbestos felt and shingles, the disposal of asbestos containing materials within the Commonwealth must be at a facility specifically approved by MassDEP, (310 CMR 19.061). No asbestos containing material including VAT, and/or asphaltic-asbestos felts or shingles may be disposed at a facility operating as a recycling facility, (310 CMR 16.05). In addition, the demolition project contain asbestos, the project proponent is advised that asbestos and asbestos-containing waste material are a special waste as defined in the Solid Waste Management regulations, (310 CMR 19.061). The disposal of the asbestos containing materials outside the jurisdictional boundaries of the Commonwealth must comply with all the applicable laws and regulations of the state receiving the material.

The demolition activity also must conform to current Massachusetts Air Pollution Control regulations governing nuisance conditions at 310 CMR 7.01, 7.09 and 7.10. As such, the proponent should propose measures to alleviate dust, noise, and odor nuisance conditions, which may occur during the demolition. Again, MassDEP must be notified in writing, at least 10 days in advance of removing any asbestos, and at least 10 days prior to any demolition work. The removal of asbestos from the buildings must adhere to the special safeguards defined in the Air Pollution Control regulations, (310 CMR 7.15 (2)).

The MassDEP Northeast Regional Office appreciates the opportunity to comment on this proposed project. Please contact [Heidi.Davis@state.ma.us](mailto:Heidi.Davis@state.ma.us), at (978) 694-3255 for further information on the wetlands issues and [Joanne.Fagan@state.ma.us](mailto:Joanne.Fagan@state.ma.us) at (978) 694-3390 with questions on MCP/21E issues. If you have any general questions regarding these comments, please contact [Nancy.Baker@state.ma.us](mailto:Nancy.Baker@state.ma.us), MEPA Review Coordinator at (978) 694-3338.

Sincerely,



John D. Viola

Deputy Regional Director

cc: Brona Simon, Massachusetts Historical Commission  
Dave Slagle, MassDEP-Boston  
Joanne Fagan, Heidi Davis, MassDEP-NERO  
City of Amesbury, Conservation Commission

# Site Plans

Issued for: Permitting Plan Set

Date Issued: Jan. 10, 2014

Latest Issue: Jan. 10, 2014

## Sheet Index

| Number | Drawing Title             | Latest Issue |
|--------|---------------------------|--------------|
| L-1    | Legend and General Notes  | 1/10/2014    |
| L-2    | Layout and Materials Plan | 1/10/2014    |
| L-3    | Grading Plan              | 1/10/2014    |
| L-4    | Planting Concept Plan     | 1/10/2014    |
| L-5    | Details                   | 1/10/2014    |
| L-6    | Details                   | 1/10/2014    |
| L-7    | Precedent Imagery         | 1/10/2014    |

# Heritage Park

Water Street  
Amesbury, MA



Site Location Map  
Scale: 1" = 100'

## Property Owners

Owner:  
City of Amesbury  
62 Friend Street  
(978) 388-8100

Landscape Architect/Civil Engineer  
Vanasse Hangen Brustlin, Inc.  
99 High Street  
Boston, MA  
(617) 728-7777



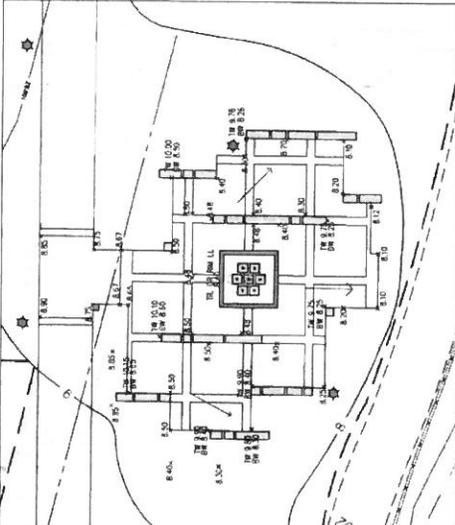
**Vanasse Hangen Brustlin, Inc.**  
Transportation  
Land Development  
Environmental Services  
101 Walnut Street, P.O. Box 9151  
Watertown, Massachusetts 02471  
617.924.1770 • FAX 617.924.2286



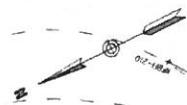
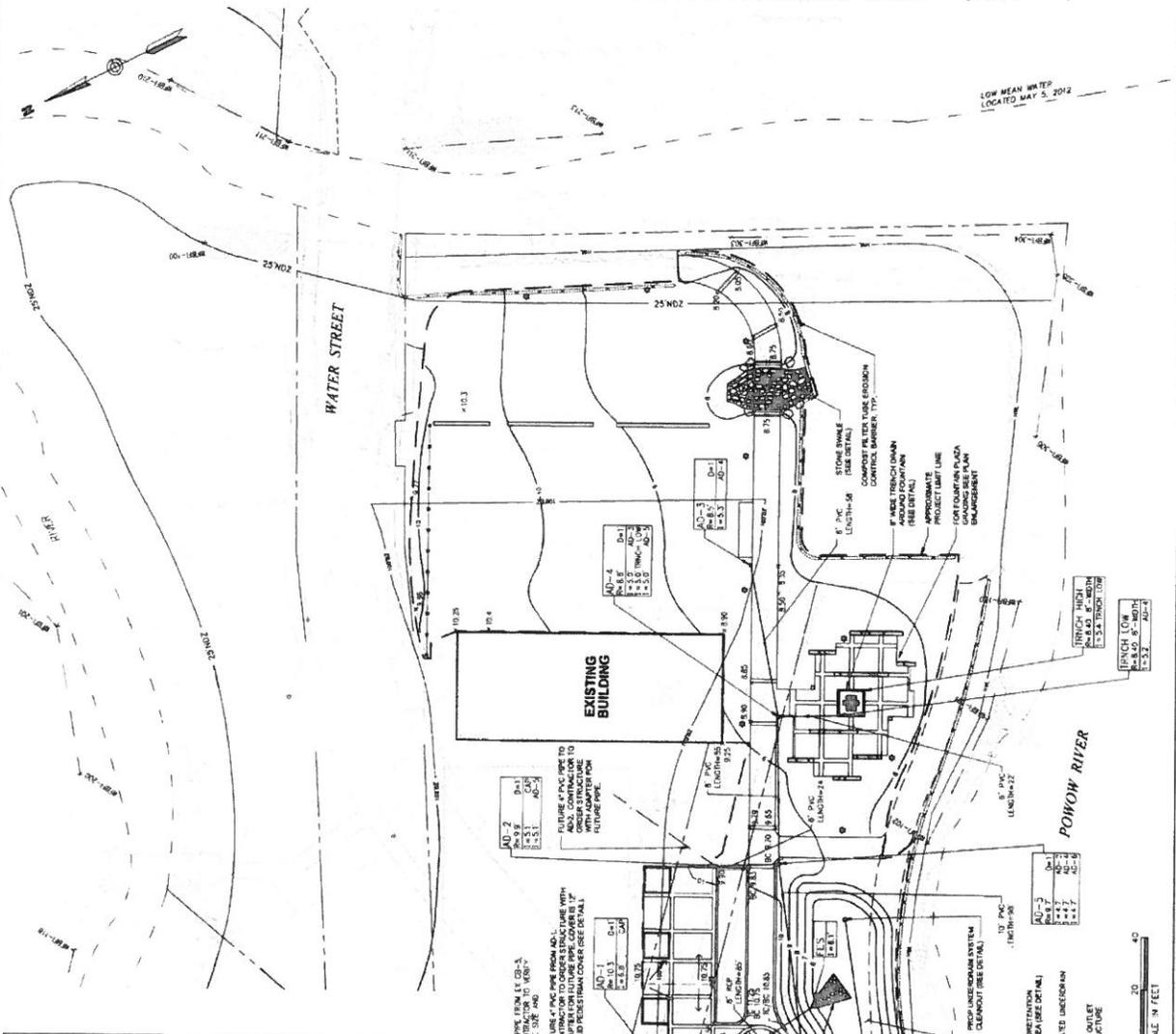








**FOUNTAIN PLAZA GRADING ENLARGEMENT**



**VHB**  
**Vancouver Engineering Associates, Inc.**  
 4000 West 10th Avenue  
 Suite 100  
 Vancouver, BC V6P 3C7  
 604-273-7777 • FAX 604-273-7792

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**Heritage Park**  
**City of Amesbury**  
 Water Street  
 Amesbury, Massachusetts  
**CONSTRUCTION**

Project No. \_\_\_\_\_  
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**Grading and Drainage Plan**

**L-4**

DATE: MAY 5, 2012

SCALE: 1" = 10' (SEE PLAN)

DATE: MAY 5, 2012

SCALE: 1" = 10' (SEE PLAN)

DATE: MAY 5, 2012

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| 321 | 06/15/41 | REVISED     |
| 322 | 07/15/41 | REVISED     |
| 323 | 08/15/41 | REVISED     |
| 324 |          |             |





**VHB**  
 Verrazano Engineers Associates, Inc.  
 Transportation  
 Land Development  
 Environmental Services  
 99 High Street  
 Boston, Massachusetts 02116  
 617.777.7777 FAX 617.777.7742

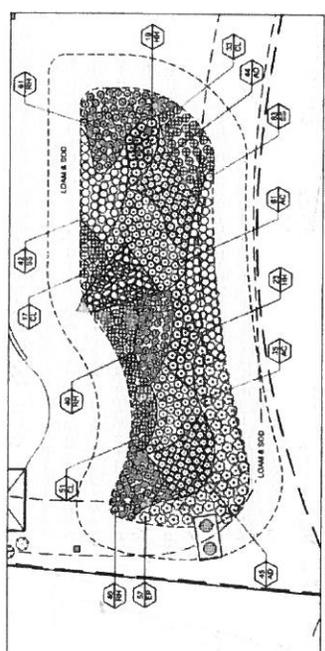
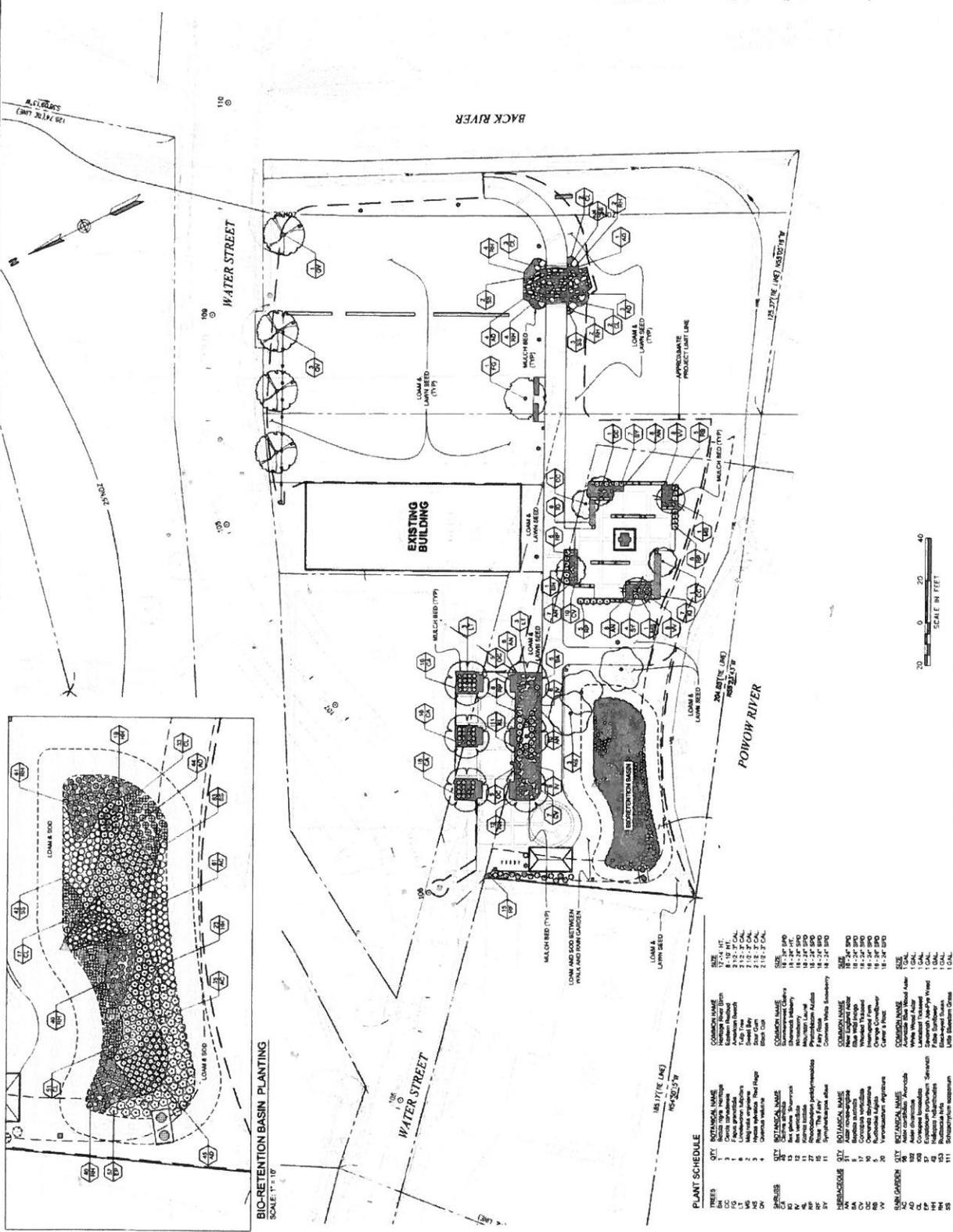
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|--------------|-------------------------|
| Project No.  | 108-1-2014              |
| Client       | City of Amesbury        |
| Project Name | Heritage Park           |
| Location     | Amesbury, Massachusetts |
| Scale        | 1" = 20'                |
| Date         | 10/1/14                 |
| Drawn by     | ...                     |
| Checked by   | ...                     |
| Approved by  | ...                     |

**Heritage Park**  
 City of Amesbury  
 Water Street  
 Amesbury, Massachusetts  
 CONSTRUCTION

**Planting Plan**

**L-5**

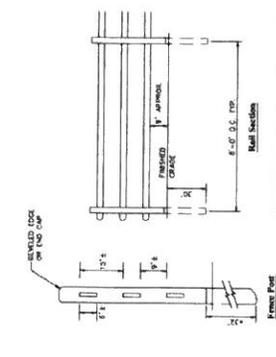
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 Date: 10/1/14



**PLANT SCHEDULE**

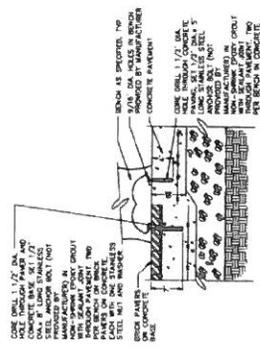
| SYM | SYMBOL | SCIENTIFIC NAME    | COMMON NAME      | SIZE     |
|-----|--------|--------------------|------------------|----------|
| 1   | 1      | Quercus alba       | White Oak        | 8-10 FT. |
| 2   | 2      | Quercus prinus     | Prickly Bark Oak | 8-10 FT. |
| 3   | 3      | Quercus macrocarpa | Large Leaf Oak   | 8-10 FT. |
| 4   | 4      | Quercus falcata    | Swamp Oak        | 8-10 FT. |
| 5   | 5      | Quercus prinus     | Prickly Bark Oak | 8-10 FT. |
| 6   | 6      | Quercus macrocarpa | Large Leaf Oak   | 8-10 FT. |
| 7   | 7      | Quercus falcata    | Swamp Oak        | 8-10 FT. |
| 8   | 8      | Quercus prinus     | Prickly Bark Oak | 8-10 FT. |
| 9   | 9      | Quercus macrocarpa | Large Leaf Oak   | 8-10 FT. |
| 10  | 10     | Quercus falcata    | Swamp Oak        | 8-10 FT. |
| 11  | 11     | Quercus prinus     | Prickly Bark Oak | 8-10 FT. |
| 12  | 12     | Quercus macrocarpa | Large Leaf Oak   | 8-10 FT. |
| 13  | 13     | Quercus falcata    | Swamp Oak        | 8-10 FT. |
| 14  | 14     | Quercus prinus     | Prickly Bark Oak | 8-10 FT. |
| 15  | 15     | Quercus macrocarpa | Large Leaf Oak   | 8-10 FT. |
| 16  | 16     | Quercus falcata    | Swamp Oak        | 8-10 FT. |
| 17  | 17     | Quercus prinus     | Prickly Bark Oak | 8-10 FT. |
| 18  | 18     | Quercus macrocarpa | Large Leaf Oak   | 8-10 FT. |
| 19  | 19     | Quercus falcata    | Swamp Oak        | 8-10 FT. |
| 20  | 20     | Quercus prinus     | Prickly Bark Oak | 8-10 FT. |
| 21  | 21     | Quercus macrocarpa | Large Leaf Oak   | 8-10 FT. |
| 22  | 22     | Quercus falcata    | Swamp Oak        | 8-10 FT. |
| 23  | 23     | Quercus prinus     | Prickly Bark Oak | 8-10 FT. |
| 24  | 24     | Quercus macrocarpa | Large Leaf Oak   | 8-10 FT. |
| 25  | 25     | Quercus falcata    | Swamp Oak        | 8-10 FT. |
| 26  | 26     | Quercus prinus     | Prickly Bark Oak | 8-10 FT. |
| 27  | 27     | Quercus macrocarpa | Large Leaf Oak   | 8-10 FT. |
| 28  | 28     | Quercus falcata    | Swamp Oak        | 8-10 FT. |
| 29  | 29     | Quercus prinus     | Prickly Bark Oak | 8-10 FT. |
| 30  | 30     | Quercus macrocarpa | Large Leaf Oak   | 8-10 FT. |
| 31  | 31     | Quercus falcata    | Swamp Oak        | 8-10 FT. |
| 32  | 32     | Quercus prinus     | Prickly Bark Oak | 8-10 FT. |
| 33  | 33     | Quercus macrocarpa | Large Leaf Oak   | 8-10 FT. |
| 34  | 34     | Quercus falcata    | Swamp Oak        | 8-10 FT. |
| 35  | 35     | Quercus prinus     | Prickly Bark Oak | 8-10 FT. |
| 36  | 36     | Quercus macrocarpa | Large Leaf Oak   | 8-10 FT. |
| 37  | 37     | Quercus falcata    | Swamp Oak        | 8-10 FT. |
| 38  | 38     | Quercus prinus     | Prickly Bark Oak | 8-10 FT. |
| 39  | 39     | Quercus macrocarpa | Large Leaf Oak   | 8-10 FT. |
| 40  | 40     | Quercus falcata    | Swamp Oak        | 8-10 FT. |
| 41  | 41     | Quercus prinus     | Prickly Bark Oak | 8-10 FT. |
| 42  | 42     | Quercus macrocarpa | Large Leaf Oak   | 8-10 FT. |
| 43  | 43     | Quercus falcata    | Swamp Oak        | 8-10 FT. |
| 44  | 44     | Quercus prinus     | Prickly Bark Oak | 8-10 FT. |
| 45  | 45     | Quercus macrocarpa | Large Leaf Oak   | 8-10 FT. |
| 46  | 46     | Quercus falcata    | Swamp Oak        | 8-10 FT. |
| 47  | 47     | Quercus prinus     | Prickly Bark Oak | 8-10 FT. |
| 48  | 48     | Quercus macrocarpa | Large Leaf Oak   | 8-10 FT. |
| 49  | 49     | Quercus falcata    | Swamp Oak        | 8-10 FT. |
| 50  | 50     | Quercus prinus     | Prickly Bark Oak | 8-10 FT. |
| 51  | 51     | Quercus macrocarpa | Large Leaf Oak   | 8-10 FT. |
| 52  | 52     | Quercus falcata    | Swamp Oak        | 8-10 FT. |
| 53  | 53     | Quercus prinus     | Prickly Bark Oak | 8-10 FT. |
| 54  | 54     | Quercus macrocarpa | Large Leaf Oak   | 8-10 FT. |
| 55  | 55     | Quercus falcata    | Swamp Oak        | 8-10 FT. |
| 56  | 56     | Quercus prinus     | Prickly Bark Oak | 8-10 FT. |
| 57  | 57     | Quercus macrocarpa | Large Leaf Oak   | 8-10 FT. |
| 58  | 58     | Quercus falcata    | Swamp Oak        | 8-10 FT. |
| 59  | 59     | Quercus prinus     | Prickly Bark Oak | 8-10 FT. |
| 60  | 60     | Quercus macrocarpa | Large Leaf Oak   | 8-10 FT. |
| 61  | 61     | Quercus falcata    | Swamp Oak        | 8-10 FT. |
| 62  | 62     | Quercus prinus     | Prickly Bark Oak | 8-10 FT. |
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| 65  | 65     | Quercus prinus     | Prickly Bark Oak | 8-10 FT. |
| 66  | 66     | Quercus macrocarpa | Large Leaf Oak   | 8-10 FT. |
| 67  | 67     | Quercus falcata    | Swamp Oak        | 8-10 FT. |
| 68  | 68     | Quercus prinus     | Prickly Bark Oak | 8-10 FT. |
| 69  | 69     | Quercus macrocarpa | Large Leaf Oak   | 8-10 FT. |
| 70  | 70     | Quercus falcata    | Swamp Oak        | 8-10 FT. |
| 71  | 71     | Quercus prinus     | Prickly Bark Oak | 8-10 FT. |
| 72  | 72     | Quercus macrocarpa | Large Leaf Oak   | 8-10 FT. |
| 73  | 73     | Quercus falcata    | Swamp Oak        | 8-10 FT. |
| 74  | 74     | Quercus prinus     | Prickly Bark Oak | 8-10 FT. |
| 75  | 75     | Quercus macrocarpa | Large Leaf Oak   | 8-10 FT. |
| 76  | 76     | Quercus falcata    | Swamp Oak        | 8-10 FT. |
| 77  | 77     | Quercus prinus     | Prickly Bark Oak | 8-10 FT. |
| 78  | 78     | Quercus macrocarpa | Large Leaf Oak   | 8-10 FT. |
| 79  | 79     | Quercus falcata    | Swamp Oak        | 8-10 FT. |
| 80  | 80     | Quercus prinus     | Prickly Bark Oak | 8-10 FT. |
| 81  | 81     | Quercus macrocarpa | Large Leaf Oak   | 8-10 FT. |
| 82  | 82     | Quercus falcata    | Swamp Oak        | 8-10 FT. |
| 83  | 83     | Quercus prinus     | Prickly Bark Oak | 8-10 FT. |
| 84  | 84     | Quercus macrocarpa | Large Leaf Oak   | 8-10 FT. |
| 85  | 85     | Quercus falcata    | Swamp Oak        | 8-10 FT. |
| 86  | 86     | Quercus prinus     | Prickly Bark Oak | 8-10 FT. |
| 87  | 87     | Quercus macrocarpa | Large Leaf Oak   | 8-10 FT. |
| 88  | 88     | Quercus falcata    | Swamp Oak        | 8-10 FT. |
| 89  | 89     | Quercus prinus     | Prickly Bark Oak | 8-10 FT. |
| 90  | 90     | Quercus macrocarpa | Large Leaf Oak   | 8-10 FT. |
| 91  | 91     | Quercus falcata    | Swamp Oak        | 8-10 FT. |
| 92  | 92     | Quercus prinus     | Prickly Bark Oak | 8-10 FT. |
| 93  | 93     | Quercus macrocarpa | Large Leaf Oak   | 8-10 FT. |
| 94  | 94     | Quercus falcata    | Swamp Oak        | 8-10 FT. |
| 95  | 95     | Quercus prinus     | Prickly Bark Oak | 8-10 FT. |

Scale: 1" = 20' (Main Plan), 1" = 10' (Inset Plan)

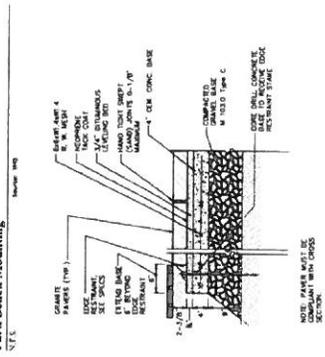


**Fence Post**  
 1. THE SECTION OF POST AND RAIL FENCE SHALL BE MANUFACTURED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:  
 2. THE SECTION OF POST AND RAIL FENCE SHALL BE MANUFACTURED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:  
 3. THE SECTION OF POST AND RAIL FENCE SHALL BE MANUFACTURED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:

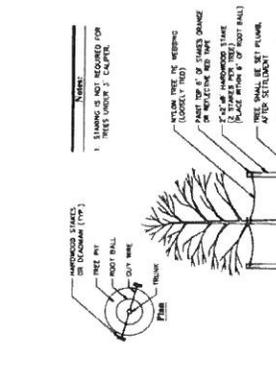
**Post and Rail Fence**  
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 2. THE SECTION OF POST AND RAIL FENCE SHALL BE MANUFACTURED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:  
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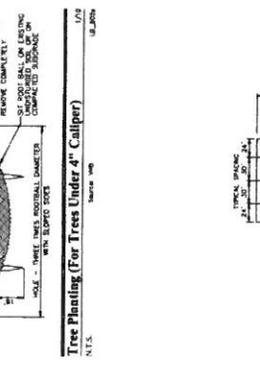
**Park Bench Mounting**  
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 2. THE SECTION OF BENCH AND MOUNTING SHALL BE MANUFACTURED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:  
 3. THE SECTION OF BENCH AND MOUNTING SHALL BE MANUFACTURED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:



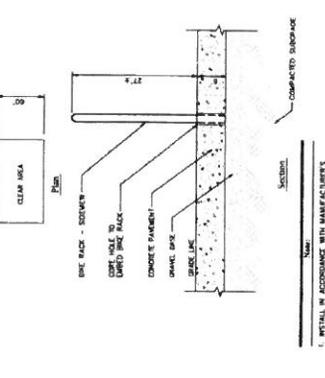
**Granite Paver on Concrete Base**  
 1. THE SECTION OF PAVEMENT SHALL BE MANUFACTURED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:  
 2. THE SECTION OF PAVEMENT SHALL BE MANUFACTURED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:  
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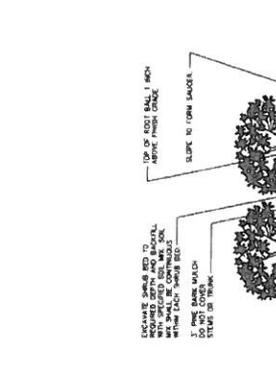
**Tree Planting (For Tree Under 4" Caliper)**  
 1. THE SECTION OF TREE PLANTING SHALL BE MANUFACTURED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:  
 2. THE SECTION OF TREE PLANTING SHALL BE MANUFACTURED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:  
 3. THE SECTION OF TREE PLANTING SHALL BE MANUFACTURED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:



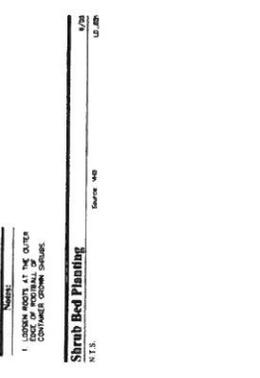
**Bicycle Rack - Embedded**  
 1. THE SECTION OF RACK AND BASE SHALL BE MANUFACTURED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:  
 2. THE SECTION OF RACK AND BASE SHALL BE MANUFACTURED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:  
 3. THE SECTION OF RACK AND BASE SHALL BE MANUFACTURED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:



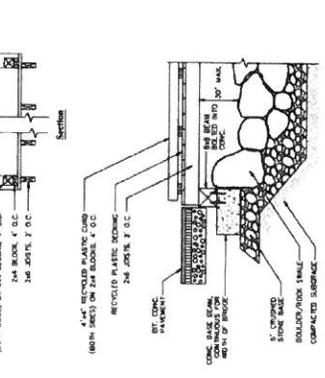
**Pedestrian Bridge at Bike Path**  
 1. THE SECTION OF BRIDGE AND PATH SHALL BE MANUFACTURED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:  
 2. THE SECTION OF BRIDGE AND PATH SHALL BE MANUFACTURED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:  
 3. THE SECTION OF BRIDGE AND PATH SHALL BE MANUFACTURED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:



**Shrub Bed Planting**  
 1. THE SECTION OF SHRUB BED PLANTING SHALL BE MANUFACTURED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:  
 2. THE SECTION OF SHRUB BED PLANTING SHALL BE MANUFACTURED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:  
 3. THE SECTION OF SHRUB BED PLANTING SHALL BE MANUFACTURED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:



**Perennial Plug Planting**  
 1. THE SECTION OF PERENNIAL PLUG PLANTING SHALL BE MANUFACTURED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:  
 2. THE SECTION OF PERENNIAL PLUG PLANTING SHALL BE MANUFACTURED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:  
 3. THE SECTION OF PERENNIAL PLUG PLANTING SHALL BE MANUFACTURED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:



**Misting Fountain**  
 1. THE SECTION OF MISTING FOUNTAIN SHALL BE MANUFACTURED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:  
 2. THE SECTION OF MISTING FOUNTAIN SHALL BE MANUFACTURED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:  
 3. THE SECTION OF MISTING FOUNTAIN SHALL BE MANUFACTURED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:



**Veronesi Hongen Brastetter, Inc.**  
 98 High Street  
 Amherst, Massachusetts 01001  
 413.253.1111 FAX 413.253.1122

**Heritage Park**  
 City of Amesbury  
 Amherst, Massachusetts  
 Permitting Plan Set

**Not Approved for Construction**  
 Drawing No. 114000-01-001

**Details**

**Waste Sheet**  
 Amherst, Massachusetts  
 Permitting Plan Set

**Not Approved for Construction**  
 Drawing No. 114000-01-001

**Heritage Park**  
 City of Amesbury  
 Amherst, Massachusetts  
 Permitting Plan Set

**Not Approved for Construction**  
 Drawing No. 114000-01-001

**Waste Sheet**  
 Amherst, Massachusetts  
 Permitting Plan Set

**Not Approved for Construction**  
 Drawing No. 114000-01-001

**Heritage Park**  
 City of Amesbury  
 Amherst, Massachusetts  
 Permitting Plan Set

**Not Approved for Construction**  
 Drawing No. 114000-01-001

**Waste Sheet**  
 Amherst, Massachusetts  
 Permitting Plan Set

**Not Approved for Construction**  
 Drawing No. 114000-01-001

**Heritage Park**  
 City of Amesbury  
 Amherst, Massachusetts  
 Permitting Plan Set

**Not Approved for Construction**  
 Drawing No. 114000-01-001

**Waste Sheet**  
 Amherst, Massachusetts  
 Permitting Plan Set

**Not Approved for Construction**  
 Drawing No. 114000-01-001

**Heritage Park**  
 City of Amesbury  
 Amherst, Massachusetts  
 Permitting Plan Set

**Not Approved for Construction**  
 Drawing No. 114000-01-001

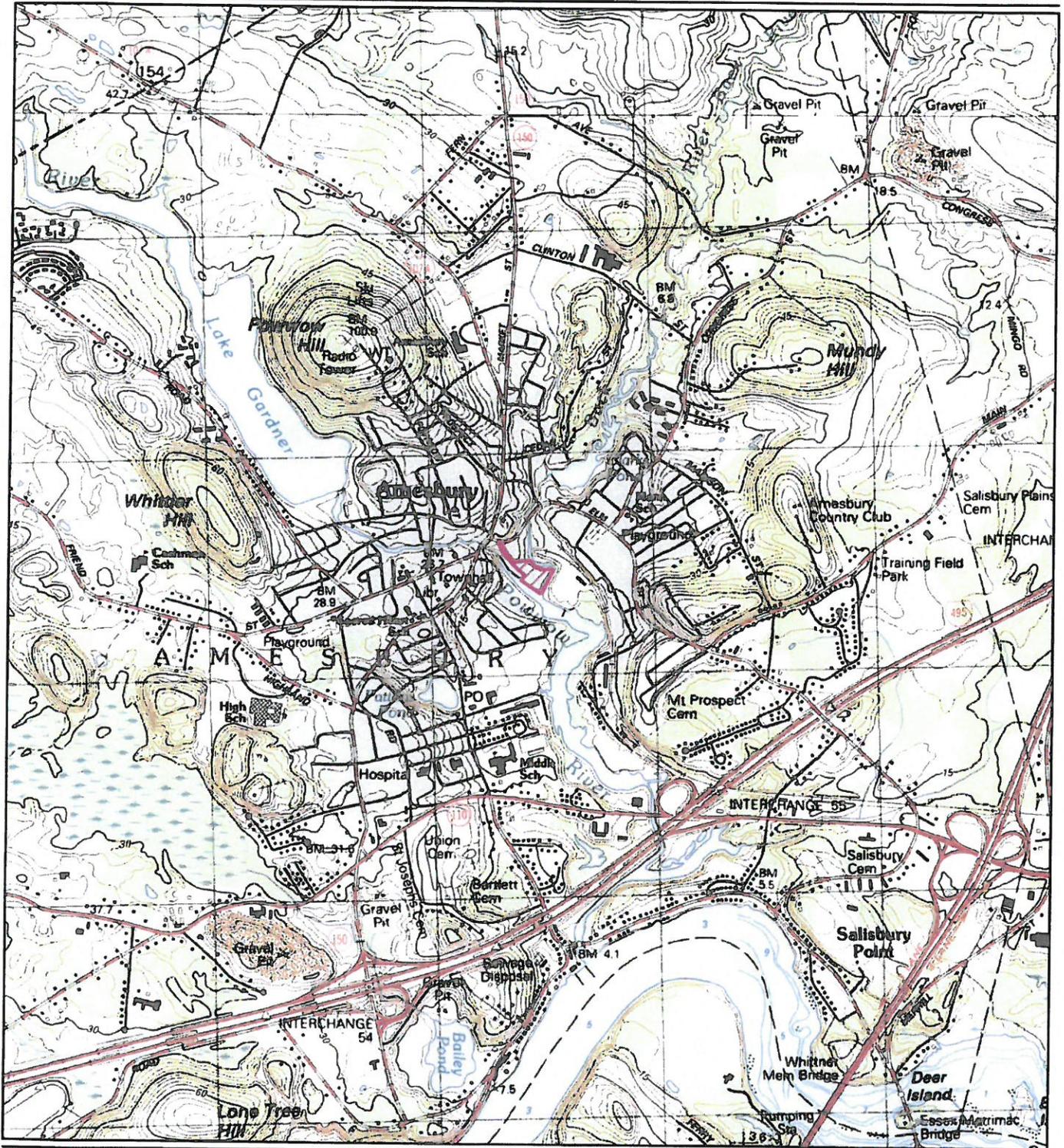
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 Amherst, Massachusetts  
 Permitting Plan Set

**Not Approved for Construction**  
 Drawing No. 114000-01-001

**Heritage Park**  
 City of Amesbury  
 Amherst, Massachusetts  
 Permitting Plan Set

**Not Approved for Construction**  
 Drawing No. 114000-01-001

**Waste Sheet**  
 Amherst, Massachusetts  
 Permitting Plan Set



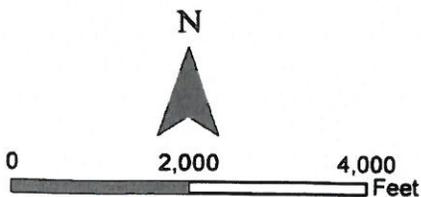
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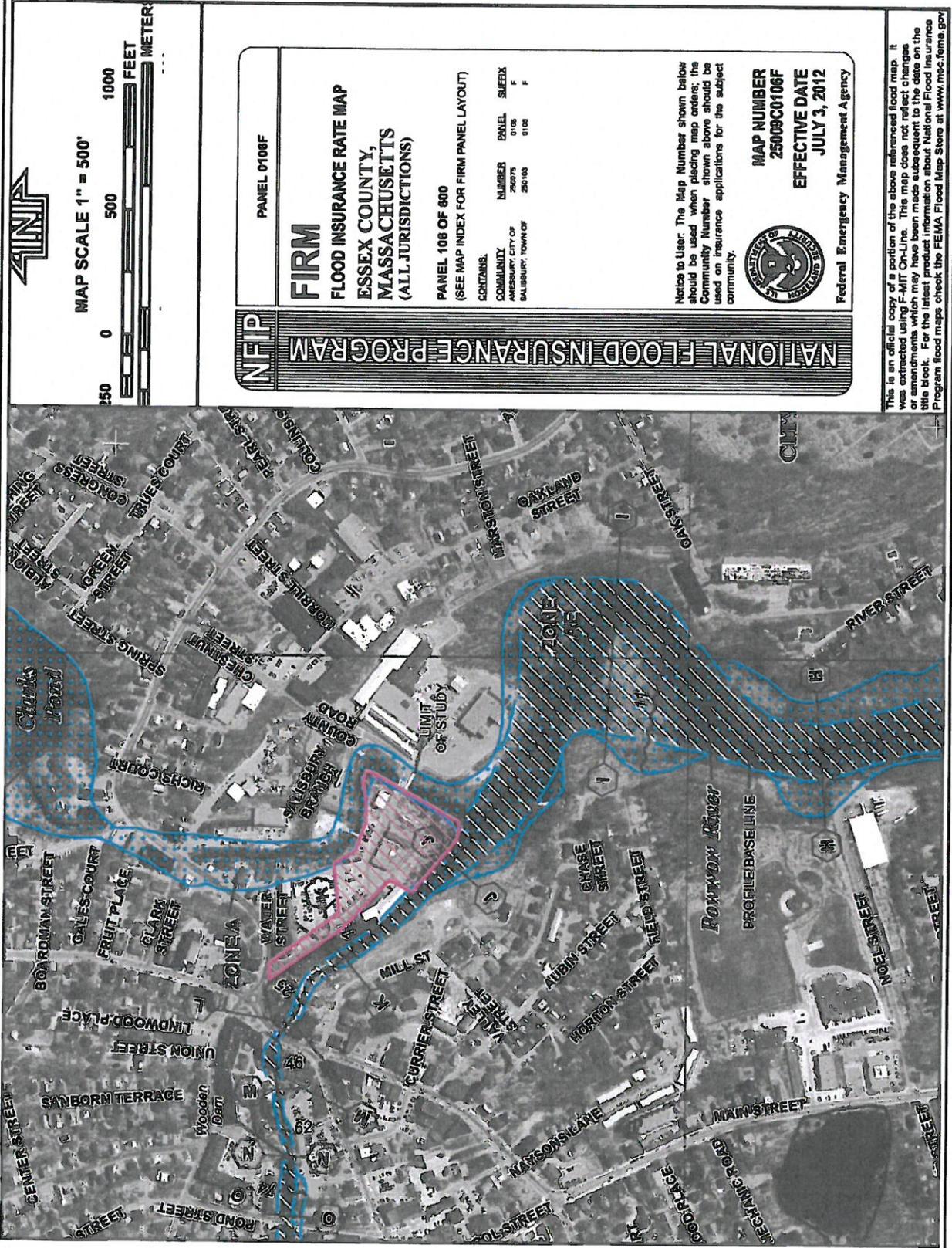
Vanasse Hangen Brustlin, Inc.

Site Location Map  
Lower Millyard Redevelopment  
Amesbury, Massachusetts

Figure 1  
January 2014

 Project Area





**MAP SCALE 1" = 500'**

250 0 500 1000 FEET  
METER

**NFIP**

**FIRM**  
FLOOD INSURANCE RATE MAP  
ESSEX COUNTY,  
MASSACHUSETTS  
(ALL JURISDICTIONS)

PANEL 01008F

PANEL 108 OF 800  
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

| CONTAINS        |                   | NUMBER | PANEL | SUFFIX |
|-----------------|-------------------|--------|-------|--------|
| COMMUNITY       | AMESBURY, CITY OF | 250075 | 0108  | F      |
| SUBURB, TOWN OF | AMESBURY, TOWN OF | 250100 | 0108  | F      |

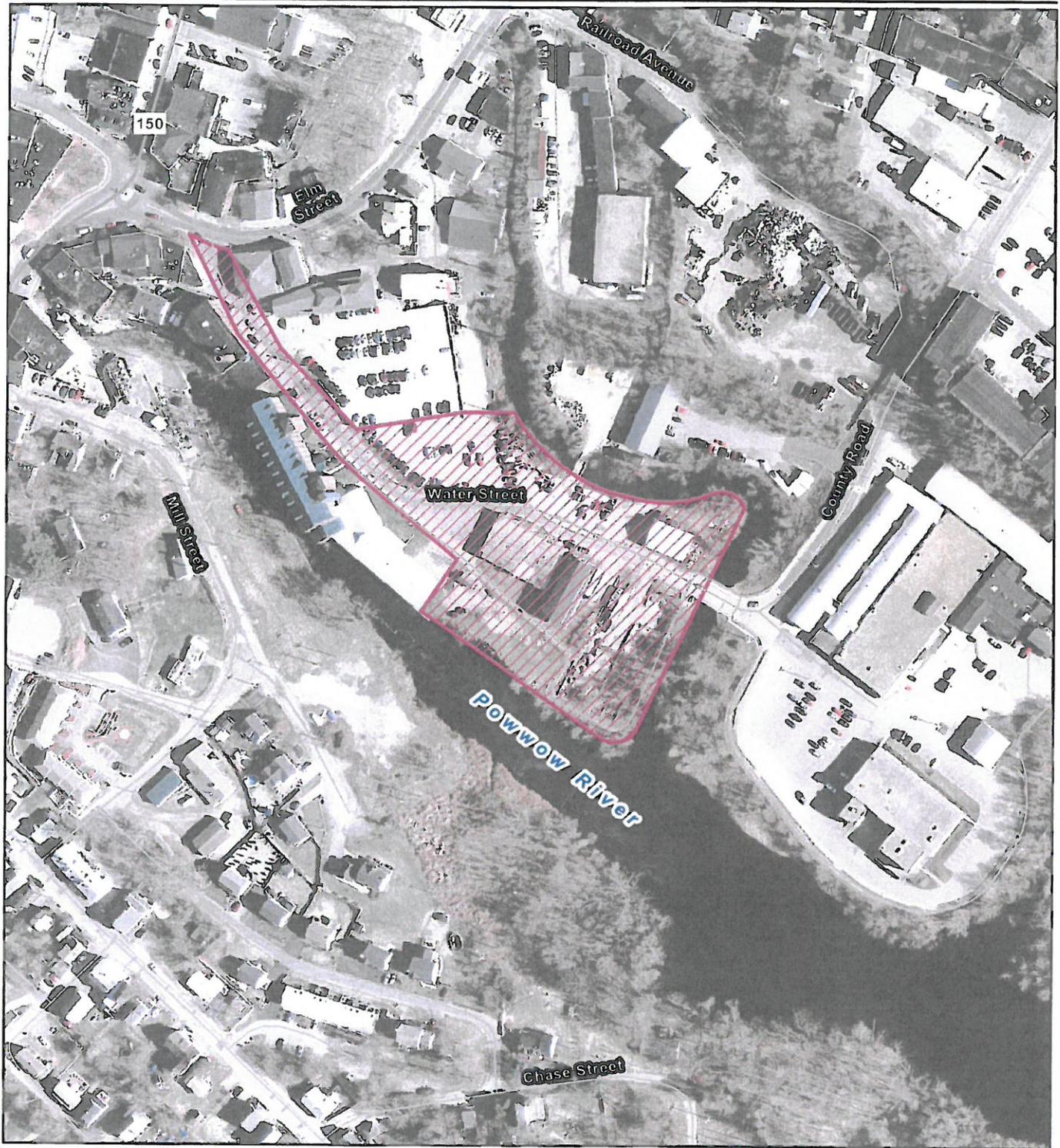
Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

**MAP NUMBER**  
25009C0106F

**EFFECTIVE DATE**  
JULY 3, 2012

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes to the map data which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov)



Source: MassGIS 2008

Vanasse Hangen Brustlin, Inc.

Aerial Map  
Heritage Park  
Amesbury, Massachusetts

Figure 2  
January 2014  
 Project Area

