



January 9, 2018

VIA EMAIL

Ms. Julia Godtfredsen, Conservation Administrator
Office of Planning and Development
60 Pleasant Street
P.O. Box 550
Newburyport, MA 01950

Re: Conservation Commission Peer Review Letter #4, MassDEP File No. 051-0973
Proposed Evergreen Commons/Port Place, 18 Boyd Drive, Newburyport, MA

Dear Ms. Godtfredsen:

The Horsley Witten Group, Inc. (HW) is pleased to provide the Newburyport Conservation Commission (CC) with this letter presenting our response to materials submitted by the Applicant in response to our prior three peer review letters (HW letters dated September 26, 2017; November 8, 2017; and December 11, 2017). A list of materials received since our December 11 letter is provided below. Our team reviewed these materials to evaluate whether they addressed our December 11, 2017 comment letter and the discussion at the December 19, 2017 Conservation Commission hearing. This fourth comment letter presents only those items that remain to be addressed.

A. DOCUMENTS RECEIVED FOR REVIEW

The following is a list of documents received for review since HW Peer Review Letter #3, dated December 11, 2017:

- Stormwater Management Operation and Maintenance Plan (revised with figure), Port Place (no date) (rec'd 1/9/18)
- Stormwater Management Operation and Maintenance Plan, Port Place (no date) (rec'd 1/5/18)
- Stormwater Management Operation and Maintenance Plan, Construction Phase, Port Place (no date) (rec'd 1/5/18)
- Signage and Monument Plan (SMP-1) for 18 Boyd Drive Subdivision (Jan 9, 2018) (rec'd 1/5/18)
- Phasing Plan (PH-1) for 18 Boyd Drive Subdivision (Jan 9, 2018) (rec'd 1/5/18)
- Application Contents (no date) (rec'd 1/5/18)
- Variance Basis (rec'd 1/2/18)

- Mitigation Document (rec'd 1/2/18)
- Conservation Restriction (state format) – clean and redline (rec'd 12/28/17)
- Homeowners Association document (rec'd 12/27/17 and 12/28/17)
- Phasing Plan (rec'd 12/28/17)
- Draft Findings and Conditions for the Planning Board (2 decisions) (rec'd 12/28/17)
- HEC Response to Letter 3 (rec'd 12/19/17)
- Updated narrative (rec'd 12/19/17)
- Open Space Land Use Plan (rec'd 12/19/17)
- Typical Sections Details and Notes C15 (rec'd 12/19/17)
- C-4 Grading Sheet (rec'd 12/19/17)
- Overall Landscape Plan (rec'd 12/19/17)

B. COMMENTS

Our comments are as follows, organized by document reviewed:

Phasing Plan:

The phasing plan should specify when the walking path/trail through the conservation area will be completed. In addition, the ILSF grading should occur prior to Phase 4, when the finger depression will be filled.

Construction Phase Operation and Maintenance Plan:

The description in the "Owner/Operator" section on Page 1 should specifically include reference to Catch Basins and Drywells as part of the stormwater system.

Drywells should be included in the plan, with a description of their erosion control protection, inspection and maintenance requirements.

Post-Construction Phase Operation and Maintenance Plan:

Drywells should be included in the plan and figure, with a description of their inspection and maintenance needs.

HW had requested that the Applicant prepare two separate O&M Plans (with a figure) to address practices and infrastructure within the Right of Way (which are currently the responsibility of the Applicant/HOA and may be accepted by the City at some future time) and outside the Right of Way (which will be the responsibility of the HOA). Currently, the O & M

Plan (latest version received January 9, 2018) includes a brief upfront narrative describing the responsible party, and notes that the HOA is responsible for all stormwater practices until such time as the City accepts the road and all infrastructure within the ROW. A simple figure was provided that shows the location of each type of stormwater practice/infrastructure that requires maintenance. We defer to the Commission about whether this format is sufficient, or whether the Applicant should request the two separate plans.

Homeowners Association Document:

All prior comments have been addressed.

Conservation Restriction:

No new comments. All prior comments have been addressed.

Wetland Mitigation Plan:

No new comments. All prior comments have been addressed.

Signage Plan:

The name of the conservation area differs between the two proposed conservation area signs, which reference Evergreen Conservation Area and Port Place Conservation Area. HW suggests that the Commission discuss with the Applicant an appropriate name for the conservation area and maintain consistency in all references to the Conservation Area.

Variance Basis:

No new comments. All prior comments have been addressed.

Revised Project Narrative:

No new comments. All prior comments have been addressed.

C. RECOMMENDED CONDITIONS OF APPROVAL

The following conditions are recommended for inclusion in approvals by both the Conservation Commission (Order of Conditions) and the Planning Board (Definitive Subdivision Approval and Water Resource Protection District Special Permit). These reflect initial recommendations by HW in our December 11, 2017 peer review letter, suggested responses by the Applicant's team, and discussion at the December 19, 2017 Conservation Commission hearing.

- To the extent practicable, initial alterations within the existing IVW should occur outside of the growing season/active wildlife season and work outside of the winter months (non-growing season) should be limited. If work must begin outside of winter months, disturbance should be phased in order to allow small mammals time to relocate.

- Work within the resource areas shall be conducted as early in the construction process as feasible, such that the resource areas and the functions they provide (specifically flood control and storm damage prevention) will be reestablished with minimal delay.
- No work, including site preparation and land disturbance, may commence unless and until a construction period pollution prevention and erosion and sedimentation control plan that meets the requirements of Standard 8 as further elaborated by the Massachusetts Stormwater Handbook has been approved by the Conservation Commission. This plan may be the same as or include the Stormwater Pollution Prevention Plan (SWPPP) required by the EPA for coverage under the NPDES Construction General Permit. This plan must be submitted to the Conservation Commission or its Administrator for review at least 14 days prior to any planned land disturbance and must be approved in writing by the Conservation Commission or its Administrator prior to land disturbance.
- The Applicant shall include BMPs for stabilizing slopes 3:1 or steeper in the construction period pollution prevention and erosion and sedimentation control plan. This shall include both short and long term stabilization for areas not being actively worked for two weeks or longer. Any stabilizing measures in the plan shall not be susceptible to washing into the resource area. When rough grade will not be worked for longer than 30 days during the growing season, stabilization shall include seeding with a temporary seed mix. When finish grade is achieved, these areas shall be planted and/or seeded as soon as possible within the growing season.
- The Applicant shall continue to monitor groundwater levels within wells 3 and 6 on a monthly or more frequent basis and adjust the proposed elevations within the reconstructed IVW accordingly to ensure that the area supports sufficient hydrology during the growing season resulting in a functional wetland habitat.
- The Applicant shall provide for oversight by a wetland scientist or other qualified individual during all phases of the construction to monitor the IVW and ILSF to ensure that site-specific adjustments can be made that will further ensure the successful restoration/recreation of these resource areas.
- The Applicant shall monitor the recreated IVW for a period of two full growing seasons and submit a monitoring report to the Conservation Commission at the end of each growing season. Any individual dead or dying plants (containerized plants) should be replaced during the two monitoring period. Dead or dying tubelings and seed mix areas should be replaced on a coverage basis rather than based on performance of individual plants. Applicant/owner must demonstrate success based on the general BVW performance standards within the two years of reporting, or additional restoration and continued reporting is required to ensure success.
- The IVW shall support 75% or greater cover of native wetland vegetation after two full growing seasons. In order to establish the extent of a full growing season, the cutoff date for completion of construction will be June 30. The Applicant shall perform remedial actions during each growing season to ensure a native wetland plant community becomes established. If this has not occurred by the end of two growing

seasons, the monitoring period shall be extended to ensure two full years of monitoring after remedial work has occurred.

- The Applicant shall install permanent signage in conformance with the Signage and Monument Plan (dated January 9, 2018, included in the Notice of Intent) in order to alert residents and users of the sensitive nature of the area. Signage shall be placed in strategic locations such that it is clearly visible. The signage should include language indicating that the area is environmentally sensitive and that no new disturbance or dumping of debris or yard waste is allowed within this area. The Applicant shall submit sample signage along with a plan of sign locations to the Conservation Commission and/or its Agent for approval prior to installation. The Homeowners Association shall circulate guidelines to the Association members indicating the same regarding the no disturbance buffer and the resource areas and that the signage may not be removed.
- The Applicant shall install educational signage within the Open Space area in conformance with the Signage and Monument Plan (dated January 9, 2018, included in the Notice of Intent), the content and design of which shall be approved by the Conservation Commission and/or its Agent prior to installation.
- The maintenance and management of the Conservation Restriction shall be a part of the Order of Conditions in perpetuity and shall be carried with the property deed. Once the Conservation Restriction is legally established, the Applicant and/or the Homeowners Association shall submit a report at the end of the season (no later than December 15th of each year) documenting a qualified third party inspection of the CR and summarizing the maintenance steps taken within the Open Space area. The Conservation Agent shall be notified in advance of the inspection each year.
- The Applicant shall provide for oversight by a wetland scientist or other qualified individual during the construction of the stormwater overflow feature of the constructed wetland to ensure that the channel is lined with cobbles and that veins and J hooks are created to provide varied flow characteristics, as noted on the plans, to provide additional habitat and to allow for site-specific adjustments that will further ensure the successful restoration/recreation of these resource areas.
- The Applicant shall provide a signed Illicit Discharge Compliance Statement prior to any earth disturbance.

D. CONCLUSION

Thank you for the opportunity to assist the Planning Board and the Conservation Commission in reviewing this significant project. Please feel free to reach out to Ellie Baker at ebaker@horsleywitten.com or 603-658-1660 with any questions regarding these comments. Ellie plans to attend the Public Hearing at the Conservation Commission meeting on January 9, 2018 (this evening) to present these comments and respond to questions.

Sincerely,

Horsley Witten Group, Inc.

A handwritten signature in blue ink that reads "Ellie S. Baker". The signature is fluid and cursive, with the first name "Ellie" being more prominent.

Ellie S. Baker, AICP

Senior Project Manager, Environmental Planner

cc: Mr. Andrew Port, Director of Planning and Development, City of Newburyport
(for the Planning Board)
Mr. Thomas Hughes, Hughes Environmental Consulting
Mr. Stephen Sawyer, Design Consultants, Inc.
Atty. Lisa Mead, Mead, Talerman and Costa, LLC