

Dianne Boisvert

From: Andrew Port
Sent: Wednesday, October 12, 2016 2:30 PM
To: Gove, Doug; Julia Godtfredsen; Kathryn Newhall-Smith
Subject: RE: Evergreen Thought

Kate/Julia – Please arrange to have these comments and concerns forwarded to the Planning Board and applicant. Thx.

Andrew R. Port, AICP
Director of Planning & Development

Office of Planning & Development
City of Newburyport
60 Pleasant Street
Newburyport, MA 01950

Phone (978) 465-4400
Fax # (978) 465-4452
Email aport@cityofnewburyport.com
Web www.cityofnewburyport.com

Confidentiality Notice: This email transmission, and any documents, files, or previous email messages attached to it, may contain confidential information. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this message is **STRICTLY PROHIBITED**. If you have received this transmission in error, please immediately notify the sender by email or telephone and destroy the original transmission and its attachments without reading them or saving them. Any attachments to this message have been checked for viruses, but please rely on your own virus checker and procedures. Thank-you.

From: Gove, Doug [<mailto:Doug.Gove@aecom.com>]
Sent: Wednesday, October 12, 2016 1:36 PM
To: Julia Godtfredsen; Andrew Port
Subject: RE: Evergreen Thought

Hi Andrew,

These are good points. I am wondering if it makes sense for Julia to submit these thoughts directly to the Planning Board for consideration rather than having us incorporate them.

Doug

Doug Gove, P.E.
Associate Vice President
Direct +1 978-905-2981
Fax +1-978-905-2101
Mobile +1 617-721-7005
doug.gove@aecom.com

AECOM
250 Apollo Drive

Built to deliver a better world

[LinkedIn](#) [Twitter](#) [Facebook](#) [Instagram](#)

From: Julia Godtfredsen [<mailto:JGodtfredsen@CityofNewburyport.com>]

Sent: Tuesday, October 11, 2016 10:30 AM

To: Andrew Port

Cc: Gove, Doug; DeNatale, Doug; Anthony Furnari; Christopher Hood; Tom Smolski; Paul Colby; Wayne Amaral; Kathryn Newhall-Smith; Joe Teixeira (jteixeira@comcast.net)

Subject: RE: Evergreen Thought

Hi Doug and Andy,

The Wetlands Protection Act and Newburyport Wetlands Protection Ordinance do not have performance standards or regulations specific to Water Supply Protection zones. Rather, the wetlands regulations protect public and private water supply "functions and values" of wetland resource areas and buffer zones, where they exist. In this case, there are two jurisdictional wetland resource areas on site: Isolated land subject to flooding (ILSF), which is jurisdictional under both the state and local regs; and Isolated Vegetated Wetland (IVW) which is jurisdictional only under our local ordinance. The applicant's proposed OSRD and subdivision plans have some errors in this regard.

- 1) On the Yield Plan, two of the house lots are located within the Isolated Vegetated Wetland that was determined to be jurisdictional under the Newburyport Wetlands Protection Ordinance. They would not be able to do any development within that area or it's 25 foot no-disturb zone. House lots 13 and 17 would not be permitted under our local Ordinance without a variance.
- 2) On the Existing Conditions Plan, it erroneously identifies the T-shaped wetland area at the northwest corner of the site as a Retention Basin. This area was determined by the Conservation Commission under the ANRAD process (and peer review) to be a jurisdictional Isolated Vegetated Wetland. The same plan then states in a text box on the bottom right "Isolated Wetlands shown are not jurisdictional under Wetlands Protection Act or Newburyport Wetlands Ordinance." This is wrong. The Isolated Vegetated Wetland should be labeled as such and the text box should be removed.

The Conservation Commission will be paying close attention to the potential impacts of the development to the water supply protection functions of the Isolated Vegetated Wetland and ILSF. For example, the Wetlands Protection Act states that ILSF "where it is underlain by pervious material, provides a point of exchange between ground and surface waters. Contaminants introduced into said area, such as septic system discharges and road salts, find easy access into the ground water and neighboring wells." The Wetland Protection Act regs further state that "A proposed project in Isolated Land Subject to Flooding shall not result in the following: (2) An adverse effect on public and private water supply or groundwater supply, where said area is underlain by pervious material; (3) An adverse effect on the capacity of said area to prevent pollution of the groundwater, where the area is underlain by pervious material which in turn is covered by a mat of organic peat and muck....."

With regard to stormwater management, the Conservation Commission will review the applicant's stormwater management plans to make sure they meet the standards of the Mass Stormwater Management Policy. Jon-Eric will be reviewing to make sure they meet the local Stormwater Ordinance standards and I assume the Planning Board will have C&S review their stormwaer management plans, as usual.

Let me know if you have any other questions about the Conservation Commission regulations and/or if you think it would be helpful for me to attend the next Planning Board hearing in case any questions come up.

Thanks,

Julia

Julia Godtfredsen
Newburyport Conservation Administrator
60 Pleasant Street
Newburyport, MA 01950
(978) 465-4400 x1224
jgodtfredsen@cityofnewburyport.com

Confidentiality Notice: This email transmission, and any documents, files, or previous email messages attached to it, may contain confidential information. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this message is **STRICTLY PROHIBITED**. If you have received this transmission in error, please immediately notify the sender by email or telephone and destroy the original transmission and its attachments without reading them or saving them. Any attachments to this message have been checked for viruses, but please rely on your own virus checker and procedures. Thank-you.

From: Andrew Port
Sent: Thursday, October 06, 2016 3:01 PM
To: Julia Godtfredsen
Cc: Gove, Doug; DeNatale, Doug (Doug.DeNatale@aecom.com); Anthony Furnari; Christopher Hood; Tom Smolski; Paul Colby; Wayne Amaral
Subject: FW: Evergreen Thought
Importance: High

Julia – Please see below and comment on anything related/relevant in the Con Comm regulations. (High priority.) Thx.

Doug – Julia can respond relative to the local Con Comm regulations. We have a Water Resource Protection District (WRPD) Ordinance within our Zoning Ordinance (with overall provisions and subsections related to the Zone A, Zone I, Zone II, allowed uses, prohibited uses, etc.). I think I sent this to you some time ago, but I am attaching it here again, with some key language we have previously discussed highlighted. Please review the entire document to see what provisions you are looking for (or if they exist). Please also note the attached legal opinion we received regarding Water Supply Protection and the ***conditional*** allowance of residential development within our WRPD. In particular, see the highlight on page 3. (Ignore the roadway length section.)

Andrew R. Port, AICP
Director of Planning & Development

Office of Planning & Development
City of Newburyport
60 Pleasant Street
Newburyport, MA 01950

Phone (978) 465-4400
Fax # (978) 465-4452
Email aport@cityofnewburyport.com
Web www.cityofnewburyport.com

Confidentiality Notice: This email transmission, and any documents, files, or previous email messages attached to it, may contain confidential information. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this message is **STRICTLY PROHIBITED**. If you have received this transmission in error, please immediately notify the sender by email or telephone and destroy the original transmission and its attachments without reading them or saving them. Any attachments to this message have been checked for viruses, but please rely on your own virus checker and procedures. Thank-you.

From: Gove, Doug [<mailto:Doug.Gove@aecom.com>]
Sent: Thursday, October 06, 2016 8:38 AM
To: Andrew Port
Cc: Anthony Furnari; Christopher Hood; Tom Smolski; Gove, Doug; DeNatale, Doug
Subject: Evergreen Thought

Hi Andrew,

Have you checked with the Conservation Commission to see what restrictions may be in place with respect to the project being in a Zone 2 of a drinking water well and the stormwater regulations? For example, I recall that the use of pervious pavement is not allowed in a Zone A of a reservoir --- to prevent the quick transport of contaminants into the ground and eventually water supply. Are there similar restrictions for a Zone 2?

We have limited budget to complete this review so I am hoping for some help on your end with researching some of these things.

Regarding my earlier email on the filling of the old gravel pit and subsequent Well Water quality impacts, the Anthony Lally 1985 report references additional sulfate, chloride and specific conductance readings **during 1974** resulting from the extensive filling of the abutting land with salt marsh dredging material. There is no reference to the well beings shutdown, rather a correlation between activities at the site and the water quality in Well No. 2. It would still be good to get more background info on this incident.

Thanks,

Doug Gove, P.E.
Associate Vice President
Direct +1 978-905-2981
Fax +1-978-905-2101
Mobile +1 617-721-7005
doug.gove@aecom.com

AECOM
250 Apollo Drive
Chelmsford, Massachusetts 01824
Front Desk +1 978-905-2100
www.aecom.com

Built to deliver a better world

[LinkedIn](#) [Twitter](#) [Facebook](#) [Instagram](#)