

# CITY OF NEWBURYPORT OFFICE OF PLANNING AND DEVELOPMENT

60 Pleasant Street • P.O. Box 550 Newburyport, MA 01950 (978) 465-4400 www.cityofnewburyport.com

## REQUEST FOR MINOR MODIFICATION

Please attach a cop	by of revised plans and the recorded decision you are requesting to modify.
Property Address:	
Applicant:	
PP 33	
File #(s):	<u> </u>
Request:	
Revised Drawings:	
For office use only:	
☐ Board review/appr	oval required.
☐ Exceeds minor mod	lification. Hearing required.
	I. Requested modifications as shown on the above referenced plans qualify do not affect the initial board approval and decision(s) as listed above.
Staff name (print)	
Staff signature	



30 Green Street Newburyport, MA 01950 Phone 978.463.7700 Fax 978.463.7747

www.mtclawyers.com

May 5, 2021

#### **BY HAND**

Bonnie Sontag, Chair Planning Board City of Newburyport City Hall 60 Pleasant Street Newburyport, Massachusetts 01950

RE: Evergreen Commons Minor Modification / Plan Modifications and HOA Change

Dear Chair and Members of the Board:

Reference is made to the above-captioned matter. In that connection, as you are aware, the Applicant has been:

- 1. working with the Conservation Commission to modify several features of the open space;
- 2. working with the City Engineer to modify certain aspects of various rain garden areas; and
- 3. working with the Zoning Code Enforcement Officer and Conservation Agent to develop a clearer more precise way to determine impervious surface on the various lots at the time of the issuance of a Certificate of Occupancy which will allow the City to have the tools to enforce its decision moving forward.

To that end, the Applicant met with the Conservation Commission on May 4, 2021 to obtain their approval of these modifications, which was granted.

The Applicant now comes before the Board and requests the Board approve changes to the landscape plan, the stormwater design and the Homeowner's Association Document as follows:

#### A. Landscape Plan Changes

- 1. Removal of the singular bridge crossing and the pathway that connects to that bridge. This was discussed with City Staff during a field visit earlier in the project. The bridge is an unnecessary impact to the IVW.
- 2. Adjustments to the planting in the open space, including:
  - a. a small shift of plants from the singular bridge approach to the double bridge approach;
  - b. an adjustment to add area to the pollinator meadow on the east side of the area of the singular bridge (see updated sheet L-0);

- c. a new category for the meadow area south and west of the IVW "Transitional Meadow" which includes shrub and tree plantings that better fit within these areas that abut wooded areas. We will be planting approximately 400 native shrubs and saplings in this new area to transition from the open meadow areas to the wooded areas and allow for better habitat in these shadier areas near the existing wood line
- d. A slight change in the path location to reduce slope for accessibility reasons in the northeastern entry to the path network;
- e. Infrastructure changes associated with stormwater as noted below; and
- f. A perimeter drainpipe installed around the tot lot to allow it to dry quickly after rain. This small drain outlets on the slope of the pond.
- 3. Adjustments to which species called for in the street trees were planted in which locations. The same list of species was used, but which trees went where is different. A markup showing what was installed from the species list where is attached.

### B. Stormwater System Changes

- 1. Stormwater system changes made in coordination with the City Engineer, including:
  - a. The 3 drywells and drain located behind lots 26 31 have been removed. We have provided a stone swale and perforated pipe to direct runoff to the catch basin located behind lots 26/27. This catch basin was included in the approved design with the 8" pipe directing flow to Rain Garden F (this change was made at the direction of the City Engineer, Jon-Eric White.)
  - b. We have provided piped overflow from Rain Gardens C, D, E & F. This was done due to erosion issues from surface overflow running overland. These changes did not change the designed water quality volume with the overflow rims set a minimum of 9 inches above the bottom of the rain gardens as in the approved design. These outlet changes were reviewed and approved by City Engineer Jon-Eric White.
  - c. A drywell with outlet pipe was installed behind lot 5 along with two area drains behind lots 6-7. This was done due to flat area where some puddles remined after rain events. This did not change any of the stormwater design intent with the drainage from this area directed to rain garden B in the original design and through the provided area drain and piping with this change.

Attached you will find two updated plan sheets, a hand mark up of sheet L-1 showing the street tree changes, and two hand mark ups of portions of the landscape plans for the Transitional Meadow Area. Additionally, we have updated sheet L-0. The copy of L-0 attached has been colored in to work with the maintenance chart. Additionally, I have attached an updated maintenance chart to be clear that mowing in all areas must go around shrubs and trees for clarity. The Transitional Meadow will be maintained at the same time as the Pollinator meadow.

#### C. Home Owner's Association

Additionally, the Applicant requests that the Board approve a change to the Home Owner's Association Document. The original language for the HOA which was approved as part of the Special Permit and Order of Conditions is confusing as currently worded and allows multiple interpretations of what quantity of impervious surface may be added to each lot after each lot is completed. To avoid any confusion and provide a reliable and consistent number as a base which can be relied upon going forward, the Applicant proposes the following change in the HOA provision as follows:

8.2.16 a. Lot Owners shall not increase the impervious area on each individual lot by more than 5% over the <u>size of the lot</u> conditions of the lot at the time the certificate of occupancy is issued for that lot. b. Notwithstanding the foregoing, the following lots shall not increase the impervious area on the lot by more than 2% over the <u>size of the lot</u> conditions of the lot at the time the certificate of occupancy is issued for that lot: Lots 10, 11, 12 and 13.

This number shall be cumulative over the life of the lot. Swimming pools shall be considered impervious area.

For the Board's convenience, enclosed is a spreadsheet which allows the Zoning Code Enforcement Officer, Building Department and Conservation Agent to track future allowable impervious surface per lot. If approved, these lot specific plans will be finalized as will the running tabulation and over all plan sheet which will be provided to the Planning, Building and Conservation Offices.

Given the above, first, the board can find that the request is minor in nature as it does not substantively change the design of the subdivision or OSRD Special Permit. Then, given that the request is consistent with the purpose of compact and efficient design and does not modify the overall design or approved subdivision.

I would request that this matter be placed on your May 19, 2021 agenda for a discussion of same. I thank you in advance for your time and consideration.

Respectfully submitted,

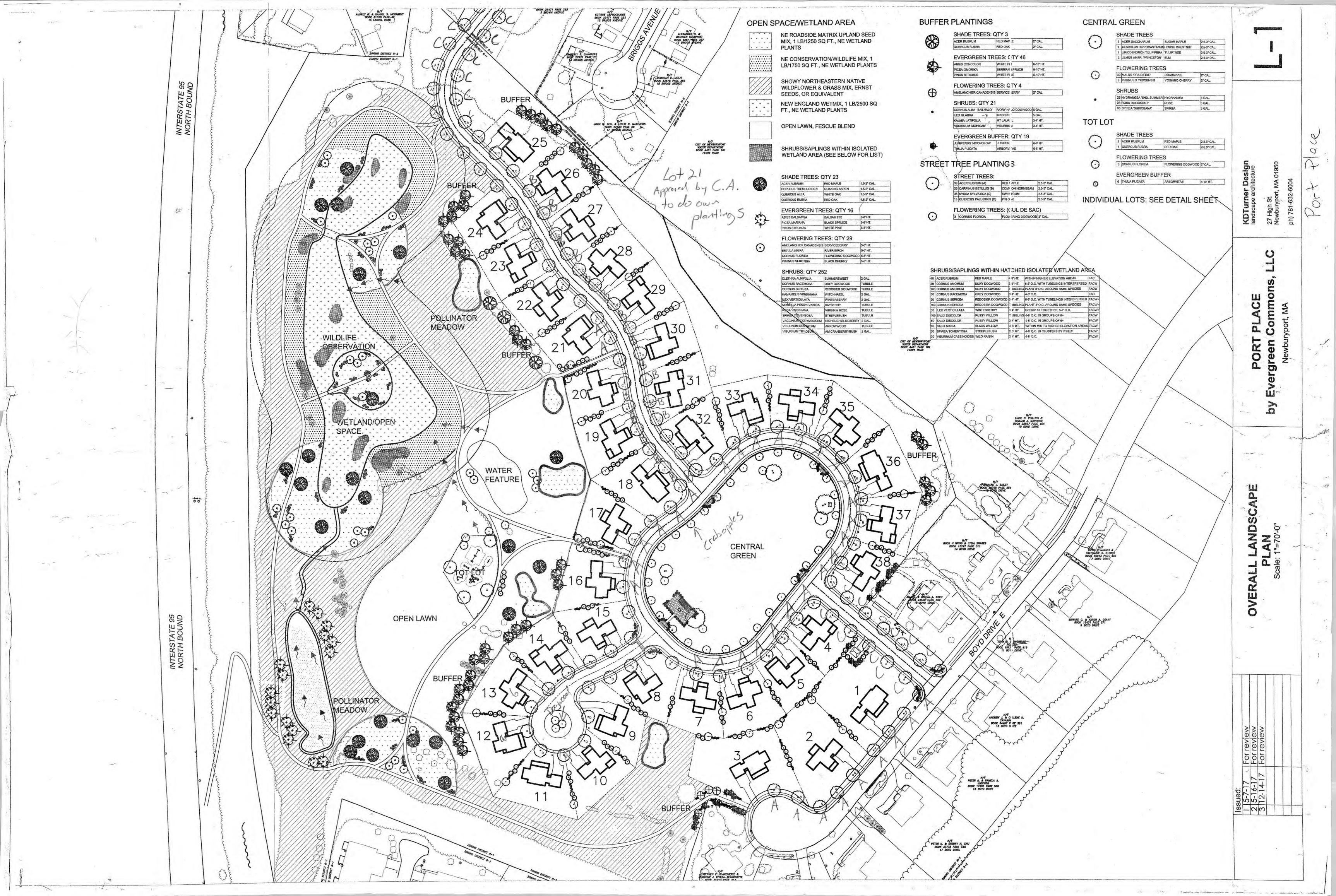
Evergreen Commons LLC,

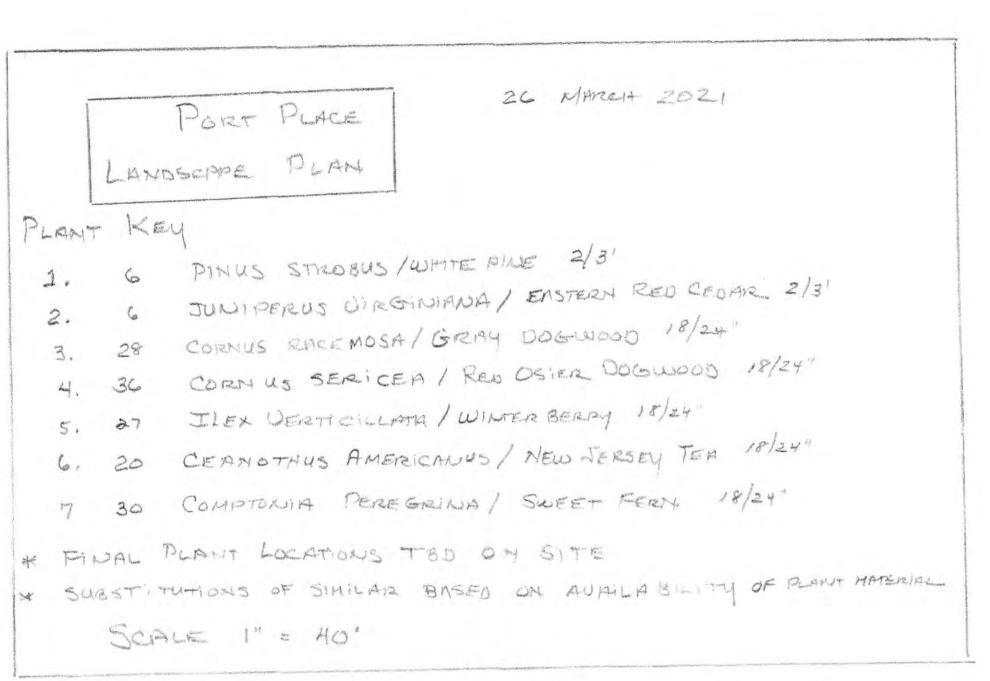
By It's attorney,

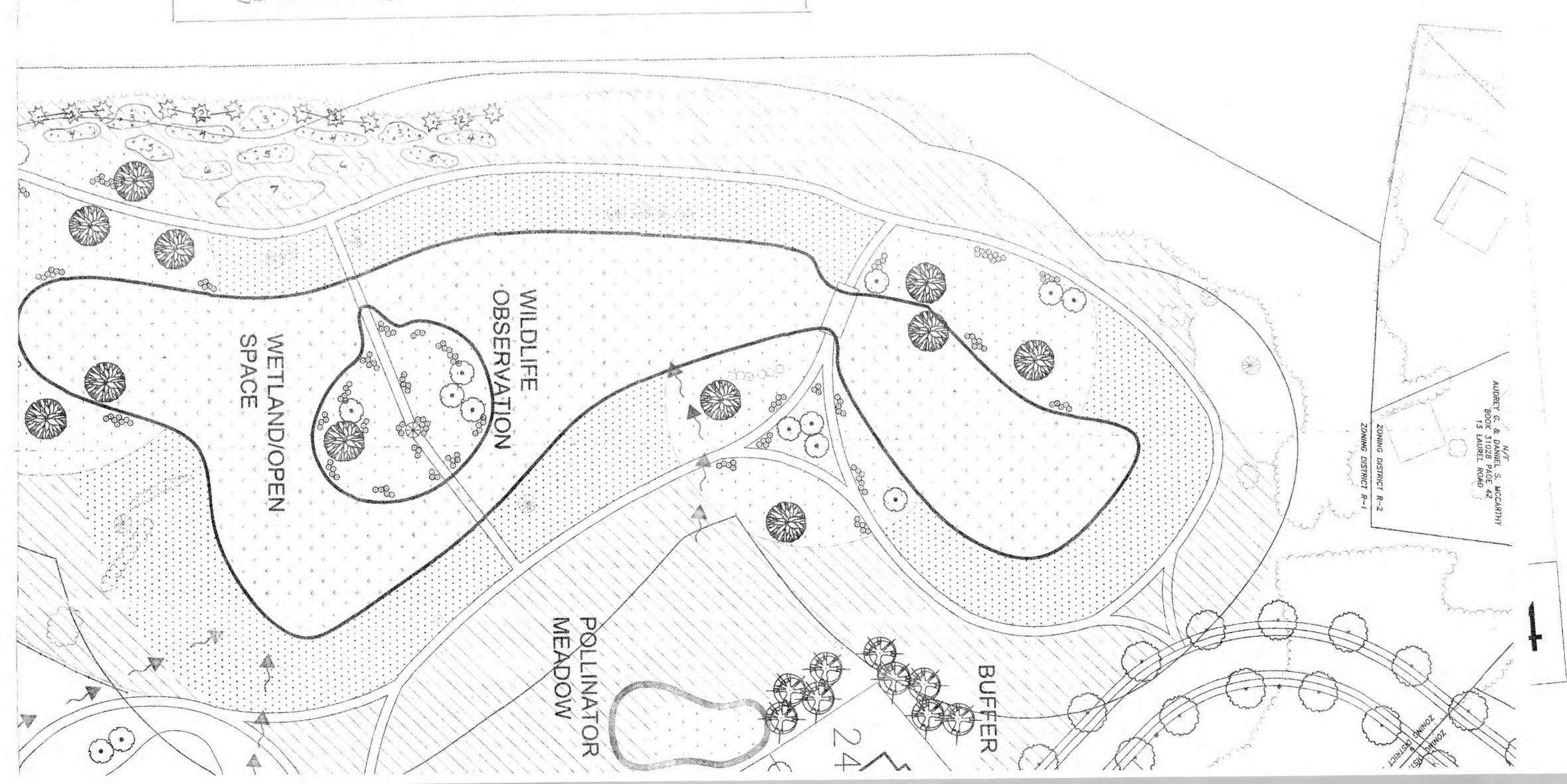
Lisa L. Mead

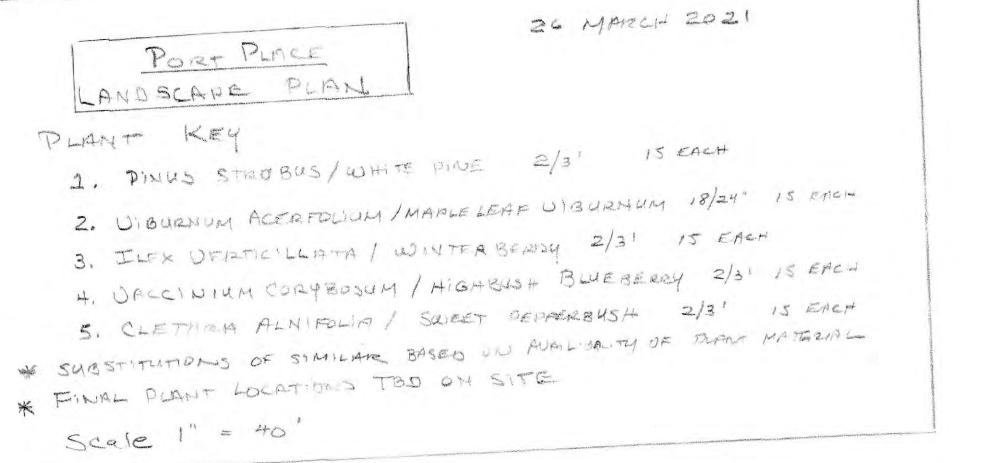
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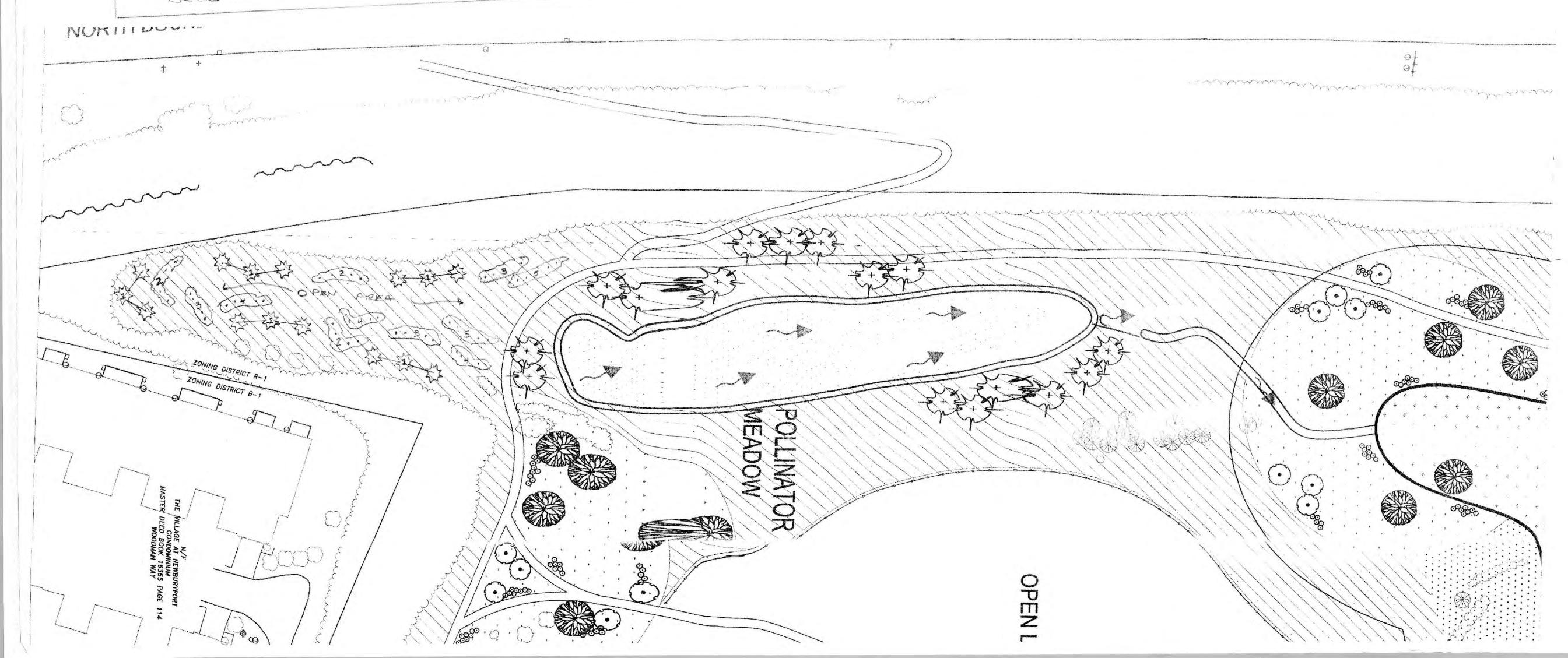






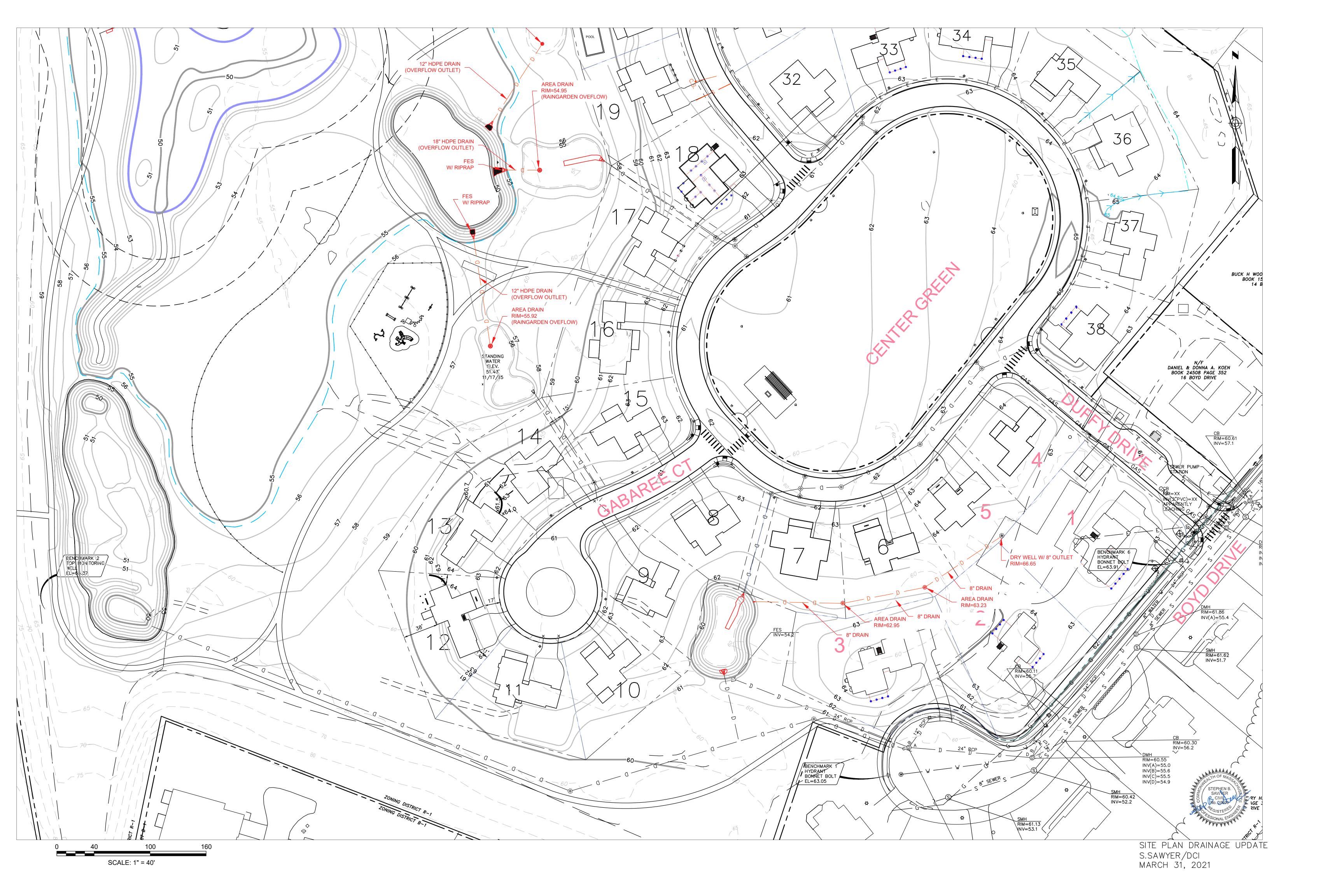


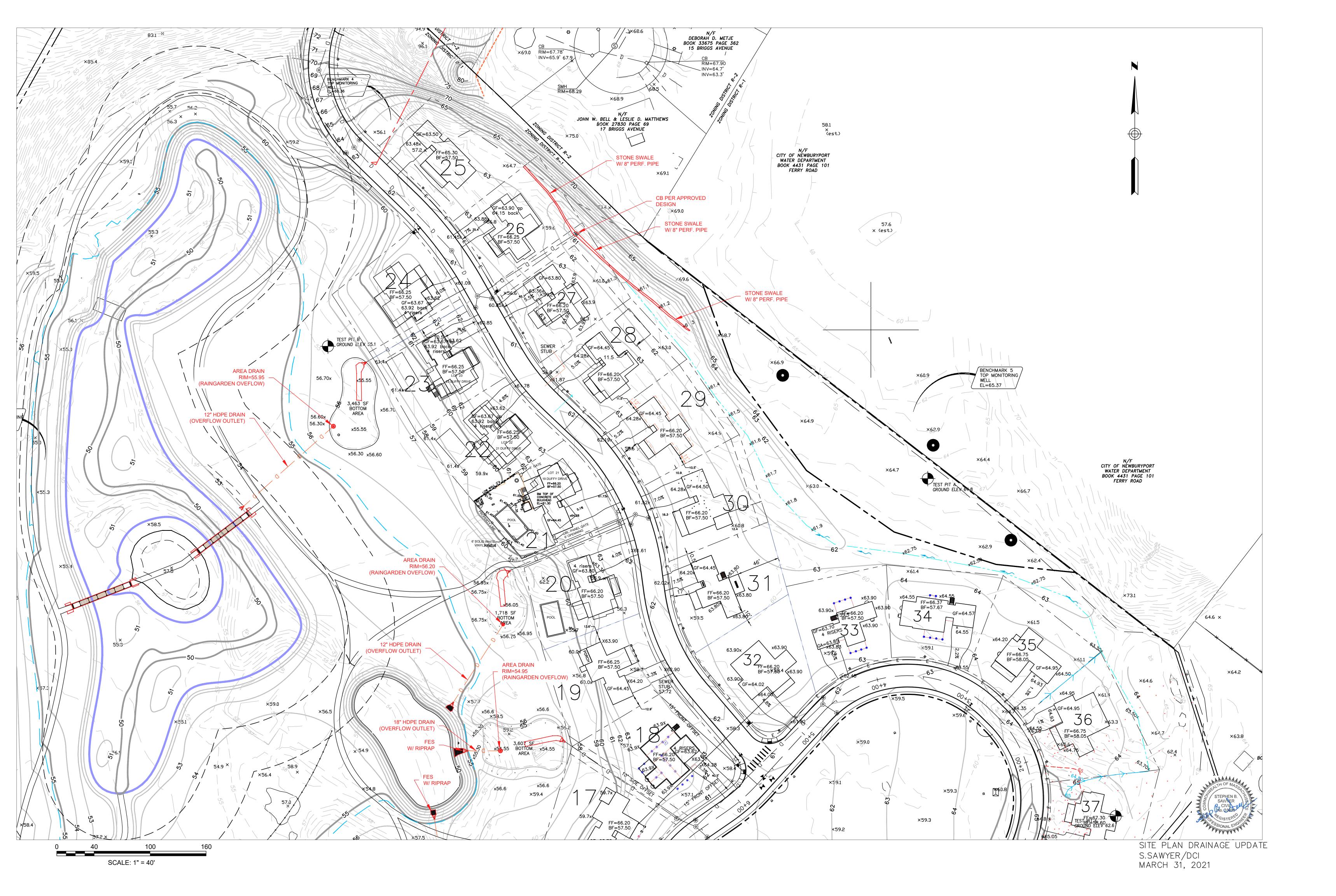




	AREA 1 WETLAND	AREA 2 RESTORATION	AREA 3 STORMWATER	AREA 4 POLLINATOR MEADOW	AREA 5 OPEN/MANAGED LAWN	AREA 6 MANICURED AND BUFFER AREAS
PLANT MATERIAL	NATIVE	NATIVE	NATIVE	NATIVE	NATIVE	NATIVE & CULTIVATED
	NE Wetmix, native shrubs and trees	NE Roadside Matrix Upland Seed Mix, NE Conservation/Wildlife Mix, shrubs and trees	NE Roadside Matrix Upland Seed Mix	Showy NE Native Wildflower or equivelent seed mix	Fescue blend	Lawn, trees, evergreens, ornamentals
ACCESS		PUBLIC	PUBLIC	PUBLIC	PUBLIC	PRIVATE
MANAGEMENT	Inspect annually.  Maintenance limited to restoration and plant health, including invasive removal and replanting of native plants as needed. Herbicides to be used only in	BI-ANNUAL Inspect spring and fall. Maintenance limited to plant health, including invasive removal and replanting of native plants as needed. Herbicides to be used only in accordance with a City approved plan.	Limited to functional issues and plant health, including measures in Stormwater O&M manual,including invasive removal and replanting of native plants as needed. Herbicides to be used only in accordance with a City approved plan.	Inspect spring and fall, maintance limited to maintaining meadow health. After establishment, mowing annually in the spring and invasive removal or reseeding efforts. See the separate protocol for meadow seeding and initial mowing guidelines. Herbicides to be used only in accordance with a City approved plan.	management practices including organic lawn fertilizer and organic controls. Overseeding in spring and fall as needed. Invasive removal and replanting of native plants as needed. Herbicides to	WEEKLY & AS NEEDED  Weekly mowing of lawn areas during the growing season. Regular application of organic lawn fertilizer. Required maintenance of vegetation including organic controls. Pruning as needed.
RESOURCE VALUE	NATURAL RESOURCE Wildlife, flood storage,	NATURAL RESOURCE Wildlife, visual	STORMWATER Wildlife, visual	NATURAL RESOURCE Wildlife, visual	NATURAL RESOURCE Wildlife, visual	NATURAL RESOURCE Visual
	visual					
USE	PASSIVE	PASSIVE	PASSIVE	PASSIVE	PASSIVE AND ACTIVE	PASSIVE AND ACTIVE
	Visual enjoyment Nature study	Visual enjoyment Nature study	Visual enjoyment Nature study Water quality	Visual enjoyment Nature study	Visual enjoyment Nature study Recreation	Visual enjoyment Recreation Group & family activities

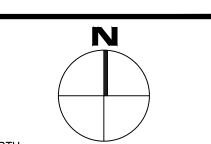
NOTE MAINTAIN TRANSITIONAL MEADOW AREA AT SAME TIME AS POLLINATOR MEADOW. NOTE IN ALL AREAS MOW AROUND SHRUBS AND TREES. REVISED 4-16-21





		47		4		A = 7				A = 7	4 7			4	A = 7	A = 7																									A T			Pump	A = 7	OSRD Lot	
	Lot 1*	* Lot	ι 2**	Lot 3**	Lot 4	Lot 5	Lot 6	ó J	Lot 7	Lot 8*	8* Lot 9*	ا * ا	_ot 10*	Lot 11*	Lot 12	Lot 13	3 Lot 14*	Lot 15*	Lot 1F	16 Lot 1	t 17 Lot 18	18 1	Lot 19	Lot 20	Lot 21	Lot 22	2* Lot	23* Lc	ot 24*	Lot 25*	Lot 26	Lot 27	Lot 28	Lot 29	Lot 30	Lot 31	Lot 32	Lot 33	Lot 34	Lot 35	Lot 36	Lot 37	Lot 38	38 House	Total	Total	
Total Lot Area	20,71	2 20	,,968	20,847	7 10,001	10,038	38 11,57	1 72د	10,433	3 11,336	ó 11,7′	739 11	1,469	12,563	12,738	12,132	2 10,900	11,651	12,29	/2 11,4	,452 12,94	41 1	11,016	10,327	10,623	10,45	7 10,1	193 10	0,057	11,086	10,371	10,412	10,532	10,162	10,172	10,739	10,748	10,246	10,302	10,822	11,491	10,596	5 10,11	1,600	446,255	383,728	
House	2,419	.9 1933	√ <b>3</b> 3	2456	1917	2033	2230	- 0ر	2574	2190	2395	ś			2415	2676			2597	7 2253	53 2756	<u>o</u> 7	2036	2193	2473	2450	178	33 24	2449	2450	2588	2067	2468	2033	2483	2112	2762	2148	2336	2248	2611	2286	2589	<u>,                                      </u>	79,409	72601	
Driveway	1,805	958	.8	1807	969	871	918	1	660	720	665				1133	1117	A = 7	A = 7	963	989	9 876	8	819	751	922	727				770	676	893	795	768	828	533	873	735	813	818	624	741	614		28,151	23581	
Landscape & Perm Surf.	15,734	.4 17 ′	.7,547 1	16317	6880	6578	8032	-   2ر	7027	8226				1	9151	8261			8376	6 7619	19 9071		7824	7208	6785	6810				7566	6650	6728	6686	6666	6326	7771	6701	7144	7153	7156	7985	7132	6509	<i>*</i>	255,619	.9 206021	
Patio & Walkway	754	530	0	267	235	556	392		172	200	235			4	39	78	A = 7	4	356	591	1 238	2	337	175	443	288				300	457	724	583	695	535	323	412	219	0	600	271	437	407		11,849	10298	
Total Imperv. Surf.	4,978	78 3,42	+21	4,530	3,121	3,460	3,540	+0 7	3,406	3,110	0 3,295	ر <sub>5</sub> 3	3,784	4,146	3,587	3,871	3,597	3,845	3,916	.6 3,833	3,870	0 ?	3,192	3,119	3,838	3,465	3,36 د	67 3,	3,318	3,520	3,721	3,684	3,846	3,496	3,846	2,968	4,047	3,102	3,149	3,666	3,506	3,464	3,610	J	137,234	124,305	
% Imperv.	24.0	16.3	ر.3	21.7	31.2	34.5	30.6	6 -	32.6	27.4	28.1	7 3	33.0	33.0	28.2	31.9	33.0	33.0	31.9	33.5	.5 29.9	1 7	29.0	30.2	36.1	33.1	33.0	0 33	33.0	31.8	35.9	35.4	36.5	34.4	37.8	27.6	37.7	30.3	30.6	33.9	30.5	32.7	35.7		30.8	32.4	4
Potential Adtl. Impervious	1036	10′	.048 1	1042	500	502	579	) r	522	567	587	Ē	573	628	637	607	545	583	615	573	647	Г	551	516	531	523	510	) 5C	503	554	519	521	527	508	509	537	537	512	515	541	575	530	506		22313	19186	
* Lot under construc	action,	estima†	ced are	as	**	*Full size lot	sts confr	orming	g to R2 ~	Zoning															-																						





Design Consultants Inc.
Somerville - Quincy - Newburyport
www.dci-ma.com

PROJECT TEAM

18 BOYD DRIVE, SUBDIVISION NEWBURYPORT, MA

PREPARED FOR
EVERGREEN
COMMONS, LLC

PROJECT INFO

1. LOT 22 PROP. COND 1//5/21
REV DESCRIPTION DATE



STAMP:

AS-BUILT SURFACES PLAN

SHEET NAME:

C6

SHEET NO:

DR BY: WAK

CHK BY: SBS

PROJ NO: 2015-063

DATE: June 2, 2017

SCALE: 1"=70'

