

To: Rob Ciampitti, Chair, Zoning Board of Appeals
Bonnie Sontag, Chair, Planning Board
Andy Port, Planning Director
City of Newburyport
60 Pleasant Street
Newburyport, MA 01950

From: Purchase Street Abutters to 21-25 & 27 Hancock Street

Date: 20 March 2021

Re: Special Non-Conformance Permit Applications and
Proposed Development at 21-25 & 27 Hancock Street,
Assessor Map 25, Lots 42 & 43

Dear Board Chairs, Board Members, and Mr. Port,

We are the Purchase Street abutters to the properties that are being considered for development at 21-25 and 27 Hancock Street.

The public meetings of the ZBA that took place on 23 February and 9 March 2021 presented and clarified various aspects of the new development. The public comment period at each meeting provided residents with a brief opportunity to express their thoughts. Robert Jorgensen (70 Purchase St.) raised specific concerns relating to the size and layout of the proposed structures, how this would likely concentrate stormwater runoff down Leavitt Ct. and could adversely affect the abutters' properties.

The response to this was that the approval process for the stormwater management plan is under the purview of City Planning. Assurances were made that stormwater would not affect abutters' properties per state mandate, but questions remain including whether the solution will work adequately, especially in winter when the ground is frozen and impermeable.

After considering the presentations and comments, we have identified several items that need to be addressed more fully. We wish to use this letter as a request of the City (and developer) for additional information and clarification. We also wish to go on record regarding what we see as key, unresolved issues that may develop into problems that will negatively impact our properties. These issues are as follows:

(1) Site drainage affected by the orientation of the structures, reshaping site topography, placement of driveways and other impermeable surfaces. Effective plan for stormwater management, especially when the ground is frozen and impermeable.

Two new $\pm 110'$ structures (including garage) are oriented parallel to Leavitt Ct. The combined large area of roofs, blacktop on Leavitt Ct. and driveways create a captive space and a potential drainage "funnel" towards the back property line and the abutters on Purchase St. The planned extension of Leavitt Ct. to $\pm 8'$ from the back property line adds significantly to this concern.

During the winter months, the combination of a heavy winter rain, frozen impermeable ground, and damming from large, plowed snowbanks at the foot of Leavitt Ct. could decrease the effectiveness of a drainage solution. Stormwater and snow melt from Hancock St. may also flow into Leavitt Ct. adding to winter concerns. If the rate and volume are sufficient, could water flow across abutters' properties and potentially onto Purchase St. itself? Has the drainage solution adequately anticipated the impact of winter conditions?

When the industrial building is removed, so will the drainage benefits that it may have historically provided to our properties. Under the current configuration, it appears to divert runoff and much of its roof drainage towards the property sidelines: either toward the large grass yard on 27 Hancock St., or toward the rail trail.

The Design Consultants Inc. (DCI) plan dated 12/14/20 does not appear to show topographic elevations within abutters' properties. The abutters are long-time residents and are familiar with year-round, real-world drainage patterns. At least one of the abutters (C. Vorosmarty, 66 Purchase St.) has a finished living space in the basement of his home, most of it underground with access from grade to the entryway. There are also large portions of the abutters' basements which have loose-laid stone foundations without existing water infiltration problems.

It also appears that the DCI plan only shows the development's current site topography. If our understanding is correct, the elevations for the proposed sewer lines and the tie-ins to the sewer main on Hancock St. are also shown. This plan implies that the topography of the two properties will need to change significantly. Sewer lines for units B and D exit the structures' foundations almost at the current ground level. Presumably, additional fill would be needed to bury the new sewer lines to prevent freezing. Will this increase the slope towards the back property line? What are the specific dimensions associated with this likely change?

(2) Harm to abutters mature trees and greenspace.

Earthmoving, demolition, change in topography, soil compaction, drainage solutions, paving, etc. near the back property line will likely damage root systems and canopies of mature pine, hemlock, maple trees. These are highly valued by the abutters for privacy, shade, aesthetics and wildlife habitat. Damage could take years to become evident. Would a certified arborist be providing guidance and be on-site when work is being done near the trees?

Additionally, salt and road chemicals used to treat Leavitt Ct. in winter may run off and leach into the abutters' soil and cause harm to the trees, lawns and gardens. Do the plans recognize this potential problem and propose a mitigation strategy?

(3) Possible hazardous waste on the existing site. Public exposure during demolition. Management of building-material waste (some of which is hazardous) during construction and afterward.


The industrial building located at 21-25 Hancock was once used as a bus garage. We have no knowledge about its current use, but it is certainly plausible that there could be hazardous waste on site and within the building. The site also contains several derelict vehicles and boats, and there needs to be some assurance that their removal will not liberate toxic chemicals. The same applies to the demolition of the garage, including any asbestos which may be in the building (including the concrete floor) or the soil. These issues not only affect the Purchase St. abutters but also any adjacent properties. There are several families with young children who would be particularly impacted should hazardous waste be found on site.

What has been the assessment of this potential problem? What is the procedure required by state and federal regulations, and will this be followed? Will all necessary remediation occur before ground is broken for the new construction? Who is responsible for doing so and bearing the costs? Is the associated information available to the public, and if so, where?

Being such a large project, construction activity may produce sizable amounts of hazardous airborne sawdust from the cutting of silica-containing materials (cementitious siding, brick, concrete). Who is responsible for ensuring that the handling of such materials follow all state and federal regulations? Other waste products would likely include windblown sawdust from cellular PVC trim, plastic wrappers and product packaging. What is the plan for ensuring that the likely release of these onto our properties will be controlled, and if it cannot be, how it will be remediated during and after construction?

Thank you for reviewing our concerns. We respectfully request a timely response in writing that sufficiently addresses these matters. We wish to obtain assurances from the City (and developer) that potential problems which may affect our properties (a) are identified proactively, (b) corrective measures are planned for, (c) the developer will be responsible for all such corrective measures, (d) the corrective measures will be verified to have actually been executed properly, and (e) these become part of the approval process before construction can begin.

Sincerely,



Date: 3-21-2021

Robert M. Jorgensen & Kimberly A. Quint, 70 Purchase St.

On behalf of:

Susan Hacker, 74 Purchase St.

Peter Baisley & Kristen Fudge, 68 Purchase St.

Charles Vorosmarty, 66 Purchase St.

People's United Methodist Church, 64 Purchase St.

Christopher Zybert & Julie Chakrin, 60 Purchase St.

David & Maura Spellman, 58 Purchase St.

(Signatures available upon request.)

Please direct correspondence to:

Robert Jorgensen

70 Purchase St.

Newburyport, MA 01950

Please CC all listed parties.