



Mead, Talerman & Costa, LLC  
Attorneys at Law

30 Green Street  
Newburyport, MA 01950  
Phone 978.463.7700  
Fax 978.463.7747  
[www.mtclawyers.com](http://www.mtclawyers.com)

July 18, 2018

IN HAND

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

RE: Evergreen Commons Minor Modification / Grading at Brown Ave.  
Entrance

Dear Chair and Members of the Board;

Reference is made to the above-captioned matter. In that connection, pursuant to Special Condition 4 of the Water Resource Protection District Special Permit and Special Condition 8 of the Subdivision Approval, the Applicant is requesting a minor modification to the subdivision approval relative to the design of the grading in the area east of the Brown Avenue entrance.

As you will see on the plans attached, the Applicant is proposing to cut a section of the hill off of 3 Brown Avenue<sup>1</sup> and use it for fill in the site and leveling in the Property in the entrance area and the rear of Lot 35. The Applicant has been working with the City Engineer, Jon-Eric White regarding this change. Pursuant to Mr. White's request the soils at 3 Brown Avenue were tested by an LSP. I have attached the report of the LSP which concludes the soils are clean and likely "virgin" soils and are clean. Further, as you can see from the attached certification of Steve Sawyer, the proposed change to the topography to the east of the entrance does not affect the storm water for the project.

I have also attached for your information a plan which shows the section of the approved versus proposed topography in this area. This regrading will also allow for the elimination of the retaining wall at the back of Lot 35 as it results in a much gentler slope of a 2:1.

---

<sup>1</sup> Please note the Applicant has a private agreement with the Owner of 3 Brown Ave. to allow for the purchase and removal of these soils.

*Millis Office*  
730 Main Street, Suite 1F  
Millis, MA 02054  
Phone 508.376.8400

I would request that this matter be placed on your August 15th agenda for a discussion of same. I thank you in advance for your time and consideration.

Respectfully submitted  
Evergreen Commons LLC  
By Its attorney



Lisa L. Mead

cc: Client

**Parker Environmental Corporation**  
*Creative Solutions for a Complicated Environment*

July 02, 2018

Mr. James Goodwin  
Evergreen Commons  
467 Groton Road Suite A  
Westford, MA 01886  
Via email: jgood123@live.com

Re: 3 Brown Avenue  
Newburyport, MA  
Suitability of proposed fill material

Dear Mr. Goodwin:

Per your request Parker Environmental Corporation (PEC), reviewed the proposed source of material located at 3 Brown Avenue in Newburyport, MA (City of Newburyport property ID 111-12) for suitability for use at the Evergreen Commons/Port Place. PEC visited the 3 Brown Avenue location on June 22, 2018 to visually inspect the location.

At the time of the inspection, the 3 Brown Avenue property was located in a primarily residential neighborhood and abutted the Evergreen Commons project property to the north. A roadway entering the Evergreen Commons project property abutted the lot to the west. The southern half of the lot is tree covered and was comprised of an elevated hill. The northern portion of the lot is lower in elevation and partially mowed grass with some trees. The trees appeared to be mature oaks and pines. The hill portion of the lot did not appear to have been subject to anthropogenic activity. Photos of the Lot are included in Attachment A.

In order to further evaluate the area to confirm the naturally deposited, undisturbed nature of the proposed fill material, PEC reviewed available historical documents for the location including aerial photos and topographic maps. Copies of these documents are included in Attachment B.

A review of the topographic maps dating back to 1890 and aerial photos dating back to 1938 indicate that the current condition of the location appears to be consistent with previously documented conditions, and it is therefore interpreted that the hill is a naturally deposited feature. Based on this, PEC does not recommend additional testing of the material prior to use on the project with regard to anthropogenic contaminants.

If you have any questions, please do not hesitate to contact us.

Sincerely  
PARKER ENV



Scott Parker  
President, LSP  
Ref:PEC/Project Files/180501 Hall Evergreen/2018 07 02 Fill Evaluation

**ATTACHMENT  
PHOTOS**



Photo 1: Facing North from Evergreen Commons Project locations – showing south end of 3 Brown Avenue



Photo 2: facing northeast showing rear of 3 Brown Avenue

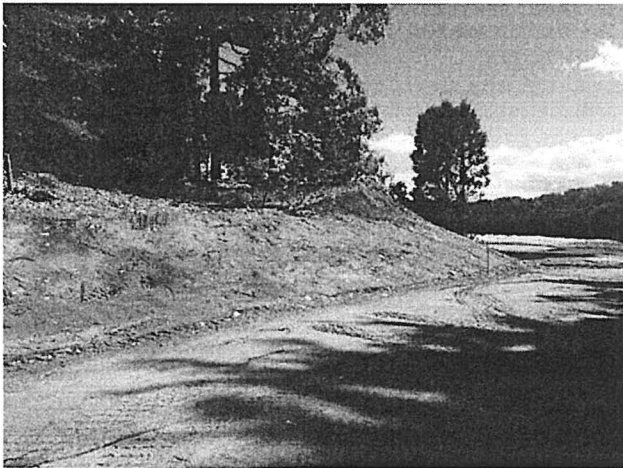


Photo 3: Facing south – showing southwest side of 3 Brown Avenue



Photo 4: Facing east – showing west side of 3 Brown Avenue



Photo 5: Facing south – showing south end of 3 Brown Avenue



Photo 6: Facing south from Brown Avenue – showing north end of 3 Brown Avenue

**ATTACHMENT B**  
**HISTORICAL DOCUMENTS**

**3 Brown Avenue**

3 Brown Avenue

Newburyport, MA 01950

Inquiry Number: 5347456.1

June 28, 2018

## The EDR Aerial Photo Decade Package



6 Armstrong Road, 4th floor  
Shelton, CT 06484  
Toll Free: 800.352.0050  
[www.edrnet.com](http://www.edrnet.com)

# EDR Aerial Photo Decade Package

06/28/18

**Site Name:**

3 Brown Avenue  
3 Brown Avenue  
Newburyport, MA 01950  
EDR Inquiry # 5347456.1

**Client Name:**

Parker Environmental  
P.O. Box 583  
Clinton, MA 01510  
Contact: Scott Parker



Environmental Data Resources, Inc. (EDR) Aerial Photo Decade Package is a screening tool designed to assist environmental professionals in evaluating potential liability on a target property resulting from past activities. EDR's professional researchers provide digitally reproduced historical aerial photographs, and when available, provide one photo per decade.

**Search Results:**

<u>Year</u>	<u>Scale</u>	<u>Details</u>	<u>Source</u>
2016	1"=500'	Flight Year: 2016	USDA/NAIP
2012	1"=500'	Flight Year: 2012	USDA/NAIP
2008	1"=500'	Flight Year: 2008	USDA/NAIP
1998	1"=500'	Acquisition Date: April 11, 1998	USGS/DOQQ
1992	1"=750'	Flight Date: April 13, 1992	USGS
1986	1"=500'	Flight Date: April 01, 1986	USDA
1978	1"=500'	Flight Date: April 23, 1978	USGS
1965	1"=500'	Flight Date: April 04, 1965	USGS
1960	1"=500'	Flight Date: May 01, 1960	USGS
1952	1"=500'	Flight Date: October 20, 1952	USDA
1938	1"=500'	Flight Date: November 01, 1938	USGS

**When delivered electronically by EDR, the aerial photo images included with this report are for ONE TIME USE ONLY. Further reproduction of these aerial photo images is prohibited without permission from EDR. For more information contact your EDR Account Executive.**

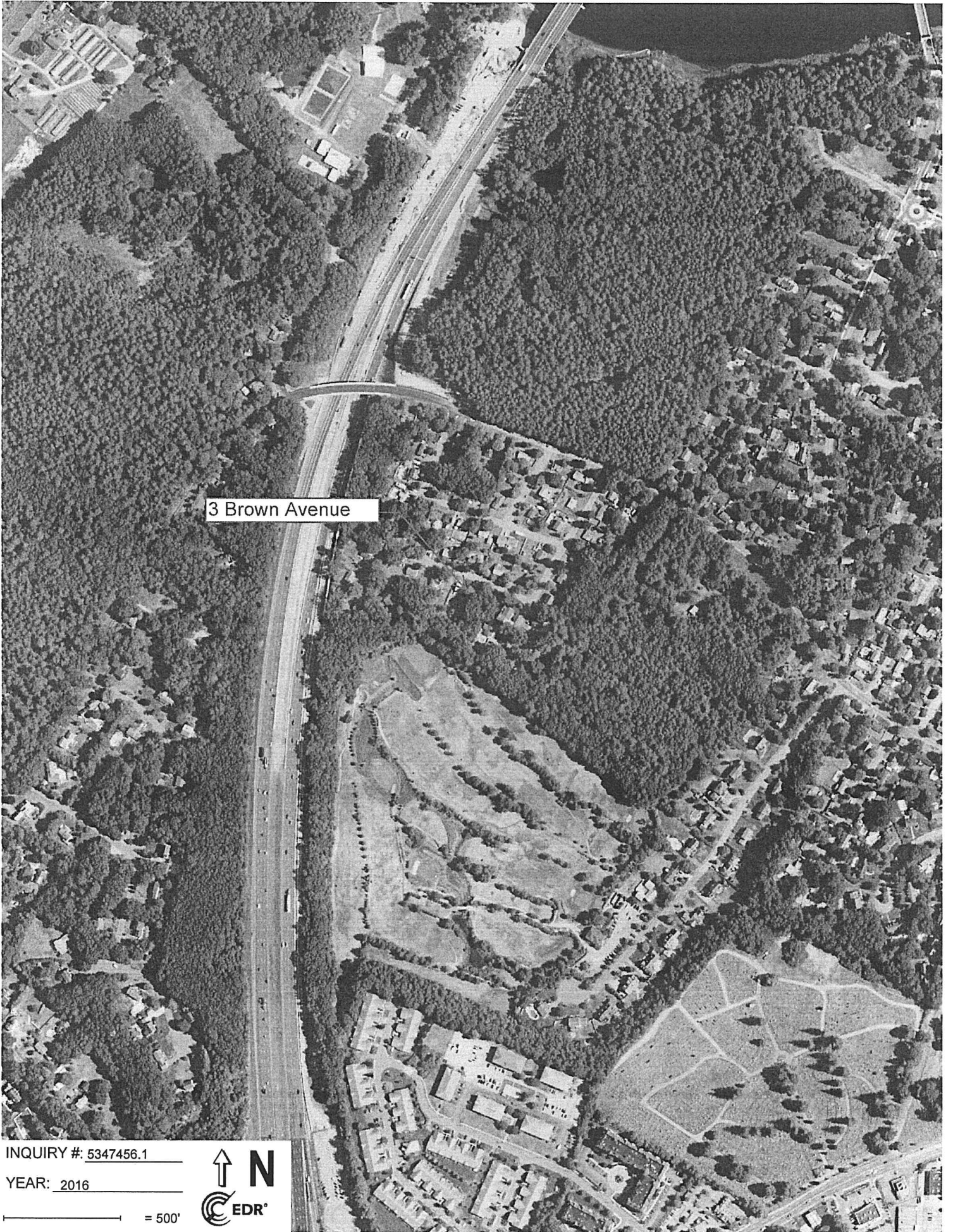
**Disclaimer - Copyright and Trademark Notice**

This Report contains certain information obtained from a variety of public and other sources reasonably available to Environmental Data Resources, Inc. It cannot be concluded from this Report that coverage information for the target and surrounding properties does not exist from other sources. NO WARRANTY EXPRESSED OR IMPLIED, IS MADE WHATSOEVER IN CONNECTION WITH THIS REPORT. ENVIRONMENTAL DATA RESOURCES, INC. SPECIFICALLY DISCLAIMS THE MAKING OF ANY SUCH WARRANTIES, INCLUDING WITHOUT LIMITATION, MERCHANTABILITY OR FITNESS FOR A PARTICULAR USE OR PURPOSE. ALL RISK IS ASSUMED BY THE USER. IN NO EVENT SHALL ENVIRONMENTAL DATA RESOURCES, INC. BE LIABLE TO ANYONE, WHETHER ARISING OUT OF ERRORS OR OMISSIONS, NEGLIGENCE, ACCIDENT OR ANY OTHER CAUSE, FOR ANY LOSS OF DAMAGE, INCLUDING, WITHOUT LIMITATION, SPECIAL, INCIDENTAL, CONSEQUENTIAL, OR EXEMPLARY DAMAGES. ANY LIABILITY ON THE PART OF ENVIRONMENTAL DATA RESOURCES, INC. IS STRICTLY LIMITED TO A REFUND OF THE AMOUNT PAID FOR THIS REPORT. Purchaser accepts this Report "AS IS". Any analyses, estimates, ratings, environmental risk levels or risk codes provided in this Report are provided for illustrative purposes only, and are not intended to provide, nor should they be interpreted as providing any facts regarding, or prediction or forecast of, any environmental risk for any property. Only a Phase I Environmental Site Assessment performed by an environmental professional can provide information regarding the environmental risk for any property. Additionally, the information provided in this Report is not to be construed as legal advice.

Copyright 2018 by Environmental Data Resources, Inc. All rights reserved. Reproduction in any media or format, in whole or in part, of any report or map of Environmental Data Resources, Inc., or its affiliates, is prohibited without prior written permission.

EDR and its logos (including Sanborn and Sanborn Map) are trademarks of Environmental Data Resources, Inc. or its affiliates. All other trademarks used herein are the property of their respective owners.





3 Brown Avenue

INQUIRY #: 5347456.1

YEAR: 2016

— = 500'





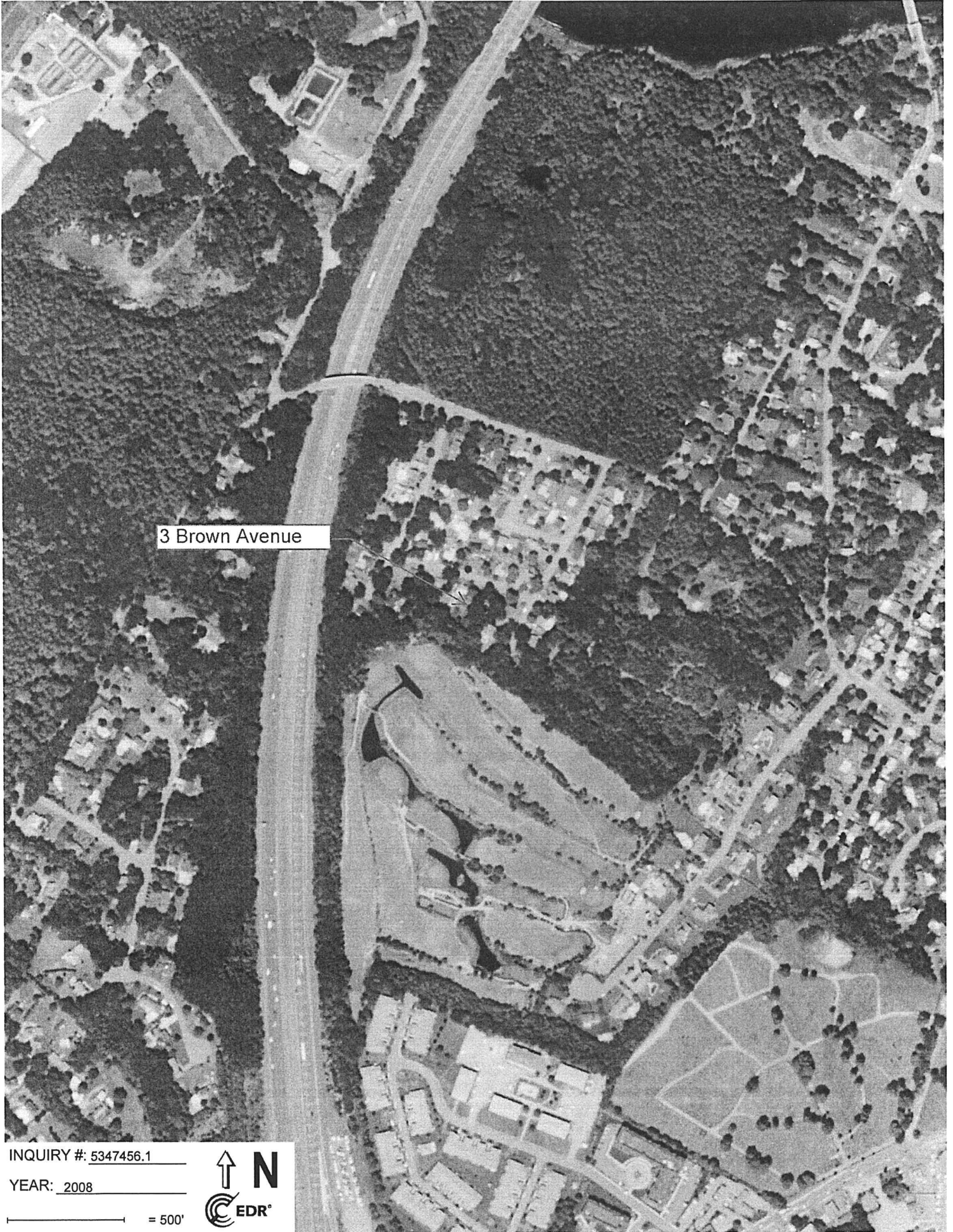
3 Brown Avenue

INQUIRY #: 5347456.1

YEAR: 2012

— = 500'





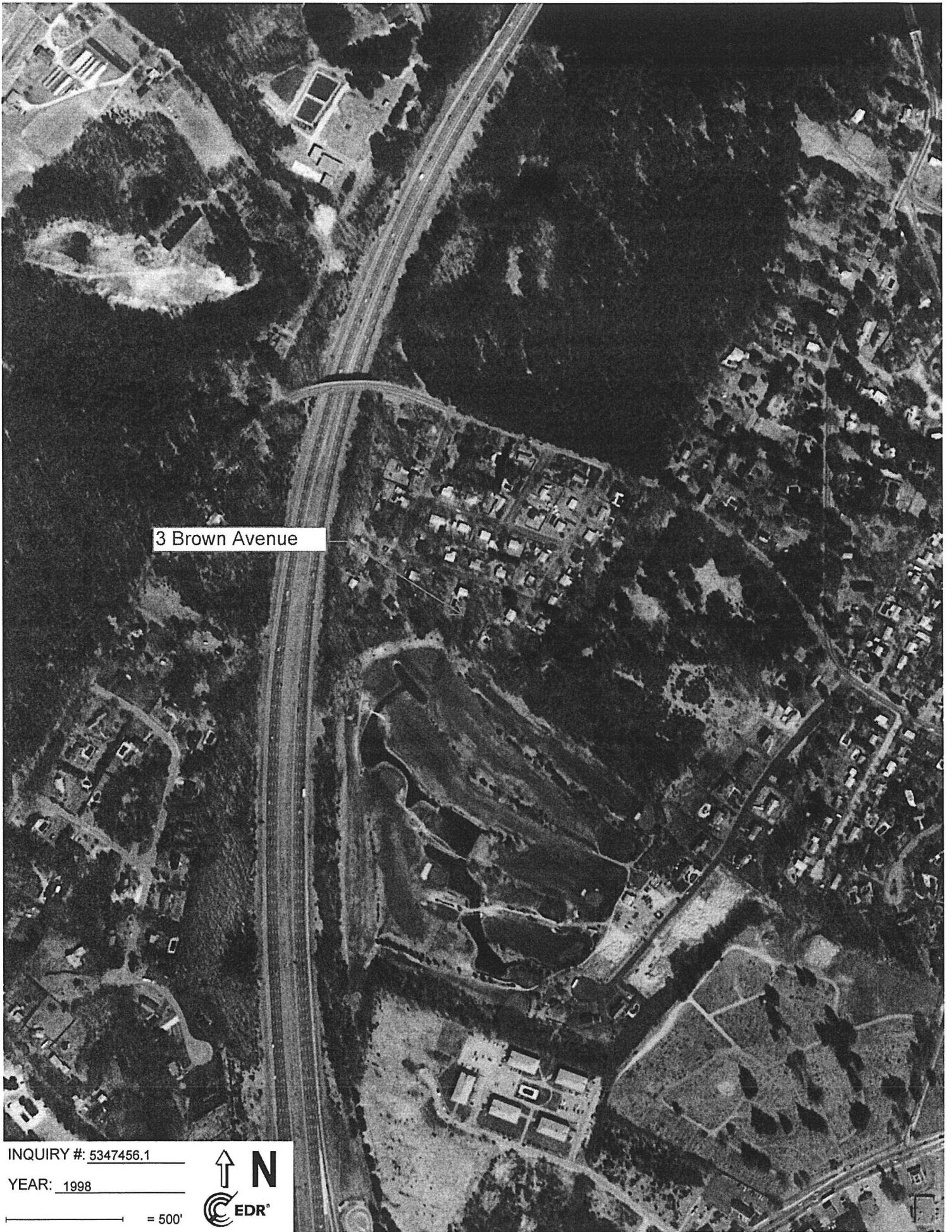
3 Brown Avenue

INQUIRY #: 5347456.1

YEAR: 2008

— = 500'





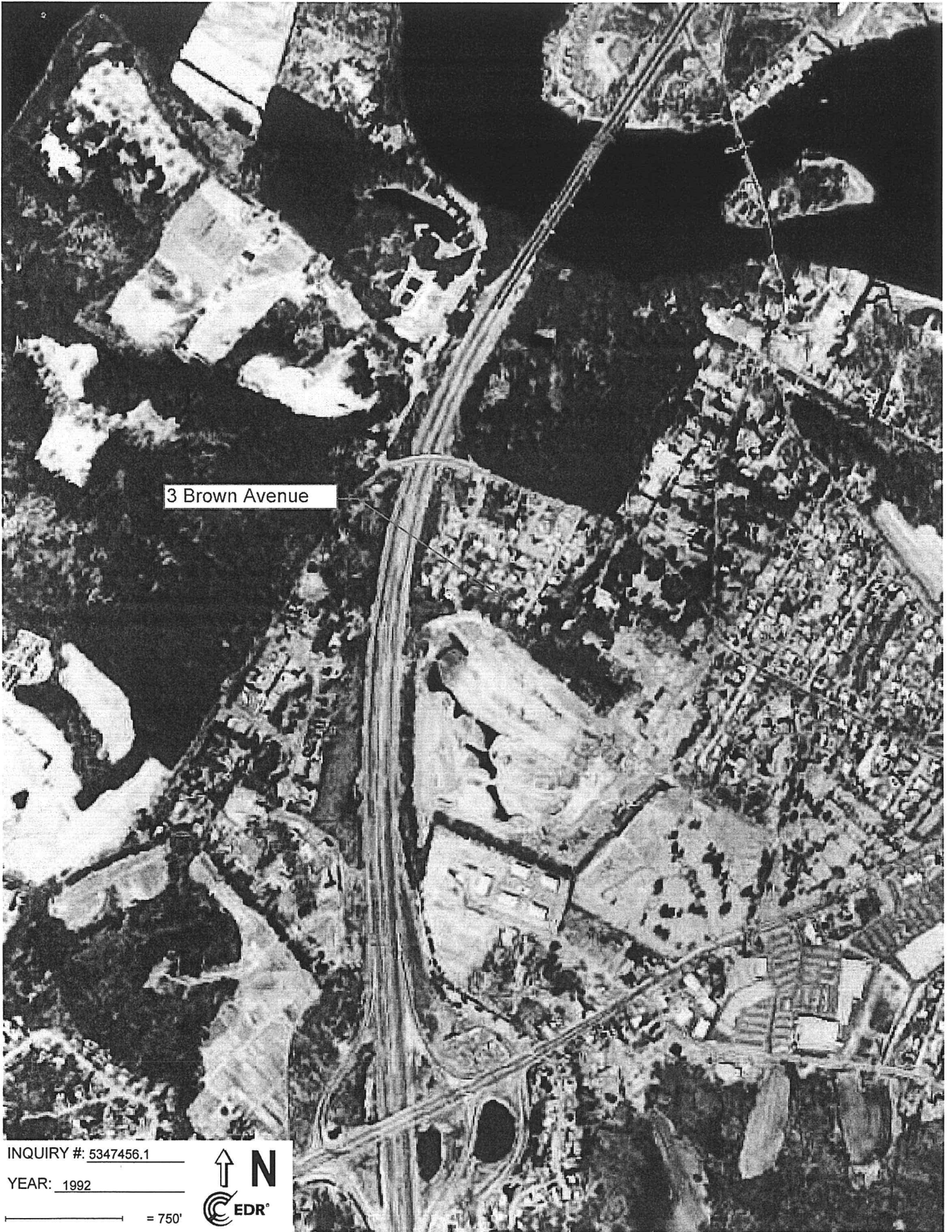
3 Brown Avenue

INQUIRY #: 5347456.1

YEAR: 1998

\_\_\_\_\_ = 500'





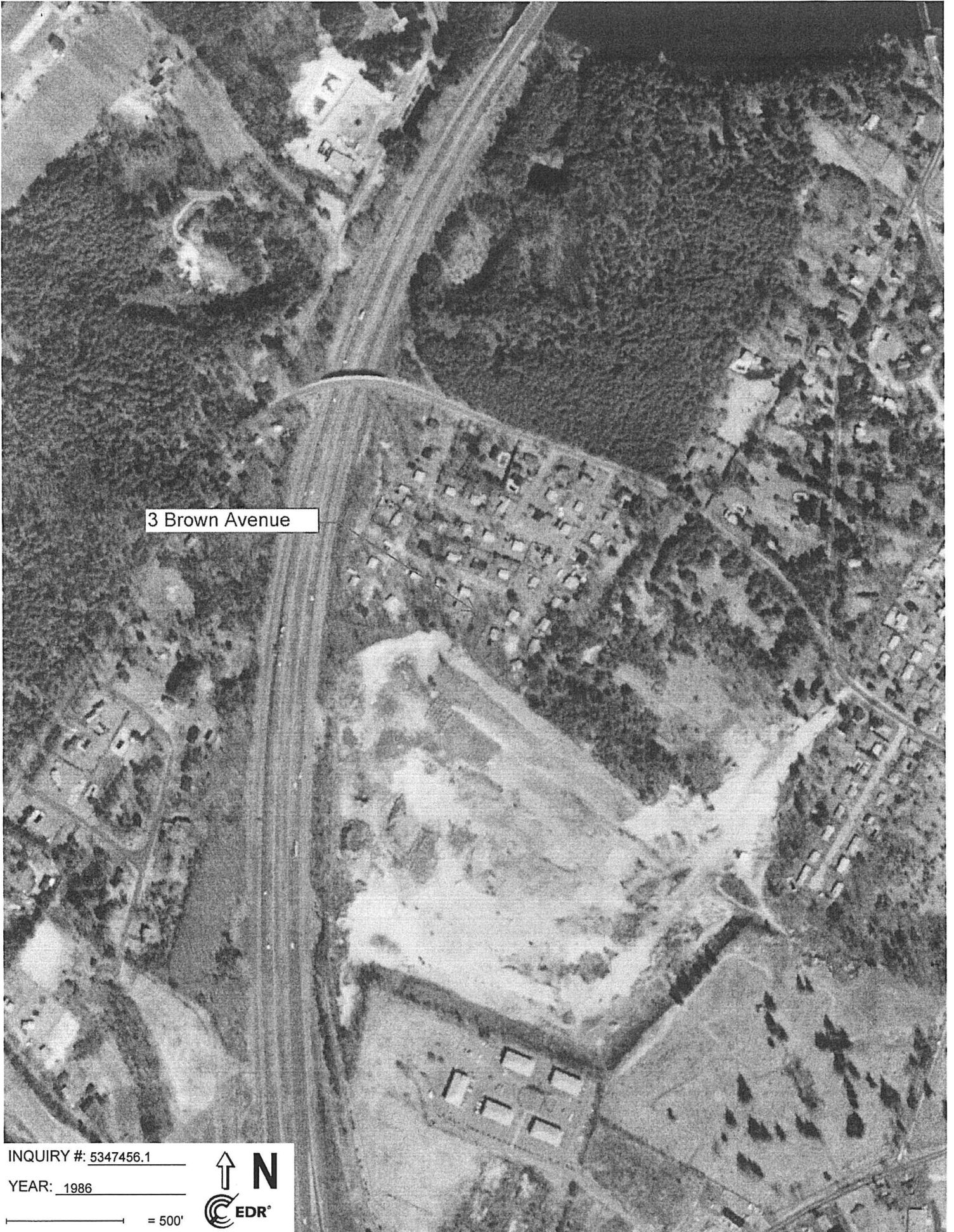
3 Brown Avenue

INQUIRY #: 5347456.1

YEAR: 1992

\_\_\_\_\_ = 750'





3 Brown Avenue

INQUIRY #: 5347456.1

YEAR: 1986

 = 500'





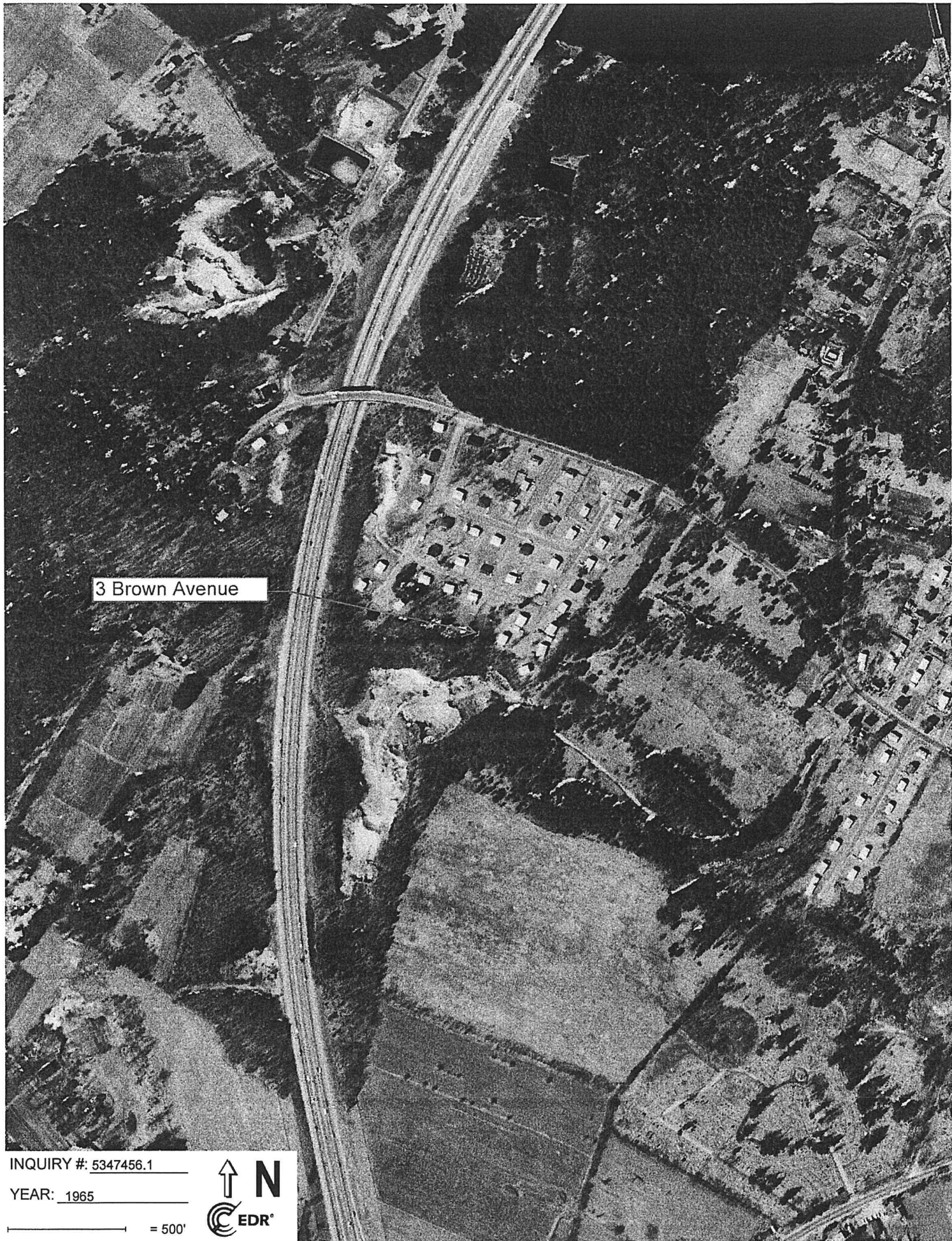
3 Brown Avenue

INQUIRY #: 5347456.1

YEAR: 1978

\_\_\_\_\_ = 500'





3 Brown Avenue

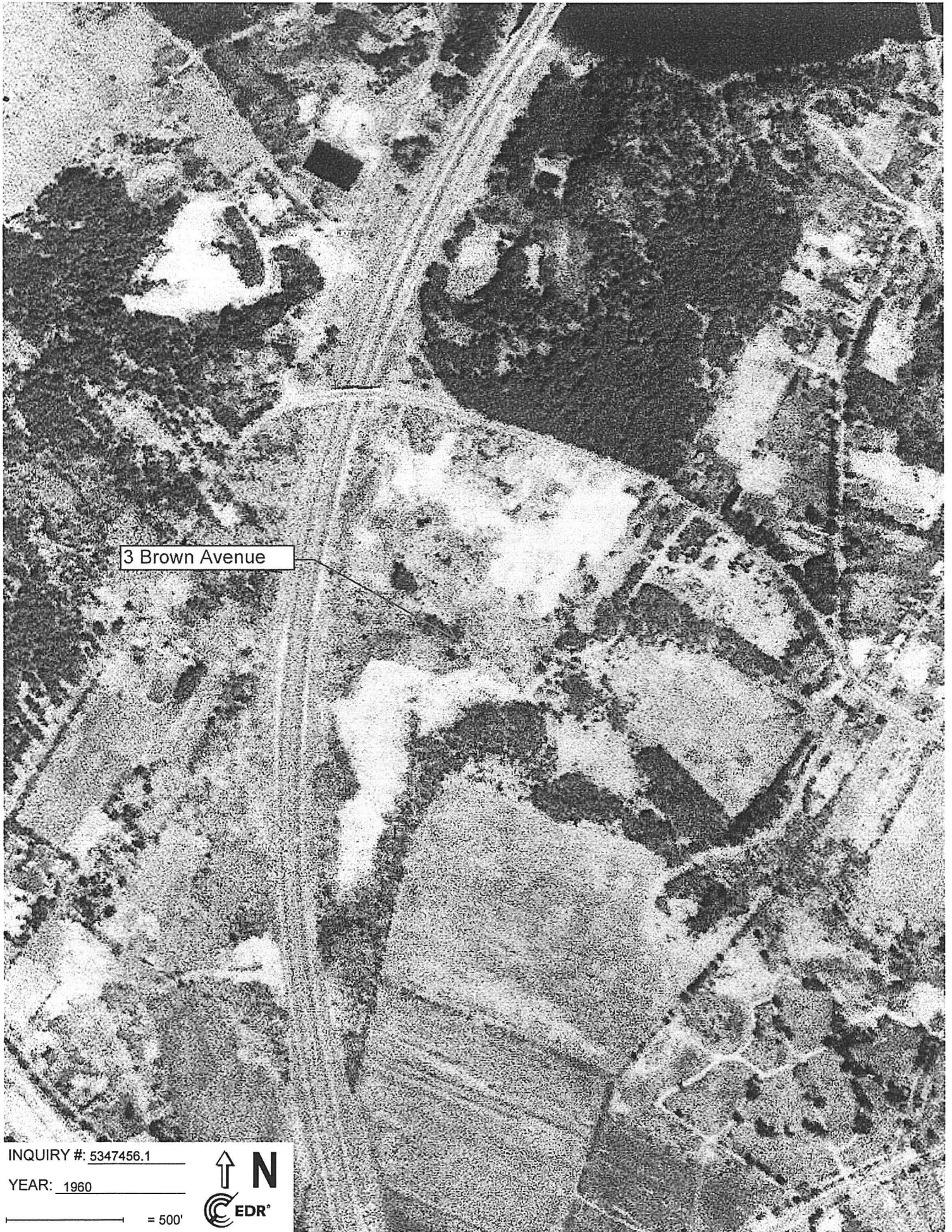
INQUIRY #: 5347456.1

YEAR: 1965

\_\_\_\_\_ = 500'







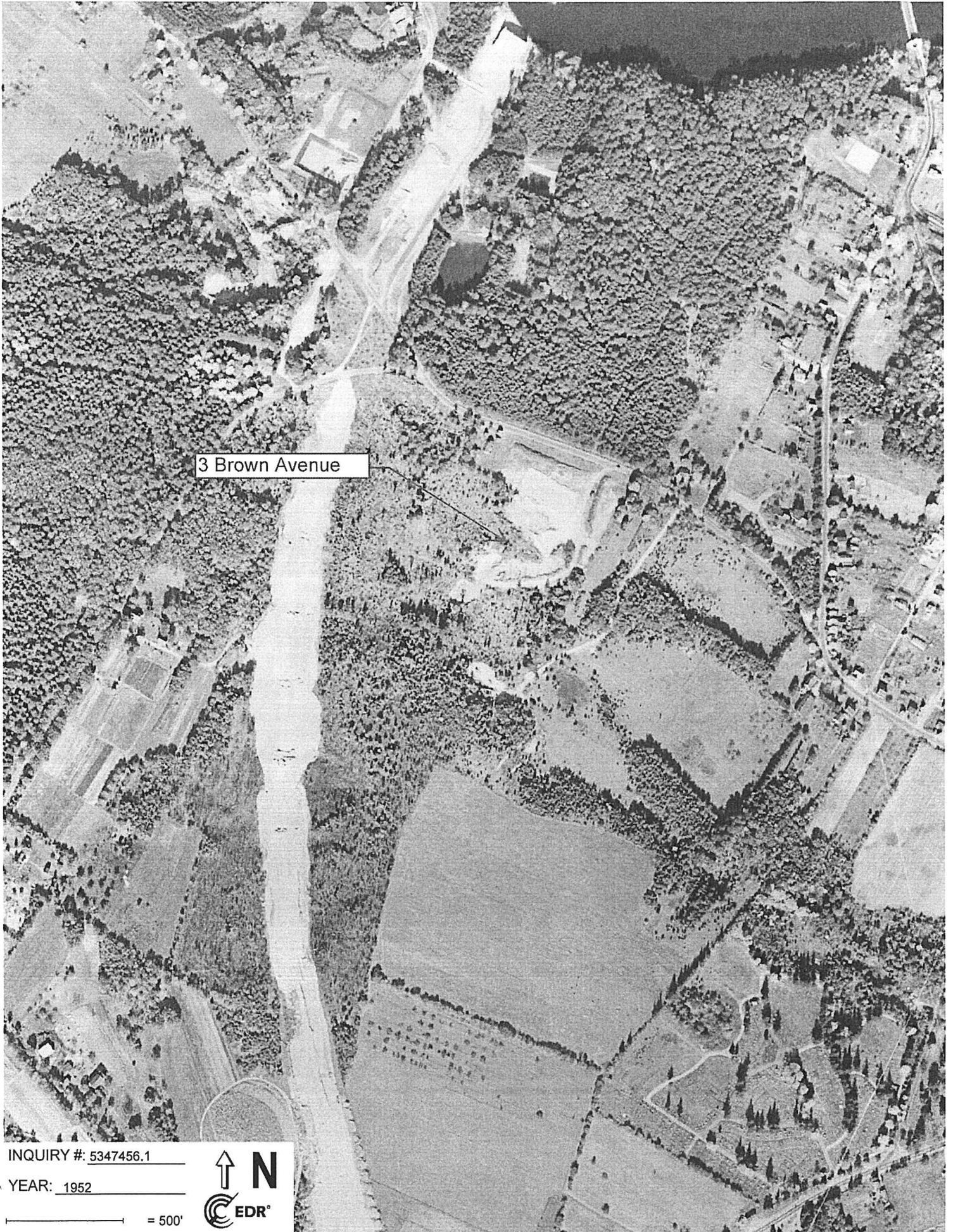
3 Brown Avenue

INQUIRY #: 5347456.1

YEAR: 1960

\_\_\_\_\_ = 500'





3 Brown Avenue

INQUIRY #: 5347456.1

YEAR: 1952

— = 500'





3 Brown Avenue

INQUIRY #: 5347456.1

YEAR: 1938

\_\_\_\_\_ = 500'



3 Brown Avenue  
3 Brown Avenue  
NEWBURYPORT, MA 01950

Inquiry Number: 5346886.1

June 27, 2018

## EDR Historical Topo Map Report with QuadMatch™



6 Armstrong Road, 4th floor  
Shelton, CT 06484  
Toll Free: 800.352.0050  
[www.edrnet.com](http://www.edrnet.com)

# EDR Historical Topo Map Report

06/27/18

**Site Name:**

3 Brown Avenue  
3 Brown Avenue  
NEWBURYPORT, MA 01950  
EDR Inquiry # 5346886.1

**Client Name:**

Parker Environmental  
P.O. Box 583  
Clinton, MA 01510  
Contact: Scott Parker



EDR Topographic Map Library has been searched by EDR and maps covering the target property location as provided by Parker Environmental were identified for the years listed below. EDR's Historical Topo Map Report is designed to assist professionals in evaluating potential liability on a target property resulting from past activities. EDR's Historical Topo Map Report includes a search of a collection of public and private color historical topographic maps, dating back to the late 1800s.

**Search Results:**

**P.O.#** NA  
**Project:** NA

**Coordinates:**

**Latitude:** 42.826897 42° 49' 37" North  
**Longitude:** -70.913198 -70° 54' 48" West  
**UTM Zone:** Zone 19 North  
**UTM X Meters:** 343619.09  
**UTM Y Meters:** 4743367.49  
**Elevation:** 73.51' above sea level

**Maps Provided:**

2012	1943
1987	1934
1985	1932
1979	1894
1968	1890
1952	
1947	
1944	

**Disclaimer - Copyright and Trademark Notice**

This Report contains certain information obtained from a variety of public and other sources reasonably available to Environmental Data Resources, Inc. It cannot be concluded from this Report that coverage information for the target and surrounding properties does not exist from other sources. NO WARRANTY EXPRESSED OR IMPLIED, IS MADE WHATSOEVER IN CONNECTION WITH THIS REPORT. ENVIRONMENTAL DATA RESOURCES, INC. SPECIFICALLY DISCLAIMS THE MAKING OF ANY SUCH WARRANTIES, INCLUDING WITHOUT LIMITATION, MERCHANTABILITY OR FITNESS FOR A PARTICULAR USE OR PURPOSE. ALL RISK IS ASSUMED BY THE USER. IN NO EVENT SHALL ENVIRONMENTAL DATA RESOURCES, INC. BE LIABLE TO ANYONE, WHETHER ARISING OUT OF ERRORS OR OMISSIONS, NEGLIGENCE, ACCIDENT OR ANY OTHER CAUSE, FOR ANY LOSS OF DAMAGE, INCLUDING, WITHOUT LIMITATION, SPECIAL, INCIDENTAL, CONSEQUENTIAL, OR EXEMPLARY DAMAGES. ANY LIABILITY ON THE PART OF ENVIRONMENTAL DATA RESOURCES, INC. IS STRICTLY LIMITED TO A REFUND OF THE AMOUNT PAID FOR THIS REPORT. Purchaser accepts this Report "AS IS". Any analyses, estimates, ratings, environmental risk levels or risk codes provided in this Report are provided for illustrative purposes only, and are not intended to provide, nor should they be interpreted as providing any facts regarding, or prediction or forecast of, any environmental risk for any property. Only a Phase I Environmental Site Assessment performed by an environmental professional can provide information regarding the environmental risk for any property. Additionally, the information provided in this Report is not to be construed as legal advice.

Copyright 2018 by Environmental Data Resources, Inc. All rights reserved. Reproduction in any media or format, in whole or in part, of any report or map of Environmental Data Resources, Inc., or its affiliates, is prohibited without prior written permission.

EDR and its logos (including Sanborn and Sanborn Map) are trademarks of Environmental Data Resources, Inc. or its affiliates. All other trademarks used herein are the property of their respective owners.

## **Topo Sheet Key**

---

This EDR Topo Map Report is based upon the following USGS topographic map sheets.

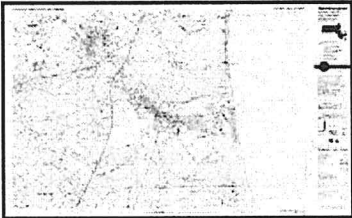
### **2012 Source Sheets**



Newburyport West

7.5-minute, 24000

### **1987 Source Sheets**



Newburyport

7.5-minute, 25000  
Aerial Photo Revised 1978

### **1985 Source Sheets**



Newburyport

7.5-minute, 25000  
Aerial Photo Revised 1978

### **1979 Source Sheets**



Newburyport West

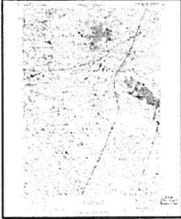
7.5-minute, 24000  
Aerial Photo Revised 1977

## **Topo Sheet Key**

---

This EDR Topo Map Report is based upon the following USGS topographic map sheets.

### **1968 Source Sheets**



Newburyport West

7.5-minute, 24000  
Aerial Photo Revised 1966

### **1952 Source Sheets**



Newburyport West

7.5-minute, 24000

### **1947 Source Sheets**



NEWBURYPORT WEST

7.5-minute, 25000

### **1944 Source Sheets**



Newburyport West

7.5-minute, 31680

## **Topo Sheet Key**

---

This EDR Topo Map Report is based upon the following USGS topographic map sheets.

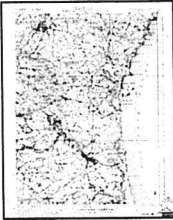
### **1943 Source Sheets**



Cape Ann

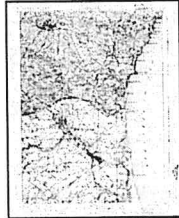
30-minute, 125000

### **1934 Source Sheets**



Exeter

15-minute, 62500



Newburyport

15-minute, 62500

### **1932 Source Sheets**



Newburyport

15-minute, 48000

### **1894 Source Sheets**



Newburyport

15-minute, 62500



***Topo Sheet Key***

---

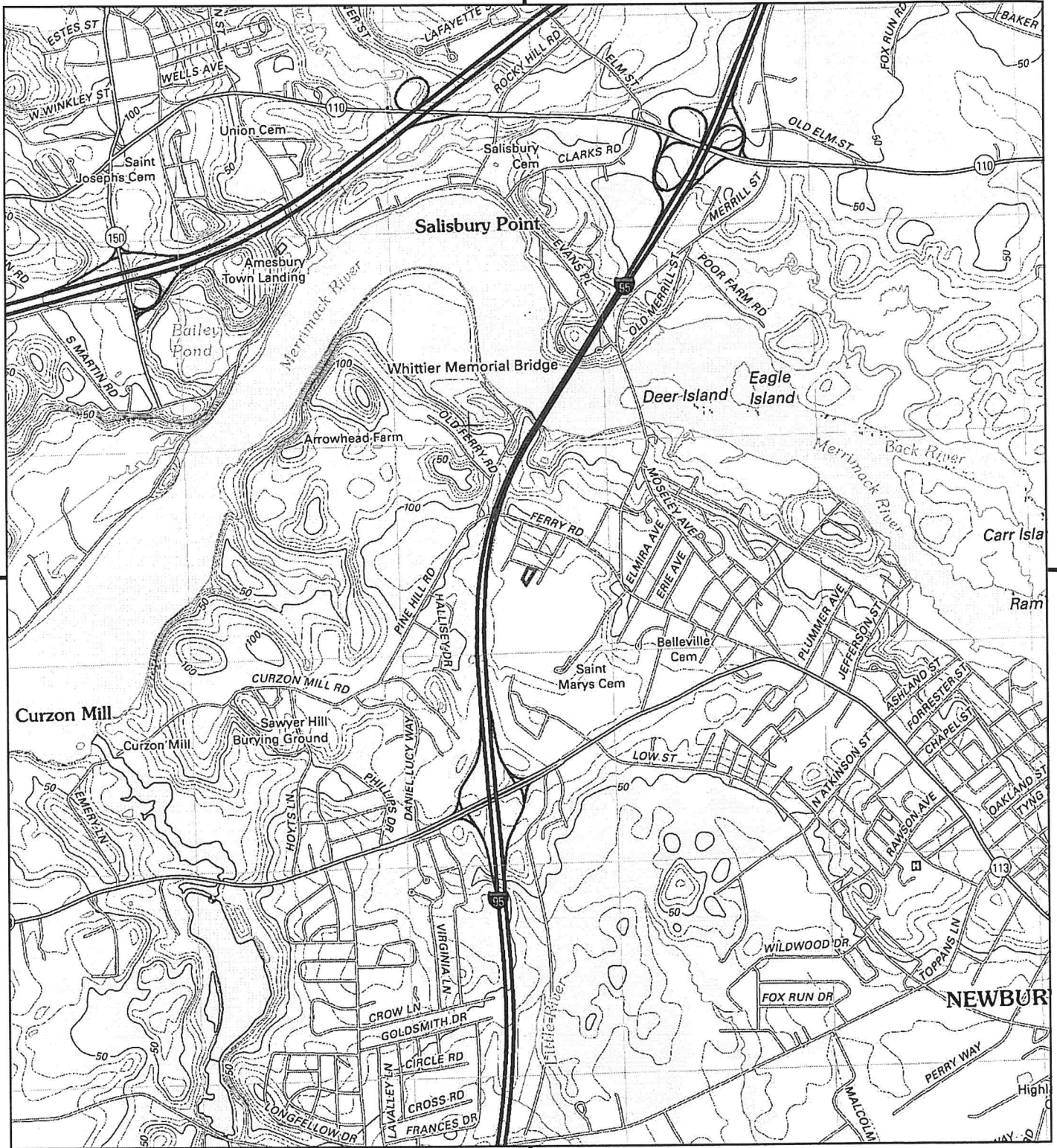
This EDR Topo Map Report is based upon the following USGS topographic map sheets.

**1890 Source Sheets**

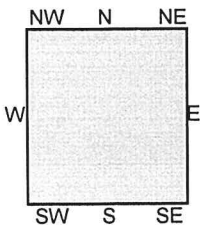
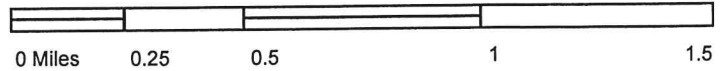


Newburyport

15-minute, 62500



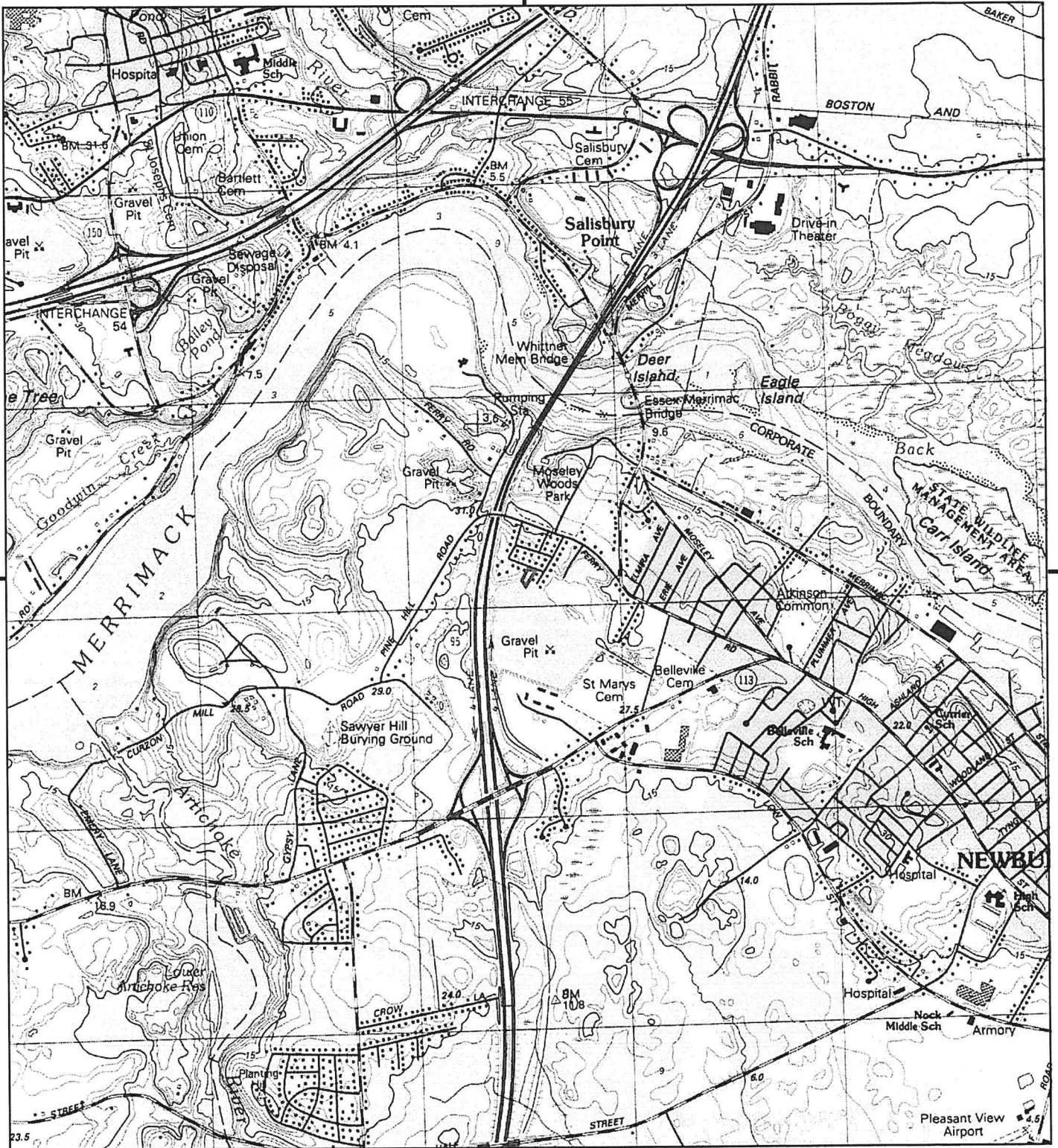
This report includes information from the following map sheet(s).



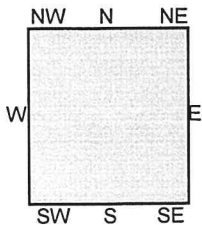
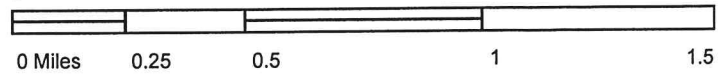
TP, Newburyport West, 2012, 7.5-minute

**SITE NAME:** 3 Brown Avenue  
**ADDRESS:** 3 Brown Avenue  
 NEWBURYPORT, MA 01950  
**CLIENT:** Parker Environmental





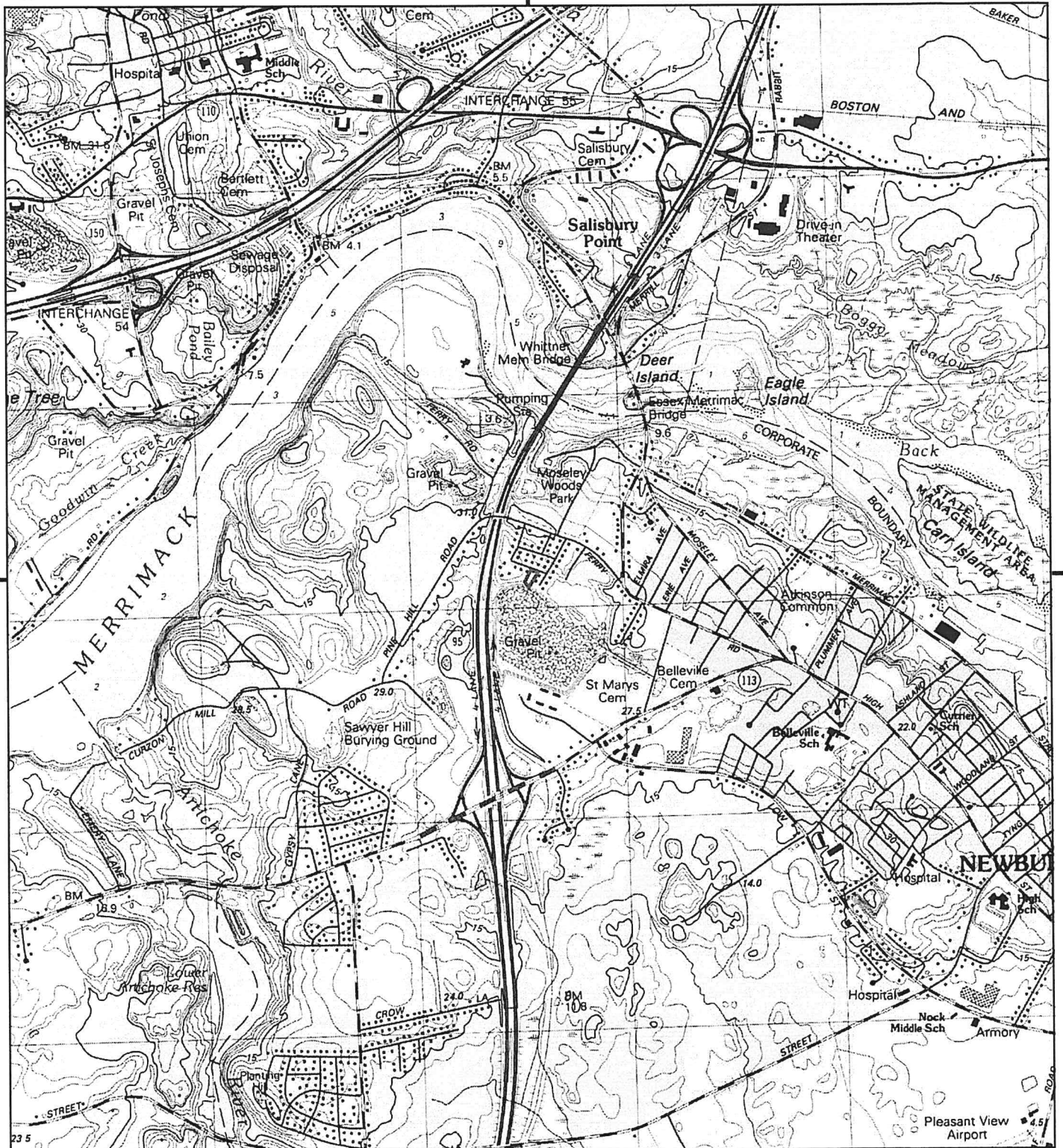
This report includes information from the following map sheet(s).



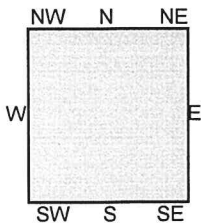
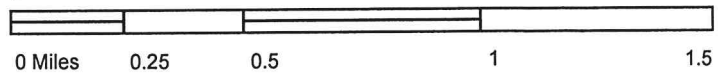
TP, Newburyport, 1987, 7.5-minute

SITE NAME: 3 Brown Avenue  
 ADDRESS: 3 Brown Avenue  
 NEWBURYPORT, MA 01950  
 CLIENT: Parker Environmental





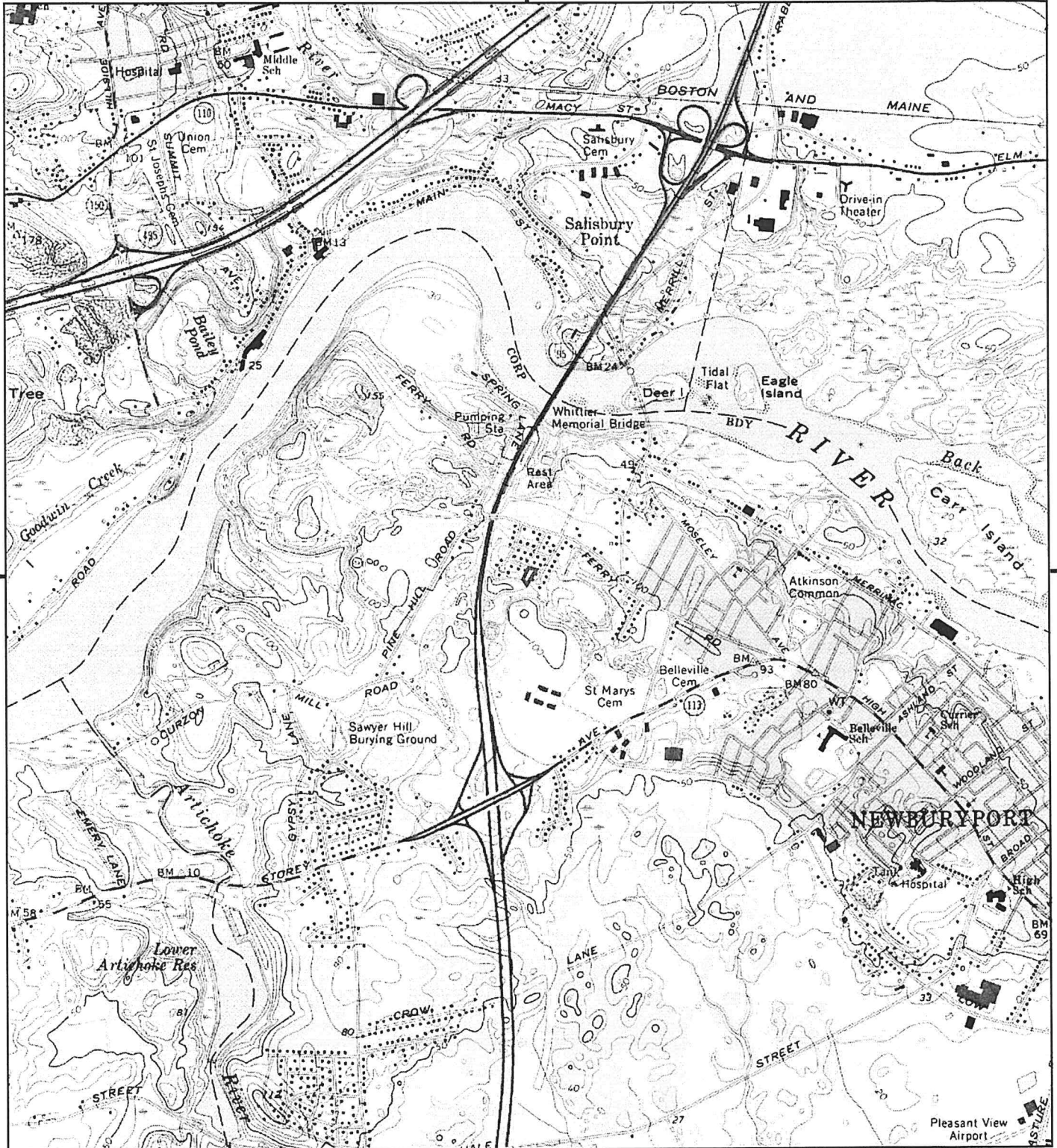
This report includes information from the following map sheet(s).



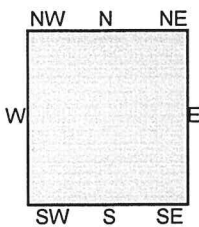
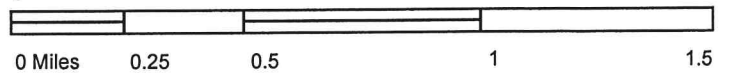
TP, Newburyport, 1985, 7.5-minute

SITE NAME: 3 Brown Avenue  
 ADDRESS: 3 Brown Avenue  
 NEWBURYPORT, MA 01950  
 CLIENT: Parker Environmental





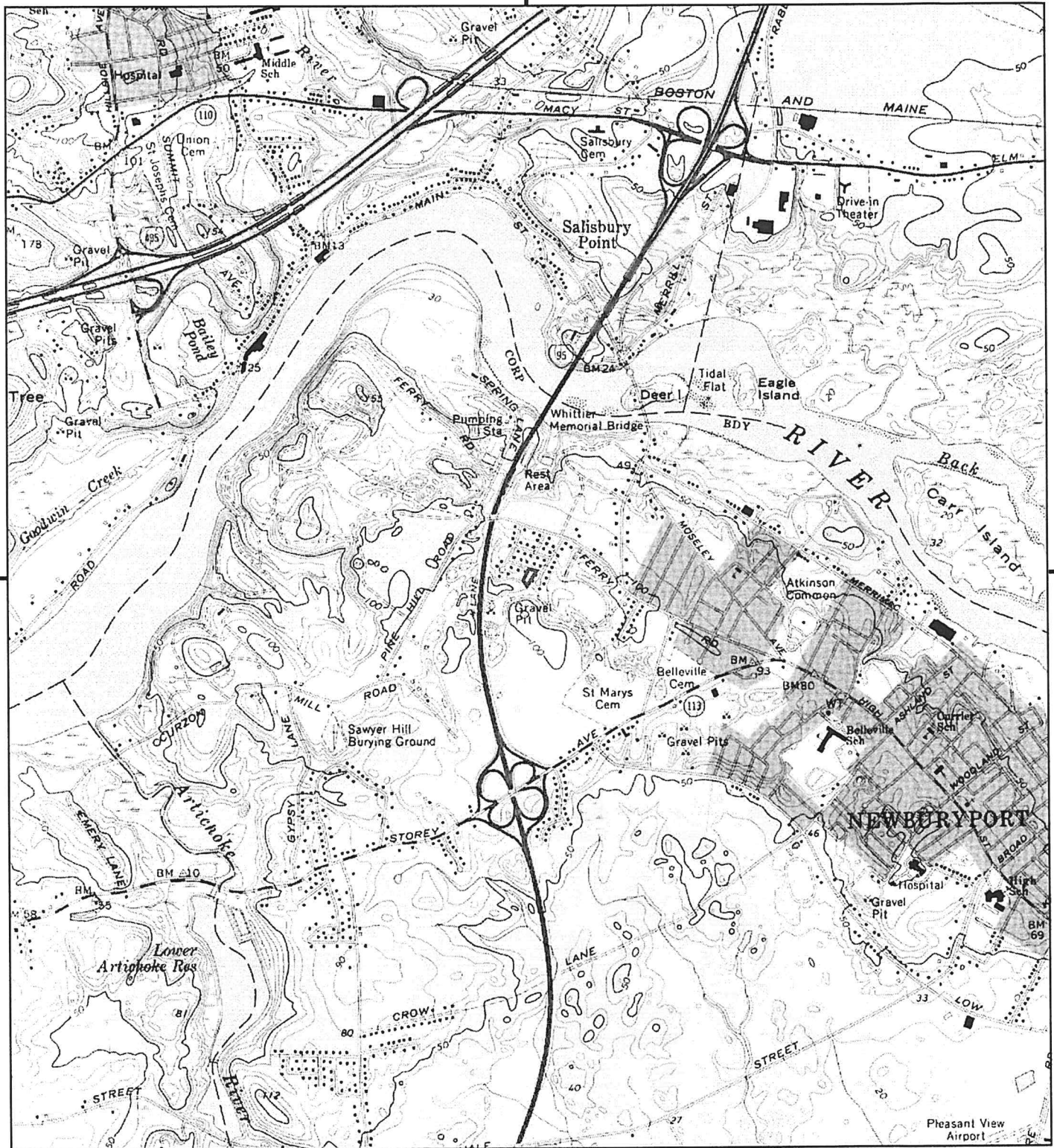
This report includes information from the following map sheet(s).



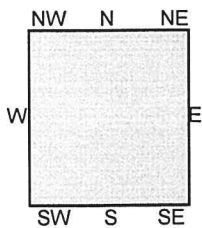
TP, Newburyport West, 1979, 7.5-minute

SITE NAME: 3 Brown Avenue  
 ADDRESS: 3 Brown Avenue  
 NEWBURYPORT, MA 01950  
 CLIENT: Parker Environmental





This report includes information from the following map sheet(s).



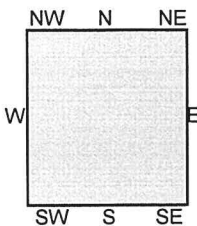
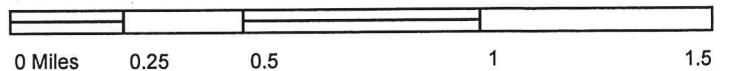
TP, Newburyport West, 1968, 7.5-minute

SITE NAME: 3 Brown Avenue  
 ADDRESS: 3 Brown Avenue  
 NEWBURYPORT, MA 01950  
 CLIENT: Parker Environmental





This report includes information from the following map sheet(s).



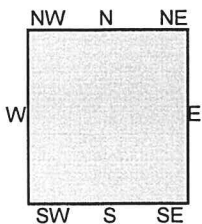
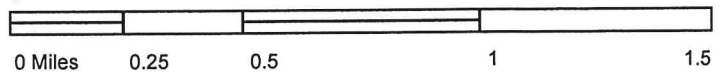
TP, Newburyport West, 1952, 7.5-minute

SITE NAME: 3 Brown Avenue  
 ADDRESS: 3 Brown Avenue  
 NEWBURYPORT, MA 01950  
 CLIENT: Parker Environmental





This report includes information from the following map sheet(s).

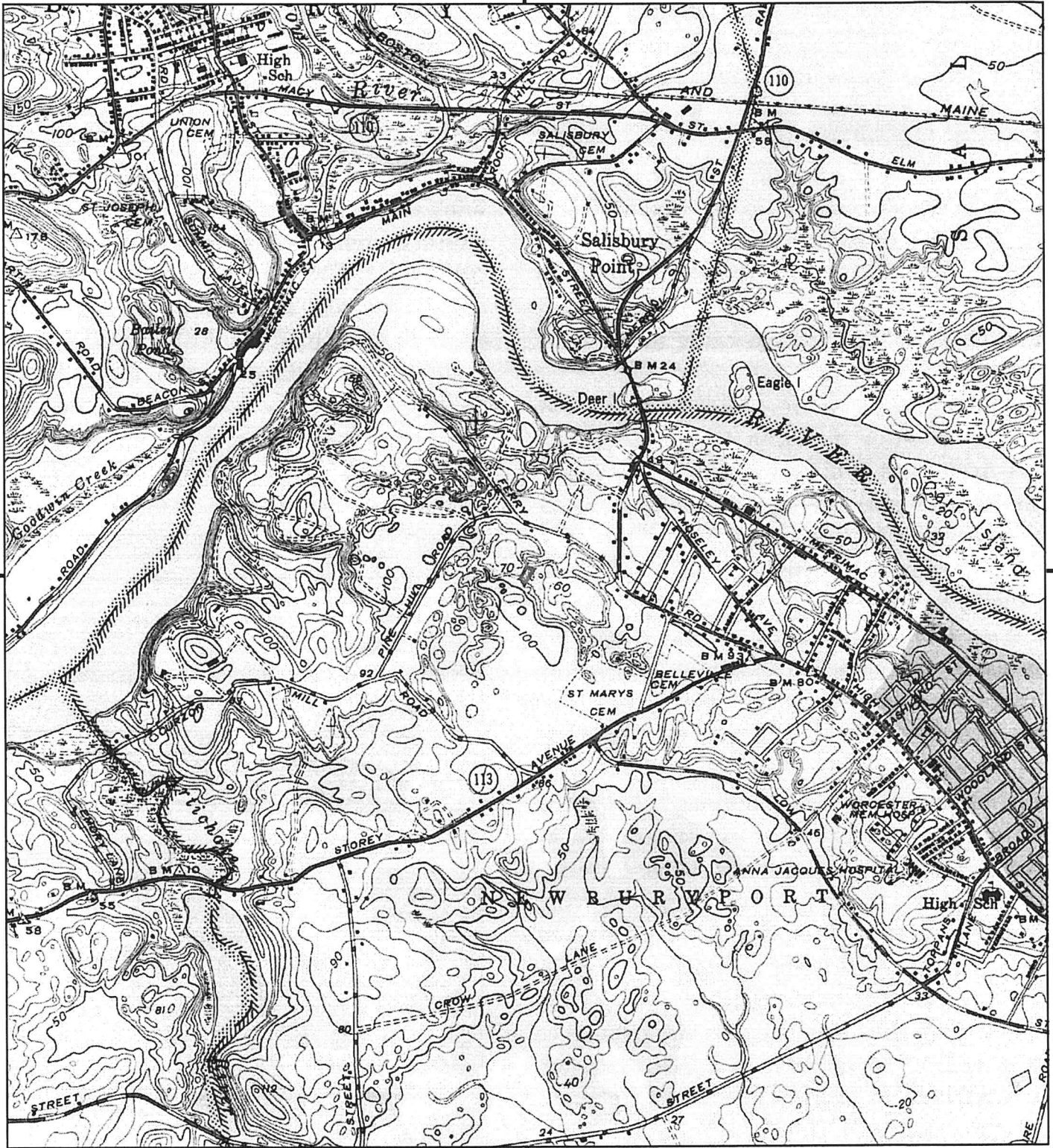


TP, NEWBURYPORT WEST, 1947, 7.5-minute

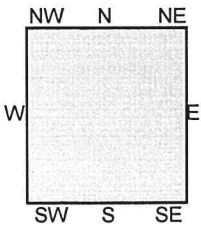
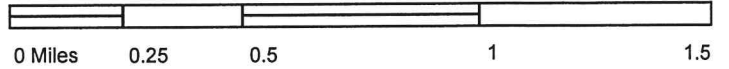
SITE NAME: 3 Brown Avenue  
 ADDRESS: 3 Brown Avenue  
 NEWBURYPORT, MA 01950  
 CLIENT: Parker Environmental







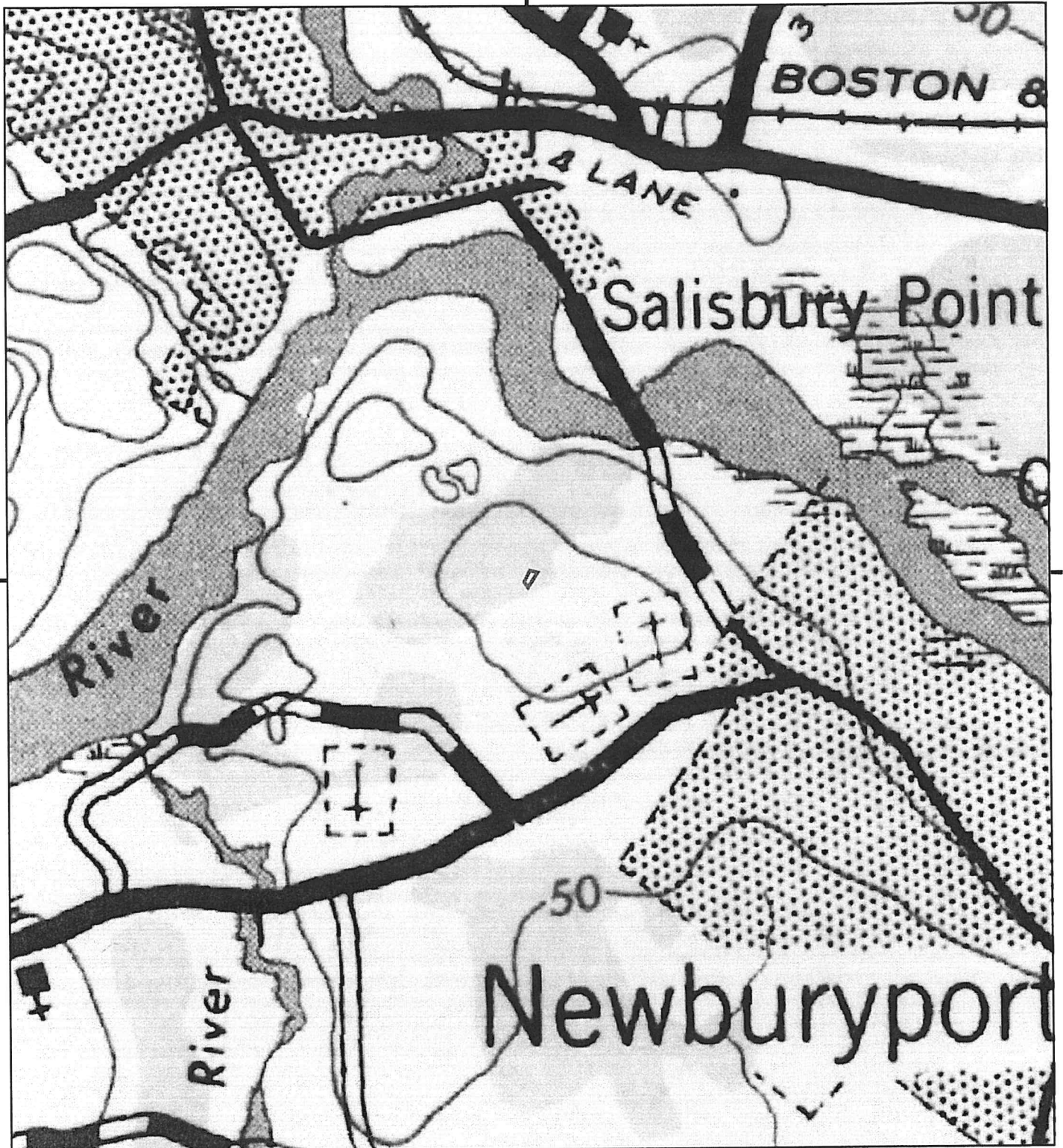
This report includes information from the following map sheet(s).



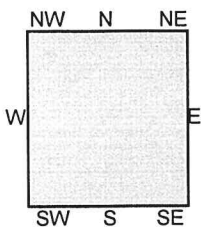
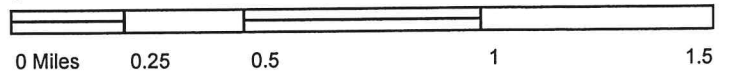
TP, Newburyport West, 1944, 7.5-minute

SITE NAME: 3 Brown Avenue  
 ADDRESS: 3 Brown Avenue  
 NEWBURYPORT, MA 01950  
 CLIENT: Parker Environmental





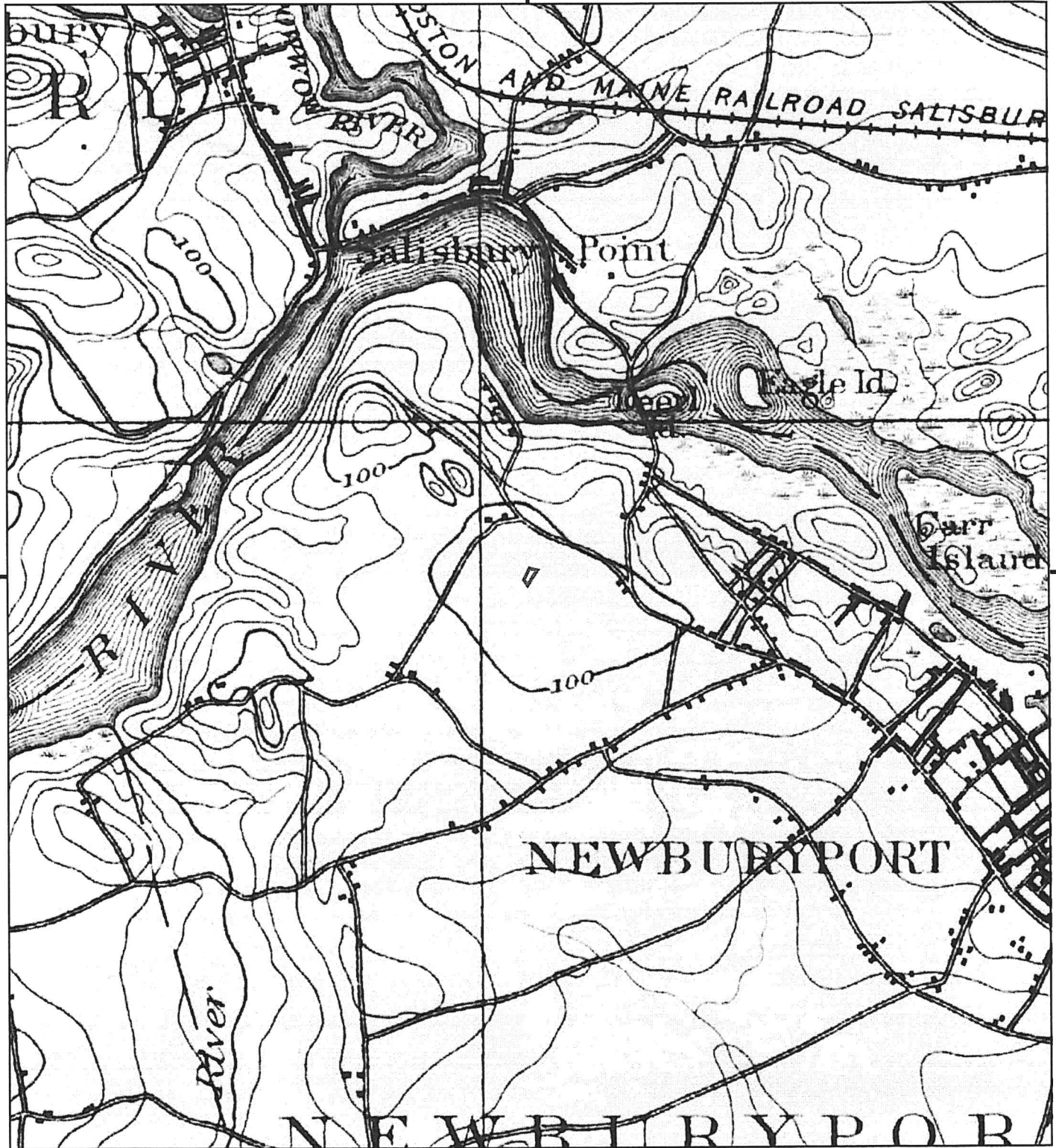
This report includes information from the following map sheet(s).



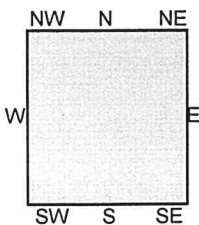
TP, Cape Ann, 1943, 30-minute

SITE NAME: 3 Brown Avenue  
ADDRESS: 3 Brown Avenue  
NEWBURYPORT, MA 01950  
CLIENT: Parker Environmental





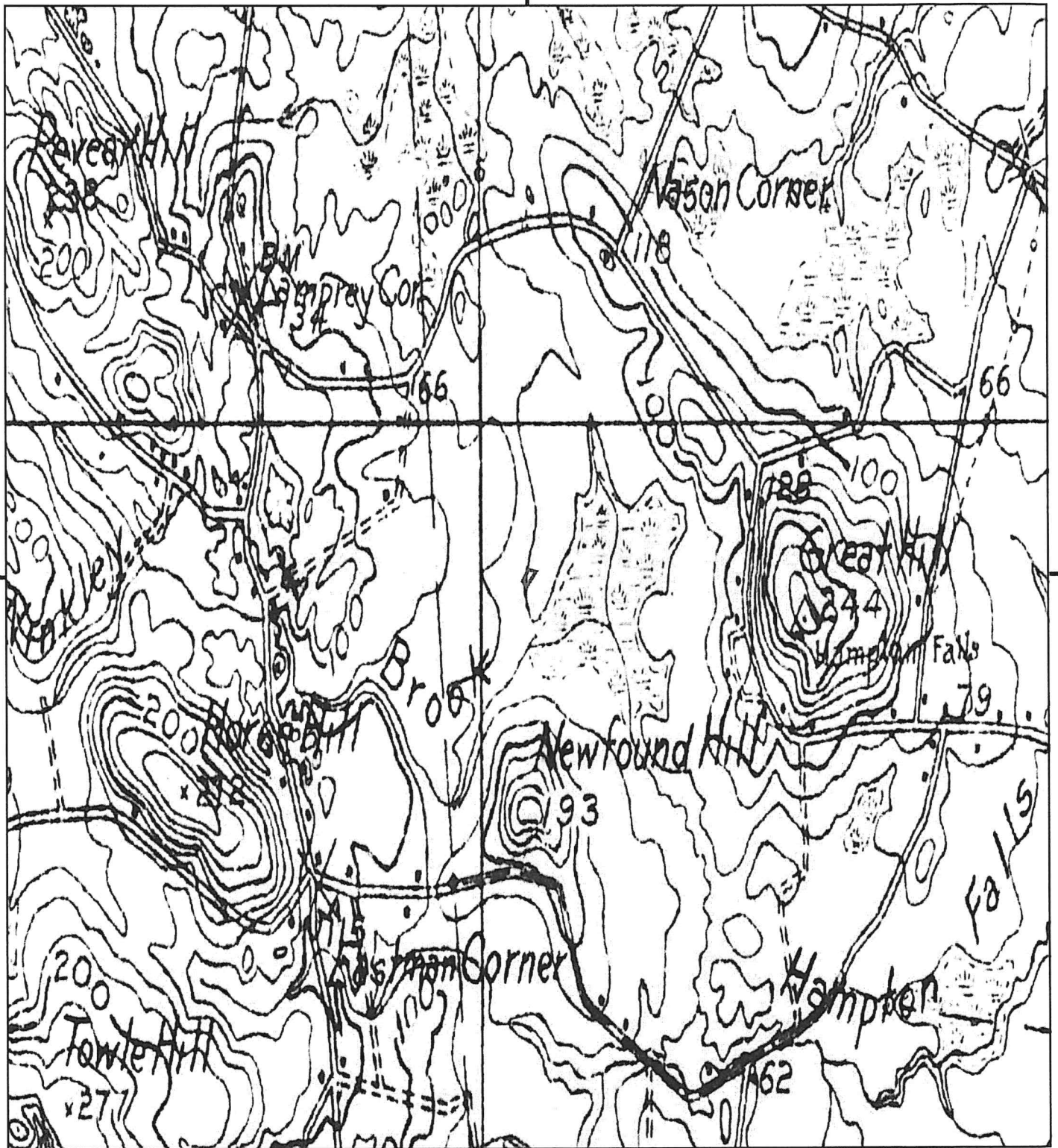
This report includes information from the following map sheet(s).



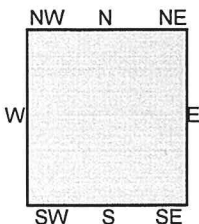
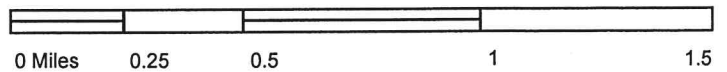
TP, Exeter, 1934, 15-minute  
 TP, Newburyport, 1934, 15-minute

SITE NAME: 3 Brown Avenue  
 ADDRESS: 3 Brown Avenue  
 NEWBURYPORT, MA 01950  
 CLIENT: Parker Environmental





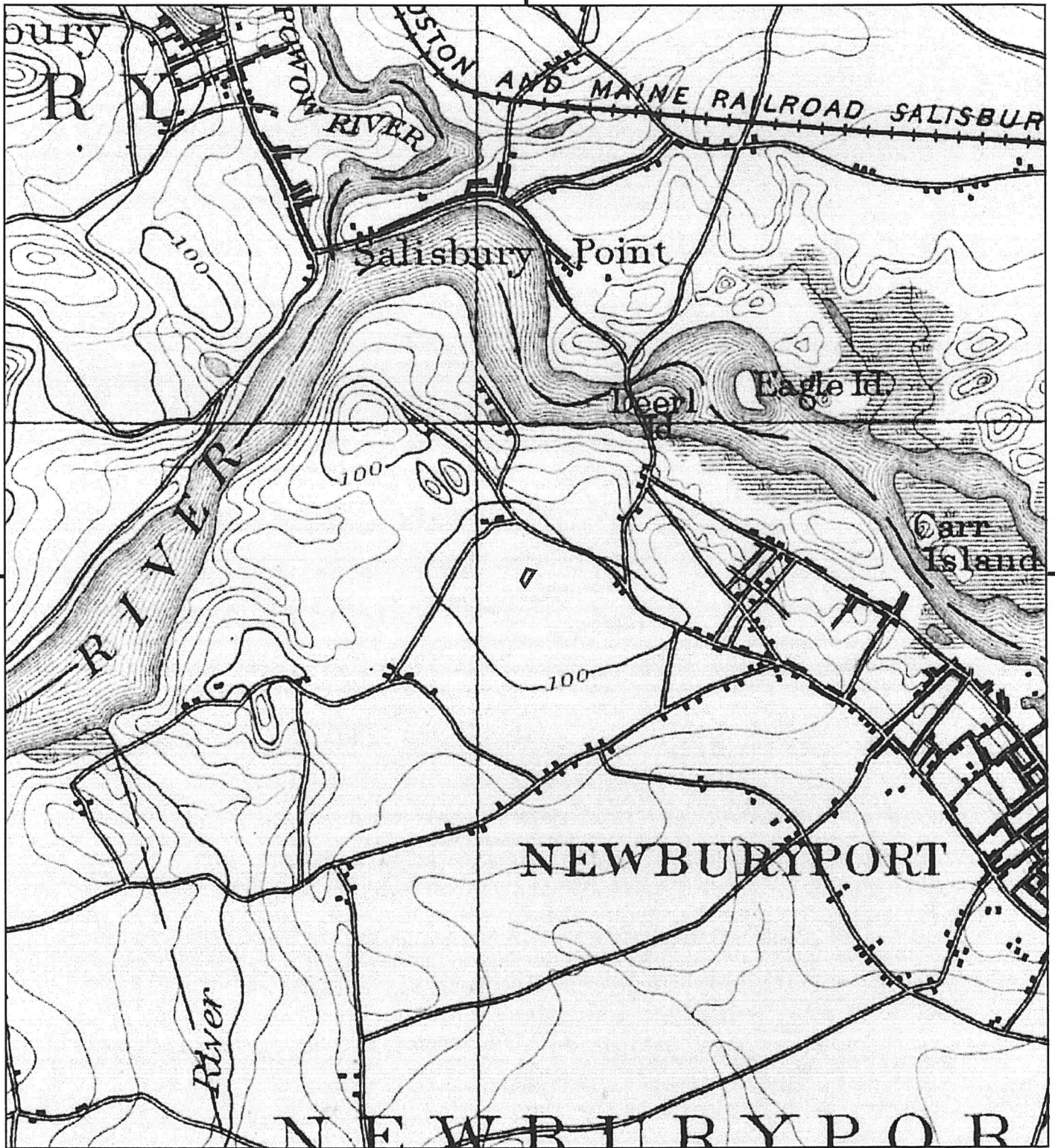
This report includes information from the following map sheet(s).



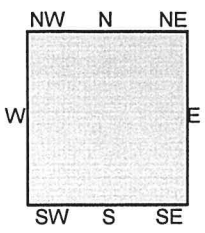
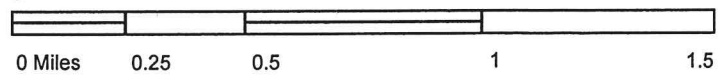
TP, Newburyport, 1932, 15-minute

SITE NAME: 3 Brown Avenue  
 ADDRESS: 3 Brown Avenue  
 NEWBURYPORT, MA 01950  
 CLIENT: Parker Environmental





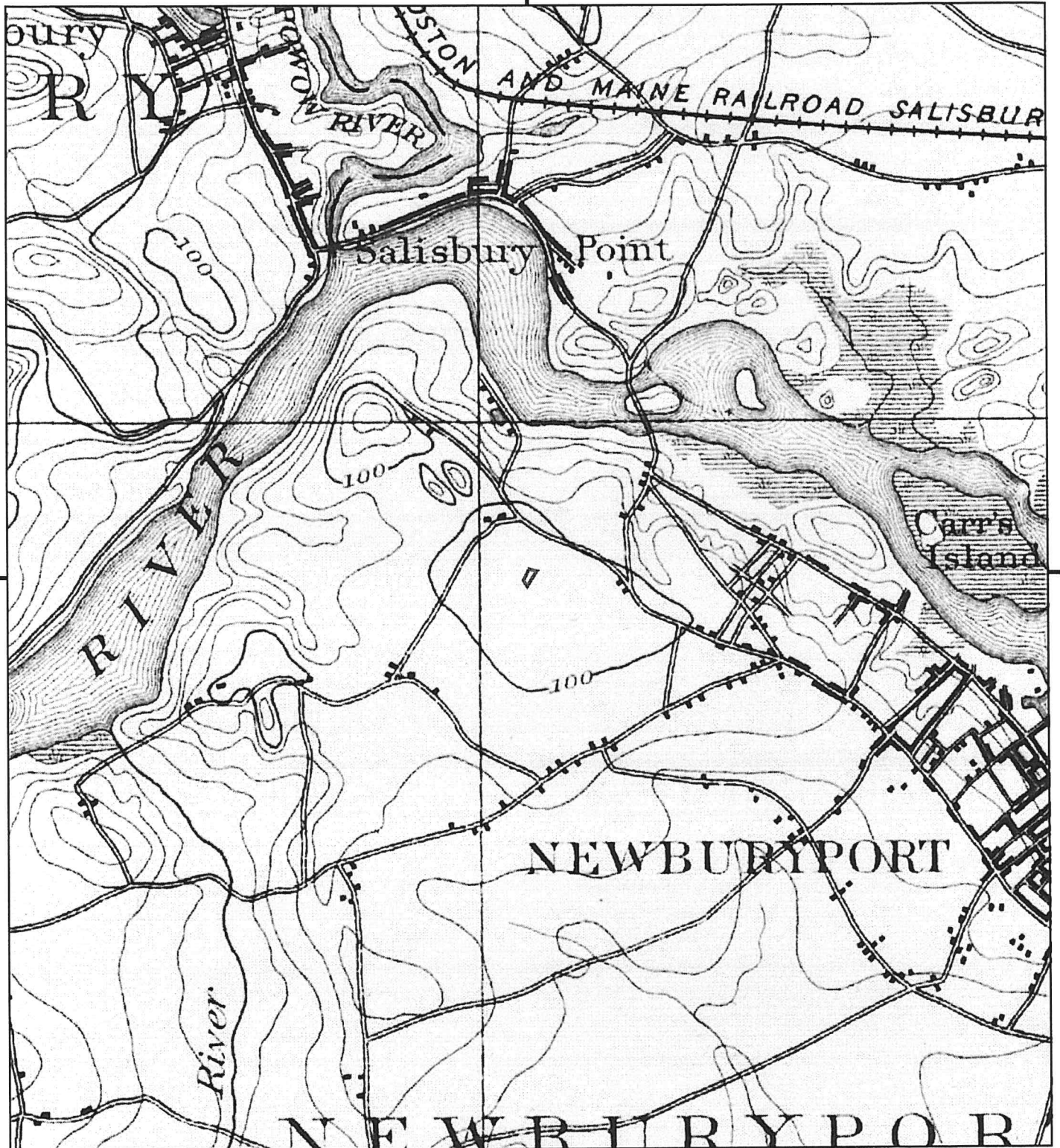
This report includes information from the following map sheet(s).



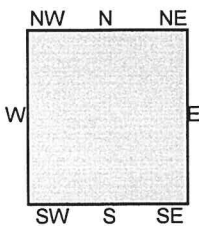
TP, Newburyport, 1894, 15-minute

SITE NAME: 3 Brown Avenue  
 ADDRESS: 3 Brown Avenue  
 NEWBURYPORT, MA 01950  
 CLIENT: Parker Environmental





This report includes information from the following map sheet(s).



TP, Newburyport, 1890, 15-minute

SITE NAME: 3 Brown Avenue  
 ADDRESS: 3 Brown Avenue  
 NEWBURYPORT, MA 01950  
 CLIENT: Parker Environmental



The,  
**Morin-Cameron**  
**GROUP, INC.**

July 17, 2018

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

**RE: Evergreen Commons Minor Modification / #3 Brown Ave. grading**

Dear Chair and Members of the Board:

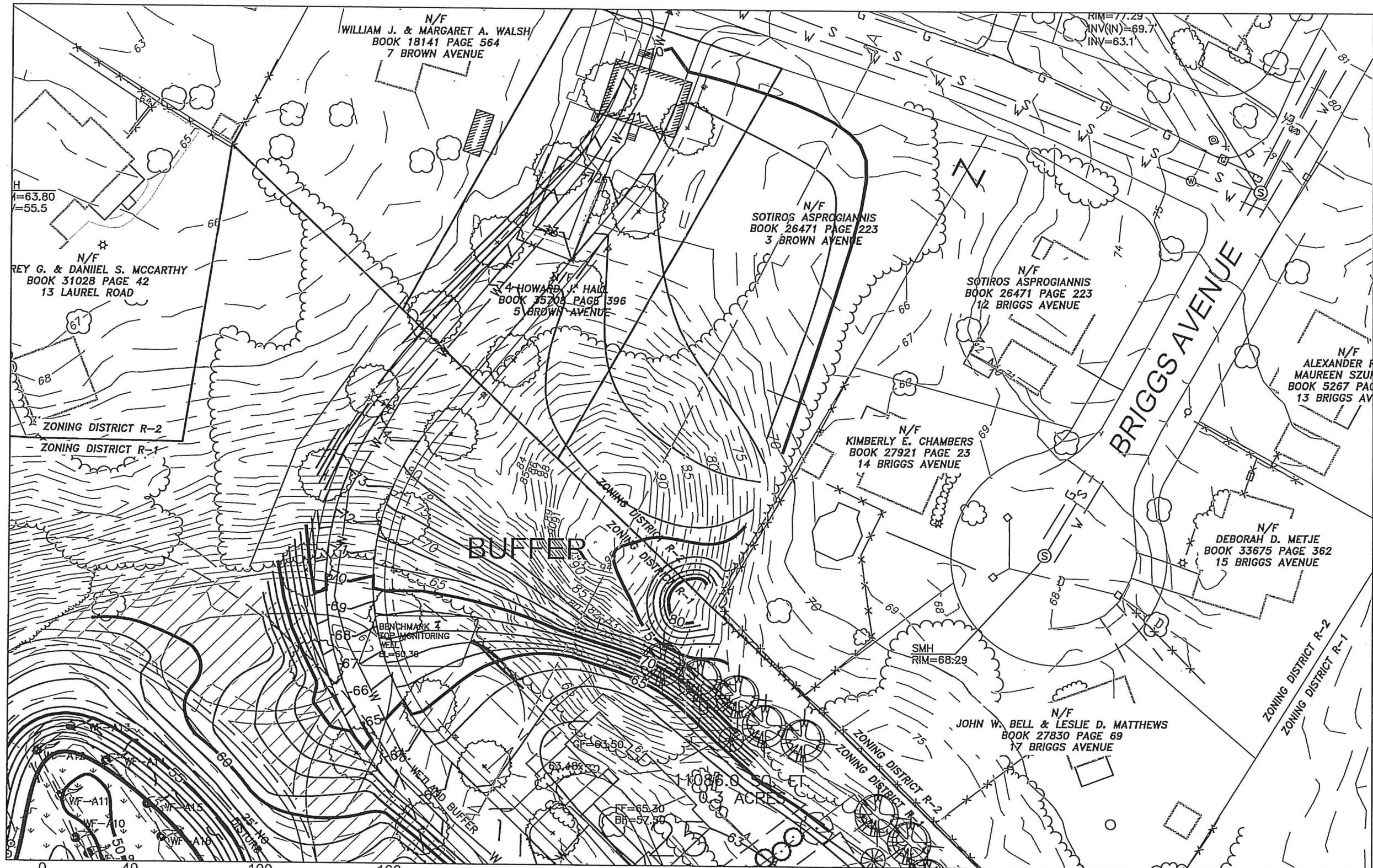
I have evaluated the impact of the proposed design change indicated on the grading plan by Morin-Cameron Group dated July 11, 2018 to the proposed stormwater runoff conditions on the properties. The proposed grading change does not impact the drainage divide between the runoff flowing down into the development and to Brown Avenue. Also, the area will remain vegetated and pervious. The steep sloped area will be reduced and flattened which will slow the stormwater flow across the permeable surface allowing more time for the runoff to infiltrate into the ground. With this we expect a slight reduction in stormwater runoff resulting from the proposed grading change by flattening this area.

If you have any additional questions, please do not hesitate to contact me at (978) 884-6850.

Sincerely,  
**THE MORIN-CAMERON GROUP, INC.**

*Stephen B Sawyer*

Stephen B. Sawyer, PE



N/F  
 WILLIAM J. & MARGARET A. WALSH/  
 BOOK 18141 PAGE 564  
 7 BROWN AVENUE

N/F  
 REY G. & DANIEL S. MCCARTHY  
 BOOK 31028 PAGE 42  
 13 LAUREL ROAD

4 HOWARD J. HALL  
 BOOK 35703 PAGE 396  
 5 BROWN AVENUE

N/F  
 SOTIROS ASPROGIANNIS  
 BOOK 26471 PAGE 223  
 3 BROWN AVENUE

N/F  
 SOTIROS ASPROGIANNIS  
 BOOK 26471 PAGE 223  
 12 BRIGGS AVENUE

N/F  
 ALEXANDER P.  
 MAUREEN SZU  
 BOOK 5267 PA  
 13 BRIGGS AV

N/F  
 KIMBERLY E. CHAMBERS  
 BOOK 27921 PAGE 23  
 14 BRIGGS AVENUE

N/F  
 DEBORAH D. METJE  
 BOOK 33675 PAGE 362  
 15 BRIGGS AVENUE

N/F  
 JOHN W. BELL & LESLIE D. MATTHEWS  
 BOOK 27830 PAGE 69  
 17 BRIGGS AVENUE

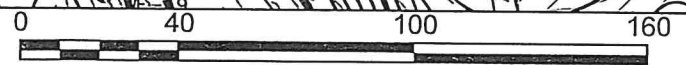
ZONING DISTRICT R-2  
 ZONING DISTRICT R-1

ZONING DISTRICT R-1

ZONING DISTRICT R-2  
 ZONING DISTRICT R-1

BUFFER

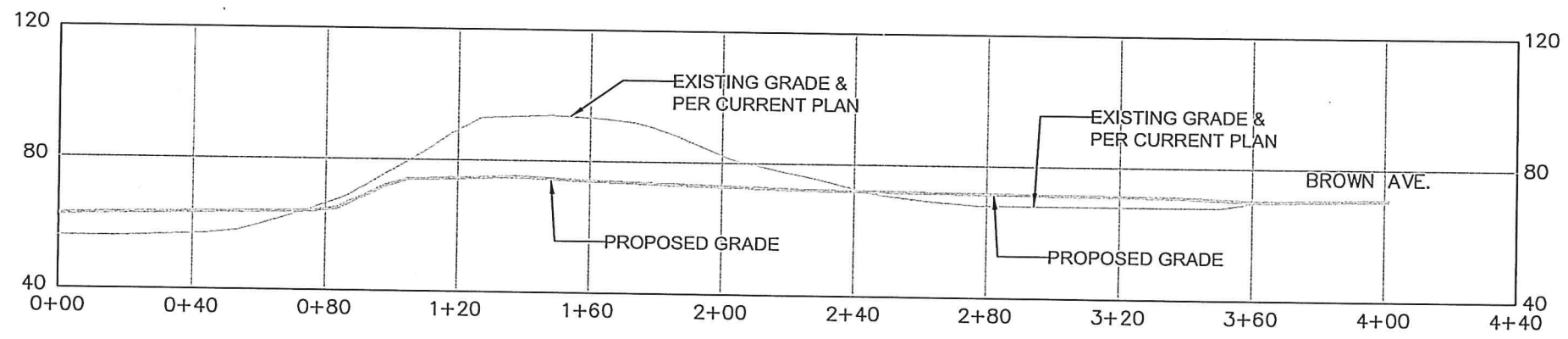
1036.9 SQ. FT.  
 0.3 ACRE



SCALE: 1" = 40'

3 BROWN AVE. GRADING  
 S.SAWYER/MCG  
 JULY 11, 2018





SCALE: 1" = 40'

3 BROWN AVE. GRADING/SECTION A-A  
 S.SAWYER/MCG  
 JULY 11, 2018