


FW: DEP File #050-1386 Notice of Intent 3-33rd Street Newbury MA

Jamy Madeja <jmadeja@buchananassociates.com>

Wed 10/11/2023 12:47 PM

To: Conservation Agent <conscom@townofnewbury.org>

Cc: 'STEPHEN STAPINSKI' <merreng@aol.com>

 1 attachments (3 MB)

15141GP01.pdf;

To the Conservation Commission, through its agent and Chair:

As promised in the 10/9/23 filing in this matter from Merrimack Engineering Services' President Stapinski, attached for filing, distribution and consideration in DEP File No. 050-1386 is the plan showing how the Project Locus uses property owned by the abutter, the Morris property. Please post and distribute both comments before tomorrow's site visit, if at all possible, so all Commissioners can see this evidence.

Per 310 CMR 10.04. "Project Site means the area within the Project Locus that comprises the limit of work for activities, including but not limited to, the dredging, excavating, filling, **grading**, the erection, reconstruction or expansion of a building or structure, the driving of pilings, the construction or improvement of roads or other ways, and the installation of drainage, stormwater treatment, environmentally sensitive site design practices, sewage and water systems." (emphasis added)

If "the applicant is not a landowner of the Project Locus, the applicant shall obtain written permission from a landowner(s) prior to filing a Notice of Intent for proposed work, except for work proposed on Great Ponds or Commonwealth tidelands." 310 CMR 10.05(4)(a). The Project Locus is not on a Great Pond or Commonwealth tidelands, according to their own filing, and is not exempt from requiring permission of the Project Locus landowner.

No written permission of the Morris property owner has been obtained for this Notice of Intent. Therefore, the NOI cannot be considered complete nor voted upon. 310 CMR 10.05(5)(a)

Cordially,

Jamy Buchanan Madeja, Esq.
Buchanan & Associates
617-227-8410 office
617-256-8491 cell
100 Cambridge Street, Suite 1400
Boston, MA 02114

From: merreng@aol.com <merreng@aol.com>

Sent: Wednesday, October 11, 2023 11:14 AM

To: Jamy Madeja <jmadeja@buchananassociates.com>; Christine Morris <chris@christineemorris.com>

Subject: Re: DEP File #050-1386 Notice of Intent 3-33rd Street Newbury MA

Please see the attached plan depicting the abutters grading causing an encroachment onto the Morris Property as designed.

Let me know if questions.

Stephen E. Stapinski, PLS, President
Merrimack Engineering Services, Inc.
66 Park Street
Andover MA 01810
tel 978-475-3555
fax 978-475-1448
Merreng@aol.com

On Tuesday, October 10, 2023 at 04:32:04 PM EDT, Jamy Madeja <jmadeja@buchananassociates.com> wrote:

Thank you.

From: STEPHEN STAPINSKI <merreng@aol.com>
Sent: Tuesday, October 10, 2023 4:26 PM
To: Jamy Madeja <jmadeja@buchananassociates.com>
Subject: Re: DEP File #050-1386 Notice of Intent 3-33rd Street Newbury MA

15'

Sent from my iPhone

On Oct 10, 2023, at 4:16 PM, Jamy Madeja <jmadeja@buchananassociates.com> wrote:

Steve, thank you again.

Quick question is this indeed 15' or 15"?

3. The driveway design is proposed to be porous pavement consisting of 2" of crushed clam shell, pea stone or other natural aggregate bordered by a "French Drain" otherwise known as an infiltration trench. The driveway is also proposed to be sloped at a finish grade of 10% to 12% as shown on the plan. According to the DEP Stormwater Handbook, Volume 2 (pg 119 of 133) the maximum slope on which porous pavement is permitted is 5%. Thus the design of the finish pavement of the parking area is not suited to the DEP BMP that is proposed. Further, the design of the porous surface does not meet the design requirements of the DEP BMP. The infiltration trenches should not be used on slopes exceeding 5% as the slope of the installation does not allow water to be stored in the voids, and will cause the water that is within it to flow in the trench and actually exit it, in the case of this design, **at 15' intervals-causing directed erosion** within the right of way and possibly onto the adjacent property. Therefore, the design does not comply with the DEP Stormwater Handbook for both the porous pavement and infiltration trenches.

From: Jamy Madeja <jmadeja@buchananassociates.com>
Sent: Monday, October 9, 2023 2:18 PM
To: Samantha Holt <conscom@townofnewbury.org>; Mary Rimmer <rimmerenv@verizon.net>
Cc: Steve Stapinski <merreng@aol.com>
Subject: DEP File #050-1386 Notice of Intent 3-33rd Street Newbury MA

To the Newbury Conservation Commission, via its Agent (and Vice Chair in the Agent's absence) for filing **DEP File #050-1386** and distribution:

Please read the expert information below from licensed Steven Stapinski of Merrimack Engineering, confirming the proposed project requires use of land owned by the abutter, the Morris Trust, to accomplish its proposed grading. The NOI application has not been consented to and signed by all owners and therefore cannot be considered complete. The site plan marked up to show the areas referred to below will also be sent for filing and consideration at the continued hearing.

The expert also confirms the project is deficient in design and cannot meet DEP stormwater flood prevention standards.

Thank you for your time and consideration.

Jamy Buchanan Madeja, Esq.

Buchanan & Associates

100 Cambridge Street, 14th Floor

Boston, MA 02114

617. 227.8410 (office)

617.256.8491 (cell)

Sent from my iPhone. Please excuse typos

Begin forwarded message:

From: merreng@aol.com

Date: October 8, 2023 at 7:10:26 PM EDT

To: Jamy Madeja <jmadeja@buchananassociates.com>

Subject: Notice of Intent 3-33rd Street Newbury MA

To whom it may concern:

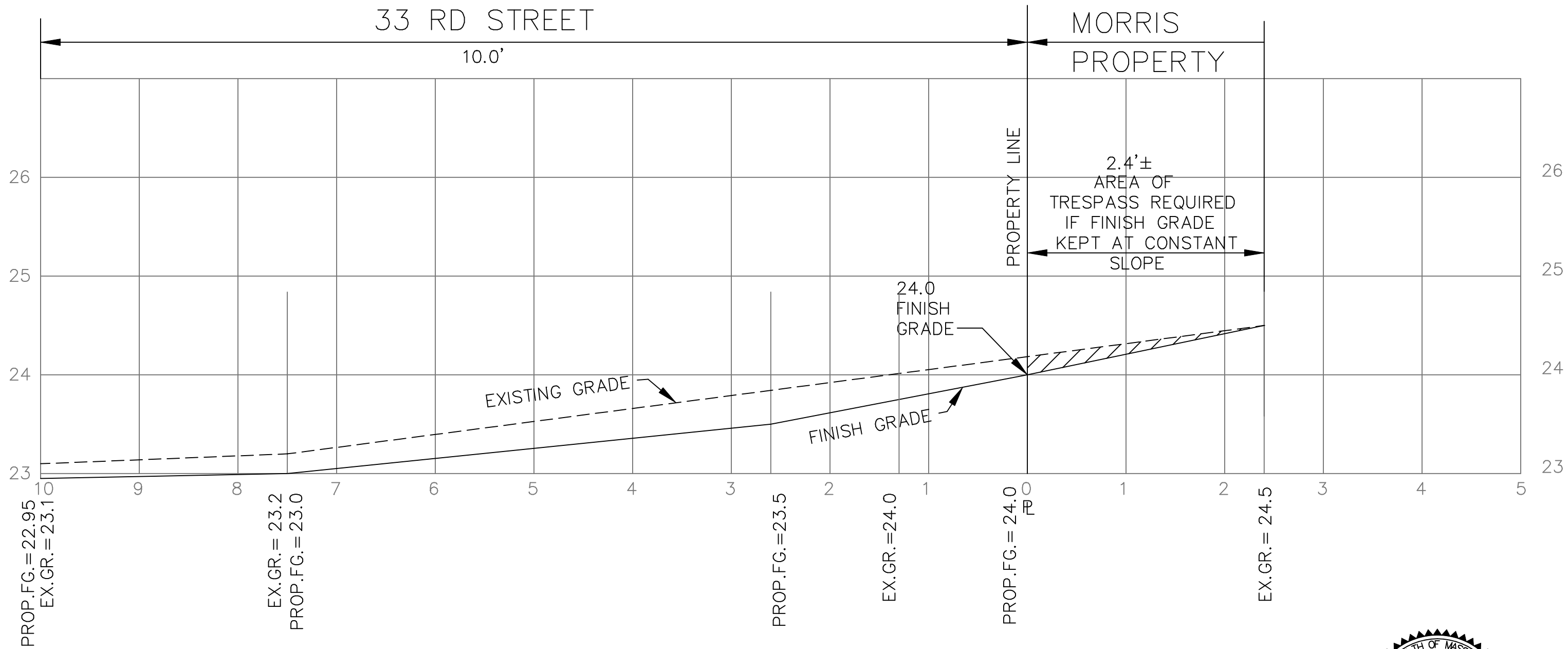
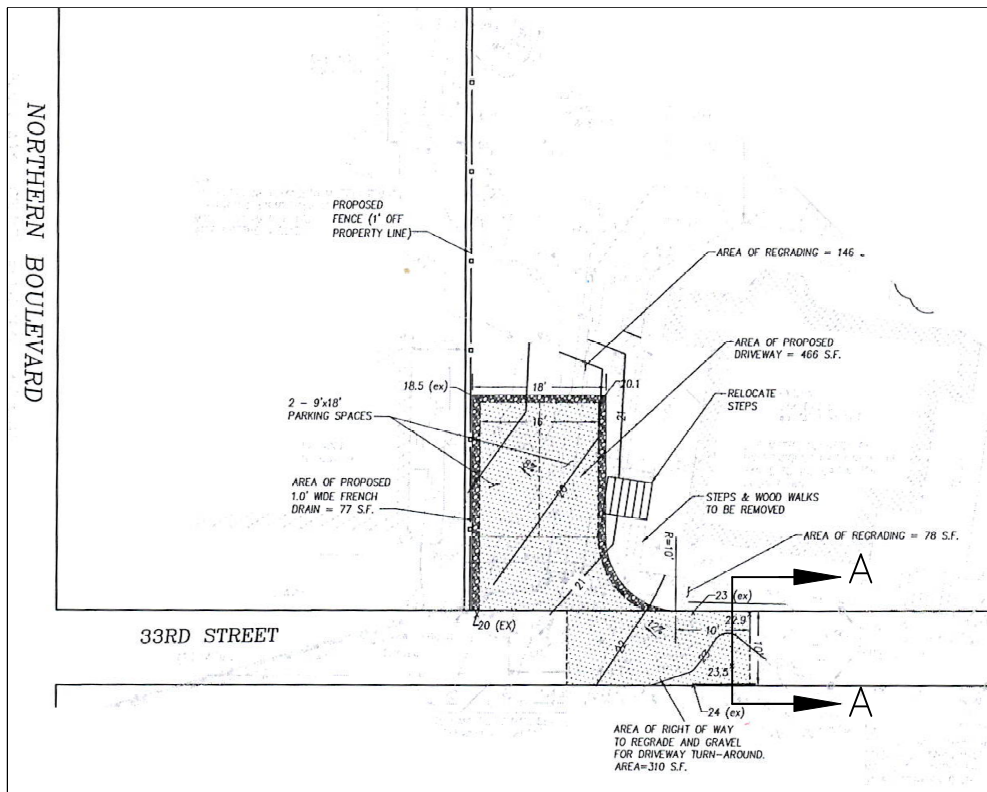
Please be advised that I have reviewed the grading plan and details shown on "Site Plan Sea-Chanty/Cataldo Proposed Driveway prepared by Oak Consulting Group dated May 13, 2022" and have the following comments:

1. To achieve the required turning radius and to make a turn sufficient to drive out of 33rd Street to Northern Blvd, an additional 7' or 70 sq ft of disturbance to the right of way (toward the Ocean) is required, so the area of regrading is misstated on the plan and not sufficient (AASHTO standard passenger vehicle is 7' x 19' with an 11' wheel base)
2. To achieve the grading of the right of way shown on the plan (attention is called to the 24 finish grade contour along the Morris Property line and the existing 24.5 spot grade shown on the plan on the Morris property and the location of the 23.5 finish grade shown in the 33rd Street right of way), it would be necessary to enter the Morris property to start the grading so the 24 finish grade is built where shown on the plan. In other words, the finish grading shown on the plan in the right of way could not be achieved, in any scenario and by any method, without entering onto the Morris land for regrading of the Morris land.
3. The driveway design is proposed to be porous pavement consisting of 2" of crushed clam shell, pea stone or other natural aggregate bordered by a "French Drain" otherwise known as an infiltration trench. The driveway is also proposed to be sloped at a finish grade of 10% to 12% as shown on the plan. According to the DEP Stormwater Handbook, Volume 2 (pg 119 of 133) the maximum slope on which porous pavement is permitted is 5%. Thus the design of the finish pavement of the parking area is not suited to the DEP BMP that is proposed. Further, the design of the porous surface does not meet the design requirements of the DEP BMP. The infiltration trenches should not be used on slopes exceeding 5% as the slope of the installation does not allow water to be stored in the voids, and will cause the water that is within it to flow in the trench and actually exit it, in the case of this design, at 15' intervals-causing directed erosion within the right of way and possibly onto the adjacent property. Therefore, the design does not comply with the DEP

Stormwater Handbook for both the porous pavement and infiltration trenches.

Please contact me should you have questions or comments.

Stephen E. Stapinski, PLS, President
Merrimack Engineering Services, Inc.
66 Park Street
Andover MA 01810
tel 978-475-3555
fax 978-475-1448
Merreng@aol.com



GRADING ANALYSIS
106 NORTHERN BOULEVARD
@ 33RD STREET
NEWBURY, MASSACHUSETTS
BASED ON SITE PLAN DATED MAY 13, 2022
BY OAK CONSULTING
SCALE: 1"=1'-0" DATE: OCTOBER 10, 2023
MERRIMACK ENGINEERING SERVICES
66 PARK STREET
ANDOVER, MASSACHUSETTS 01810
TEL: (978) 475-3555 FAX: (978) 475-1448
EMAIL: MERRENG@AOL.COM