



Town Of Newbury

Office of
The Board of Selectmen
25 High Road
Newbury, MA 01951-4799
978-465-0862, ext. 301

July 12, 2016

Michael J. Busby
40B Specialist
MassHousing
One Beacon Street
Boston MA 02108

Re: Site Approval Application
Byfield Estates, Newbury, MA

Dear Mr. Busby:

In accordance with your letter to us dated May 17, 2016, we are herewith submitting the Town's review comments regarding the Site Approval Application for the proposed "Byfield Estates" Chapter 40B development to be located at 55 Rear Pearson Drive in Byfield (Newbury) (the "Project").

1. The Site Approval Application provides minimal information regarding the two co-developers, Haralambos Katsikis and Kevin Goodwin, who comprise Byfield Estates, LLC. Much of Section 6: APPLICANT QUALIFICATIONS, ENTITY INFORMATION AND CERTIFICATION has been left blank. According to the application, neither of the representatives of the Applicant Entity has experience developing projects pursuant to G. L. c. 40B, §§ 20-23. Moreover, and of much greater concern to the Town, it appears that the extent of the Applicant's development experience is limited to construction of twelve single family homes, all of which appear to have been constructed individually rather than as part of the development of a larger project (in fact, there is insufficient evidence to determine whether these homes were new construction, or whether they were renovations of existing structures). There is no evidence that either of the representatives of the Applicant Entity has experience constructing a subdivision of any size, no less one as large as they have proposed, or that they have worked together on any previous projects. Further, there is no evidence that the representatives of the Applicant Entity have ever developed a project that requires the installation of infrastructure such as roadways and drainage systems. The Town has a very high level of concern about the Applicant's technical ability and financial capacity to undertake and successfully complete a project of this size and complexity.
2. The Town also has a high level of concern about the Applicant's proposal to construct an 845 foot long cul-de-sac at the end of a non-through road which is itself over 3,000 feet long from Orchard Street to its farthest point. We see this as a significant safety issue for traffic and

emergency response. We note that the owner of the Property previously met with the Newbury Planning Board regarding potential development of the Property, at which time he was informed that the Planning Board had significant concerns about constructing an extension to Pearson Drive.

3. Further, the proposed roadway and turnaround do not appear to be sufficiently wide to accommodate fire apparatus or other large emergency equipment. The roadway must be wide enough to allow for two fire trucks to pass each other in opposite directions, and the diameter of the turnaround must be wide enough to accommodate a ladder truck. This is of particular concern given the density of the proposed development and the length of travel from Orchard Street along Pearson Drive to the new homes.
4. Newbury, like many of the surrounding communities, has experienced a long period of drier than normal weather conditions and the Byfield Water District, which serves the residents of Pearson Drive, has instituted mandatory water restrictions on the users of the water system. George Comiskey, President of the Parker River Clean Water Association, notes that the "Parker River as a whole is considered a highly stressed basin by the MA Water Resource Commission due to low flows" and that DEP analysis indicates that the Water District may be exceeding the withdrawal limit allowed under its Water Management Act permit. A copy of the correspondence from Mr. Comiskey is included herewith. Residents of Pearson Drive have commented on periods of low water pressure, especially at times of heavy use. The Town is concerned about having sufficient water pressure at the fire hydrants on the new cul-de-sac for fire-fighting and about the capacity of the existing system to accommodate twenty-four (24) additional single-family homes, with a total of 80 bedrooms. At a minimum, pressure tests should be done on the water system at various times of day to determine the capacity of the system to support the new development.
5. The parcel where the Project is to be located abuts the southwestern end of the Martin Burns Wildlife Management Area (WMA), protected land owned by MassWildlife and open to hunting, trapping, birdwatching, and other wildlife-related recreation. In the fall, the WMA is stocked with ring-necked pheasants for hunting. The WMA contains two shooting ranges, both slightly less than a mile from the project site. The parcel on which the proposed project is to be located has acted as an effective buffer between the residential development on Pearson Drive and the WMA. The development will place new homes closer to the WMA and the permitted hunting activities which take place in the WMA.
6. We note that while the Application states that all features and amenities available to market-rate unit residents will be available to affordable unit residents, no four-bedroom units are included in the affordable unit mix.
7. Finally, the Applicant has included an as-of-right site plan which shows an eight (8) lot subdivision on the Property. As noted above, the length of dead-end road from the beginning of Pearson Drive to the Property greatly exceeds the 500 foot length of dead end roadway restriction contained in the Newbury Planning Board's Subdivision Rules and Regulations. Absent a secondary means of access, the appraisal of the Property should be based upon a single-family house, not an eight (8) lot subdivision.

Michael J. Busby
MassHousing
July 12, 2016
Page 3 of 3

We have received comment letters from the Planning Board, the Fire Department, and the DPW Director, all of which are attached here and which are incorporated herein by reference. In addition, we have received an email from the Parker River Clean Water Association (PRCWA) and a petition and numerous emails and letters from the residents of Pearson Drive, which are also attached hereto.

Thank you for your consideration of our comments. Should you have any questions, please don't hesitate to contact me or Martha Taylor, Town Planner.

Sincerely,



Geoffrey H. Walker, Chair
Newbury Board of Selectmen

Attachments: Letter from Newbury Planning Board, dated July 6, 2016
Letter from Newbury Fire Department, dated July 6, 2016
Letter from Newbury DPW Director, received July 8, 2016
Email from George Comiskey, President, PRCWA, dated July 12, 2016
Communications from Pearson Drive residents and interested parties

cc: Ginny Kremer, Blatman, Bobrowski, Mead & Talerman, LLC
Paul Haverty, Blatman, Bobrowski, Mead & Talerman, LLC
Geoff Engler, SEB, LLC
John Weis, Chair, Newbury Planning Board
Douglas Packer, Conservation Agent/Chair, Newbury Conservation Commission
Steven Fram, Chair, Newbury Board of Health
Michael Reilly, Newbury Police Chief
Nathan Walker, Newbury Fire Chief



Town Of Newbury

Office of
The Planning Board
25 High Road
Newbury, MA 01951-4799
978-465-0862, ext. 312
Fax: 978-465-3064

July 6, 2016

**Newbury Board of Selectmen
Town Hall
25 High Road
Newbury, MA 01951**

**Re: Byfield Estates 40B Development
Site Approval Application**

Dear Members of the Board of Selectmen:

The Planning Board has reviewed the Site Approval Application for the proposed "Byfield Estates" 40B development off of Pearson Drive and would like to offer the following comments:

- 1. The proposed development consists of 24 single-family detached dwellings on an 845' long cul-de-sac off of Pearson Drive. We note that this cul-de-sac length exceeds the maximum length allowed under our Subdivision Rules and Regulations (500') by 345'. We note further that this cul-de-sac is proposed to be constructed at the end of an existing subdivision road which is itself a cul-de-sac (or, more specifically, a non-through road), with only one connection to another road, Orchard Street. The distance from Orchard Street to the beginning of the loop at the western half of Pearson Drive is approximately 1,500'. Total travel distance from Orchard Street to the beginning of the new cul-de-sac is approximately 3,100' and from Orchard Street to the end of the proposed new cul-de-sac is approximately 3945', or ¾ of mile. We see this extension of the existing cul-de-sac as a potential major safety issue, particularly in case of emergency.**
- 2. The proposed width of the new roadway is 20'. However, our Subdivision Rules and Regulations require a road width of 22' minimum, per the request of our Fire Department, to allow two fire trucks going in opposite directions to pass each other. The dimensions of the turnaround at the end of the cul-de-sac will also need to meet the requirements of our Fire Department and be large enough in diameter to accommodate a ladder truck.**
- 3. The pavement on Pearson Drive is in poor condition. According to the Site Approval Application, the developer proposes to provide four parking spaces per dwelling unit, for a total of 96 parking spaces for the development. The associated traffic will put additional strain on the roadway and degrade it further.**

4. There are currently no sidewalks on Pearson Drive -- all pedestrians and bicyclists must share the roadway with vehicular traffic. The addition of up to 96 cars traveling the entire length of Pearson Drive to reach the new development will exacerbate existing safety concerns.
5. The sight lines for cars exiting Pearson Drive on to Orchard Street are very poor, especially to the left (east). The addition of up to 96 cars will increase the potential for accidents at that intersection. In addition signage at the island at the entry to Pearson Drive will need to be improved to ensure that the entry and exit lanes are clearly marked.
6. We have very little information about the two co-developers who comprise Byfield Estates, LLC, and are concerned about their ability to successfully undertake and complete a project of this magnitude. From the information in the application, it appears that the co-developers have built or renovated (whether individually or jointly is not clear) twelve single-family homes over the past four years, but have no subdivision or 40B experience.
7. We commend the development team's intention to provide housing that is similar in size and scale to the existing homes on Pearson Drive, but note that it will also be important for the developer to provide a variety of design options. Plans for only two different house designs, a 2,260 s.f. unit and a 2,746 s.f. unit, were provided in the application.
8. We have anecdotal evidence from residents that during times of high usage the water pressure in the subdivision gets very low. We are concerned that adding 24 homes to the existing main may strain capacity of the water distribution system in the subdivision. We recommend water pressure testing to determine what, if any, upgrades to the system may be needed to accommodate 24 additional homes and to provide adequate pressure at fire hydrants within the proposed development.

Thank you for your consideration of these comments and observations with regard to the proposed development. Should you have any questions, please contact me or Martha Taylor

Sincerely,



John Weis, Chair
Newbury Planning Board

cc: Ginny Kremer, Blatman, Bobrowski, Mead & Talerman, LLC
Paul Haverty, Blatman, Bobrowski, Mead & Talerman, LLC
Tracy Blais, Town Administrator



Newbury Fire Department

**25 High Road
Newbury, MA 01951
Email: firechief@townofnewbury.org
Byfield (978)465-7271
Newbury (978)462-2282**



07/06/2016

To: Whom it May Concern,

After reviewing your submitted plans for the renovation project at 55R Pearson Drive, we would like to notify you of a few conditions as to pertaining to issues of emergency response before approval.

- 1. 25' roadway width, as we will have limited accessibility to locations located in this area.**
- 2. Gravel base under the "Right of Way" adjacent to the pavement that would support the apparatus.**
- 3. Survey/Study done to effectively determine that the current water main structure would be sufficient to support another 24 homes and the hydrant system would still be functional.**

The study would have to include the volume used and still available during high usage times and still support the use of the hydrants during an event.

- 4. Hydrants located end of dead end, top of dead end, and two around the turn around, as apparatus would have to stack up and not be able to respond from the second side, or tie into another hydrant line.**

- 5. RF transmitter alarm system for early reliable detection.**

- 6. Knox Box (key box) on front of building for Fire dept access to the units.**

If you have any questions please feel free to give me a call, (978)462-2282

Thank You,

Keith Grant

CC: Nathan Walker, Fire Chief

Doug Janvrin JR, Deputy Fire Chief.

Planning Board



TOWN OF NEWBURY
Department of Public Works
197 HIGH ROAD
NEWBURY, MA 01951-4799
Phone: 978-466-0112

To: Whom It may Concern,

The reason for this letter is to inform you that after reviewing the plans for the Byfield Estates 40B I have a couple concerns. I know it is going to be a private way but the road width only being 20 feet wide and the cul-de-sac being 25 feet wide makes for a narrow road. It could be difficult to get emergency vehicles and delivery trucks down the road if cars are parked in the road or in the winter with snow and the roads become narrow do to snow bankings. The other concern would be the additional traffic and wear on Pearson Drive. If you have any questions feel free to give me a call at the highway garage 978-465-0112.

Sincerely,

James Sarette

Dpw Director

RECEIVED
JUL 08 2016
Newbury Planning Board

Planning Board

From: PRCWA <parker.river@verizon.net>
Sent: Tuesday, July 12, 2016 3:17 PM
To: Planning Board
Subject: RE: 55 Pearson Drive -- Proposed 40B
Attachments: WMA_Draft_Byfield.pdf

Hi Martha,

My concern about large-scale development within the watershed is always predicated on having enough water resources. DEP's analysis of the Byfield Water District is that they have been exceeding their Water Management Act withdrawal permit since 2006 (See attached BWD document). DEP may take enforcement action against the BWD if withdrawals exceed what is currently permitted.

The developer may want to address offsets as part of the 40B permitting process. Developers must demonstrate how they will conserve water on site or offsite on a gallon by gallon basis. For every gallon of water used one gallon will be saved. Another option, would be for the developer to construct their own well. Eventually the condo association would become their own public water supplier.

The Parker River as a whole is considered a highly stressed basin by the MA Water Resource Commission due to low flows. Last year DER (Division of Ecological Resource) documented sections of the Parker River dry for 3 months (See video on PR webpage: <http://indyjerry.wix.com/prcwa#inflow/c1e73>).

New WMA permits for the Parker River basin will probably not be completed until 2019.

Good luck as you go through this permitting process.

Best,

George

- Present reasons why specific measures are not cost effective because the cost would exceed the costs of alternative methods of achieving the appropriate standard; and
- Propose specific conservation measures that would result in equal or greater system-wide water savings or equal or greater environmental benefits than the conservation measures included in the MassDEP Functional Equivalence Plan(s).

MassDEP will review permittees' detailed, written cost effectiveness analysis to determine whether unique circumstances make specific Best Management Practices (BMPs) less cost-effective than alternatives, or not feasible for a particular PWS when developing the compliance plan.

The reporting requirements added in Permits that have been modified were included to standardize the information submitted to the Department to assess compliance with the Permit and the Basin Performance Standards. Modified permits specify that Basin Performance Standards are to be met by 2017.

Finding of Fact for Special Permit Conditions

In issuing permits, the Department looks primarily at site-specific impacts and other issues specific to the system, such as impacts to nearby streams, wetlands, or other water users, justification of long-term demand projections and the capacity of permitted withdrawal points. The conditions are intended to ensure the efficient use of water and to mitigate the potential impact of withdrawals.

Special Condition 1, Maximum Authorized Annual Average Withdrawal Volume, reflects a registered volume of 0.17 million gallons per day (MGD) through the remainder of the term of the permit. BWD should consider applying for an increase in their permitted volume, as BWD's withdrawals since 2006 have slightly exceeded their registered and permitted volume (0.179 MGD for 2009; 0.177 MGD for 2008; 0.20 MGD for 2007). Water use above the 0.17 MGD Baseline for BWD will require offsets where identified as feasible, (refer to Special Condition #7, below). BWD's permitted withdrawal volumes will be reviewed and revised, as necessary, prior to the Parker River Basin's WMA permits expiring in 2017.

Special Condition 2, Maximum Authorized Daily Withdrawals from each Withdrawal Point, authorizes daily withdrawal volumes from the Parker River and limits the daily withdrawal volumes for the Forest St. Bedrock Well to 0.36 MGD.

Special Condition 3, Ground Water Supply Protection, The BWD must demonstrate its Best Effort (310 CMR 22.21(1)(d)) in encouraging the towns of Groveland and West Newbury to adopt land use controls that meet 310 CMR 22.21(2) within the Zone II of the Forest St. Bedrock Well. In addition, the BWD must demonstrate its Best Effort (310 CMR 22.21(1)(d)) to encourage the towns of Georgetown, Groveland, and West Newbury to adopt a floor drain regulation for compliance with the requirements of 310 CMR 22.21.

Special Condition 4, Performance Standard for Residential Gallons Per Capita Day Water Use, discussed previously. As reported in the 2009 Annual Statistical Report, the RGPCD for the Byfield Water District was 43 gallons.

Special Condition 5, Performance Standard for Unaccounted for Water, discussed previously. As reported in the 2009 Annual Statistical Report, the UAW for the Byfield Water District was 9%.

Special Condition 6, Seasonal Limits on Nonessential Outdoor Water Use is based upon BWD's Residential Gallons per Capita Day (RGPCD) for the preceding year, and will be implemented according to either: 1) calendar triggered restrictions; or 2) streamflow triggered restrictions.

Planning Board

From: vtcdmailer@vt-s.net on behalf of mirandi5@yahoo.com
Sent: Tuesday, June 14, 2016 9:19 PM
To: Planning Board
Subject: [Town of Newbury MA] Pearson Dr. project

Follow Up Flag: Follow up
Flag Status: Flagged

Hello mtaylor,

Steven Mirandi (mirandi5@yahoo.com) has sent you a message via your contact form (<http://www.townofnewbury.org/user/323/contact>) at Town of Newbury MA.

If you don't want to receive such e-mails, you can change your settings at <http://www.townofnewbury.org/user/323/edit>.

Message:

The project is not the issue, the access to the project is.

Who is responsible for maintaining Pearson Dr. during construction?

Who is responsible for upgrading Pearson Dr. in regards to safety of children with an additional 90 cars permitted in project? ie sidewalks, hot topping, potential speed bumps, lighting, stop signs?

Is this a subdivision or condo?

Are there any shared septic systems with this many units currently? How are they doing?

If the development fails, due to failed septic, lack of sales due to proximity to gun range, association fees being mismanaged, what becomes of the project?

Concerns of water pressure issues weakening the existing neighborhood.

Concerns of wetlands surrounding the project including existing wetlands in front of 45-47 Pearson Dr.

Concerns of poor drainage via storm drains in an around 45-47 Pearson Dr.

Are there any rules on owner occupation?

What is the impact on wildlife?

Does the project meet fire and police protection requirements in terms of distance for fire vehicles, police patrolling etc?

Can Rogers St and then Fruit St. be an alternative access road to be negotiated?

Planning Board

From: Lauryn Pierre <laurynpierre@gmail.com>
Sent: Thursday, June 16, 2016 9:34 PM
To: Planning Board
Subject: Concerns, Questions and Photos for proposed "Byfield Village"

Greetings Martha,

Below please see concerns and questions about the proposed 40B project at 55 Pearson Drive. Hope this information will help with the letter and that you receive it in a timely manner.

Concerns for proposed 40B project on lot 55 Pearson drive. The existing entrance and exit to Pearson Drive is a one way with an island in the middle, safety concerns about having more traffic flow through the neighborhood with this unique entrance, which is also the location of the bus stop for the middle and high school students. (See attached photo A and B)

Traffic concern, on average my husband and I leave the neighborhood a MINIMUM three times a day for work, shopping, ect. That means we have to pass our neighbors homes 12 times a day! If you add 24 more homes each having 2 cars and they leave and exit the neighborhood we are going to have a extreme increase in traffic at a minimum of 288 extra cars passing by our home every day! The town would have to add a traffic light at the Pearson Drive/Orchard Street!

The road is in need of repair currently. (See attached photo C and D)

The proposed plan is to add a new neighborhood within an existing neighborhood there is only one way in and out for these homeowners. The plan is not to add a cul-de-sac with a few homes this is adding a whole neighborhood of homes to existing neighborhood!

Concerns about the size of the current roadway on Pearson Drive, not being wide enough to handle the extra traffic as well as the construction phase. (See attached photo the road way in front of my home is only 25ft. Photo E and F)

Since the neighborhood does not have sidewalks, when passing a pedestrian or biker, cars must move over into the other side of the road to pass. (See attached photo G.)

Concerns about the wildlife and habitats that currently live on the undeveloped land. Having animals displaced from their homes making their way into our neighborhood.

Concerns about the length of the project and how long it will take to complete this project from start to finish. Homes in Byfield typically stay on the market longer than those in more desirable Newbury.

Concerns on the snowball effects that a project like this will have in our community of about 7,500. These projects look nice on paper however there are many variables to think about water, traffic, septic, wetland and wildlife concerns.

The project is surrounded by wetlands and the proposed storm-water drainage areas are too close to wetlands this could be a potential problem. Why would you add septic and storm-drainage so close to wetland area?

The proposed roadway is in a blind corner which is a safety concern, considering the road is wide enough. (See attached photo H)

Questions:

The proposed roadway into the project goes over wetlands what effects will this have on the ecosystem?

This project is only projected to bring 6 affordable homes to Byfield..? This will not bring a significant increase to our affordable housing...?

Will this project just be the 1st phase in a multi-phase project?

Recommendations:

Deadlock the land to protect and preserve the wildlife and wetlands. And lets keep Byfield/Newbury a town and not over build!

Find somewhere else in Newbury to build this project.

Find another way to roadway to get to this property other than Pearson Drive.

Photos will be sent in separate email.

Kindly,
Lauryn Pierre

Planning Board

From: Lauryn Pierre <laurynpierre@gmail.com>
Sent: Thursday, June 16, 2016 9:44 PM
To: Planning Board
Subject: Photos A-D



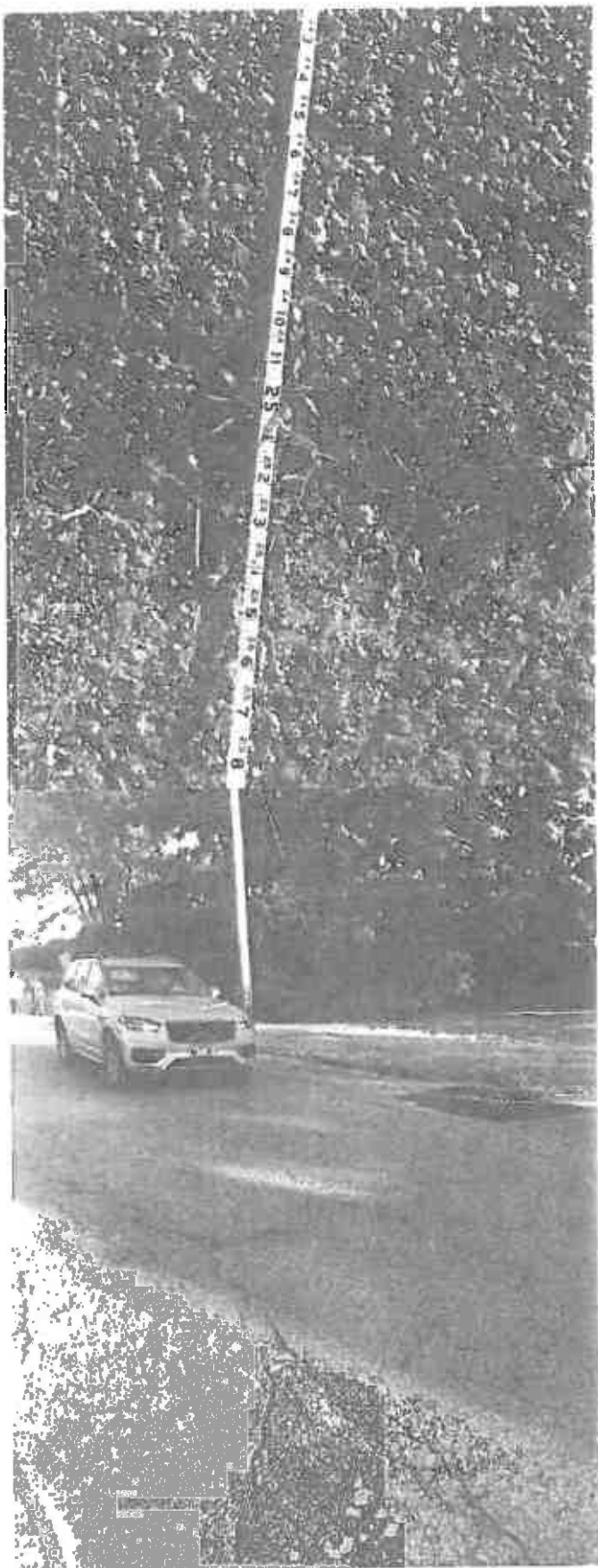




Planning Board

From: Lauryn Pierre <laurynpierre@gmail.com>
Sent: Thursday, June 16, 2016 9:50 PM
To: Planning Board
Subject: Photos E-H







Planning Board

From: vtstdmailer@vt-s.net on behalf of mirandi5@yahoo.com
Sent: Friday, June 17, 2016 5:22 PM
To: Planning Board
Subject: [Town of Newbury MA] 40b pearson dr

Hello mtaylor,

Steven Mirandi (mirandi5@yahoo.com) has sent you a message via your contact form (<http://www.townofnewbury.org/user/323/contact>) at Town of Newbury MA.

If you don't want to receive such e-mails, you can change your settings at <http://www.townofnewbury.org/user/323/edit>.

Message:

Chief Walker,

After talking with Barry Pet, an aide to Sen. Bruce Tarr, in regards to the 40b housing development, he advised me to check with you, the fire chief to see if another egress into the site is needed for public safety. A scenario of person having chest pains within the development who cannot be reached due to a blockage at the beginning of the newly formed private road, was presented. Would the unavailability of a person in need of service, due to no means of a second egress, pose a liability to the town?

S. Mirandi

RECEIVED

JUN 21 2016

Newbury Planning Board

**Proposed Concerns: 40B project--Byfield Estates- 55R Pearson Drive,
Byfield, MA**

What follows are some of our concerns as they relate to Ch. 40B The Massachusetts Comprehensive Permit Act.

Specifically,

- Under 760CMR 56 Section 56.07

(b) Board's case: We as a resident of Pearson Drive believe that the health and safety of our community will be compromised because the location of this proposed housing is too close to an already existing firing range. Also, the road leading to and for exiting, Pearson Drive, is only 17ft. wide and the increased traffic flow from this housing project will create hazardous driving conditions. (Note: the site plan from the developer falsely describes Pearson Drive as being 50ft wide). These same comments relate to section 56.07(b) section 3..balancing 2.The health and safety of our residents is imperiled, and the site is seriously deficient because of the above mentioned road conditions.

Also under 56.07d .health,safety and environment. 5.arrangements which could be made with the municipality for dealing with traffic generated by the project on adjacent streets {*Note: This has not been done!*}. and 6. proximity to activities which may affect the health and safety of the occupants of the proposed housing. (*firing range!*).

- Who is going to be responsible for signage which will be needed if this project is erected..(i.e. reduced speed limit signs, caution/yield signs, bold one way signs for the entrance of Pearson Drive at Orchard St., etc.) and at whose expense will this be done?
- Also will traffic lights need to be installed at the corner of Central and Orchard Streets as a result of increased traffic from an additional 96 plus cars from this 40B housing project that will flow onto these adjacent thoroughfares.
- There is also another large land parcel of 15 plus acres adjacent to this proposed 40B project. We are concerned that this adjacent land could be subject to future development which would have far reaching ramifications.
- What about the impact on our community in terms of more children in the area? Will additional bus stops, buses/drivers/teachers/schools/town employees(i.e. DPW/BOH/Police and Fire) be needed given the

increased population to service? How about a study about the location of our current bus pick up/drop off spot? Who will fund these studies and pay for related increased costs? What about the related impact on our public safety costs to patrol this area, etc? These are long term impacts, not short term fix items.

- We would like to have CORI checks done on the individual developers Mr. Goodwin and Mr. Katsikis. Also are they delinquent in paying any federal, state or local taxes?
- Is this the first and only 40B development that these developers have been involved with? If not, where are their other 40B projects located?
- Could this 15 acre piece of land possibly be developed without the waivers allowable under 40B? If so, why are they going the 40B route, or have they already tried to develop this land without the protections afforded to them under 40B, and failed?
- Will the property value assessments drop for residents of Pearson Drive after this project is completed? Also will the tax rates rise due to increased levels of public services which will need to be provided to future residents of this proposed 40B project?
- Has our developer recently hired a wildlife consultant to make certain that no endangered wildlife live and/or nest in the confines of the 15 acres proposed for this development? If not, we believe that they should conduct and fund an updated study of this environment.
- As a resident of Pearson Drive we believe that the developer of this project should be responsible for the cost of widening Pearson Drive/ installation of sidewalks along Pearson Drive if these things become necessary to ensure the safety of our residents due the increased traffic flow as a result of this development. Can the Town sue the developer to re-coup these costs if they will not voluntarily fund same? Why should local taxpayers be forced to pay for these items which would not have been needed but for the construction of this development?
- As the parents of a disabled adult child who resides on Pearson Drive we do not believe that this project should be approved as it contains no handicapped /ADA accessible housing units. That means that no family with disabled family members, including disabled veterans would be able to reside here. Keep in mind that 40B was initially created in the late 60's for our elderly and low income populations. *Accessibility for our disabled elderly and low income populations should also be a priority.*

This is clearly is not a priority since the plan submitted for this project indicates "0" handicapped units.

- These homes can also be *rented* out after they are sold, which is *inconsistent with the goal of creating opportunities for home ownership* for elderly and low income groups and other qualifying individuals.
- Quality of life and safety studies should be conducted by the developer to determine what impact this project will have on the quality of life of the residents of Pearson Drive, the only access road to this project, and other adjacent streets. Included in these studies should be how this project will affect our homes, to include our private septic systems, water pressure, Inground pools, and other relevant matters relating to public health and safety.
- Is there a fixed maximum occupant limit per home in this 40B project which relates to septic and other BOH requirements? If so how will this be enforced and at whose expense? Who will be the watchdog?
- Does the Town of Newbury have a housing authority? If not, will one need to be created and or our current one expanded if one exists to oversee the activity at this 40Bproject on a long term basis?
- Will the developer be conducting pre-and post blast surveys of all of the homes on Pearson Drive at its expense to assure that our homes do not sustain property damage as a direct result of their planned construction activities?
- Will the developer pay for the cost of a clerk of the works on this job site if construction commences?
- What rights do we have to appeal this project if it is approved by Mass Housing? Are we required to file a lawsuit in the Courts and/or are we required to go to arbitration with the developer and/or Mass Housing? If we do file an appeal is all construction stayed while the matter is on appeal?Also, if we file an appeal as a resident of Pearson Drive and require an attorney will Town Counsel represent us on a pro bono basis and/or will the Town and/or the developer pay for our attorney fees if we need to hire private counsel?
- Will Mass Housing agree to meet with us now before this project progresses any further so that we can air all of our concerns directly to them?

Thank you very much for reviewing all of our above concerns.

Sincerely,



Connie and Paul Rowe

3 Pearson Dr.

Byfield, MA 01922 (978)-270-6421 paulrowe03@comcast.net

Planning Board

From: Carolandnick <carolandnick@comcast.net>
Sent: Thursday, June 23, 2016 9:27 PM
To: Planning Board
Subject: 40b Pearson Drive project

Follow Up Flag: Follow up
Flag Status: Flagged

Concerns for proposed 40b housing projects planned at end of Pearson Drive

Firstly my concern about this project is the very close proximity of the structures and its tight access, not only at this subdivision but also the access down Pearson Drive itself, the road's very limited space to turn into and its minimal width for most of its length. I have measured the width at

which is located on a bend with limited vision of vehicles coming out of Pearson drive, the width is less than 27 feet

At its entry and exit the width is not much more than the width of an SUV.

There are no side walks and at its low point midday way down, the road is susceptible to floods often which freeze over.

During the initial briefing at the town hall the developers engineer and representatives stayed they had talked to the fire department and they were "OK" with the plan.

However whilst the towns "municipal" fire department spokesperson may have quoted this I have concerns for fire coverage, the fire coverage is limited to 2 staff at Byfield and 2 staff at Olde Town during weekdays in an event of an ambulance call this would now reduce to 2 firefighters in town in station, unless those maybe on a call as well.

During hours outside of these "day" shifts coverage is even more restricted, and currently there is a mandated reduction of staff being able to sign up for coverage due financial budget shortfalls. Not only is this an issue for fire cover but also for medical coverage in town also. There is no guarantee how many firefighters or EMTs would be available to respond to

the stations at any given time, if an ambulance does go on a call or maybe both stations ambulances respond to an accident on I95 for example the crew could well be tied up for an hour or more. Therefore, I do not believe as a town that we can accommodate such a project.

You may ask then why am I not concerned with the current arrangement of fire cover as the town is today, this is because bylaws and state laws have been adhered to and structures are spaced apart whereas the risk of fire spreading from one house to another is minimal.

The national wild life refuge

It's not a coincidence or haphazard planning that the federal reserve on Plum Island came to being there. The area is a vital part of the north east flyway. With the Parker River and its tributaries running deep into and through Byfield and with the proposed project adjacent to Martin Burns refuge area I believe this will have a negative affect on the nesting and migration patterns of many types of animals. The pond at the end of Pearson drive has been host to otters and beavers along with many types of waterfowl during migration times. As we are all aware in this area we have endangered species nesting in the town of Newbury these birds are not confined to Plum Island , they are affected by the whole surrounding area,s changes.

The above mentioned pond is fed from a pond immediately abutting the project , they, as do all the posed and tributaries all feed into the Parker River into the Great Salt Marsh and onto the Federal Wildlife Reserve.

Would it be the end of the new end?

The developers spokesperson was asked about the additional acreage and was there plans to add a second phase at the informational meeting. He responded by twitching and facing away dodging the question , quite an open book, so my thoughts are that where would this project end if the developer simply continues to flout the laws laid down over the lifespan of Newbury.....

Water water every where but not a drop to drink.

The developer stated he has got the ok from "the municipality's water department."

The town of Newbury does not have one . Most people on Pearson Drive will tell you that the water pressure has decreased over the years and I note this to be true.

The line has been extended down Orchard street up to the junction of Maple street.

If there is in fact additional capacity available I would rather see this resource be given to a residential area already in place, therefore I ask that the Byfield water district maintains this extra resource for potential drought times and possible provision to existing residents that have exhausted there own private wells.

Coming to a neighborhood near yours...

If this does get the go ahead the developer or developers will quickly realize we won't have met our ten percent affordable housing stock , so this affects the whole town, which I believe that the attitude of non Pearson drive residents at this time is " better their street than ours". I ask the the whole of the towns residents, planning board and selectmen consider this their own street when making decisions.

Nick Cox
5 Pearson Drive
Byfield

o

Sent from my iPad

Planning Board

From: Carolandnick <carolandnick@comcast.net>
Sent: Thursday, June 30, 2016 3:25 PM
To: Planning Board
Subject: Road width Pearson drive re 40b
Attachments: width_roads.pdf; ATT00001.txt

Follow Up Flag: Follow up
Flag Status: Flagged

My interpretation falls under number line 50 town of Newbury, in addition to Pearson drives entrance of 13 feet width I believe that orchard street falls under a collector road and its width I less than 27 ft at the top of Pearson drive , both falling below the minimum widths.

Again, this becomes a safety issue for fire and rescue vehicles accessing the proposed site, And I have not taken into account the effect of a snow storm or season such as 2014-2015.

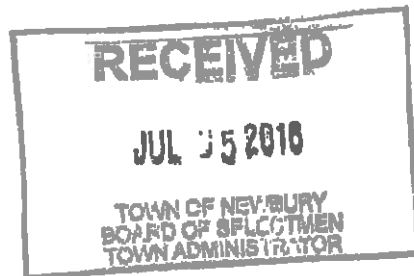
The engineers response to this question at the site review was poor at best. As an engineer I am sure he can estimate reasonably well length and widths.

Regards
Nick cox

http://www.masshousingregulations.com/pdf/width_roads.pdf

June 29, 2016

Board of Selectmen
Town of Newbury
25 High Road
Newbury, MA 01951



Dear Board of Selectmen,

Please find enclosed a petition in opposition of the proposed "Byfield Estates" off of Pearson Drive in Byfield. The undersigned petitioners ask you to oppose the development due to the impact on public safety, quality of life, infrastructure, and environmental/wetland concerns.

Thank you for your consideration. We look forward to working with you.

Sincerely,

A handwritten signature in cursive script that reads "Bradford C. Smith".

On Behalf of the 108 Petitioners of Pearson Drive

Bradford C. Smith (6 Pearson Drive)

Stop Proposed "Byfield Estates"

Development off of Pearson Drive

We, the undersigned, register our opposition to the housing development now being pursued by landowners in respect of the land contained within the proposed land area known as "Byfield Estates" off of 55 Pearson Drive.

We note the following concerns that have been raised by neighbors about existing problems:

- Quality of Life – Neighborhood Livability
- Safety – Many Children, Narrow Street, No Sidewalks, Casual Recreation
- Traffic – 90 Additional Vehicles, One Exit and Entrance, Public Safety Vehicles Access
- Storm Drains – Current Drains Overflow
- Infrastructure – Current Pavement in Poor Condition, Drain and Water Lines Impacted
- Wetlands – Impact on Wetlands and Martin H. Burns Wildlife Management Area

We the undersigned, appeal to the Newbury Board of Selectmen and the Newbury Planning Board to ensure our Neighborhood remains livable and refuse the landowners and developers permitting on the current plans as presented.

NAME (Print)	SIGNATURE	ADDRESS	PHONE #	EMAIL
1 BRADY, C. SMITH	Bradley C. Smith	6 PEARSON DR	405-3750	BLACKSMITHS@COWEST.NET
2 LAURA SMITH	Laura Smith	6 Pearson Dr.	" "	" "
3 FRANKA ROWE	Franka Rowe	3 PEARSON DR	778-270-6618	rowe@cowest.net
4 CHRISTINE A. ROWE	Christine A. Rowe	3 Pearson Dr.	978-270-6618	" "
5 PAUL S. ROWE	Paul S. Rowe	3 Pearson Dr.	978-417-2725	prw@cowest.net
6 DAVID COLLINS	David Collins	2 Pearson Dr	978-360-3449	perc@cowest.net
7 PAUL CITTONI	Paul Cittoni	4 PEARSON DR	978-468-8007	pcittoni@cowest.net
8 NICK COX	Nick Cox	5 PEARSON DR	978-499-9045	cox@cowest.net
9 CAROL COX	Carol Cox	5 PEARSON DR	978-499-9045	cox@cowest.net
10 STEPHEN GORDON	Stephen Gordon	7 PEARSON DR	978-270-6105	stephen.gordon@cowest.net
11 EUGENE GORDON	Eugene Gordon	7 PEARSON DR	978-502-5277	egordon@cowest.net
12 JOHN ALLEN	John Allen	9 PEARSON DR	978-462-4171	john@cowest.net
13 ARLENE COCHRANE	Arlene Cochrane	11 PEARSON DR	908-451-7237	lillian2020@cowest.net
14 BRUCE COCHRANE	Bruce Cochrane	11 PEARSON DR	" "	bruce189@cowest.net
15 TOM DALEY	Tom Daley	13 PEARSON DR	978-465-4738	tdaley@cowest.net
17 ANDRE MAGUIRE	Andre Maguire	15 PEARSON DR	978-462-3717	netmaguire@yahoo.com
18 CHUCK DALEY	Chuck Daley	13 PEARSON	978-465-4738	CTDALEY@COWEST.NET
19 BRIAN RICHARDS	Brian Richards	58 PEARSON	978-463-9063	
20 DAVE LEVIN	Dave Levin	31 PEARSON	978-462-9413	
21 LORRAINE LEVIN	Lorraine Levin	34 PEARSON	978-462-9413	
22 GORDON MULLIN	Gordon Mullin	45 PEARSON	978-992-6194	gmullin@cowest.net
23 TOM FRACKLEWILL	Tom Fracklewill	21 PEARSON	978-465-4494	
24 ANDY CLARKE	Andy Clarke	21 PEARSON	978-465-4494	frack@cowest.net
25 BRYAN WILSON	Bryan Wilson	23 PEARSON	978-462-3581	brw@cowest.net
26 FRANK WILSON	Frank Wilson	18 PEARSON	978-462-3581	frank@cowest.net

NAME (Print)	SIGNATURE	ADDRESS	PHONE #	EMAIL
27 John Pylumbo	John Pylumbo	17 Pearson	978-338-7454	-
28 Jack Connolly	Jack Connolly	22 Pearson	978-255-3327	
29 Theresa Hirschbach	Theresa Hirschbach	17 Pearson	978-358-7454	
30 Josephine Green	Josephine Green	24 Pearson	978-449-0818	
31 Kevin Morrison	Kevin Morrison	24 Pearson	978-449-0878	
32 Emily Morrison	Emily Morrison	24 Pearson	978-449-0821	
33 KATHERINE FUDGE	Katherine Fudge	21 Pearson Dr	978-462-4623	
34 DAVID O'NEIL	David O'Neil	31 Pearson Dr	978-462-3733	
35 Pamela O'Neil	Pamela O'Neil	31 Pearson Dr	978-462-3733	
36 Paul Fiebert	Paul Fiebert	30 Pearson Dr	978-465-7022	
37 Jon Baker	Jon Baker	32 Pearson	978-310-7888	
38 Christine Baker	Christine Baker	32 Pearson	978-310-8609	
39 Natalie Lewis	Natalie Lewis	34 Pearson	978-230-6571	
40 Eliza Lewis	Eliza Lewis	34 Pearson	978-462-9413	
41 Andrew Lewis	Andrew Lewis	34 Pearson	978-462-9413	
42 CHRISTIAN MILLS	Christian Mills	25 Pearson	978-462-1677	
43 Colleen Mills	Colleen Mills	35 Pearson	978-462-1677	
44 John Miranda	John Miranda	34 Pearson	978-463-7121	
45 John Mills	John Mills	35 Pearson	978-462-1677	
46 Frances Mills	Frances Mills	35 Pearson Dr	978-462-1677	
47 Nicholas Miranda	Nicholas Miranda	39 Pearson Dr	978-463-7127	
48 Maria Miranda	Maria Miranda	39 Pearson Dr	978-463-7121	
49 Jean Miranda	Jean Miranda	35 Pearson Dr		miranda.jean@gmail.com
50 Ryan O'Leary	Ryan O'Leary	38 Pearson Dr		
51 Nina O'Leary	Nina O'Leary	38 Pearson Dr	978-604-4882	miranda.jean@gmail.com
52 Anne O'Leary	Anne O'Leary	40 Pearson Dr	978-465-3694	
53 Leo O'Leary	Leo O'Leary	40 Pearson Dr	978-465-3671	
54 George Salem	George Salem	43 Pearson	978-462-4588	
55 Patrick Fournier	Patrick Fournier	41 Pearson	978-463-8135	
56 Tracey Fournier	Tracey Fournier	41 Pearson	978-463-8135	
57 William Fournier	William Fournier	42 Pearson	617-413-6158	
58 Eileen Hillick	Eileen Hillick	31 Pearson	978-467-1173	
59 Erik Hillick	Erik Hillick	31 Pearson	978-462-1473	
60 Kyle Hillick	Kyle Hillick	31 Pearson	978-462-1473	
61 Samantha Herwig	Samantha Herwig	46 Pearson	781-838-5726	
62 John Herwig	John Herwig	46 Pearson	781-838-5726	
63 John Short	John Short	57 Pearson	508-328-5388	
64 Suzanne Short	Suzanne Short	57 Pearson	978-375-0423	
65 Shelia Dancy	Shelia Dancy	58 Pearson	978-463-4073	
66 Kyle Richardson	Kyle Richardson	58 Pearson	978-270-7473	
67 Brooke Dancy	Brooke Dancy	58 Pearson	978-587-5948	
68 Alyssa Richardson	Alyssa Richardson	58 Pearson	978-771-4960	
69 Russell Mosier	Russell Mosier	59 Pearson	978-465-2921	
70 Colleen Conner	Colleen Conner	61 Pearson	978-766-9116	
71 NOVELY FOX	NOVELY FOX	63 Pearson	617-610-2426	
72 Tad Dube	Tad Dube	63 Pearson	617-610-8926	
73 Al Dugli	Al Dugli	65 Pearson	978-834-8151	
74 John Dugli	John Dugli	67 Pearson	978-321-3452	
75 John Dugli	John Dugli			

NAME (Print)	SIGNATURE	ADDRESS	PHONE #	EMAIL
76 Jeremy Rothman		140 Pearson	958-633-1449	erthman.jeremy@gmail.com
77 Megan Rothman		66 Pearson	978-578-5766	meganrthman@comcast.net
78 Jill Buckley		69 Pearson	978-358-758	Jill.buckley@comcast.net
79 Rob Scott		61 Pearson	978-360-6266	rob.scott@comcast.net
80 Julie Flohr		60 Pearson	978-462-0486	Julie.flohr@comcast.net
81 Michael Alkire		70 Pearson	978-465-2782	Calvin@alkire.com
82 Tim Northey		73 Pearson	978-239-0623	timnorthey@comcast.net
83 Kathleen Delaney		73 Pearson	617-240-3546	K8delaney@comcast.net
84 Nicole Baker		71 Pearson	978-806-3149	nicolebaker@comcast.net
85 Eric L Marshall		35 Pearson	978-465-3744	elmarshall@comcast.net
86 Jeffery Baker		3 Pearson	978-465-0443	jbaker@comcast.net
87 Maria Portant		47 Pearson	978-462-6743	mporant@comcast.net
88 Megan Sargent		75 Pearson	978-479-8436	mrsargent@comcast.net
89 Brenda S. Schuler		77 Pearson	978-462-6871	bschuler@comcast.net
90 John D. Schuler		77 Pearson	978-270-1155	jschuler@comcast.net
91 William Stimples		70 Pearson	978-471-1028	stimples@comcast.net
92 Chris Sargent		73 Pearson	978-697-8819	csargent@comcast.net
93 Susan Luciana		74 Pearson	978-578-5762	sluciana@comcast.net
94 Anne M. Luciana		74 Pearson	978-578-5762	amluciana@comcast.net
95 Charles G. Luciana		74 Pearson	978-578-5762	cgLuciana@comcast.net
96 Scott Johnson		37 Pearson	978-516-4880	scjohnson@comcast.net
97 Doreen Johnson		37 Pearson	978-465-3683	djohnson@comcast.net
98 Colin Smith		6 Pearson	978-465-3750	colsmith@comcast.net
99 Mark Carlan		11 Pearson	978-314-3380	markcarlan@comcast.net
100 John S. Carlan		11 Pearson	978-462-3911	jscarlan@comcast.net
101 Robert Carlan		49 Pearson	978-465-5114	robcarlan@comcast.net
102 Ted Barker		49 Pearson	978-465-5114	tedbarker@comcast.net
103 Paul Barker		49 Pearson	508-391-9339	paulbarker@comcast.net
104 Melissa Goldner		79 Pearson	609-704-0372	mgoldner@comcast.net
105 John Sargent		77 Pearson	978-479-8436	jsargent@comcast.net
106 Ed Genelli		22 Pearson	978-465-3529	genelli@comcast.net
107 REBEKA MASE		59 Pearson	978-465-3529	rebeckamase@comcast.net
108 Anne Speed		40 Pearson	978-462-3911	anne.speedman1@comcast.net
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Constance & Paul Rowe
3 Pearson Drive
Byfield, MA 01922
(978)-270-6421
paulrowe03@comcast.net

July 6, 2016

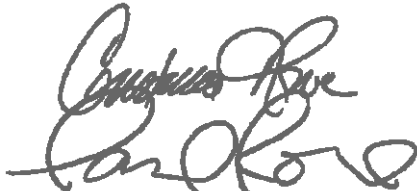
Town of Newbury
c/o Ms. Martha Taylor, Town Planner
25 High Rd.
Newbury, MA 01951

Dear Martha:

Enclosed is a listing of some of our concerns regarding the proposed 40B housing project "Byfield Estates."

Thank you in advance for your review of same.

Sincerely,



Constance and Paul Rowe

RECEIVED
JUL 06 2016
Newbury Planning Board

Proposed Local Concerns: 40B project-Byfield Estates- 55R Pearson Drive, Byfield, MA

What follows are some of our concerns as they relate to Ch. 40B The Massachusetts Comprehensive Permit Act and other matters.

HEALTH AND SAFETY CONCERNS

• Under 760CMR 56 Section 56.07

(b) Board's case: We, residents of Pearson Drive believe that the **health and safety of our community will be compromised** because the location of this proposed housing is too close to an already existing **target firing range and hunting area** in the adjacent Martin Burns Wildlife Management Area (WMA). It's our understanding that state regulations do not allow hunting within 150 ft. of a paved road and 500 ft. from a dwelling. **How close are these proposed 40B homes and roadways to these target and hunting areas?** It has also been **alleged** that a child who lived on Pearson Drive was struck by a stray bullet from this target firing range. Another resident of Pearson Drive has also reported observing a hunter carrying a rifle walking in this neighborhood when children were present. He apparently got lost and ended up in our neighborhood. He had been hunting in the Martin Burns Wildlife Management Area.

Also, presently the road leading to and exiting from Pearson Drive, is only 17ft. wide at various points, and the increased traffic flow from this housing project will create hazardous driving conditions. **(Note: the applicant's site plan falsely describes Pearson Drive as being 50ft wide).**

These same comments relate to section 56.07(b) section 3..balancing 2.The health and safety of our residents is imperiled, and the site is seriously deficient because of the above mentioned road conditions.

Also under 56.07d health,safety and environment. 5.arrangements which could be made with the municipality for dealing with traffic generated by the project on adjacent streets {*Note: This has not been done, and the developer has indicated that it is not his concern, he is only responsible for the area of the proposed site!*}. and 6. proximity to

activities which may affect the health and safety of the occupants of the proposed housing...(hunting & target/firing range).}

- We believe that the developer of this project should be responsible for the cost of road widening and installation of sidewalks and street lighting along Pearson Drive to ensure the safety of our residents due to the increased traffic flow as a result of this development. Currently there are no sidewalks on Pearson Drive and not a single street light. The developer should conduct and fund a study to determine safety concerns relative to the lack of sidewalks and street lights, which is a major safety concern, along with the narrow width of the roads. **40B is very specific that: "The manner in which buildings relate to adjacent streets is critically important."** Why should local taxpayers be liable to pay for these items, since these changes would not be necessary but for the construction of this development?
- We do not believe that a culdesac (this proposed 40B project) should be built upon a 35 + year old well established and settled culdesac (Pearson Drive)! This is nonsense from an engineering standpoint and inherently dangerous. One way in and one way out!! Clearly this proposed project does not "take into account the surrounding context of the built and natural environment" to quote 40B!
- Who is going to be responsible for signage which will be needed if this project is erected..(i.e. reduced speed limit signs, caution/yield signs, bold one way signs for the entrance of Pearson Drive at Orchard St., etc.) and at whose expense will this be done?
- Traffic lights may need to be installed at the corner of Pearson Dr and Orchard St., and Orchard St. and Central St. as a result of increased traffic from an additional 96 plus cars from this 40B housing project that will flow onto these adjacent thoroughfares. The developer should conduct a traffic study at their expense of the entire affected area.
- Quality of life and safety studies should be conducted by the developer to determine what impact this project will have on the

quality of life of the residents of Pearson Drive, the only access road to this project, and other adjacent streets. Included in these studies should be how this project will affect our homes, to include our private septic systems, private wells, water pressure, concrete foundations, and other relevant matters relating to public health and safety.

- We also anticipate blasting if this project is approved, and given the large amount of ledge which is present, we are concerned. Will the developer be required to conduct pre and post blast surveys of all the homes on Pearson Drive at its expense to assure that our homes do not sustain property damages as a direct result of blasting/construction activities? Also our private wells are at risk of sustaining fractures as a result of blasting.
- We also have a small fire department in Byfield. If for instance a medical emergency call comes into our fire dept. on a weekday, due to limited staffing, there would be no one available to respond to an actual fire if it was called in at the same time. Response time delays could result in serious and possible fatal consequences, especially if a fire arose in this tight cluster 40B housing project, as a fire could spread quickly from unit to unit as well as to the abutting wildlife management area.

LONG TERM IMPACTS/FUTURE POSSIBLE CONCERNS

- There is also another large land parcel of 15 plus acres adjacent to this proposed 40B project. We are concerned that this adjacent land could be subject to future development which would have far more reaching ramifications.
- What about the impact on our community in terms of more children in the area? Will additional bus stops, buses/drivers/teachers/schools/town employees (i.e. DPW/BOH/Police and Fire) be needed given the increased population to service? How about a study about the location of our current bus pick up/drop off spot? Who will fund these studies and pay for related increased costs? What about the related impact on our public safety costs to patrol/respond to emergencies at this

housing development? These are long term impacts, not short term fix items.

- Will the market value of our homes drop for residents of Pearson Drive after this project is completed? We as residents believe that they will. We also believe that tax rates will rise due to increased levels of public services which will need to be provided to the residents of this proposed 40B project.
- If the Condo. Assn. goes bankrupt who becomes responsible for: roads, water, septic and association property?
- We have been informed that these homes can also be rented out after they are sold, which is inconsistent with the original 1969 goal of 40B which was to create opportunities for home ownership for elderly and low income families.
- Is there a fixed maximum occupant limit per home in this 40B project which relates to septic and other BOH requirements? If so, how will this be enforced and at whose expense? Who will be the watchdog?
- We do not believe that our Town officials have "done an infrastructure analysis to evaluate the capacity of our water system, roads, utilities, fire/police public services, schools or other public facilities that will impact or be impacted by this proposed housing development."

BACKGROUND INFORMATION/FACTUAL CLARIFICATION REQUESTS

- We would like to have CORI checks done on the individual developers Mr. Goodwin and Mr. Katsikis. Also, are they delinquent in paying any federal, state or local taxes?
- Is this the first and only 40B development that these developers have been involved with? If not, where are their other 40B projects located and how have these projects been received in the respective communities?

- **Why are some questions left blank in the application (pages 3, 12, 19 and 20) by the applicant for this 40B project? We believe that the application should be null and void if questions are left blank and unanswered by the applicant. For instance what is the current status of the purchase and sales agreement and easement noted on p. 12?**
- **Will Mass Housing agree to meet with the residents of Pearson Drive now before this project progresses any further so that we can air all of our concerns directly to them?**
- **We would like to review our Town's Housing Production Plan (HPP) as defined in 760CMR 56.0314, a proactive strategy for planning and developing affordable housing.**
- **Would the Town of Newbury consider using Town Preservation Funds to purchase this land so it could be utilized as a nature walk area for local residents? It could then look elsewhere in the town for more suitable locations for future 40B developments.**
- ***We are concerned that not all property owners on Pearson Drive have been notified of this project. All property owners should be notified now so that everyone can voice their opinions.***

ENVIRONMENTAL CONCERNS

- **In its application the developer states in error that this proposed 40B project is 7.3 miles away from conservation land when in fact it directly abuts Martin Burns Wildlife Management Area which consists of 1,555 acres.**
- **The developer should conduct an independent non-biased *wildlife habitat evaluation* at the developer's own expense to make certain that no endangered wildlife live and/or nest in the confines of the 15 acres proposed for this development. The Wetlands Protection Act MGL c131 sec 40 protects habitats if they provide "food, shelter, migratory or overwintering areas, or breeding areas for wildlife." Also, do any vernal pools exist on this property? If a vernal pool**

is found to exist we need to observe it in the month of May when it can be best certified and mapped by the Mass. Dept. of Fisheries and Wildlife. Also, the WPA does not permit any adverse effects to "wetland wildlife habitat of rare, officially 'state-listed' species. If such a habitat is found, it should be mapped by the Mass. Natural Heritage and Endangered Species Program.

- The Parker River which dries up at times will be negatively affected by increased demands due to this housing project on an already stressed water supply which currently imposes numerous water restrictions on its users. We request a meeting with the Byfield Water District to discuss our concerns with the existing water supply and the impact of this proposed housing project on same.
- Our water table is very high on Pearson Drive and most of our private septic systems have already failed and have had to be replaced at a very high price by the homeowners. Over the years many residents have also experienced basement water and seepage due to this high water table. Will this 40B project affect us residents who are already expressing these water issues? Many residents on Pearson Drive have needed to replace their septic systems with special "raised" systems due to the high water table at a cost of upwards to \$25,000.00 to \$40,000.00, which also has had the effect of driving their home values down because of the "non-usable" backyards which have resulted from these systems.
- Ecosystems in the Martin Burns Wildlife Management Area and other adjacent wetlands and private wells will suffer negatively from predictable leaching from the large shared septic system planned for this 40B development.
- Also, retention ponds only work if water is allowed to filter down. Ledge becomes an issue.
- What follows is a quote from the Wetlands Protection Act which should be front and center in this process: "In the absence of minimum environmental standards established by the Subsidizing Agency for its housing subsidy programs, these Guidelines shall apply to the Project. For new construction projects, the

Subsidizing Agency will take into consideration whether a proposed project is supported by local or regional growth management plans. Insofar as reasonable, proposals should seek to minimize loss of environmental quality and resources that might result from the proposed development. It is important for developers to bear in mind that there is consistency between G.L. c. 40B and meeting environmental concerns. (G.L. c. 40B § 20). Consistency with local needs requires a balancing between the regional need for affordable housing and, among other factors, the environment and open space. 760 CMR 56.07(3). Creative land use designs which minimize infrastructure costs and adverse environmental impacts and/or maximize resident recreational areas and meaningful open space shall be pursued whenever reasonably possible."

SPECIAL CONCERNS FOR OUR SPECIAL RESIDENTS

- **We do not believe that this project should be approved as it contains no handicapped /ADA accessible housing units.** That means that no family with disabled family members, including disabled veterans and the elderly would be able to reside here. Keep in mind that 40B was initially created in the late 60's for our elderly and low income populations. Accessibility for our disabled elderly and low income populations should also be a priority, but this is clearly not a priority here as the application lists "0" number of handicapped units. For instance there are no first floor bedrooms which are necessary for elderly and disabled persons, etc.
- **Our disabled 20 year old son rides his special adaptive bike and walks with his walker, or wheelchair up and down Pearson Drive with his personal care attendants. We fear for his personal safety and the safety of his caregivers if this 40B project proceeds, given the increased traffic which will result in an already moderately traffic ridden culdesac, which presently lacks sidewalks and street lights, and which is very narrow in many sections. (See attached photo).**
- **Also, our neighborhood children, dog walkers, walkers and joggers who also walk up and down Pearson Drive and learn to ride their bicycles here etc., will also be at increased risk for personal injuries for the same reasons as cited above.**

In conclusion, while 40B was created in 1969 with the good intention of providing more affordable housing, this particular project does more harm than good in terms of its negative impact on quality of life, and the health and safety concerns for the current residents of Pearson Drive and our neighbors. It is in a poorly chosen location pure and simple! The negatives far outweigh the positives and it should not be approved. Put a 40B project like this somewhere else in Newbury or Byfield where it will not raise similar concerns, and it will ideally have its own access road. We do not believe that this proposed project is *"appropriate in the context of the surrounding area"* to quote 40B!

Thank you very much for reviewing all of our above concerns.

July 7, 2016

Town of Newbury
25 High Road
Newbury, MA 01951

RECEIVED
JUL 07 2016
Newbury Planning Board

Attn: Martha Taylor
Town Planner

RE: Comments/Concerns of Pearson Drive neighborhood relating to Byfield Estates, LLC Chapter 40B Development Application

During the Selectmen meeting of June 14, 2016, a presentation was made in regards to the application for state approval of a Chapter 40B development for Byfield Estates, LLC, to be located on a parcel of land referred to as 55R Pearson Drive. The residents of Pearson Drive in attendance were asked to submit questions/concerns regarding the application to Martha Taylor by July 7, 2016. Attached are the questions/concerns raised by the people of Pearson Drive during a neighborhood meeting held on June 28.

If you have any questions, please call me at 978-465-2921 or Mr. Fran Mills at 617-413-7768.

Sincerely,



Russell N. Moser, Jr.
59 Pearson Drive
Byfield, MA 01922

cc: Geof Walker
Chuck Bear
Damon Jespersen
J.R. Colby
Alicia Greco

Attch (3):

- 1) Questions/Concerns
- 2) Short Letter
- 3) Sargent Letter

**PEARSON DRIVE NEIGHBORHOOD QUESTIONS AND CONCERNS
REGARDING PROPOSED BYFIELD ESTATES CHAPTER 40B DEVELOPMENT FOR
55R PEARSON DRIVE**

JUL 07 2016

HEALTH AND SAFETY

Newbury Planning Board

- Martin Burns Wildlife Management Area is adjacent to proposed development site. Martin Burns allows hunting and has a firing range year round.
- Narrow road width and poor existing road condition of Pearson Drive will be significantly impacted by the increased traffic and construction vehicles.
- Lack of street lights, sidewalks, and inadequate signage.
- Restricted view and sightlines when exiting Pearson Drive. Traffic study? Lights installed?
- Impact of development on private septic systems and wells.
- Current water pressure is marginal. Impact on fire safety and home use?
- Current drainage is poor, with catch basins often overflowing.
- The effect of blasting operations given the large amount of ledge, would damage homes, foundations, wells, and water pipes. (Pre-post blasting surveys initiated.)
- A single access/egress point creates a safety concern. The current limited access/egress for Pearson Dr. will be exacerbated by the addition of 24 more homes.
- Appropriate area available for snow removal?
- Fire Department response times may be impacted. Due to cluster housing, risk of potential fire spreading within the complex and to surrounding woodlands increased.
- A possible additional access road should be required.
- Quality of life within the existing neighborhood will be significantly impacted. Neighborhood children, walkers, dog walkers, joggers, bicyclists, and parents with baby strollers will be at increased risk of injury.

LONG TERM IMPACT/FUTURE CONCERNS

- Will an adjacent undeveloped parcel of land (15+ acres) be subjected to development next?
- Can 40B units be rented? If yes, that is inconsistent with the goal of 40B to provide home ownership opportunities.
- Is there a fixed maximum occupant limit for the project? Will the Board of Health enforce this and at what expense?
- Is the planned septic system able to accommodate additional units?
- Lack of units for the handicapped and disabled veterans.
- If the condominium association and/or developer goes bankrupt, who is responsible for the common property?

BACKGROUND INFORMATION & CLARIFICATIONS

- The applicant lists past experience in Attachment 18.1 of the application as 12 single family homes in the upper Merrimack Valley, predominately in Wilmington, all on previously existing streets with

Attachment 1

all utilities in place. What experience does the applicant have in constructing streets, utilities, septic systems, etc., especially in regards to an environmentally sensitive site?

- In Attachment 9 of the application, By-Right Site Plan, the applicant makes claim to the right to subdivide and build out eight lots on the parcel of land. The current landowner presented a previous plan to build out a similar plan and was unable to after an initial review with the town. The applicants By-Rite Site Plan should be reduced to reflect the actual buildable lot configuration as allowed by the town's regulations.
- Why are some questions blank on the application? Does this impact the application?
- Is there a potential for a land swap with the state/ Martin Burns/Mass Wildlife and the developer to provide access/egress from Orchard Street?

ENVIRONMENTAL CONCERNS

- What is the impact on the surrounding wetlands? Ecosystems will suffer from predictable leaching from the development's large septic system.
- How will the development impact the vernal pools and the habitat of the following endangered species, which exist within the Martin Burns Wildlife Management Area: blue spotted salamander, whippoorwill, princess pine, and jack in the pulpit?
- Will an independent party be hired to determine environmental impact?
- Do plans exist for offsetting damage to the wetlands? Plant and animal habitats lost?
- Anticipated impact on the Parker River, already low levels are an existing issue. Specifics areas of concern include the Byfield Water District and current water restrictions and alewife population.
- Loss of trees will impact storm run-off and noise levels.
- Existence of ledge will effect retention ponds ability to filter. If retention and detention ponds overflow, how will the environment and private property be protected?
- High water table and poor soil create concerns regarding: failed septic systems, basement water, seepage, Title V results, and "unusable yards."
- The water table along Pearson Drive is quite high and many of the residents private septic systems have already failed Title V requirements and have had to be replaced at very high costs to the homeowners. Wet basements have also been a problem along some parts of Pearson Drive. How will this proposed project affect the current homeowners' water issues?
- The owner of the parcel known as 55R Pearson Drive is also the owner of 55 Pearson Drive where a right of way is proposed to provide access/egress to 55R. The previous owner of the property at 55 Pearson trucked in fill dirt to fill-in wetlands. No permits were issued to allow this fill work.

SPECIAL CONCERNS FOR OUR SPECIAL RESIDENTS

- No handicapped units/ADA accessible housing units are planned for the project.
- A disabled 20 year old resident of Pearson Drive who now rides his special adaptive bicycle and uses his walker/wheelchair to walk up and around the cul-de-sac will be in fear of his safety due to increased traffic, coupled with the previously stated current poor road conditions.

Attachment 2

Joanne & Brian Short
57 Pearson Drive
PO Box 71
Byfield, MA 01922

June 29, 2016

Town of Newbury
25 High Road
Newbury MA 01951

CC: Massachusetts Housing

RE: Proposed Byfield Estates

To whom it may concern:

We are writing to you to air our concerns about the proposed Byfield Estates. First we were one of the original owners in this quiet cul-de-sac, we built in 1980. We have raised three children here and have loved the child friendly neighborhood. We were always led to believe that there would be no building behind us because of too many wetlands and Martin Burns Wildlife being so close. In 2012 six houses were proposed in the same area, by the same owner, only to fail all the perk tests. The same owner of the proposed cul-de-sac also owns 55 Pearson drive, we witnessed the former owner of said property having fill hauled in to fill in the wetlands, with no permits issued.

To follow are our concerns:

1. Safety, more vehicles going up and down Pearson Drive, it can barely handle the traffic it has.
2. The deteriorating road being destroyed with heavy equipment going up & down it.
3. Retention pond within feet of our lot line. We have had flooding in our basement in the past when the stream has flooded. Where will the water from the retention pond go if it overflows, into our basement? Also do we really need more water for mosquitos to breed in?
4. Why are none of these homes accessible to our veterans or families who are handicapped?
5. What will happen to the princess pine, jack in the pulpit, lady slippers and all the wildlife that lives out there?
6. What will happen if the septic system fails? Where would they put another one?

-
7. When winter comes, where will the snow be put?
 8. When you buy or build on a cul-de-sac you do not expect another cul-de-sac to be built off of it.
 9. If blasting is needed to get through the ledge, how will that impact our house foundations, wells and septic systems?

Thank you for taking the time to read our concerns.

Sincerely,

A handwritten signature in dark ink, appearing to read "Joanne & Brian Short". The signature is stylized with a large, sweeping "J" and "B".

Joanne & Brian Short

Attachment 3

Megan & Christopher Sargent
75 Pearson Drive
Byfield, MA 01922

To Whom It May Concern,

In 2006 the owner of 55 Pearson drive proposed a building application for a 6 unit development. The soil was perked for Septic and failed. Reference Newbury town records for this information. As a community we are concerned about the proposed sheared septic system they intend to install. Each home on Pearson drive currently operates on a single septic tank. The proposed site of the sheared septic system is abutting wetlands in the proposed plans.

- **Residential Land Uses** – If managed improperly, activities associated with residential areas can contribute to drinking water contamination. Common potential sources of contamination include:¹
 - **Septic Systems** – Improper disposal of household hazardous chemicals to septic systems is a potential source of contamination to the groundwater because septic systems lead to the ground. If septic systems fail or are not properly maintained, they could be a potential source of microbial contamination.
 - **Household Hazardous Materials** – Hazardous materials may include automotive wastes, paints, solvents, pesticides, fertilizers, and other substances. Improper use, storage, and disposal of chemical products used in homes are potential sources of contamination.
 - **Heating Oil Storage** – If managed improperly, Underground and Aboveground Storage Tanks (USTs and ASTs) can be potential sources of contamination due to leaks or spills of the fuel oil they store.
 - **Storm water** – Catch basins transport storm water from roadways and adjacent properties to the ground. Flowing storm water travels, it picks up debris and contaminants from streets and lawns. Common potential contaminants include lawn chemicals, pet waste, and contaminants from automotive leaks, maintenance, washing, or accidents.

There are serious concerns for the taxing of resources. Byfield is currently on a watering ban and has been for the past 7 years we have lived on Pearson drive. The water pressure is low considering standard requirements and the water quality has been poor for some time now. Last year Byfield water informed residents that state water testing indicated the level of chlorine in the water was above the limit. Byfield water was forced to make adjustments in their water treatment plans and was also monitored on a monthly testing basis going forward.

Well water concerns on Pearson drive: Section 2: Land Uses in the Protection Area²

¹ Source: mass.gov Water Assessment and Protection Report

² Source: mass.gov Water Assessment and Protection Report

The Zone IIs for Byfield are a mixture primarily of residential, forest, and wetlands land uses, with a small portion consisting of other uses such as recreation, agriculture, and commercial (refer to attached map for details). Land uses and activities that are potential sources of contamination are listed in Table 2, with further detail provided in the Table of Regulated Facilities and Table of Underground Storage Tanks in Appendix B.³

Key Land Uses and Protection Issues include:

1. Hazardous materials storage and use
2. Residential land uses
3. Comprehensive wellhead protection planning

The overall ranking of susceptibility to contamination for the system is high, based on the presence of at least one high threat land use within the water supply protection areas, as seen in Table 2.⁴

1. Hazardous Materials Storage and Use – Many small businesses and industries use hazardous materials, produce hazardous waste products, and/or store large quantities of hazardous materials in Underground and Aboveground storage tanks (USTs and ASTs). If hazardous materials are improperly stored, used, or disposed, they become potential sources of contamination. Hazardous materials should never be disposed of to a septic system or floor drain leading directly to the ground.

Safety concerns:

There are at least 13 dogs on our cul-de-sac and many small children. We all enjoy walking our dogs and letting our kids ride their bikes without worries. We are a tight knit community that cares about safety. There are no sidewalks and a very narrow entry and exit. There are no stop signs or lights at the entrance/exit of Pearson drive and there are not any proposed with this development project.

Byfield fire department is operated on a volunteer basis only. They are an on call response team. Adding an additional 24 units to an already concentrated area with difficult access points is a huge safety concern. A house already burned down on Pearson drive because the fire department was not able to gain quick access with hoses. It also blocks entry and exit to the rest of the street during an emergency response.

The majority of land on Pearson drive abuts Martin burns property. There is a gun range located in the Martin burns park that is located about 800 yards from the proposed development site. Hunting is also permitted within the Martin burns property. The proposed build will be within close range of the already established hunting and shooting range locations.

³ Source: mass.gov Water Assessment and Protection Report

⁴ Source: mass.gov Water Assessment and Protection Report