



# TOWN OF WEST NEWBURY

## CONSERVATION COMMISSION

381 Main Street, West Newbury, Mass. 01985

TEL: 978-363-1100 x126 FAX: 978-363-1119

RECEIVED

MAY 15 2017

May 15, 2017

WEST NEWBURY  
PLANNING BOARD

West Newbury Planning Board

Dear members of the Board,

The applicant for the development of two lots on the corner of Middle Street and Archelaus Hill Road has shown the Conservation Commission a plan with two driveway crossings from Middle Street. This was an informal discussion, as there has been no filing with the Commission. We discussed the crossings but cannot give you an opinion as to whether the driveway crossings are feasible until a notice of intent has been filed and a public hearing has been held.

Consistent with the Wetlands Protection Act and D.E.P. regulations, the Commission seeks to first avoid, then to minimize, and then to mitigate impacts on the wetlands. We can tell you that a limited project under 310 CMR 10.53:(3)(e) for construction of a new driveway applies only "where reasonable alternative means of access from a public way to an upland area of the same owner is unavailable," and that "reasonable alternative means "may include any previously or currently available alternatives such as realignment or reconfiguration of the project" and that the Commission "may require the applicant to utilize access over an adjacent parcel of land currently or formerly owned by the applicant, or in which the applicant has, or can obtain, an ownership interest."

We can also tell you that the Commission has the discretion under the regulations governing bordering vegetated wetlands – which "are probably the Commonwealth's most important inland habitat for wildlife." 310 CMR 10.54: (1) -- to allow the loss of up to 5,000 square feet if appropriate replication is provided (310 CMR 10.54: (4)(b)). In exercising that discretion the Commission is to consider the "magnitude of the alteration and the significance of the area to the interests [of the wetlands protection act], the extent to which adverse impacts can be avoided, the extent to which adverse impacts are minimized, and the extent to which mitigation measures...are provided..." (310 CMR 10.54: (4) (b)).

Very Truly Yours,

West Newbury Conservation commission

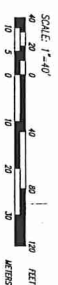
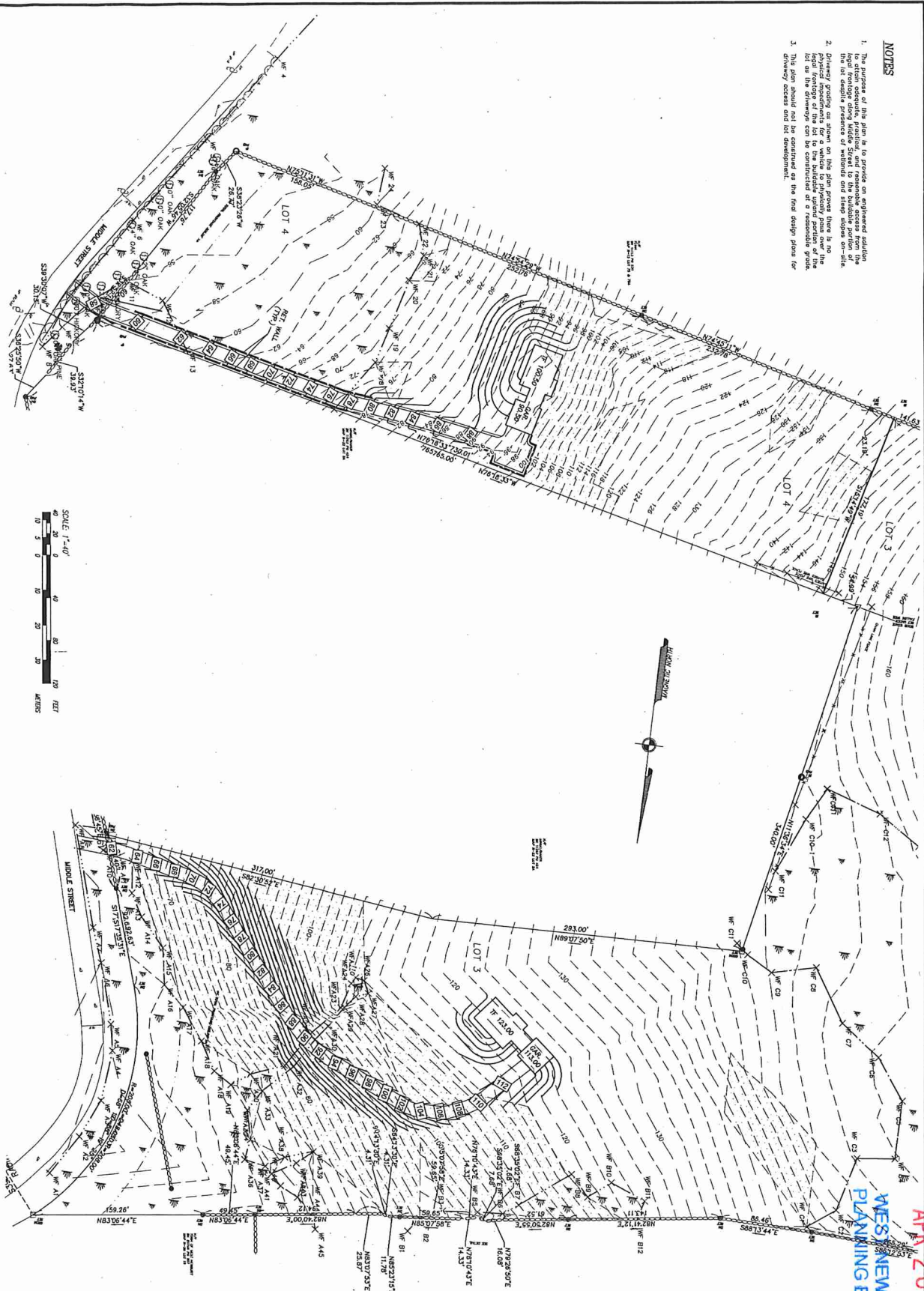
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APR 26 2017

WEST NEWBURY  
PLANNING BOARD

# NOTES

1. The purpose of this plan is to provide an engineered solution for the proposed driveway access to the building portion of the lot along Middle Street to the building portion of the lot.
2. Driveway grading as shown on this plan, there is no proposed driveway access to the building portion of the lot as the driveway can be constructed at a reasonable grade.
3. The plan should not be construed as the final design plan for driveway access and lot development.



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ENGINEERING  
221 ELM STREET, WEST NEWBURY, MA  
PHONE: (978) 388-2157 FAX: (978) 388-0428  
LAND SURVEYORS SINCE 1975  
Visit us on the WEB at [www.sarinett.com](http://www.sarinett.com)

Sketch of Driveway  
Access to Buildable  
Upland

## FORM A

Middle Street  
West Newbury, MA 01985

Gorman Homes, LLC  
3 Archibalds Hill Road  
West Newbury, MA 01985

John Gorman  
3 Archibalds Hill Road  
West Newbury, MA 01985

NO.	DATE	REVISION	DESCRIPTION
1	25 APR 2017		

PROJ. MGR. & BLANDFIRE  
FIELD M. MONTANO, J.A. ROCK  
DESIGN & ENGINEERING  
CHECKED & APPROVED  
DATE: 03/06/17  
FILE  
0387-16205  
SHEET 1 OF 1