



Project No. BOXF-0074

March 17, 2020

Conservation Commission  
Ross Povenmire, Director  
Town of Boxford  
7A Spofford Road  
Boxford, MA 01921

Subject: 41 Kelsey Road Stormwater Permit Application  
ADVA Construction, Tim McManus, Owner/Applicant  
Response to Abutter's comments

Dear Commission Members,

The purpose of this letter is to respond to comments received from your Director via email on March 11, 2020 from the abutters at #38 Kelsey Road which is located across the street from Mr. McManus' project. The comments from the abutters are shown below in italics and, our responses are in the bold text that follows where required.

*Good Morning Mr. Povenmire,*

*We have received the notice for the Public Hearing to be held on March 19 at Town Hall regarding the above application made by Tim McManus. I spoke with you briefly about this matter this morning in your office and I thank you for taking the time to meet with me. I have reviewed the plans available on the calendar entry for the meeting on the town website.*

*I reside with my mother at #38 Kelsey Rd and my family has lived here for 47 years. Our property is directly across the street from #43 and #41. Our property is just under 5 acres and slopes down from #41. Because of our location, we are particularly concerned about the development of #41 and the potential impact the management of stormwater run off could have on our property.*

**We understand the concerns of the abutters, however, it is important to note that the proposed impervious area associated with Mr. McManus' project is approximately equal to the impervious area that existed on the site at the time of the house fire. The pre-existing impervious area (scaled from aerial photos and the assessor's property record cards of the house dimensions) equaled 6,700± square feet of impervious area. The proposed impervious area for the current project equals 6,690± square feet which is a negligible reduction.**

**As discussed at the initial public hearing, we have designed the proposed driveway to be super elevated from north to south (left to right as you are looking up the driveway from the road) in order to direct the runoff into a new infiltration trench along the driveway which will reduce the amount of runoff that would otherwise reach Kelsey Road as was the case in the pre-existing condition. This will also provide additional opportunity for groundwater recharge as well as provide additional storage volume.**

**As part of the Septic System Design Plan we performed a full topographic survey of the property which allowed us to generate a Watershed Map showing the areas tributary to the property and the directions in which they flow for both the pre and post construction period. We also had a site visit with the Planning Board in February to walk the site and also to verify our calculations, see Watershed & Soils Map submitted with the SWPPP for your review.**

**The total tributary watershed area from the limit of our analysis that reaches the site which then in turn reaches Kelsey Road is approximately 4.6 acres and extends from the east-side of Kelsey Road northeasterly across the abutting properties to Killam Hill Road.**

**Based on our survey, a majority of the property conveys surface runoff to the southwest corner of the parcel and the remainder is received by an open ditch located along the property's frontage on Kelsey Road and not towards the parcel across the street. We walked the length of roadway to the south and observed the stormwater runoff from our parcel does flow along the ditch until it is intercepted by an existing catch basin located on the northerly side of Trask Road where it enters the drainage system.**

**While some of the runoff from the entrance to the driveway flows across the street, none of the remainder of the proposed driveway will be sloped in that direction. As can be seen on the Watershed Comparison map, we will be reducing the amount of tributary surface area to the existing corrugated metal pipe that discharges runoff to the abutter's property from 3.6 acres to approximately 3.2 acres.**

*We have specific concerns regarding the existing black pipe which drains from the #41 property. It lies adjacent to the planned driveway. It currently flows under Kelsey Road and empties onto our field across the street. The water then flows down our lot towards a creek which runs beside the old railroad bed. Our well is located in the back yard of our home and it is a shallow well which is under 50 feet. We are concerned about the potential impact this project could have on whatever is flowing from this black pipe and how it could effect our ground water well and or the surrounding vegetation in our field.*

**The existing three (3) inch diameter "black pipe" in question does not flow under Kelsey Road as mentioned above but terminates approximately 3 feet up-gradient of the existing 12" metal pipe that then flows under road and discharges onto the property of the abutters.**

The black pipe appears to be a drain of some sort that seems to have continuous flow based on my visit as well as all the visits and observations from the Applicant. During our visit it appeared that the flow coming from the pipe was trapped in a low area which is approximately 2' lower than the entrance to the driveway and exfiltrates into the ground before reaching the 12" metal pipe. We do however realize that the 12" metal pipe was installed for a reason so at certain times after a heavy rainfall event the discharge from the 3" black pipe would co-mingle with the runoff heading from the entire tributary area and would discharge under Kelsey Road and across the street.

*The current plans do not mention this pipe. Nor do they they include any research or study into it's source. It is criticle to know the source in order to understand any impact.*

The pipe is labeled on the plans in the northwest corner. The surveyor gave it a description of "Plastic Pipe", however, it does appear to be some other material as the end is brittle.

Based on the direction of the pipe and the angle of Mr. McManus' property line, we presume that the origin of the 3" black pipe is on the abutting property to the north of us located at 45 Kelsey Road for agricultural use as it appears, they have a paddock area with horses. However, the abutting property owner never mentioned it during our site visit with the Planning Board on February 29, 2020 so that may not be the case, or, the pipe pre-dates the current owners which is also a possibility. In our experience, property owners do not file records with Towns when putting in drainage pipes on private property.

We did research this property and the abutting properties with the Building Department, the Board of Health and the Conservation Commission and uncovered no records of a pipe being installed on any of the records on file with the Town of Boxford.

On February 20, 2020 a site visit was conducted by Mr. Christopher Olbrot, Department of Public Works (DPW) Superintendent and he offered the following comment concerning the pipe in question to your Director.

"The proponent/contractor should be advised that the invert shown in the NW corner of the plan (3" inv.) by the road was actively flowing most likely mitigating groundwater. The pipe location is NOT shown on the plans and as such it is difficult to ascertain the exact location within the subject parcel. Nevertheless, the area along the north side of the parcel shall be avoided from heavy equipment storage and excavation kept to only the minimum necessary to maintain the integrity of the pipe. If the pipe is encountered, damaged or otherwise compromised the contractor shall notify the Town Engineer immediately. The concern is that and damage to the pipe could create groundwater breakout and contribute to runoff into Kelsey Rd. as opposed to maintaining the controlled flows to the existing culvert as currently designed. It is in the interest of both the town and contractor to maintain the current design to avoid negative drainage impacts."

After reading the comments from Mr. Olbrot he instructed his contractor not to perform any activity or heavy equipment storage or excavation along the north property line as directed in order to avoid any damage to the pipe. (Note, this occurred before additional comments were received by Mr. Olbrot in an email received on March 12, 2020 which will be addressed in a separate letter)

*We object to the approval of this application until due diligence is performed. We ask for research of this drainage pipe. We feel it is necessary to understand its source and what impact the plans for this Stormwater Management Application may have on it. We are very concerned about it's potential impact on our property and we also ask that any remedies that may be required be performed to ensure our well water and land is protected.*

We understand the concerns that the abutter's have raised, however, we have researched all available information provided by the Town, MassGIS, the Registry of Deeds and MassDOT so our due diligence has been performed.

The Applicant is willing to have his contractor uncover the pipe to be able to ascertain the origin of the pipe but should it cross onto the neighbor's property the search will terminate at the property line.

It is important note that the removal of an existing house and driveway and replacement with a new house and driveway will have no adverse impact on the abutter's property or well. As described above, the Applicant is committed to improving the current conditions by sloping the and installing an infiltration trench as well as reducing the amount of runoff from the project site towards the existing 12" metal pipe.

Pursuant to our site visit with the Director to inspect the limit of clearing, a new line of Siltfence backed with silt soxx was installed along Kelsey Road and lines of Siltfence along the side lot lines for erosion control. It was agreed in the field that Siltfence was not warranted at the top of the hill so, in place thereof, construction fencing was installed along the limit of work line. The trap-rock construction entrance from Kelsey Road was agreed to as adequate and it was apparent that it was performing as intended.

We trust that this information adequately responds to the comments from the abutter and will allow the Applicant to obtain the Stormwater Permit for the project. Please feel free to contact me directly if you have any questions on any of the information presented above.

Very truly yours,



Peter M. Blaisdell, Jr., P.E., P.L.S.,  
Project Manager

Cc: Tim McManus