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June 17<sup>th</sup>, 2016

Town of Amesbury  
Planning Board  
c/o Community & Economic Development Department  
Attn: Mr. Nipun Jain, City Planner  
62 Friend Street  
Amesbury, MA 01913

Stantec Consulting Services, Inc.  
Mr. Michael Leach  
5 Dartmouth Drive, Suite 101  
Auburn, NH 03032

RE: BC Realty Trust, Applicant – Property: 47 ½ - 57 Kimball Road – Request for Waivers – Peer Review

Dear Mr. Jain and Mr. Leach:

Relative to the above-referenced, this letter is being provided to address the comments contained in the design review Memorandum provided by Stantec Consulting Services, Inc. dated September 23, 2015. Stantec's comments are recited, below, as the numbered comments, with the Applicant's responses following.

**General Comments:**

1. We understand that the project application information has been reviewed by the Board of Health, Conservation Commission, Fire Chief, Police Chief, and Department of Public Works in accordance with section 6.01.3 of the Subdivision Rules and Regulations. We recommend the Applicant update the project information and address the comments and concerns for each Department, as applicable.

The Applicant will supplement the comments and concerns provided by each Department, as applicable.

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2. The Applicant indicates seven (7) subdivision waivers on the plan title sheet. However, the Applicant has not provided a written waiver request to the Planning Board for the waivers noted on the plans or provided supporting information for each waiver request to the Amesbury Subdivision Rules and Regulations per Section 1.05 of the regulations. The following waivers are noted on the plan:
- A. Section 6.02.12 relative to trees over 12". The Applicant has shown trees along the edge of Kimball Road only on the plans.
  - B. Section 7.09.G relative to roadway curbing. No curbing is provided with the design.
  - C. Section 7.09.H relative to sidewalks. No sidewalks are provided with the design.
  - D. Section 7.09.I relative to street tree spacing. Trees are shown along the common driveway only at an interval of 35 feet as noted by the Applicant.
  - E. Section 7.09.K.2 relative to size of the cul-de-sac size and vehicle access. The Applicant notes the design is capable of access with vehicles having a 30 ft. wheel base.
  - F. Section 7.13 relative to street lighting. The Applicant notes private yard lamps are proposed, but none are indicated on the plans.
  - G. Section 8.10 relative to water line size. The Applicant proposes a 6" water line that is less than the 8" minimum.

We recommend the Applicant provide a written request for each waiver with justification for consideration by the Board in accordance with the regulations.

The Planning Board may, in special and appropriate cases, waive strict compliance with such portions of its Rules and Regulations, as provided for in M.G.L. Chapter 41, Section 81-R, its Subdivision Regulations and Zoning ByLaw, where such action is in the public interest and not inconsistent with the purpose and intent of the Subdivision Control Law. Waivers may be granted for projects which provide, in the opinion of the Planning Board, clear and significant improvements to the quality of a project compared with a project which meets the minimum of the subdivision regulations. Please accept the following waiver requests and supporting information from the Subdivision Regulations and Zoning Bylaws.

**Subdivision Waivers requested:**

- A. Section 6.02.12 relative to trees over 12".
- B. Section 7.09.G (and 7.09K.8) relative to roadway curbing.
- C. Section 7.09.H relative to sidewalks.
- D. Section 7.09.I relative to street tree spacing.
- E. Section 7.09.K.2 relative to size of the cul-de-sac and vehicle access.
- F. Section 7.09 K.10 relative to Common Access Driveway paved width and surface.
- G. Section 7.13 relative to street lighting.
- H. Section 8.04 relative to the drainage requirements for catch basins and the traditional handling of stormwater in favor of the low impact design (LID) shown on the plans.
- I. Section 8.10 relative to water line size.

Per Section 1.05 of the Subdivision Regulations, the justification for each waiver is as follows.

- A. The Applicant requests that the Planning Board waive the requirement of Section 6.02.13 (inadvertently referenced in Stantec's letter as 6.02.12) relative to the depiction of trees of 12" diameter being shown on the plan. The reason for such waiver is that the site consists of a large existing tract of woodland, and the survey, location and depiction of

those trees on a plan would be unduly time-consuming, burdensome and costly. As a general statement, the older growth trees are located to the rear of the property in the area to be preserved as permanent open space, and the proposed development area contains less mature trees. Approximately one-third of the site will remain as protected open space. The plan does not show trees of a 12" diameter within the areas proposed for development, because the applicant proposes to landscape the individual lots and plant new trees in appropriate locations with respect to the proposed improvements.

- B. The Applicant requests that the Planning Board waive the requirement of Section 7.09.G (and 7.09K8) relative to roadway curbing, for the reason that the proposed common driveway shall be maintained as a private way by the individual lot owners, and the installation and maintenance of curbing would be cost prohibitive and impractical for a subdivision of this size. Curbing would detract from the intended rural setting of the common driveway, and affect the design of the drainage system affecting the lots. Given the size of the subdivision (five residential lots accessed by the common drive), the fact that a homeowner's association may be set up so that the owners of the lots will be responsible for the maintenance of the drainage improvements, and the common driveway will be constructed with an all-weather surface road base, this waiver serves the public interests.
- C. The Applicant requests that the Planning Board waive the requirement of Section 7.09.H relative to sidewalks, for the reason that the proposed common driveway is to be constructed to a relatively short length, serving only a small number of residences. There is no sidewalk existing on Kimball Road in this area. The foot traffic anticipated on the common access driveway would be minimal, and safe pedestrian access may be provided within the limits of the common driveway itself. Vehicles using the Common Access Driveway will be doing so at a reduced speed. The construction of a sidewalk would reduce open space and detract from the rural effect of the development. This waiver serves the public interests.
- D. The Applicant requests that the Planning Board waive the requirement of Section 7.09.I relative to the location of street tree spacing, for the reason that the required spacing of "approximately thirty foot (30') intervals" would interfere with the location of utility lines and proposed driveway openings. The Applicant intends to maintain existing trees to the extent possible within the development which are compatible with other features of the environment.
- E. The Applicant requests that the Planning Board waive the requirement of Section 7.09.K.2 relative to the cul-de-sac size and vehicle access. A design of a larger size would detract from the layout and scale of the subdivision. As designed, emergency vehicles may safely access and exit the site. A cul-de-sac is proposed in lieu of a "hammer head", "T" or "Y" configuration.
- F. The Applicant requests that the Planning Board waive the requirement of Section 7.09.K.10 relative to the paved width and surface of the common access driveway for the reason that ingress and egress to the lots may be maintained in a safe manner for the houses using the common access driveway. The driveway, as proposed, will maintain the rural setting of the private development in conjunction with the needs for public safety.
- G. The Applicant requests that the Planning Board waive the requirement of Section 7.13 relative to the location of street lighting. Private yard lamps will be selected and provided to ensure that the lack of street lighting will not present a significant safety

problem to the lot owners, will not infringe on the rights of adjacent property owners, and will be capable of being maintained at a reasonable cost to the lot owners who will ultimately be responsible for their maintenance and repair. It is anticipated that the yard lamps will be located on each lot within ten feet of the Common Access Driveway sidelines. Yard lamps have been added to Sheet 8 of the plans.

- H. The Applicant requests that the Planning Board waive the requirement of Section 8.04 relative to traditional methods of stormwater drainage in favor of low impact design (LID) shown on the plans. The plans, drainage calculations and stormwater management controls comply with the requirements of the overlay district, and are designed to maintain the rural aesthetics of the development.
- I. The Applicant requests that the Planning Board waive the requirement of Section 8.10 relative to the proposed water line diameter. As designed, the minimum recommended fire flow shall be assured with a 6" water main, as will the minimum recommended residual pressure. A 6" water main will be sufficient to provide the maximum daily domestic demand for the residences. The water main will never be extended to abutting properties, nor will it serve additional residences beyond the number shown on the plan. The Department of Public Works was consulted and approved a 6" water main to service the site.
- J. The Applicant requests that the Planning Board waive the requirement of Section 8.10 relative to water line size, which waiver is satisfactory to the Amesbury DPW. The water line as proposed will be sufficient to handle the water needs of the development.

3. The Applicant notes two waivers to the Zoning Bylaws on the plan title sheet. However, the Applicant has not provided a written waiver request to the Planning Board for the waivers noted on the plans or provided supporting information for each waiver request. The following waivers are noted on the plan:

- A. Section XI.D-3.b.b.8 relative providing building plans prepared by a registered architect.
- B. Section XI.D-6b.9 relative to minimum yard requirements. Proposed lots 4 and 5 do not comply as proposed. In addition, the Applicant further notes variations to the frontage and width requirement in the Site Zoning Table on the cover sheet that are not specifically associated with a zoning section waiver. These variations should be defined and clarified relative to the Zoning Bylaws for consideration by the Board.

We recommend the Applicant provide a written request for each waiver with justification for consideration by the Board in accordance with the regulations.

#### **Zoning Waivers requested:**

- A. Section XI.D-3.b.b.8 relative to providing building plans prepared by a registered architect.
- B. Section XI.D-6b.9 relative to minimum yard requirements. Proposed lots 4 and 5 do not comply as proposed. In addition, the Applicant further notes variations to the frontage and width requirement in the Site Zoning Table on the cover sheet that are not specifically associated with a zoning section waiver. These variations should be defined and clarified relative to the Zoning Bylaws for consideration by the Board.
- C. Section XI.O.2.h relative to a storage shed for trash.

The justification for each waiver is as follows.

- A. The Applicant withdraws the request for waiver A, outlined above, and in lieu thereof, submits the attached proposed building plans showing the information required under the ByLaw. It should be noted that, during construction, the plans may be modified to accommodate availability of and variations in materials, unanticipated site conditions, and requests of an individual purchaser, but that the builder intends to construct the residences in accordance with the submitted plans.
  - B. The Applicant requests a waiver for front setbacks for Lots 4 and 5 on the plan, from the required 25 feet, to a requested 15 feet. Such a waiver, pursuant to Section XI.D-6b.9 of the Zoning Bylaw, may be made in the discretion of the Planning Board "to protect or enhance the primary and secondary resources as defined in 3.a." The Applicant deliberately configured Lot 5 (which by implication affected Lot 4) to locate a residence and yard on each lot to protect wetlands resource areas on Lot 9. Specifically, the Lots, as designed with a 15 foot front setback, will eliminate the need to conduct any work within a wetlands buffer zone or resource area. Further, the front setback for each Lot is reduced to 15 feet by the depiction of Parcel Y, which if retained by the Applicant, would otherwise have allowed it to maintain a 25 foot front setback.
  - C. The Applicant requests a waiver from Section XI.O.2.h relative to a storage shed for trash. The Applicant disfavors the use of sheds as they require maintenance, and since they are prohibited from facing the public road upon which they are located, trash contractors with mechanical pickup devices attached to their vehicles cannot use them. As to those lots accessed via the CAD, the Applicant will be requiring individualized, private trash pickup.
4. We recommend the Applicant address/provide the following information relative to cluster residential plan requirements under section XI.D3.b of the Zoning Bylaws:
- A. Distances between buildings and lot lines as proposed (b.11);
  - B. Percent building coverage as proposed (b.12);
  - C. Average Height of each building as proposed (b.13);
  - D. Number of parking spaces as proposed (b.17);
  - E. Total square feet of all landscaped and recreational areas as proposed (b.19);
  - F. Projected traffic flow (b.21).

The review suggests that the following items are required under Section XI.D3.b of the Zoning Bylaws. It is our opinion that all of these items are only applicable to sites where there are multiple buildings on one lot and are not practically applied to single family house lots. Atlantic has addressed these items where appropriate.

Notwithstanding, the information requested in Stantec's comment is noted on the plans, as revised. The plans show zoning setbacks on each lot.

- A. The plans, as submitted show the front, side and rear setback lines for each lot along with the proposed building locations. Each building complies with the required setbacks if the plan is approved as prepared. The distances between buildings is as follows:

Lot 1/Lot 2: 34 feet;  
 Lot 2/Lot 3: 78 feet;

Lot 2/Lot 6: 214 feet;  
Lot 3/Lot 6: 196 feet;  
Lot 3/Lot 4: 94 feet;  
Lot 4/Lot 5: 65 feet;  
Lot 4/Lot 8: 41 feet;  
Lot 8/Lot 5: 90 feet;  
Lot 8/Lot 7: 62 feet; and  
Lot 7/Lot 6: 71 feet.

There are no buildings proposed for Parcels X and Y and Lot 9.

- B. A table showing this information has been added to Sheet 1. The percent building coverage for each lot is as follows:

Lot 1: 13.3%  
Lot 2: 11.8%  
Lot 3: 13.3%  
Lot 4: 16.5%  
Lot 5: 9.0%  
Lot 6: 8.9%  
Lot 7: 8.4%  
Lot 8: 11.2%

- C. A building height note has been added to Sheet 1 of the plans. Each of the proposed buildings is a single-family residence and will comply with the zoning code. The average height for any building proposed as a Cape style building is 20-25 feet, and 25-30 feet for a Colonial style building.
- D. A parking note has been added to Sheet 1. In compliance with the zoning code, the number of parking spaces as proposed shall be in excess of 1.5 spaces for each of the Lots 1-8, inclusive, the minimum required for a single family residence..
- E. This item cannot be practically addressed. The Applicant believes that this information applies to common areas, not private yard areas on individual lots. Notwithstanding, the total square feet of all landscaped and recreational areas (excluding impervious areas) as proposed is approximately as follows:

Lot 1:  $\pm$  6,000 s.f.;  
Lot 2:  $\pm$  6,500 s.f.;  
Lot 3:  $\pm$  6,000 s.f.;  
Lot 4:  $\pm$  3,500 s.f.;  
Lot 5:  $\pm$  10,000 s.f.;  
Lot 6:  $\pm$  10,500 s.f.;  
Lot 7:  $\pm$  11,500 s.f.;  
Lot 8:  $\pm$  6,500 s.f.

These calculations will vary depending upon the extent of the yard areas requested by individual lot buyers.

- F. Current traffic flows will be minimally affected. The development will not generate 100 or more new inbound or outbound trips during peak travel hours. Anticipated projected traffic flows are well below the recommended minimum thresholds for the number of trips which would necessitate a traffic impact assessment.

5. The project design appears to imply that the lots 6, 7 and 8 have frontage on a public way and we note the common driveway right-of-way on sheets 6, 7 and 10 is labeled as "Proposed Road". However, the application information and note 17 on the cover sheet indicate the right-of-way is to be Common Access Drive (CAD), but frontage along the CAD cannot be used to satisfy Zoning requirements per Section XI.O.2.n.1 unless waived by the Board. Thus, we recommend the Applicant properly label the CAD on all plans and submit a written waiver request with justification for the Zoning Bylaws for consideration by the Board as required, if this is the design intent of the project. In addition, the notes on the cover sheet shall be updated to include the statement that "The Common Access Driveway (CAD) shall not become a public or private way maintained by the City" as stipulated in Section XI.O.2.f of the Zoning Bylaws.

Regarding comment 5, the Applicant hereby requests a waiver from Section XI.O.2.n.1 of the Zoning Bylaw, such that the Common Access Driveway ("CAD") may provide frontage for Lots 3, 6, 7 and 8 shown thereon. Lot 4 may also be accessed via the CAD, although its frontage is anticipated to be Kimball Road. The plans have been being revised to consistently and properly label the "Proposed Road" as a "Common Access Driveway" and also to comply with the mandate contained in Section XI.O.2.f of the Zoning Bylaw. The CAD shall remain a private way to be maintained by the individual lot owners. The CAD will provide safe and adequate access to all lots fronting thereon. The City of Amesbury shall have no responsibility to improve or maintain it. There shall be no further development of the site where it abuts Kimball Road. Kimball Road is a public road right-of-way which meets minimum right-of-way standards.

On the relevant plan sheets, the Common Access Driveway has been re-labelled to "Common Access Driveway". A note has been added to both Sheet 1 (note 22) and to Sheet 5 that "The Common Access Driveway (CAD) shall not become a public or private way maintained by the City".

6. The project proposes a Common Access Drive (CAD) design that will serve five lots and the Applicant is requesting a special permit under section XI.O of the Amesbury Zoning Bylaws. We note the proposed CAD is located along the inside portion of a curve along Kimball Road, and there is a concern that proper and safe sight distance may not be provided. We note that the project design information does not include a sight distance plan to clarify proper and safe sight distance is achieved per section 7.09.D.2 or the regulations. We recommend the Applicant provide an intersection sight distance plan with certification from a licensed professional engineer that proper and safe all season sight distance is achieved upon completion of the CAD and site improvements. The plans should specify all work needed to achieve the sight distance for proper construction.

As to comment 6, the Applicant shall provide Stantec with the requested plan and profile for Kimball Road showing the area of the proposed CAD. The Common Access Drive serves three lots. The additional two driveways are allowed as the lots have frontage on Kimball Road. The

driveways have been relocated in order to reduce the number of driveway entrances onto Kimball Road. Since the CAD is located along the inside portion of a curve, in order to increase sight distances and enhance safety, the Applicant also proposes conveying Parcel Y as shown on the plan for the purpose of expanding the Kimball Road layout and diminishing the severity of the existing turn, in which area the Applicant proposes to remove all of the trees. Parcel Y will be restricted by limiting the allowed planting heights within it. In order to minimize curb cuts on Kimball Road, the Applicant proposed that the access to five lots be located on the CAD.

A new Sheet 10 has been added to the plan set. This plan shows a plan view of the site distances and a profile of the right and left sight lines. The sight lines comply with the City regulations for safe sight distance with the removal of the specified trees. The tree removal and grading shown on the plans represent the work required to achieve the required site distances.

7. The proposed design indicates the project development will be outside the 100 foot wetlands buffer. We recommend the Applicant confirm the 100-foot buffer location with the Conservation Commission (6.02.13).

Relative to comment 7, the appropriate filings will be submitted to the Conservation Commission for Lots 5, 6 and 7, the only lots in which a portion of their areas is located within the 100' buffer zone of wetlands, if work is to be performed within the buffer zones. The Applicant at this time does not intend to conduct any site work within the buffer zone, but if it does, it would submit either Requests for Determinations of Applicability, or Notices of Resource Area Delineations upon which the Conservation Commission will rule. It is anticipated that the Conservation Commission has already or will communicate its findings to the Planning Board.

8. The project subdivision design includes "Parcel X", but the plan or the plan notes do not appear to explain the parcel intent or designate that the parcel is non-buildable as it appears. Please provide additional notes and information as to the intent of Parcel X. This should include the ownership and drainage system maintenance responsibilities acceptable to the Planning Board.

As to comment 8, the plan will be revised to designate that Parcel X is "Not a building lot." A runoff and drainage maintenance area is to be located on Parcel X. Parcel X will be owned and maintained by a Homeowner's Association. It will be burdened by a cross-easement with the Open Space parcel to ensure access to both parcels for future maintenance.

9. The project proposes development in the Water Resources Protection District under a special permit request noting that the development would render more than 15 percent of the lots impervious. We recommend the Applicant provide a summary table that clarifies the percent impervious area that is proposed for each lot for consideration by the Board under the special permit request.

Regarding comment 9, the Applicant contends that the intent of the provision pertaining to the impervious area refers to the area of the entire site, not to individual lots to be created by the subdivision of the site. The large area of the Open Space is provided for the purposes of maximizing the amount of areas which will remain impervious. As proposed, 30,679 square feet of area of the entire site of 842,105 square feet will be rendered impervious, or 3.6%. Notwithstanding, a table has been added to Sheet 1 showing the lot areas, building areas, impervious areas and percentages of building areas relative to each lot and impervious areas for lots 1 through 8. It also shows the same information for the open space lot (Lot 9) and for the site

in total. Section IV Section I.B.7 of the Zoning Bylaws apparently applies to this site as it is located in Zone C of the Water Resource District. Considered separately, individual lots exceed 15% or 2500 square feet, whichever is greater, of impervious areas. Impervious areas are exceeded only because the lots being created are being done so pursuant to cluster zoning allowances. When the overall site area is considered in conjunction with the open space area, a maximum of 3.6% of the site will be rendered impervious, which is well under the 15 percent threshold.

10. We recommend the Applicant update the project plans to address the following items of the Subdivision Rules and Regulations:
  - A. Revise the locus map on the cover sheet to indicate the proposed driveway and the location of the Zoning Districts applicable to the site (6.01.b). In addition, please update the project plans as applicable to indicate the Water Protection Overlay District (6.02.4).
  - B. Revise the title blocks of the plans to include the Owner's name and address (6.02.1)
  - C. The proposed grading/topography associated with proposed lots 1 and 2 is incomplete on sheet 6. Please revise to provide proposed grading for the entire site development area per section 6.02.16 of the regulations.
  - D. Revise the utility plan to label the type of existing sewer pipes, existing water pipes and gas pipes and material, pipe material/type of the proposed sewer service, the size, material and type of water services per 6.02.17 of the regulations. We note the location of the water services for lots 1 and 5 appears incomplete. In addition, the underground utilities (electric telephone, CATV, gas) to the dwellings are missing from the utility plan (6.02.17). Please update the plans to include the pertinent information accordingly. In addition, please provide utility provider letters indicating that the proposed utility service is available to the serve the project for the Planning Board's file.
  - E. The need to extend the municipal sewer along Kimball Road to serve lot 3 is unclear since the dwelling can be serviced from the CAD at SMH#1 with less sewer pipe and less impact to Kimball Road. We recommend the sewer utility design be revised accordingly.

As to comment 10.A, the locus map has been revised to show the Common Access Drive and to indicate the applicable zoning districts. The entire locus is in the R40 zone and Zone "C" of the Watershed Protection District.

Regarding comment 10.B, the Owner's name and address has been added to the Title Block.

Stantec's comment 10.C has been addressed by revising Sheet 6 of the plan to show the entire area of site grading.

Regarding comments 10.D and 10.E, the Utility Plan, Sheet 8, has been revised to show the existing sewer pipe size and type and the existing water pipe size and type. The Amesbury Department of Public Works is satisfied that the proposed sewer location for Lot 3 is acceptable. The Applicant proposed the sewer line for Lot 3 extending from Kimball Road to avoid locating a service location twelve feet below the proposed foundation, which would be necessitated if SMH # 1 in the CAD is to be accessed. The area of Kimball Road adjacent to Lot 3 will be disturbed by the CAD construction in any event, so there is no additional detriment should the sewer line be located as proposed. The gas main size has not been provided to us. The various

utility providers will determine the final specifications and materials for the proposed new utilities noted in comment 10.D. The water service location for Lot 1 is now shown on Sheet 8. The water service location for Lot 5 is shown by note on Sheet 8 and is shown in the plan view on sheet 9. Underground utility service drops for electric, gas, telephone and CATV are under the control of the individual providers and the locations of them are determined after approval of the plans and verified at the time of construction. All specifications and locations of utilities will comply with the City's regulations. It is anticipated that the premises will in fact be serviced by municipal water and sewer, and electricity and natural gas by National Grid. The City regulations do not require service provider letters.

11. We recommend the Applicant address the following relative to the CAD:
  - A. The profile design indicates grades in excess of 4% within 25 feet of the Kimball Road right of way and does not comply with section 7.09.K.7 of regulations. Please revise the design in compliance with the regulations.
  - B. The profile on sheet 9 does not provide the centerline profile along the driveway center of pavement in the cul-de-sac as anticipated and necessary to clarify the minimum 1% slope is provided section 7.09.K.3 of regulations. We note the grading within the cul-de-sac, especially along the edges shown on sheet 6 does not appear to provide the minimum slope of 1% per section 7.09.K.5 of regulations. Please revise the profile alignment to be along the centerline of the entirety of the driveway to clarify the design is in compliance with the regulations.
  - C. We note the Applicant is requesting a waiver for curbing under 7.09.G for roadways but section 7.09.K of the regulations applies to the CAD. Section 7.09.K.6 requires slope granite curb at the roundings with Kimball Road and section 7.09.K.8 notes different curbing is required based upon the slope of the CAD. Please revise the design accordingly or revised the waiver request to address curbing as related to the CAD for this project. If the Board decides to grant the requested waiver, we recommend a two (2) foot gravel shoulder be provided to support the edge of pavement without curbing.
  - D. The requirements for catch basins and methods of handling stormwater as noted in section 7.09.K.10 and in section 8.04 are not provided. We note the submitted information indicates a Low Impact Design (LID) method is proposed, but a waiver to the above drainage requirements was not provided. The Applicant should review and revise the design to include the required storm drainage structures of the regulations or submit a waiver request for Planning Board consideration.
  - E. We recommend a paved waterway/swale be provided from the cul-de-sac pavement edge to the riprap apron to prevent erosion of the pavement edge.

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- F. The grading design of the CAD on sheet 6 appears to direct all the stormwater runoff to lot X, but it is unclear how the runoff would be maintained across the unpaved center portion. Please provide sufficient spot elevations for clarity and proper construction. In addition, please clarify how runoff would flow if snow is stored in the center of the cul-de-sac.
- G. The CAD cross slope design indicates all runoff would be directed toward the swale located along the northerly side of the roadway. We are concerned that driveway icing may occur if snow is stored along the southerly roadway shoulder. We recommend that the Applicant provide additional information on the proposed snow storage method to be utilized for this CAD design.
- H. We recommend a 20 foot wide easement for suitable access to the open space be provided from the cul-de-sac per section XI.D.8.e of the Zoning Bylaws. In addition please provide appropriate legal documents for the proposed open space area per section XI.D.9 of the Bylaws acceptable to the Board.
- I. We recommend that the proposed driveways have pavement roundings of a minimum three feet or as acceptable to the DPW.
- J. We recommend that the proposed location of the mailboxes per section XI.O.2.g of the Zoning Bylaws be shown on the plans.
- K. We recommend that the Applicant clarify the intent of the trash and recycling storage and if a shed would be utilized per section XI.O.2.h of the Zoning Bylaws.

Regarding comment 11.A, the profile on Sheet 9 has been revised. The proposed elevation at the beginning of the vertical curve = 136.5 feet and at the mid-point of the vertical curve = 136.302 feet, which yields a road grade of 1.3%. The elevation at the existing vertical curve = 135.708 feet, which yields a road grade of 3.96%, for a total vertical curve of 30 feet in length thereby satisfying Section 7.09.K.7 of the Planning Board Rules and Regulations.

A new cul-de-sac detail has been added on Sheet 10 indicating spot elevations and a centerline profile has been incorporated into the drawing insuring a minimum grade of 1% is maintained. The gutter grades of the cul-de-sac are indicated on sheet 6 of the plans, which provide grades of 1% and 1.9%.

Concerning comment 11.C, the Applicant believes that a waiver from the provisions of section 7.09.G requesting that no curbing be required would by implication serve as a request for a waiver from section 7.09.K. Regarding the suggestion for a two (2) foot gravel shoulder, the Applicant requests that in lieu thereof, it be allowed to plant grass to the edge of the CAD, which would result in a lesser maintenance cost to the homeowners and be more aesthetically pleasing in the context of the development.

As to Comment 11.D, the Applicant notes that sections 7.09.K.10 and 8.04 relate to methods of handling stormwater and the structures used in connection therewith. The Applicant requests a waiver of these sections of the ByLaw, and submits that the Low Impact Design (LID) method as proposed and shown on the Plans is adequate to address all stormwater matters. Since a manhole and catch basin system was not designed or proposed, the Applicant desires to clarify that a waiver is being sought.

Regarding comment 11.E, the plan is revised to address this comment. The paved waterway has been added and shows on several of the plan sheets.

Pertaining to comment 11.F, the cul-de-sac is sloped so that runoff is directed to Parcel X. The plan has been revised to show spot elevations on Sheet 10. In conjunction with the profile plan, Sheet 9, runoff may be verified to flow towards Parcel X. The unpaved portion of the turnaround is an unpaved landscaped island, and will not be used for snow storage.

Addressing the comments contained in Comment 11.G, the Applicant notes that the roadway will be paved to a twenty (20) foot width. The design is appropriate to the project. The Applicant does not intend to store snow on the southerly roadway shoulder. The homeowner's association will direct that proper snow removal activities will be undertaken. It is a private area and will be the responsibility of the owners to care for the roadway. Icing should not occur any more than it will on any other roadway surface. The main portion of the road has a grade in excess of 4% which allows water to flow freely without icing.

Concerning comment 11.H, it should be noted that, if the City accepts title to the Open Space, all lots will have public rights of access to it. The site already has three access points available to the public if the City takes ownership of the Open Space lot. Two access points are from Kimball Road and the third is from the right of way off of Lake Attitash Road. An additional access point from a PRIVATE common access driveway is not warranted or necessary. If the City declines to accept title to the Open Space, all lots will either have direct, immediate access to the proposed Open Space, or will be provided such access via indefeasible easement over abutting lots in the subdivision or over Parcel X. The Applicant therefore declines to provide a 20 foot wide easement under Section XI.D.8.e of the Zoning Bylaw. Draft legal documents for the Open Space are attached.

As regards comment 11.I, driveway roundings of a 3 foot radius have been added and the plan is revised to address this comment. They are not shown in a specific plan view; however, a note has been inserted to that effect on Sheet 6 stating the requirement and a detail has been added on Sheet 13.

As to comment 11.J, the Applicant will be proposing one mailbox to service all of the homes in the subdivision, in a location to be approved by the Amesbury Postmaster. The plan will be revised to show the location. The mailbox location has been added and shows on Sheet 6 and Sheet 8. No detail is provided as the construction requirements are defined by the postal service.

Relative to comment 11.K, the Applicant requests a waiver for a shed pursuant to Section XI.O.2.h of the Zoning Bylaw. A waiver request has been added to Sheet 1. The Applicant disfavors the use of sheds as they require maintenance, and since they are prohibited from facing the public road upon which they are located, trash contractors with mechanical pickup devices attached to their vehicles cannot use them. As to those lots accessed via the CAD, the Applicant will be requiring individualized, private trash pickup.

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12. We recommend the Applicant address the following relative to the grading design shown on sheet 6;
- A. Please provide additional spot elevations for the driveway serving lot 4 to clarify the intended drainage design and for proper construction.
  - B. Please provide additional existing contours and proposed spot elevations for the driveways serving lots 1, 2 and 5 to clarify the intended drainage design and for proper construction. Will the driveways drain into Kimball Road?
  - C. Please label the height and type of wall that is proposed at lot 5 and include a detail for proper construction. We recommend the Applicant provide a proper wall design acceptable to the Building Department prior to construction.
  - D. The proposed grading for the drainage swale extends beyond the property line of Parcel X to the northwest onto the open space lot - lot 9. In addition, a riprap weir is shown upon lot 9, but these improvements do not appear to be encumbered within a drainage easement for future maintenance for the benefit of the subdivision on sheet 7. Please review and clarify if an easement is needed as related to parcel X and as acceptable to the Planning Board.
  - E. The grading shown between lots 4 and 5 adjacent to Kimball Road indicate filling, but it is unclear if the proposed runoff is directed toward Kimball Road. Please provide additional spot elevation to clarify the proposed grading intent.
  - F. The grading design implies nearly all of the proposed lot areas outside the 100 foot buffer would be disturbed. Please clarify how the proposed subdivision design has complied with section 7.05 (Protection of Natural Features) of the regulations and is acceptable to the Planning Board.

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- G. The proposed chambered infiltration system located on Parcel X has a bottom of chamber elevation of 120.97, as noted in the detail on sheet 11. This implies that the bottom would be located approximately 10-13 feet below the existing ground elevations along the easterly portion of the system. However, test pit #2 at elevation 131.4 was only excavated to a depth of 7 feet. In addition, the westerly portion of the proposed chamber system is indicated to be approximately 6-7 feet below the existing ground, but test pit #3 at elevation 127.2 is only excavated to 6 ½ feet below the existing ground. Based upon the information provided, it is unknown if the proposed chamber system could be installed without encountering ledge or the water table and be installed to provide a minimum two foot separation to the water table as required. In addition, it is unknown if the soils at or below the proposed chamber bottom area would be suitable for infiltration. The Applicant shall obtain and provide additional information to clarify and support the proposed chambered infiltration design can be properly installed acceptable to the Planning Board.
- H. The design grading at lots 6 and 7 for the proposed infiltration trenches along the driveways indicates the trenches are placed in fill, and not placed in natural soil consistent with the DEP design intent. We note that the plan states perforated pipes are to be placed in the trenches, but it is unclear as to the need for the pipes and how the pipes will be installed since they are not connected to a drainage system. Will they have a clean out? Please review, revise and provide additional information for the proposed infiltration trench design to clarify consistency with DEP practices. In addition, please review and revise the design of the infiltration trench for lot 5 accordingly. We recommend a detail be provided in the plan set for proper construction of the infiltration trenches. In addition, please provide proposed elevations for the trench bottom and pipes for each lot for proper construction.
- I. Driveway drainage trenches are provided for several lots that are associated with the drainage analysis and mitigation for the project development impacts. We note that the trench on lot 8 is adjacent to the lot line and portions of the trenches on lots 6 and 7 are in close proximity to the lot line. However, the plans or supporting project information does not appear to include any mechanism that requires the lot owner to retain and maintain these drainage features. The proposed rain gardens shown on lots 4 and 6 would also fall under this concern. Also, each lot contains two separate infiltration areas for the roof runoff that require maintenance and remain operational. We would anticipate the project legal documents would include these provisions, but the submission did not include information relative to operation and maintenance of the drainage facilities proposed. Please provide additional information that clarifies how these proposed infiltration features will be maintained and retained by the lot owners in the future acceptable to the Planning Board. In addition, we note that the location of the roof infiltration systems may limit future site improvements to the lots by the owners and recommend that the Applicant review and consider their placement prior to final approval of the project by the Board.
- J. The project design indicates grading will occur to the limits of the property and in the open space adjacent to lot 1. Please clarify how this proposed design complies with the 50 foot limit of work to the property line per section XI.D6.b.8 of the Zoning bylaws. Please revise as necessary acceptable to the Board.
- K. The drainage design indicates the 6" stone weir and a portion of the 5.5-foot grass treatment swale embankment are located outside the limits of lot X and within the open space area, but an easement does not appear to be provided. Please update the design to provide provisions for future maintenance of these site facilities acceptable to the Board.

Regarding comment 12.A, the driveway of Lot 4 is now shown sloping 2%+/- towards the CAD. While some of the driveway may slope onto the grass, the grading ensures that drainage will also reach the CAD.

Regarding comment B, Lots 1 and 2 are now shown on Sheet 6 and drainage is clearly indicated as flowing away from Kimball Road and towards the rear of the lots.

Lot 5 mostly drains onto the lot. A spot elevation at 131.0 has been added to help clarify the flow of the drainage. A small portion may flow towards Kimball Road but will not increase or exacerbate the flow over the small portion of the lot which slopes in that direction currently. The small amount that drains onto Kimball Road will drain back onto the site at Lot 9 as it does presently.

Relative to comment 12.C, the Applicant will construct a wall that is aesthetically pleasing and will conform with similarly-situated styles and designs in the area. The wall for Lot 5 has been defined by note on Sheet 6. The wall is a maximum 3.8 feet high and is therefore not structural. It does not require review or approval by the Building Department. The construction materials for the wall will be determined at the contractor's discretion. It is deliberately not specified in the plans.

To address comment 12.D, if both Parcel X and Lot 9 are owned by the City, then an easement will be granted so that the homeowners can maintain the drainage. If both Parcel X and Lot 9 are owned by the property owners or a homeowners' association, then no easements are needed. If Lot 9 is conveyed to the City, and Parcel X is retained by the homeowners (which the Applicant proposes), the easement will be created to maintain the area of drainage on Lot 9 Open Space, a draft of which is attached. Either way, a Drainage Easement has been added to Sheet 7 to address this comment.

Regarding comment 12.E, spot elevations have been added to Sheet 6 of the plan to address this comment, which is further clarified in the response to 12.B, above.

As to comment 12.F, by definition, a Cluster Residential development is encouraged to “...*a. To promote the more efficient use of land in harmony with its natural features. b. To encourage the preservation of valuable open space and maintain the City's traditional character and land use pattern in which small villages contrast with open land. c. To protect water bodies and supplies, wetlands, flood plains, agricultural or forestry lands, wildlife, and other natural, cultural or historic resources. d. To minimize the total amount of disturbance on the site and preserve open space areas for active and passive recreational use, including the provision of neighborhood parks and trails. e. To permit greater flexibility and more attractive, efficient, economical design of residential subdivisions...*”

The proposed development complies with all of these stated purposes. The subdivision design complies with Section 7.05 in the following additional ways.

The proposed development protects the area's environmental features and preserves the rural character of this section of Amesbury. The total number of homes on the site does not increase over that allowed in the traditional subdivision design. The same number of homes is clustered on a smaller portion of the total available land. The remaining land, which would have been

allocated to individual home sites, is now converted into protected open space and shared by the residents of the entire community.

The development provides a viable storm water management plan by maintaining impervious surface cover and more open space for water infiltration. Storm water runoff from the site is reduced, decreasing the chance that the new development will cause flooding problems. Natural areas, including wetlands and native plantings that are a part of the Open Space can help manage storm water by reducing the volume of runoff while cleaning the storm water during the infiltration process.

The proposed development will use less mass grading of the parcel's soil surface. Such grading would otherwise compact the soil and increase runoff even in areas where there is no construction. Road ditches in the proposed design uses swales instead of curb and gutter. These swale areas allow for more water infiltration and are less costly for developer and requires less maintenance from the homeowners' association and owners.

The design standards of the development address the goals of conservation such as open space preservation.

The open space is designed to protect natural areas. Environmentally sensitive areas have been identified and designated as Open Space.

The protection of natural features includes the uses that the Open Space generates for Amesbury, including:

- Open space provides a larger recreation area and creates a sense of openness;
- Open space benefits the environment by providing habitat for wildlife, naturally filtering storm water, reducing storm water runoff from impervious surfaces, and protecting the natural features of the site;
- Provides a link to the City Forest open space and Lake Attitash as an "environmental corridor;" and
- Benefits a rural area of Amesbury by reinforcing the policy of maintaining the local rural character.

In summary, one needs to look at the entire site in context when addressing this item. This site is 19.33 acres in size. While it is true that much of the area within the limits of work will be disturbed, it amounts to only 2.9 acres in total of the entire area of the site. This means that approximately 85% of the total site will be maintained in a natural condition. This clearly complies with the intent of Section 7.05 (Protection of Natural Features).

Comment 12.G is addressed as follows. Additional soil testing was conducted in October, 2015. Test pits 6 and 7 were dug in the area of the proposed main infiltration chambers at depths of 12 – 14 feet. The information has been provided to Stantec and is added to the plans on Sheet 2. They are also shown on Sheet 8. The excavated materials were all observed to be Class A soils with a bottom elevation at 114.8 feet. Neither water nor mottling was observed in either test pit. The results of the tests shows that the bottom of the infiltration system is 5.67 feet above the bottom of the test pits. This information confirms that the drainage system has been designed and will function according to all necessary requirements, and that it will meet the necessary requirements and regulations.

Regarding comment 12.H, the infiltration trenches along the driveways of lots 6 and 7 are being built in fill. This construction is in harmony with DEP design intent provided the trenches and

receiving soils are suitable. In this situation all of the top and subsoil below the trenches will be removed as part of the normal construction of sites designed using fill. The receiving parent material under the trenches is Class A soil. The Class A material from the site will be used as fill material in the area of these trenches. The design is a simple stone trench with a pipe in it. This construction design is consistent with the Stormwater Management Handbook, Volume 3, Chapter 1 on page 12.

The horizontal pipes in the trench design are simply to provide additional void space allowing the trench length to be lessened in areas with area limitations. There is no need for cleanouts for these pipes.

The infiltration trench on Lot 5 has been checked and appropriate as currently shown on the plans. A detail depicting a typical cross section of an infiltration trench has been provided on Sheet 13. Lengths, widths and depths of the infiltration trenches are shown on the plans instead of elevations. Elevations may vary if the site is constructed slightly differently than shown on the plans. By using depths there can be no confusion as to intent.

Comment 12.I is addressed as follows. It is the intent of the design that drainage/infiltration features in individual lots will be the responsibility of the individual lot owners. This includes roof infiltration, trenches along driveways and rain gardens. Draft easements attached hereto will be imposed on lot owners. The drainage features which are part of the primary drainage system on and adjacent to Parcel X will be maintained by the home owners. It is anticipated that a detailed Homeowners Association document which includes an Operation and Maintenance Plan for all the site drainage will be created. To the extent that lot owners fail to maintain any on-site drainage appurtenances, the homeowner's association will have the ability to enforce easement obligations. The appropriate plan information will be provided to the City. A basic O&M plan is included on Sheet 15.

There is no mandate by this design that the roof infiltration units on the individual lots have to be placed in the exact locations shown on the plans. There are not water table issues relative to their location so the locations can be altered if it is prudent to do so. As far as limitation concerns for future improvements by future owners this could be true no matter where the infiltration units are placed. We are not altering the locations at this time.

As to comment 12.J, section XI.D6.b.8 of the zoning bylaw states that "*Wherever feasible, (emphasis supplied) the minimum width of open land between the limit of work of the cluster development and adjacent property shall be 50 feet except for access to the development.*" On the subject site, it is not feasible to maintain the setback without losing a lot, working closer to the wetlands, or extending further into the site which would reduce the available amount of open space. The benefit in the plan, as designed, is that 33% more open space than required by the regulations may be preserved and maintained. It is not inconsistent with the neighborhood as the adjacent site is a condominium development with an access driveway located approximately 10 feet from the property line in question.

Relative to comment 12.K, please refer to comment 12D. The 5.5 foot grass swale is located within the limits of Parcel X.

13. We recommend the Applicant address the following relative to the landscaping and erosion control plan:
- A. We recommend check dams be provide in the roadway swale as an erosion control measure until vegetation is successfully established.
  - B. The plan indicates trees along Kimball Road, but it is unclear how many will remain after the project is constructed. We recommend the plan clearly identify all the trees to be removed by the Applicant as needed to provide safe sight distance for the CAD.
  - C. Please indicate the stone construction entrance on the plan.
  - D. The design indicates plantings will be placed along the proposed CAD swale adjacent to lot 3 and within lot X. In addition, landscaping is indicated within the cul-de-sac center area. Please address how the landscaping will be retained and maintained in these locations acceptable to the Board.
  - E. The plan does not show the proposed retaining wall indicated at lot 5 on sheet 6. Please update the plan to include the proposed wall.

Regarding comment 13.A, Temporary check dams have been added to Sheet 11. These are provided in deference to temporary Best Management Practices.

As to comment 13.B, the proposed limits of tree removal along Kimball Road are shown on sheets 6 and 8 of the plans, along with a note regarding maximum planting heights. Both sheets also have a note regarding tree removal. Only trees 12 inches and over are shown but all of the trees in this area will be cut and removed. These trees are to be removed to facilitate improved sight lines along this section of Kimball Road. Once cut and Parcel Y is deeded to the City it will be the responsibility of the City to maintain the area as it will become part of Kimball Road. The notes on sheets 6 and 8 have been revised to apply to Parcel Y, also.

Comment 13.C is addressed as follows. The stone construction entrance has been added to the plan on Sheet 11.

Comment 13.D is addressed as follows. The matters noted in this comment are addressed in the attached Homeowners Association documents and deed language. The care and maintenance of all plantings and landscaping will be the responsibility of the homeowners and will be detailed in the document mentioned in Item 12.I.

As regards comment 13. E, the plan Sheet 6 is revised to show the proposed retaining wall.

14. We note the project includes easements that are indicated on sheet 7. We recommend the Applicant update this plan sheet as necessary to address the comments within and provide appropriate draft documents of all easements for review by the Board.

The easement plan on Sheet 7 has been updated. It now includes a Drainage Easement adjacent to Parcel X.

15. We recommend the Applicant indicate the water service curb box on the utility plan for each lot and indicate the curb box to be placed at the right of way line for proper construction. Please update the details in the plan set to include a water service detail for proper construction.

Comment 15 is addressed as follows. The plans are revised to show water service curb boxes for each lot at the right of way line. Please see sheet 8. There is also an existing detail on Sheet 13 for this item. The plans are revised to provide water service details. It should be noted that all lots are required to have individual shutoffs in locations specified by the water Department. Actual locations may vary.

16. This project details include a catch basin detail on sheet 12, but the proposed project drainage design does not include any catch basins. Please remove the detail since it is not part of the current design.

Regarding comment 16, Stantec's comment is noted and the catch basin detail has been eliminated.

17. Please update the hydrant detail to indicate the hydrant is a minimum of three (3) feet from the pavement as typically requested by the Department of Public Works.

Regarding comment 17, Stantec's comment is noted and the hydrant detail on Sheet 13 has been updated to indicate the minimum 3 foot distance from the pavement.

18. Please label the material and specification for the pipe bedding in all utility details for proper construction and as acceptable to Department of Public Works.

Regarding comment 18, the Applicant believes all of this information is contained in the plan. To the extent that it is not, the plan has been revised to include same on the plan.

19. Please revise the site management notes to eliminate all the references to catch basins and drain manholes, since the proposed project design does not include these features. In addition, please carefully review the notes for consistency with the proposed design as presented. Also, please review the coversheet notes for errors and update as necessary.

As to comment 19, sheet 15 of the plan containing Site Management comments has been reviewed and updated.

20. We recommend the Applicant address the following relative to the project hydraulic report:  
A. The post development routing diagram indicates eight separate subcatchment areas, with ponds, but the post development watershed plan does not include all the

*(The remainder of this page is intentionally left blank.)*

subcatchments or ponds. We recommend the post development watershed plan be revised to indicate all eight of the watersheds and the eight ponds consistent with the analysis diagram to confirm the design and routing diagram represents the proposed condition. Please update the watershed plan to indicate all components used in the analysis. This may require the post development watershed map to be larger to properly display the proposed design features and locations.

- B. The post development analysis implies the entire runoff from subcatchment 4 is directed to the rain garden 1 (Pond 1P) located on lot 4, but the proposed grading indicates only a small portion of the runoff in the subcatchment could flow to the garden. Please review and revise the analysis to properly represent the proposed condition.
- C. The post development analysis implies the entire runoff from subcatchment 5 is directed to the rain garden 2 (Pond 2P) located on lot 6, but the proposed grading indicates only a small portion of the runoff in the subcatchment could flow to the garden. Please review and revise the analysis to properly represent the proposed condition.
- D. The amount of woods in post subcatchments 3, 4 and 5 seem high since the grading plan indicates a significant portion of these post subcatchment areas will be regraded. Please indicate the limits of clearing on the grading plan in the plan set and verify the woods areas in each subcatchment are representative of the post development conditions.
- E. The pre and post development plans represent the limits of the development and are shown to encompass the same total area. However, the post development total area size in the calculations is significantly less than the pre-development size, when they should be the same size. Please review and revise the analysis as necessary to indicate the same total areas for both the pre- and post-development conditions.
- F. The site grading implies the proposed runoff from lot 1 including the driveway would drain westerly and increase runoff to the abutting parcels. However, the post development analysis does not address this issue. Please revise the analysis to include a summary table that identifies the abutting parcels and the impacts, both predevelopment and post development to the parcels that indicates no increase in runoff occurs to the abutters.
- G. The project design indicates decks will be part of the proposed house development area, but the analysis does not appear to address these areas. Please review and clarify how these areas are addressed in the analysis.
- H. The hydraulic report was submitted prior to the latest special permit application for the Water Resources Protection District. We recommend the report be updated to clarify how the proposed design has addressed the requirements of the Water Resources Protection District under this special permit.

Relative to comment 20.A, the dwelling sub-catchments were not indicated on the plan. The watershed maps have been revised and are incorporated in the revised hydraulic report.

As to comment 20.B, the analysis and placement and proposed grading has been revised where needed and the location of the rain gardens have been modified. The revised hydraulic analysis reflect the revised site grading and rain garden changes.

As to comment 20.C, the analysis and placement of the rain gardens has been reviewed for proper capture of maximum runoff and the calculations are revised accordingly; see the response to comment 20.B.

Regarding comment 20.D, the entire pre-development site was modeled as woods, and therefore any areas not disturbed under the planned development was modeled as woods. The areas have been verified as accurate and reflect the current undisturbed areas. While it is believed that the

delineation of the limits of clearing is unnecessary as it is reflected by the limits of the proposed grading, the limits of clearing are noted and identified on the grading plan, Sheet 6.

Comment 20.E comments are as follows. As noted in the post analysis of sub-catchment 7S, only the largest structure footprint, which consists of an area of 1,653 square feet, was modelled for the sizing of roof infiltration systems and included in the total impervious area calculation. The note further indicates that the total impervious site area for all proposed dwellings is 12,644 square feet. Since, the total impervious area identified on page 2 of the post analysis only includes the area of the largest roof (1,653 square feet), the balance of the impervious dwelling area not included in the table is 10,991 square feet. The total site area identified on page 2 is 147,975 square feet, plus the roof area not reflected in the calculations (10,991 square feet) which when added together yields a total site area of 158,966 square feet, which is slightly larger than the pre-development area. In the revised hydraulic analysis the post condition impervious area total now includes all roof areas for the site.

Relative to comment 20.F, there is a small area of the existing site as well as a small area of Lot 1 which partially drains towards the abutter. The revised grading on Sheet 6 reduces the grading towards the abutting land. As each of the pre- and post- areas are small and reflect minor amounts less than 1500 square feet which would result in equal flows and volumes, they were not modeled separately. The revised hydraulic analysis identifies these small sub-catchments in the pre and post analysis.

As to comment 20.G, decks were not addressed as impervious since they will be constructed of wood, with open joints, thereby permitting runoff to reach the underlying soils and grass yard area. Decks of this type are never considered as impervious and are never included as impervious areas in the hydraulic analysis.

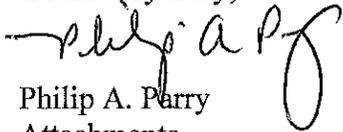
Regarding comment 20.H, the plan has been revised to include language to the effect that the Water Resources Protection District report is consistent with the plan. The site is in Zone C of the Watershed District. The plans, drainage calculations, and stormwater management controls comply with the requirements of the overlay district as currently shown and designed.

Please accept the foregoing summary and supporting information.

Thank you for your consideration.

Please contact me with any questions or further comment.

Yours very truly,



Philip A. Parry  
Attachments

cc: John Cormier  
Robert Cormier  
John Paulson



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## **MEMORANDUM**

To: Amesbury Planning Board  
Date: July 22, 2015

Cc: Mr. Nipun Jain – City Planner  
Community & Economic Development  
Re: Definitive Subdivision Plan  
47.5 -57 Kimball Road  
Amesbury, MA

From: Gerard J. Fortin, P.E.  
Michael E. Leach  
Stantec Consulting Services Inc.  
Owner: Yvon Cormier Construction  
Applicant: BC Realty Trust  
Project No. 1951-13124

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Stantec Consulting Services Inc. has completed a design review of the above referenced project. The following information was provided for review:

1. Definitive Subdivision Plan set of 47.5-57 Kimball Road in Amesbury Massachusetts, dated Jan. 20, 2015 and last revised May 5, 2016, sheets 1-15 of 15 prepared by Atlantic Engineering & Survey Consultants, Inc.
2. Hydraulic Report, Definitive Subdivision under Special Permit Cluster Residential/Common Access Driveway, 47 ½ - 57 Kimball Road, Amesbury Massachusetts, dated January 17, 2015, and last revised October 24, 2015 prepared by Atlantic Engineering & Survey Consultants, Inc.
3. Copy of response letter to Town of Amesbury Planning Board dated June 17, 2016 relative to BC Realty Trust prepared by Parry and Parry.
4. Document Take in form dated 6/27/16 with noted attachments above.

We note the project is a proposed ten lot subdivision with eight proposed residential lots, one open space lot, one undesignated parcel (X), and a common access driveway parcel. The project site is located along Kimball Road and the project plan includes dedication of land along Kimball Road to the City of Amesbury – parcel Y. We note that five of the eight residential lots will utilize a proposed common access driveway.

The definitive subdivision application submission includes three separate special permit requests to the Zoning bylaws. Three special permits being requested are: Cluster Residential Special Permit, Section XI.D; Common Access Driveway Special Permit, Section XI.O and Water Resources Protection District Special Permit, Section XI.V.

The Applicant notes several waivers are requested to the Subdivision Regulations and Zoning Bylaws for this project. We note the written requests to the Planning Board for the waivers were included in the response letter in the submittal.

We offer the following comments:



**General Comments:**

1. We understand that the project application information has been reviewed by the Board of Health, Conservation Commission, Fire Chief, Police Chief, and Department of Public Works in accordance with section 6.01.3 of the Subdivision Rules and Regulations. We recommend the Applicant update the project information and address the comments and concerns for each Department, as applicable.  
***The Applicant noted that the City Department comments will be addressed in the response letter.***
  
2. The Applicant indicates eight (8) subdivision waivers on the revised plan title sheet. The Applicant has provided a written waiver request in the submitted response letter to the Planning Board for the waivers noted on the plans. We recommend that a separate letter be provided to the Planning Board specifically for the waivers with supporting information for each waiver request to the Amesbury Subdivision Rules and Regulations per Section 1.05 of the regulations. The following waivers are noted on the plan:
  - A. Section 6.02.12 (13) relative to trees over 12". The Applicant has shown trees along the edge of Kimball Road only on the plans.
  - B. Section 7.09.G relative to roadway curbing. No curbing is provided with the design.
  - C. Section 7.09.H relative to sidewalks. No sidewalks are provided with the design.
  - D. Section 7.09.I relative to street tree spacing. Trees are shown along the common driveway only at an interval of 35 feet as noted by the Applicant.
  - E. Section 7.09.K.2 relative to size of the cul-de-sac size and vehicle access. The Applicant notes the design is capable of access with vehicles having a 30 ft. wheel base.
  - F. Section 7.13 relative to street lighting. The Applicant notes private yard lamps are proposed, but none are indicated on the plans.
  - G. Section 8.10 relative to water line size. The Applicant proposes a 6" water line that is less than the 8" minimum.
  - H. Section 7.09.K.10 and 8.04 relative to catch basins and methods of handling/conveying stormwater.***The Board should consider each waiver request under this application. We note that several of the waivers are related to the Applicant's intended Common Access Driveway (CAD) that would private and Low Impact Design (LID) maintained by a Homeowner's Association as noted by the Applicant. Should the Board accept and grant some of all of the project waivers, we recommend that the Board ensure that the establishment of the project Homeowner's Association is part of the project approval process and acceptable to the Board.***
  
3. The Applicant notes three (3) waivers to the Zoning Bylaws on the revised plan title sheet. The following waivers are noted on the plan:
  - A. Section XI.D-3.b.b.8 relative providing building plans prepared by a registered architect.
  - B. Section XI.D-6b.9 relative to minimum yard requirements. Proposed lots 4 and 5 do not comply as proposed. In addition, the Applicant further notes variations to the frontage and width requirement in the Site Zoning Table on the cover sheet that are not specifically associated with a zoning section waiver. These variations should be defined and clarified relative to the Zoning Bylaws for consideration by the Board.



- C. Section XI.O.2.h relative to storage shed for trash.  
**The Board should consider each waiver request under this application.**
4. We recommend the Applicant address/provide the following information relative to cluster residential plan requirements under section XI.D3.b of the Zoning Bylaws:
- A. Distances between buildings and lot lines as proposed(b.11);
  - B. Percent building coverage as proposed(b.12);
  - C. Average Height of each building as proposed(b.13);
  - D. Number of parking spaces as proposed(b.17);
  - E. Total square feet of all landscaped and recreational areas as proposed (b.19);
  - F. Projected traffic flow (b.21).
- Revised project notes are updated with this submission to address the comments. We recommend the Applicant review and correct the spelling on sheet 1.**
5. The project design appears to imply that the lots 6, 7 and 8 have frontage on a public way and we note the common driveway right-of-way on sheets 6, 7 and 10 is labeled as "Proposed Road". However, the application information and note 17 on the cover sheet indicate the right-of-way is to be Common Access Drive (CAD), but frontage along the CAD cannot be used to satisfy Zoning requirements per Section XI.O.2.n.1 unless waived by the Board. Thus, we recommend the Applicant properly label the CAD on all plans and submit a written waiver request with justification for the Zoning Bylaws for consideration by the Board as required, if this is the design intent of the project. In addition, the notes on the cover sheet shall be updated to include the statement that "The Common Access Driveway (CAD) shall not become a public or private way maintained by the City" as stipulated in Section XI.O.2.f of the Zoning Bylaws.
- Revised project plans were updated to label the Common Access Driveway (CAD). The Applicant indicates a waiver is requested for the frontage on a CAD in the response letter for consideration by the Board.**
6. The project proposes a Common Access Drive (CAD) design that will serve five lots and the Applicant is requesting a special permit under section XI.O of the Amesbury Zoning Bylaws. We note the proposed CAD is located along the inside portion of a curve along Kimball Road, and there is a concern that proper and safe sight distance may not be provided. We note that the project design information does not include a sight distance plan to clarify proper and safe sight distance is achieved per section 7.09.D.2 or the regulations. We recommend the Applicant provide an intersection sight distance plan with certification from a licensed professional engineer that proper and safe all season sight distance is achieved upon completion of the CAD and site improvements. The plans should specify all work needed to achieve the sight distance for proper construction.
- Revised project plans were updated to include a sight distance plan – sheet 9. We recommend that a note be added to sheet 9 stating that clearing of all obstructions between the sight lines and the roadway pavement shall occur. In addition, we recommend a certification be provided on the plan stating that proper sight distance is achieved upon completion and maintenance of the proposed sight line improvements.**



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7. The proposed design indicates the project development will be outside the 100 foot wetlands buffer. We recommend the Applicant confirm the 100-foot buffer location with the Conservation Commission (6.02.13).  
**Comment not addressed. The Applicant does not proposed any submission to Conservation at this time as noted in the response letter.**
8. The project subdivision design includes "Parcel X", but the plan or the plan notes do not appear to explain the parcel intent or designate that the parcel is non-buildable as it appears. Please provide additional notes and information as to the intent of Parcel X. This should include the ownership and drainage system maintenance responsibilities acceptable to the Planning Board.  
**Project Plans updated to clarify Parcel X. The Applicant has not provided home owners documents to address sections 7.09K.10 and 8.04 of the Subdivision Regulations relative to the drainage system maintenance responsibilities.**
9. The project proposes development in the Water Resources Protection District under a special permit request noting that the development would render more than 15 percent of the lots impervious. We recommend the Applicant provide a summary table that clarifies the percent impervious area that is proposed for each lot for consideration by the Board under the special permit request.  
**With the additional information provided by the Applicant in the lot coverage table on the cover sheet, most of the proposed residential lots will have greater than 15% imperious area and would not comply with Section XIV.I.7 of the bylaws. Only the open space lot (9) and lot 7 would appear to comply as presented. The Board will need to consider if the proposed design meets the intent of the bylaw prior to approval.**
10. We recommend the Applicant update the project plans to address the following items of the Subdivision Rules and Regulations:
  - A. Revise the locus map on the cover sheet to indicate the proposed driveway and the location of the Zoning Districts applicable to the site (6.01.b). In addition, please update the project plans as applicable to indicate the Water Protection Overlay District (6.02.4). **Revised Plans have been updated accordingly.**
  - B. Revise the title blocks of the plans to include the Owner's name and address (6.02.1). **Revised Plans have been updated accordingly.**
  - C. The proposed grading/topography associated with proposed lots 1 and 2 is incomplete on sheet 6. Please revise to provide proposed grading for the entire site development area per section 6.02.16 of the regulations. **Revised Plans have been updated accordingly.**
  - D. Revise the utility plan to label the type of existing sewer pipes, existing water pipes and gas pipes and material, pipe material/type of the proposed sewer service, the size, material and type of water services per 6.02.17 of the regulations. We note the location of the water services for lots 1 and 5 appears incomplete. In addition, the underground utilities (electric telephone, CATV, gas) to the dwellings are missing from the utility plan (6.02.17). Please update the plans to include the pertinent



information accordingly. In addition, please provide utility provider letters indicating that the proposed utility service is available to serve the project for the Planning Board's file. **Sheet 8 should be updated to include size and type of water service, and indicate a water service to lot 5. Recommend the scale of sheet 8 be revised to 1"=30' to encompass the development area consistent with sheets 5, 6 and 7.**

- E. The need to extend the municipal sewer along Kimball Road to serve lot 3 is unclear since the dwelling can be serviced from the CAD at SMH#1 with less sewer pipe and less impact to Kimball Road. We recommend the sewer utility design be revised accordingly. **No Change to design.**
11. We recommend the Applicant address the following relative to the CAD:
- A. The profile design indicates grades in excess of 4% within 25 feet of the Kimball Road right of way and does not comply with section 7.09.K.7 of regulations. Please revise the design in compliance with the regulations. **The revised profile design does not comply with the regulations. We note that the existing roadway right of way (ROW) begins at approximate station 0+20 and the new ROW at station 0+27. The Applicant shall revise the profile design in compliance with the regulations. In addition, please correct the title of sheet 8 to be CAD Layout (versus Road)**
- B. The profile on sheet 9 does not provide the centerline profile along the driveway center of pavement in the cul-de-sac as anticipated and necessary to clarify the minimum 1% slope is provided section 7.09.K.5 of regulations. We note the grading within the cul-de-sac, especially along the edges shown on sheet 6 does not appear to provide the minimum slope of 1% per section 7.09.K.5 of regulations. Please revise the profile alignment to be along the centerline of the entirety of the driveway to clarify the design is in compliance with the regulations. **Additional information provided on sheet 10 to address this comment.**
- C. We note the Applicant is requesting a waiver for curbing under 7.09.G for roadways but section 7.09.K of the regulations applies to the CAD. Section 7.09.K.6 requires slope granite curb at the roundings with Kimball Road and section 7.09.K.8 notes different curbing is required based upon the slope of the CAD. Please revise the design accordingly or revised the waiver request to address curbing as related to the CAD for this project. **The Applicant is requesting a waiver for curbing for consideration by the Board. If the Board decides to grant the requested waiver, we recommend a two (2) foot gravel shoulder be provided to support the edge of pavement without curbing.**
- D. The requirements for catch basins and methods of handling stormwater as noted in section 7.09.K.10 and in section 8.04 are not provided. We note the submitted information indicates a Low Impact Design (LID) method is proposed, but a waiver to the above drainage requirements was not provided. The Applicant should review and revise the design to include the required storm drainage structures of the regulations or submit a waiver request for Planning Board consideration. **The**



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**Applicant is requesting a waiver for the stormwater and conveyance system for consideration by the Board.**

- E. We recommend a paved waterway/swale be provided from the cul-de-sac pavement edge to the riprap apron to prevent erosion of the pavement edge. **Revised Plans have been updated accordingly.**
  - F. The grading design of the CAD on sheet 6 appears to direct all the stormwater runoff to lot X, but it is unclear how the runoff would be maintained across the unpaved center portion. Please provide sufficient spot elevations for clarity and proper construction. In addition, please clarify how runoff would flow if snow is stored in the center of the cul-de-sac. **Revised Plans have been updated to address stormwater flow. Recommend that a note be placed on the plan cover sheet stating no storage of snow to occur in the cul-de-sac center (consistent with the applicant's response).**
  - G. The CAD cross slope design indicates all runoff would be directed toward the swale located along the northerly side of the roadway. We are concerned that driveway icing may occur if snow is stored along the southerly roadway shoulder. We recommend that the Applicant provide additional information on the proposed snow storage method to be utilized for this CAD design. **Recommend that a note be placed on the plan cover sheet stating no storage of snow to occur along the southerly roadway shoulder (consistent with the applicant's response).**
  - H. We recommend a 20 foot wide easement for suitable access to the open space be provided from the cul-de-sac per section XI.D.8.e of the Zoning Bylaws. In addition please provide appropriate legal documents for the proposed open space area per section XI.D.9 of the Bylaws acceptable to the Board. **Easement not provided.**
  - I. We recommend that the proposed driveways have pavement roundings of a minimum three feet or as acceptable to the DPW. **Revised Plans have been updated accordingly.**
  - J. We recommend that the proposed location of the mailboxes per section XI.O.2.g of the Zoning Bylaws be shown on the plans. **Revised Plans have been updated accordingly.**
  - K. We recommend that the Applicant clarify the intent of the trash and recycling storage and if a shed would be utilized per section XI.O.2.h of the Zoning Bylaws. **The Applicant is requesting a waiver for the shed for trash and recycling for consideration by the Board.**
12. We recommend the Applicant address the following relative to the grading design shown on sheet 6;
- A. Please provide additional spot elevations for the driveway serving lot 4 to clarify the intended drainage design and for proper construction. **Revised Plans have been updated accordingly.**



- B. Please provide additional existing contours and proposed spot elevations for the driveways serving lots 1, 2 and 5 to clarify the intended drainage design and for proper construction. Will the driveways drain into Kimball Road? **Revised Plans have been updated accordingly.**
- C. Please label the height and type of wall that is proposed at lot 5 and include a detail for proper construction. We recommend the Applicant provide a proper wall design acceptable to the Building Department prior to construction. **Revised Plans have been updated accordingly.**
- D. The proposed grading for the drainage swale extends beyond the property line of Parcel X to the northwest onto the open space lot - lot 9. In addition, a riprap weir is shown upon lot 9, but these improvements do not appear to be encumbered within a drainage easement for future maintenance for the benefit of the subdivision on sheet 7. Please review and clarify if an easement is needed as related to parcel X and as acceptable to the Planning Board. **Draft easement documents or Home Owner's Association documents were not provided.**
- E. The grading shown between lots 4 and 5 adjacent to Kimball Road indicate filling, but it is unclear if the proposed runoff is directed toward Kimball Road. Please provide additional spot elevation to clarify the proposed grading intent. **Plans updated accordingly**
- F. The grading design implies nearly all of the proposed lot areas outside the 100 foot buffer would be disturbed. Please clarify how the proposed subdivision design has complied with section 7.05 (Protection of Natural Features) of the regulations and is acceptable to the Planning Board. **The Board will need to consider if the proposed design meets the intent of the bylaws.**
- G. The proposed chambered infiltration system located on Parcel X has a bottom of chamber elevation of 120.97, as noted in the detail on sheet 11. This implies that the bottom would be located approximately 10-13 feet below the existing ground elevations along the easterly portion of the system. However, test pit #2 at elevation 131.4 was only excavated to a depth of 7 feet. In addition, the westerly portion of the proposed chamber system is indicated to be approximately 6-7 feet below the existing ground, but test pit #3 at elevation 127.2 is only excavated to 6 ½ feet below the existing ground. Based upon the information provided, is unknown if the proposed chamber system could be installed without encountering ledge or the water table and be installed to provide a minimum two foot separation to the water table as required. In addition, it is unknown if the soils at or below the proposed chamber bottom area would be suitable for infiltration. The Applicant shall obtain and provide additional information to clarify and support the proposed chambered infiltration design can be properly installed acceptable to the Planning Board. **Additional information provided to address comment.**
- H. The design grading at lots 6 and 7 for the proposed infiltration trenches along the driveways indicates the trenches are placed in fill and not placed in natural soil



consistent with the DEP design intent. We note that the plan states perforated pipes are to be placed in the trenches, but it is unclear as to the need for the pipes and how the pipes will be installed since they are not connected to a drainage system. Will they have a clean out? Please review, revise and provide additional information for the proposed infiltration trench design to clarify consistency with DEP practices. In addition, please review and revise the design of the infiltration trench for lot 5 accordingly. We recommend a detail be provided in the plan set for proper construction of the infiltration trenches. In addition, please provide proposed elevations for the trench bottom and pipes for each lot for proper construction.  
**Additional information provided to address comment.**

- I. Driveway drainage trenches are provided for several lots that are associated with the drainage analysis and mitigation for the project development impacts. We note that the trench on lot 8 is adjacent to the lot line and portions of the trenches on lots 6 and 7 are in close proximity to the lot line. However, the plans or supporting project information does not appear to include any mechanism that requires the lot owner to retain and maintain these drainage features. The proposed rain gardens shown on lots 4 and 6 would also fall under this concern. Also, each lot contains two separate infiltration areas for the roof runoff that require maintenance and remain operational. We would anticipate the project legal documents would include these provisions, but the submission did not include information relative to operation and maintenance of the drainage facilities proposed. Please provide additional information that clarifies how these proposed infiltration features will be maintained and retained by the lot owners in the future acceptable to the Planning Board. In addition, we note that the location of the roof infiltration systems may limit future site improvements to the lots by the owners and recommend that the Applicant review and consider their placement prior to final approval of the project by the Board. **Draft easement documents or Home Owner's Association documents were not provided.**
  - J. The project design indicates grading will occur to the limits of the property and in the open space adjacent to lot 1. Please clarify how this proposed design complies with the 50 foot limit of work to the property line per section XI.D6.b.8 of the Zoning bylaws. Please revise as necessary acceptable to the Board. **The Board will need to consider if the proposed design meets the intent.**
  - K. The drainage design indicates the 6" stone weir and a portion of the 5.5 foot grass treatment swale embankment are located outside the limits of lot X and within the open space area, but an easement does not appear to be provided. Please update the design to provide provisions for future maintenance of these site facilities acceptable to the Board. **Draft easement documents or Home Owner's Association documents not provided.**
13. We recommend the Applicant address the following relative to the landscaping and erosion control plan:



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- A. We recommend check dams be provide in the roadway swale as an erosion control measure until vegetation is successfully established. **Revised Plans have been updated accordingly.**
  - B. The plan indicates trees along Kimball Road, but it is unclear how many will remain after the project is constructed. We recommend the plan clearly identify all the trees to be removed by the Applicant as needed to provide safe sight distance for the CAD. **Revised Plans have been updated accordingly.**
  - C. Please indicate the stone construction entrance on the plan. **Revised Plans have been updated accordingly.**
  - D. The design indicates plantings will be placed along the proposed CAD swale adjacent to lot 3 and within lot X. In addition, landscaping is indicated within the cul-de-sac center area. Please address how the landscaping will be retained and maintained in these locations acceptable to the Board. **Draft easement documents or Home Owner's Association documents were not provided.**
  - E. The plan does not show the proposed retaining wall indicated at lot 5 on sheet 6. Please update the plan to include the proposed wall. **Revised Plans have been updated accordingly.**
14. We note the project includes easements that are indicated on sheet 7. We recommend the Applicant update this plan sheet as necessary to address the comments within and provide appropriate draft documents of all easements for review by the Board. **Revised Plans have been updated accordingly. Draft easement documents were not provided.**
15. We recommend the Applicant indicate the water service curb box on the utility plan for each lot and indicate the curb box to be placed at the right of way line for proper construction. Please update the details in the plan set to include a water service detail for proper construction. **Please indicate a curb box for lot 5 water service.**
16. This project details include a catch basin detail on sheet 12, but the proposed project drainage design does not include any catch basins. Please remove the detail since it is not part of the current design. **Revised Plans have been updated accordingly.**
17. Please update the hydrant detail to indicate the hydrant is a minimum of three (3) feet from the pavement as typically requested by the Department of Public Works. **Revised Plans have been updated accordingly.**
18. Please label the material and specification for the pipe bedding in all utility details for proper construction and as acceptable to Department of Public Works. **Revised Plans have been updated accordingly.**
19. Please revise the site management notes to eliminate all the references to catch basins and drain manholes, since the proposed project design does not include these features. In addition, please carefully review the notes for consistency with the proposed design as



presented. Also, please review the cover sheet notes for errors and update as necessary.  
**The Applicant should carefully review and update the notes on sheet 15 accordingly.**

20. We recommend the Applicant address the following relative to the project hydraulic report:
- A. The post development routing diagram indicates eight separate subcatchment areas, with ponds but the post development watershed plan does not include all the subcatchments or ponds. We recommend the post development watershed plan be revised to indicate all eight of the watersheds and the eight ponds consistent with the analysis diagram to confirm the design and routing diagram represents the proposed condition. Please update the watershed plan to indicate all components used in the analysis. This may require the post development watershed map to be larger to properly display the proposed design features and locations.
  - B. The post development analysis implies the entire runoff from subcatchment 4 is directed to the rain garden 1 (Pond 1P) located on lot 4, but the proposed grading indicates only a small portion of the runoff in the subcatchment could flow to the garden. Please review and revise the analysis to properly represent the proposed condition.
  - C. The post development analysis implies the entire runoff from subcatchment 5 is directed to the rain garden 2 (Pond 2P) located on lot 6, but the proposed grading indicates only a small portion of the runoff in the subcatchment could flow to the garden. Please review and revise the analysis to properly represent the proposed condition.
  - D. The amount of woods in post subcatchments 3, 4 and 5 seem high since the grading plan indicates a significant portion of these post subcatchment areas will be regraded. Please indicate the limits of clearing on the grading plan in the plan set and verify the woods areas in each subcatchment are representative of the post development conditions.
  - E. The pre and post development plans represent the limits of the development and are shown to encompass the same total area. However, the post development total area size in the calculations is significantly less than the pre-development size, when they should be the same size. Please review and revise the analysis as necessary to indicate the same total areas for both the pre- and post-development conditions.
  - F. The site grading implies the proposed runoff from lot 1 including the driveway would drain westerly and increase runoff to the abutting parcels. However, the post development analysis does not address this issue. Please revise the analysis to include a summary table that identifies the abutting parcels and the impacts, both predevelopment and post development to the parcels that indicates no increase in runoff occurs to the abutters.
  - G. The project design indicates decks will be part of the proposed house development area, but the analysis does not appear to address these areas. Please review and clarify how these areas are addressed in the analysis.
  - H. The hydraulic report was submitted prior to the latest special permit application for the Water Resources Protection District. We recommend the report be updated to clarify how the proposed design has addressed the requirements of the Water Resources Protection District under this special permit.

**The hydraulic report comments 20. A-G above are addressed in the revised report. We recommend the report narrative include information to address comment 20.H above for inclusion in the Planning Board's project file.**

*NJ, PA, Scan  
July  
Applicant*

**Barbara Foley**

---

**From:** Lauren Tirone  
**Sent:** Thursday, July 21, 2016 3:29 PM  
**To:** Barbara Foley  
**Subject:** RE: 47 1/2 - 57 Kimball Road - Amesbury Planning Board Meeting on Monday - July 25th

Barbara,

The police department obviously would be concerned about the site lines in the area and the safety of traffic pulling in and out of the development. Also will the road be private or a public way?

Lauren

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**From:** Barbara Foley  
**Sent:** Thursday, July 21, 2016 2:09 PM  
**To:** Lauren Tirone; John Lopez; James Nolan; Peter Manor; Denis Nadeau  
**Subject:** 47 1/2 - 57 Kimball Road - Amesbury Planning Board Meeting on Monday - July 25th

Still waiting for your comments....

Thank you.

Barbara

Notice:

This email is subject to MGL: Chpt.66, Sec.10 Public Records Law.

Notice:

This email is subject to MGL: Chpt.66, Sec.10 Public Records Law.



*P/A, NJ, Sean  
July, applicant*

**Dept. of Public Works**  
Highway, TPC (*Tree/Park/Cemetery*), Water, Sewer,  
Engineering, Refuse, Recycling & Snow/Ice Divisions

---

**Peter A. Manor, City Engineer**

DPW – 39 South Hunt Road  
Amesbury, MA 01913  
Tel.: (978) 388-8116  
Fax: (978) 388-1769  
manorp@amesburyma.gov

Date: July 22, 2016

Atten: Amesbury Planning Board

Subject: 47.5 – 57 Kimball Road Special Permit Site Plan Review – Supplemental Information Submission

Dear Board Members,

The Department of Public Works (DPW) completed an initial review of the Site Plans for the proposed Definitive Subdivision Plan for 47.5 – 57 Kimball Road and provided comments to the board in a letter dated 4-9-2015. The applicant has appeared to address the comments from that review at this time. The DPW has no additional comments concerning the supplement information provided.

The DPW reserves the right to provide further comment on the proposed subdivision as additional review of the project plans and details may arise. Should additional information be required, please feel free to contact Rob Desmarais, DPW Director, or myself.

Sincerely,

Peter A. Manor  
City Engineer

47 1/2-57

Kimball Rd

Fire Comments

**Barbara Foley**

---

**From:** James Nolan  
**Sent:** Friday, July 22, 2016 11:02 AM  
**To:** Barbara Foley  
**Subject:** Kimball Road  
**Attachments:** Ladder truck turning radius 237 inch wheelbase.pdf

*c: Applicant*

*2nd Submission  
Comments*

The cul-de-sac needs to be able to handle the turning radius of the FD's ladder truck. I have enclosed the turning radius that is required. That is standard for the projects going on in town.

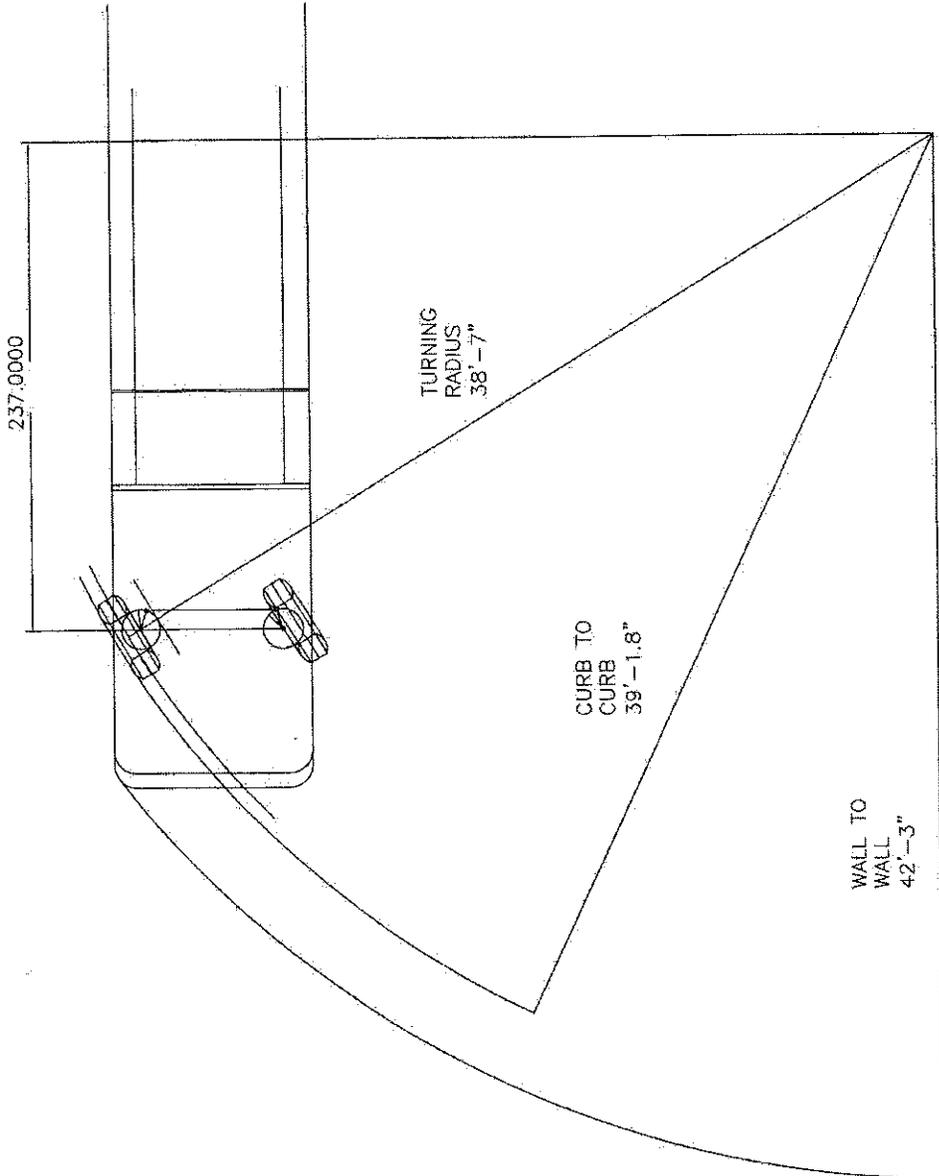
Deputy James Nolan  
Amesbury Fire Department  
978.388.8185  
[nolanj@amesburyma.gov](mailto:nolanj@amesburyma.gov)

Notice:

This email is subject to MGL: Chpt.66, Sec.10 Public Records Law.

Notice:

This email is subject to MGL: Chpt.66, Sec.10 Public Records Law.



SYM	DATE	REVISION DESCRIPTION	APP'D
		KOVATCH MOBILE EQUIPMENT AND INDUSTRIAL COMPANY HARRISBURG, PA 17105	
TOLERANCE UNLESS OTHERWISE SPECIFIED			
FRACTIONS 1/16" 1/32" 1/64" 3/16" 1/8" 1/4" 3/8" 1/2" 5/8" 3/4" 7/8" 1"			
DECIMALS .0005" .001" .002" .005" .010" .015" .030" .060" .125" .250" .500" 1.000"			
DATE	PROJ	DRAWN BY	CHK'D BY
	NONE	APFD	
AERIALCAT			
TURNING_RADIUS			
237"TURNING_RADIUS			

CAD

DO NOT CHANGE MANUALLY

REQUEST TO CONTINUE PUBLIC HEARING



Date July 25, 2016

Property Owner Yvon Cormier Construction Co., Inc.

Property Address (Street, City, Zip) 47.5 - 57 Kimball Road

If not the Property Owner, then state your relation to the Property Owner

Applicant's Representative

Name Philip A. Parry, Esq.

Name of Firm Parry and Parry PC

Your Address (Street, City, Zip) 4 Merrimac Square, Merrimac, MA 01860

Email Address phil@parrylawandtitle.com

Telephone 978-346-0005 Fax 978-346-0066

City of Amesbury Board/Committee/Permit Granting Authority - PGA (Choose That Apply)

- X Planning Board
Conservation Commission
Zoning Board of Appeals
Other

- Historical Commission
Tree Board
Design Review Committee

Project Name: 47-5 -57 Kimball Road Subdivision

I hereby request the Public Hearing to be continued for 30 days (not less than 30 days) and understand that supplemental/revised information shall be submitted pursuant to the submission deadline of respective PGA and give my consent to be placed on the PGA's Agenda accordingly. I acknowledge that the the deadline for the Board to render a decision shall be extended for the period requested above in addition to any previous extension requested for this hearing.

Initial Hearing Date June, 2015 Permit Filing Date April, 2015

Reason for Continuation Respond to peer review comments and provide draft documents for review.

Signature [Handwritten Signature] (Property Owner/Agent/Applicant)

Office Use Only
Office of Community & Economic Development, 62 Friend Street Amesbury MA 01913
Received By Date
Public Hearing Continued To:



**PARRY & PARRY**  
PROFESSIONAL CORPORATION

4 MERRIMAC SQUARE  
MERRIMAC, MA 01860  
T | 978.346.0005  
F | 978.346.0066

PHILIP A. PARRY | Admitted in MA and NH  
ATTORNEY AT LAW phil@parrylawandtitle.com

DENISE L. PARRY | Admitted in MA  
ATTORNEY AT LAW denise@parrylawandtitle.com

September 26<sup>th</sup>, 2016

Town of Amesbury  
Bonnijo Kitchin, City Clerk  
62 Friend Street  
Amesbury, MA 01913

RE: Definitive Subdivision Plan, Cluster Residential Special Permit and Common Access Driveway Special Permit – BC Realty Trust, Petitioner – Property: 47 ½ - 57 Kimball Road

Dear Ms. Kitchin:

Please accept copies of the enclosed Form C Application for Definitive Plan Subdivision Approval, Application for Cluster Residential Special Permit, Application for Common Access Driveway Special Permit, Application for Water Resources Protection District Special Permit, and Form N Receipt for Subdivision Plan relative to the above referenced.

This is a re-submission of previously filed applications and attachments, which are incorporated herein by reference as follows:

- Hydrologic Report, prepared by Atlantic Engineering and Survey Consultants, Inc. dated January 17, 2015, revised October 24, 2015.
- Project Narrative, prepared by Atlantic Engineering and Survey Consultants, Inc. dated January 20, 2015.
- Abutter's Lists for 47.5 – 57 Kimball Road certified as of February 12, 2015 prepared by Amesbury Assessor's Office.
- Definitive Subdivision Plan entitled "Definitive Subdivision Plan under Special Permit Application Cluster Residential / Common Access Driveway at 47.5 – 57 Kimball Road In Amesbury, Massachusetts," sheets 1-15, prepared by Atlantic Engineering and Survey Consultants, Inc., dated January 20, 2015, filed March 2, 2015, revised through May 5, 2016.
- Form C Application for Definitive Plan Subdivision Approval dated February 2, 2015, filed March 2, 2015.
- Application for Cluster Residential Special Permit under Sec. X1.D of the Amesbury Zoning Bylaw, dated February 2, 2015, filed March 2, 2015.
- Application for Common Access Drive Special Permit under Sec. X1.O of the Amesbury Zoning Bylaw, dated February 2, 2015, filed March 2, 2015.

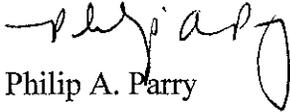
- Form J Conveyance of Easements and Utilities dated February 15, 2015.
- Form H. Covenant dated February 15, 2015.
- Owner's Authorization dated February 7, 2015.
- Cover Letter from Parry and Parry PC dated February 12, 2015 regarding submission of plans, applications, Form C and Form N to accompany the foregoing.
- Form N Receipt for Subdivision Plan dated March 2, 2015.
- Application for Water Resources Protection District Special Permit under Sec. XIV.E of the Amesbury Zoning Bylaw, dated April 13, 2015, filed April 15, 2015.
- Cover Letter from Parry and Parry PC dated April 15, 2015 to accompany the foregoing.
- Request from Parry and Parry PC to the Planning Board to Continue Public Hearing dated June 17, 2016.
- Memorandum as to Design Review (Peer Review) prepared by Stantec Consulting Services, Inc. to the Amesbury Planning Board dated September 23, 2015.
- Plan entitled "Post-Development Watershed – Definitive Subdivision, 47.5 – 57 Kimball Road, Amesbury, Massachusetts," prepared by Atlantic Engineering and Survey Consultants, Inc., dated October 10, 2015.
- Memorandum as to Design Review (Peer Review) prepared by Stantec Consulting Services, Inc. to the Amesbury Planning Board dated July 22, 2016.
- City of Amesbury Department of Public Works Review Comments – First Submission, dated April 9, 2015.
- City of Amesbury Department of Public Works Review Comments – Second Submission, dated May 22, 2015.
- City of Amesbury Department of Public Works Review Comments – Supplementary Information Submission, dated July 22, 2016.
- City of Amesbury Director of Public Health Review Comments – First Submission, dated March 16, 2015.
- City of Amesbury Director of Public Health Review Comments – Second Submission, dated April 24, 2015.
- City of Amesbury Fire Department Review Comments, dated July 22, 2016.
- City of Amesbury Police Department Review Comments – Second Submission, dated May 20, 2015.
- City of Amesbury Police Department Review Comments, dated July 21, 2016.
- City of Amesbury Conservation Commission Review Comments – First Submission, dated April 13, 2015.
- City of Amesbury Conservation Commission Review Comments – Second Submission, dated May 26, 2015.
- Request from Parry and Parry PC to the Planning Board to Continue Public Hearing dated January 6, 2016.
- Request from Parry and Parry PC to the Planning Board to Continue Public Hearing dated April 15, 2015.
- Peer Review Response Letter from Parry and Parry PC dated June 17, 2016.
- Request from Parry and Parry PC to the Planning Board to Continue Public Hearing dated July 25, 2016.
- Cover Letter from Parry and Parry PC dated September 26, 2016 regarding withdrawal of submission of plans and special permits.
- Cover Letter from Parry and Parry PC dated September 26, 2016 regarding re-submission of plans, applications, Form C and Form N and accompanying documentation.
- Cover Letter from Parry and Parry PC dated September 26, 2016 regarding submission of plans, applications, Form C and Form N to accompany the foregoing.
- Draft deed to City of Amesbury – Open Space area and Parcel Y shown on the Definitive plan.

- Draft Restrictive Covenants – Subdivision.
- Draft Conservation Restriction – Open Space.
- Draft Declaration of Common Drive Maintenance Covenant.
- Draft 47.5-57 Kimball Road Homeowners Trust.
- Sample House plans.

Please return a signed copy of the Form N to me in the attached self-addressed stamped envelope and the original Form to Joan Baptiste in the Economic Development Department.

Thank you for your consideration.

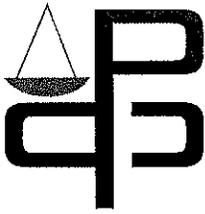
Yours very truly,

  
Philip A. Parry

Attachments

cc: John Cormier

: Joan Baptiste



**PARRY & PARRY**  
PROFESSIONAL CORPORATION

4 MERRIMAC SQUARE  
MERRIMAC, MA 01860  
T | 978.346.0005  
F | 978.346.0066

PHILIP A. PARRY | Admitted in MA and NH  
ATTORNEY AT LAW phil@parrylawandtitle.com

DENISE L. PARRY | Admitted in MA  
ATTORNEY AT LAW denise@parrylawandtitle.com

September 26<sup>th</sup>, 2016

Town of Amesbury  
Planning Board  
David Frick, Chair  
62 Friend Street  
Amesbury, MA 01913

RE: Definitive Subdivision Plan, Cluster Residential Special Permit, Common Access Driveway Special Permit and Water Resources Protection District Special Permit – BC Realty Trust, Petitioner – Property: 47 ½ - 57 Kimball Road

Dear Mr. Frick:

Please accept the enclosed Form C Application for Definitive Plan Subdivision Approval, Application for Cluster Residential Special Permit, Application for Common Access Driveway Special Permit, and Application for Water Resources Protection District Special Permit. The accompanying plans, owner's consent, copies, narratives and filing fee check relative to the above referenced have been previously filed.

The affected property is known as 47 ½, 49, 51, 53, 55 and 57 Kimball Road, and is shown on Assessor's Map 60 as Lots 6, 6A, 6B, 6C, 6D, and 6E. The premises is owned by Yvon Cormier Construction Corp.

I will provide the Town Clerk notices in proper form stating the date of Definitive Plan Submission to the Planning Board and a copy of the completed application Form C along with copies of the Special Permit Applications.

Please schedule these matters for a hearing with the Planning Board at its next available meeting.

Thank you for your consideration.

Yours very truly,

Philip A. Parry  
Attachments  
cc: John Cormier



**PARRY & PARRY**  
PROFESSIONAL CORPORATION

4 MERRIMAC SQUARE  
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September 26<sup>th</sup>, 2016

DENISE L. PARRY | Admitted in MA  
ATTORNEY AT LAW denise@parrylawandtitle.com

Town of Amesbury  
Planning Board  
David Frick, Chair  
c/o Community & Economic Development Department  
62 Friend Street  
Amesbury, MA 01913

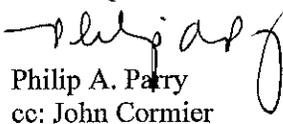
RE: Definitive Subdivision Plan, Cluster Residential Special Permit, Common Access Driveway Special Permit and Water Resources Protection District Special Permit – BC Realty Trust, Petitioner – Property: 47 ½ - 57 Kimball Road

Dear Mr. Frick:

Relative to the above, please accept this letter as verification that the Petitioner withdraws its pending Special Permit and Definitive Plan applications without prejudice. This letter is in confirmation of my request to the Planning Board at its July 25<sup>th</sup> meeting, which request was granted unanimously by the Board. As discussed with the Board, the Petitioner will be re-filing these Special Permit and Definitive Plan applications anew, and the filing fees will be waived. The Petitioner will incur the publication and notice costs for the re-filed applications.

Thank you for your consideration.

Yours very truly,

  
Philip A. Parry  
cc: John Cormier



**PARRY & PARRY**  
PROFESSIONAL CORPORATION

4 MERRIMAC SQUARE  
MERRIMAC, MA 01860  
T | 978.346.0005  
F | 978.346.0066

PHILIP A. PARRY | Admitted in MA and NH  
ATTORNEY AT LAW phil@parrylawandtitle.com

DENISE L. PARRY | Admitted in MA  
ATTORNEY AT LAW denise@parrylawandtitle.com

September 26<sup>th</sup>, 2016

Mary Mainville, Clerk  
Town of Amesbury  
Assessor's Office  
62 Friend Street  
Amesbury, MA 01913

RE: Request for Certified Abutter's List

Dear Ms. Mainville:

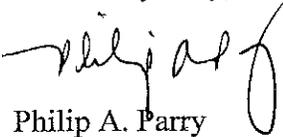
I represent the BC Realty Trust, John Cormier, Trustee, relative to its filing of Planning Board Special Permits and Definitive Plan Approval affecting property known as 47 ½, 49, 51, 53, 55, and 57 Kimball Road. The subject property is individually assessed as lots 6, 6A, 6B, 6C, 6D, and 6E on Assessors Map 60. Each lot is owned by the Yvon Cormier Construction Corp.

At your earliest convenience, please compile a Certified List of Abutters and contact me when it is available so that I may pick it up from you and file the plan and applications with the Community & Economic Development Department.

Thank you very much.

Please contact me with any questions.

Yours very truly,



Philip A. Parry  
Attachment

cc: John Cormier, Trustee



PLANNING BOARD

# Amesbury

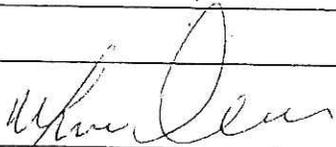
Town Hall, Amesbury, MA 01913

## FORM C - Application for DEFINITIVE SUBDIVISION Approval

Date July 26, 2016

The undersigned, being the applicant as defined under Chapter 41 §81-O, for approval of a proposed subdivision plan, hereby submits a DEFINITIVE plan and makes application for approval to the Amesbury Planning Board:

1. Name of Plan Definitive Subdivision of Land At 47.5 - 57 Kimball Road In Amesbury, Massachusetts  
Date 1-20-15 Drawn by Atlantic Engineering & Survey Phone 978-352-7870
2. Name of Applicant BC Realty Trust, John Cormier and Robert O. Cormier, Trs.  
Address 64 School Street Merrimac, MA 01860 508-996-2913  
No. Street City/Town State Phone
3. Deed Reference: Book 5697, Page 435, Certificate of Title N.A.
4. Basements & Restrictions See attached list.

Signature of Owner:   
Yvon Cormier Construction Corp., by Yvon Cormier, Pres. & treas.  
Address: 3 Crenshaw Lane  
Andover, MA 01810

OFFICE USE ONLY

Received by Town Clerk:

Date \_\_\_\_\_ Time \_\_\_\_\_

Signature \_\_\_\_\_

FORM C (con't)

This information is to be filled in by the Planning Board, however, the applicant may find the checklist useful for plan preparation

OFFICE USE ONLY

Definitive Plans (Ch. 41 §81U)

Submission Requirements:

- 10 prints of plan
- Copy of Form C to Town Clerk
- locus plan 1" = 1000'
- street plans & Profiles
- cross sections
- closures/ownership info
- drainage calcs / sewage calcs
- environmental & community analysis
- erosion & sedimentation plan
- landscaping plan
- soil survey/test pits
- fee paid (see filing fees)

Plan Contents:

- title/owners/applicant/surveyor
- boundary/area/reference/monuments
- abutters
- zoning classification/boundaries
- FEMA information
- street locations
- detention calculations
- stamp & signature of Land Surveyor
- certification by plan preparer
- major site features/utilities
- Clerk & Planning Board signature area

Referred to	sent	rec'd back	comment?
Board of Appeals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Conservation Commission	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Board of Health	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public Works Dept.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Police Dept.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fire Dept.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PLAN ACCEPTED

PLAN REJECTED (Circle missing items)

Date Plan Filed: \_\_\_\_\_

+90 Days: \_\_\_\_\_

Hearing Date: \_\_\_\_\_

Decision:

PLAN APPROVED

PLAN DENIED (State reasons)

Date of decision

Preliminary Plan Approved

Definitive Plan Submitted

Approval Deadline Date

Hearing Date

Hearing Date

Date of letters to abutters

Newspaper notices (H-14)

Approval or Disapproval

Appeal Deadline (A+20)

Recording date

Book \_\_\_\_\_ Page

COMMENTS: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

Easements and Restrictions  
Form C – Application for DEFINITIVE SUBDIVISION Approval  
Definitive Subdivision of Land At 47.5 – 57 Kimball Road In Amesbury, Massachusetts  
BC Realty Trust, Applicant

The premises is subject to the following easements and restrictions, as follows:

1. Easement to the New England Power Company recorded in the Essex South Registry of Deeds at Book 4512 Page 40.
2. Rights of Hawley Patten, his heirs, successors and assigns, to pass and re-pass over a “30’ Right of Way to Kimball Rd.” as shown on a Plan recorded in the Essex South Registry of Deeds at Plan Book 90, Plan 64, as described in a deed of Laura P. Warner recorded in the Essex South Registry of Deeds at Book 4444 Page 219.
3. Easement to New England Telephone and Telegraph Company recorded in the Essex South Registry of Deeds at Book 6022 Page 310.
4. Easement for septic system purposes described in a deed from Yvon Cormier Construction Corp. to the Trustees of Acadia Condominium Trust recorded in the Essex South Registry of Deeds at Book 6720 Page 445.
5. Orders of Taking in favor of the Town of Amesbury for sewer easements recorded in the Essex South Registry of Deeds at Book 7697 Page 531 and Book 7697 Page 555.
6. Encroachment onto the subject premises by the railroad tie flower bed, gravel driveway, and fence appurtenant to the property abutting to the north belonging to the Acadia Condominium as shown on a Plan recorded in the Essex South Registry of Deeds at Plan Book 426, Plan 90.
7. The subject premises has the benefit of an appurtenant easement over a “30’ Right of Way to Kimball Rd.” as shown on a Plan recorded in the Essex South Registry of Deeds at Plan Book 90, Plan 64, as reserved in the deed of Laura P. Warner to Hawley Patten recorded in the Essex South Registry of Deeds at Book 4444 Page 219.



# Amesbury

PLANNING BOARD

Town Hall

## APPLICATION FOR SPECIAL PERMIT

Date July 26, 2016  
Name BC Realty Trust, John Cormier and Robert O. Cormier, Trs.  
Address 64 School Street, Merrimac, MA 01860

Title Reference - Book 5697 Page 435

Application is hereby made for a special permit under the requirements of Section V, Paragraph D of the Amesbury Zoning Bylaw.

Premises affected are situated on Kimball Road Street, Amesbury, Massachusetts, and on Map # 60, Lot # 6, 6A, of the Assessor's Map.

1. Type of Special Permit Required: Water Resources Protection Special Permit; XIV of the Zoning Bylaw.
2. Zoning District: R40
3. Has there been any previous appeal or permit on this property: No; definitive plan, Cluster Res. and  
If yes, explain: Common Access Driveway Special Permits pending
4. Lot Size: 19.3350 acres
5. Size of Building(s) existing or proposed: Eight single family residences to be constructed, approximately  
28' by 60' in size as shown on the plan. The ninth lot will remain common open space.
6. Occupancy of Use, existing /proposed: Eight single family residential lots and one lot of Common Open Spac
7. Is site plan review required: No
8. Is Subdivision Control Law approval required: Yes

9. **Other permits required:** Wetlands; Definitive Plan; Common Access Driveway & Cluster Special Permit.

10. **Description of proposed work/use:** Construction of a Cluster development and related infrastructure;

construction of eight single-family residential dwellings on eight lots is proposed, with an additional lot for common open space. More than 15% of each lot and/or 2500 square feet will be rendered impervious by the development.

11. **Principal Points upon which application is based:** \_\_\_\_\_

This application is made pursuant to Amesbury Zoning Bylaw Section XIV, Table of Use Regulations as a

Specially Permitted use under section XIV. The Petitioner states that the Special Permit may be appropriately granted for the reasons stated in the attached narrative.

John Cain Tr by Phil Adams Atty In Fact  
Signature of Applicant

John Cain Pres + Treas by Phil Adams  
Atty In Fact Owner (if not Applicant)

**Filing Fee:** \$500.00 plus \$100 per lot (CAD, Cluster) or \$50 per dwelling unit (multi-family)

**Received:** \_\_\_\_\_

**Distributed:** \_\_\_\_\_

**Hearing:** \_\_\_\_\_

**Application must be filed in duplicate, accompanied by five (5) sets of plans, a list of abutters, and a Building Inspector refusal; If site plan approval or subdivision control law approval is necessary, eight (8) sets of plans shall be submitted.**

### **SPECIAL PERMIT REQUIREMENTS**

1. All special permit applications must be presented by individuals, partnerships or corporations being parties of interest in the permit applied for. No application will be acted upon unless accompanied by the name or names of the person having title to the property involved, and the book and page of the recording of the deed to said property. The applicant, their attorney, or representative must be present at the time of the public hearing; otherwise the application may be dismissed.
2. All applications shall be accompanied by a plot plan in ink, drawn to scale, showing the actual dimensions of the lot and the exact location and size of the existing building(s) or structure(s) or of the building(s) or structure(s) to be erected. Included on the plan should be the streets or ways adjacent to the lot. The Planning Board shall keep on file in their office a copy of the application and a copy of the plan.
3. The application must include the names and addresses of all abutters to the property in question, including property across the street or right of way, the owners of land within three hundred (300) feet of the property line; all as they appear on the most recent applicable tax list and certified by the Board of Assessors.
4. Applications requiring a recording of a plan must be accompanied by a recordable linen plan, plus copy, and said plan must contain an engineer's seal. A plan that is to be recorded in the Registry of Deeds must be at least 14 by 9½ inches.
5. All applications must specifically set out the nature of the special permit sought. Only the appeal that is specifically set forth in the application will be considered by the Board unless a change is voted by a majority of the Board.
6. A public hearing will be held by the Planning Board within 65 after filing of an application. Notice of public hearing will be given by publication in the newspaper once in each of two successive weeks, the first publication being not less than fourteen (14) days before the day of the hearing. Cost of the mailing and publication will be paid by the applicant.
7. No application will be accepted or published until the application form, the plan, the list of abutters, review fees and the filing fee have been submitted to the Planning Board or their representative.
8. Complete regulations for special permits are found in Section X, Paragraph J of the Amesbury Zoning Bylaw.

**Application for Special Permit – Water Resources Protection District  
Special Permit – BC Realty Trust, 47.5 – 57 Kimball Road, Amesbury, MA**

Approval of the application of BC Realty Trust for a Water Resources Protection District Special Permit is sought for the following principal reasons.

The subject site contains 19.3350 contiguous acres in area and approximately 860 feet of frontage on Kimball Road. It is located in the R40 zone. The parcel is a wooded, sloped parcel interspersed with wetlands and resource areas. It is a vacant tract of land. Access to the site is via Kimball Road and a 30 foot wide Right of Way extending from Lake Attitash Road. The site currently consists of six approved single family lots, each of which conforms to conventional bulk criteria for lots in the R40 zone. Each lot maintains its road frontage on Kimball Road. The plan dividing the lots into their current configurations was endorsed as Approval Not Required by the Planning Board in the year 1999. The Approval Not Required plan superceded a definitive subdivision plan constructively approved in 1971 which created 14 lots, 10 of which were to be accessed via a proposed roadway stretching from Kimball Road to the 30 foot wide Right of Way extending from Lake Attitash Road.

The Petitioner proposes to create a Cluster Residential development consisting of eight residential lots, with a ninth lot comprising common open space. A Cluster Residential Special Permit is being sought simultaneously herewith pursuant to Section XI.D of the Amesbury Zoning Bylaw. The development is also contingent upon the grant of Definitive Subdivision Plan approval and a Special Permit for a Common Access Driveway pursuant to Section XI.O of the Amesbury Zoning Bylaw. Access to five of the proposed subdivision lots will be via the Common Access Driveway, which as proposed is approximately 255 feet in length extending from Kimball Road. The other three subdivision lots will be accessed via driveways on Kimball Road. The Definitive Plan application has also been filed for consideration previously.

The subject parcel is located within the Water Resource Protection District Zone C. Pursuant to Section XIV.E.8. of the Zoning Bylaw, the following uses are allowed: *“Residential, commercial and industrial development outside of the Zone A and Zone II area and subject to Sections F, G, and H (prohibited uses) and Section I (special permitted uses).”* Sections F, G and H do not apply, as the Petitioner does not propose any prohibited uses.

Section XIV.I.B. states in part that: *“The following uses and activities are allowed within district Zones B and Zone C of the WRPD only upon the issuance of a special permit by the Planning Board under such conditions as the board may require...”*

*7. (a) Any new construction; and (b) any use that will render impervious more than fifteen percent (15 %) or two thousand five hundred (2,500) square feet of any lot, whichever is greater, shall require a system of stormwater management and artificial recharge of precipitation is developed which is designed to prevent untreated discharges to wetland resource areas and surface water; preserve hydrologic conditions that*

*closely resemble pre-development conditions; reduce or prevent flooding by managing peak discharges and volumes of runoff; minimize erosion and sedimentation; not result in significant degradation of ground water; reduce suspended solids and other pollutants to improve water quality and provide increased protection of sensitive natural resources. These standards may be met using the following or similar best management practices:*

*(1) For lots occupied, or proposed to be occupied, by single or two family residences recharge shall be attained through site design that incorporates natural drainage patterns and vegetation in order to maintain pre- development stormwater patterns and water quality to the greatest extent possible. Stormwater runoff from rooftops, driveways and other impervious surfaces shall be routed through grassed water quality swales, as sheet flow over lawn areas or to constructed stormwater wetlands, sand filters, organic filters and/or similar systems capable of removing nitrogen and phosphorus from stormwater...and*

*11. New road construction shall conform to all specifications listed in the Amesbury Subdivision Rules and Regulations as well as any conditions of approval required by the Planning Board relative to the purposes and requirements of this bylaw and the protection of the public drinking water supplies."*

The Petitioner proposes a development of newly constructed single-family homes, and more than 15% of the area of the lots will be rendered impervious, for which stormwater management designs have been proposed.

Prior hereto, with the definitive plan and other special permit applications, the Petitioner has filed all necessary information for review by the SPGA, including the documents and information listed in Section XI.C.5 and the narrative of conditions subject to the special permit request. Such information provides sufficient detail and supporting information for the SPGA to issue a determination that a Special Permit may be granted, and that the proposed development and construction does not adversely affect the existing or potential quality or quantity of water that is available in the Water Resource Protection District, and that it is designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed in accordance with the Bylaw.

Wherefore, the Petitioner requests that the Planning Board grant its application for a Water Resources Protection District Special Permit upon such reasonable terms and conditions as it deems necessary to further the provisions of the Master Plan and Zoning Bylaw.



# Amesbury

PLANNING BOARD

Town Hall

## APPLICATION FOR SPECIAL PERMIT

Date July 26, 2016

Name BC Realty Trust, John Cormier and Robert O. Cormier, Trs.

Address 64 School Street, Merrimac, MA 01860

Title Reference - Book 5697 Page 435

Application is hereby made for a special permit under the requirements of Section V, Paragraph D of the Amesbury Zoning Bylaw.

Premises affected are situated on Kimball Road (# 47.5 - 57) Street, Amesbury, Massachusetts, and on Map # 60, Lot # 6, 6A, of the Assessor's Map. 6B, 6C, 6D and 6E

1. Type of Special Permit Required: Cluster Residential Special Permit; Section XI.D of the Zoning Bylaw.
2. Zoning District: R40
3. Has there been any previous appeal or permit on this property: No  
If yes, explain: \_\_\_\_\_
4. Lot Size: 19.3350 acres
5. Size of Building(s) existing or proposed: Eight single family residences to be constructed, approximately 28' by 60' in size as shown on the plan. The ninth lot will remain common open space.
6. Occupancy of Use, existing /proposed: Eight single family residential lots and one lot of Common Open Space is proposed; the site is currently unimproved.
7. Is site plan review required: No
8. Is Subdivision Control Law approval required: Yes



### SPECIAL PERMIT REQUIREMENTS

1. All special permit applications must be presented by individuals, partnerships or corporations being parties of interest in the permit applied for. No application will be acted upon unless accompanied by the name or names of the person having title to the property involved, and the book and page of the recording of the deed to said property. The applicant, their attorney, or representative must be present at the time of the public hearing; otherwise the application may be dismissed.
2. All applications shall be accompanied by a plot plan in ink, drawn to scale, showing the actual dimensions of the lot and the exact location and size of the existing building(s) or structure(s) or of the building(s) or structure(s) to be erected. Included on the plan should be the streets or ways adjacent to the lot. The Planning Board shall keep on file in their office a copy of the application and a copy of the plan.
3. The application must include the names and addresses of all abutters to the property in question, including property across the street or right of way, the owners of land within three hundred (300) feet of the property line; all as they appear on the most recent applicable tax list and certified by the Board of Assessors.
4. Applications requiring a recording of a plan must be accompanied by a recordable linen plan, plus copy, and said plan must contain an engineer's seal. A plan that is to be recorded in the Registry of Deeds must be at least 14 by 9½ inches.
5. All applications must specifically set out the nature of the special permit sought. Only the appeal that is specifically set forth in the application will be considered by the Board unless a change is voted by a majority of the Board.
6. A public hearing will be held by the Planning Board within 65 after filing of an application. Notice of public hearing will be given by publication in the newspaper once in each of two successive weeks, the first publication being not less than fourteen (14) days before the day of the hearing. Cost of the mailing and publication will be paid by the applicant.
7. No application will be accepted or published until the application form, the plan, the list of abutters, review fees and the filing fee have been submitted to the Planning Board or their representative.
8. Complete regulations for special permits are found in Section X, Paragraph J of the Amesbury Zoning Bylaw.

**Application for Special Permit – Cluster Residential Special Permit –  
BC Realty Trust, 47.5 – 57 Kimball Road, Amesbury, MA**

Approval of the application of BC Realty Trust for a Cluster Residential Special Permit is sought for the following principal reasons.

The subject site contains 19.3350 contiguous acres in area and approximately 860 feet of frontage on Kimball Road. It is located in the R40 zone. The parcel is a wooded, sloped parcel interspersed with wetlands and resource areas. It is a vacant tract of land. Access to the site is via Kimball Road and a 30 foot wide Right of Way extending from Lake Attitash Road. The site currently consists of six approved single family lots, each of which conforms to conventional bulk criteria for lots in the R40 zone. Each lot maintains its road frontage on Kimball Road. The plan dividing the lots into their current configurations was endorsed as Approval Not Required by the Planning Board in the year 1999. The Approval Not Required plan superceded a definitive subdivision plan constructively approved in 1971 which created 14 lots, 10 of which were to be accessed via a proposed roadway stretching from Kimball Road to the 30 foot wide Right of Way extending from Lake Attitash Road.

The Petitioner proposes to create a Cluster Residential development consisting of eight residential lots, with a ninth lot comprising common open space. A Cluster Residential Special Permit is being sought pursuant to Section XI.D of the Amesbury Zoning Bylaw. The development is also contingent upon the grant of Definitive Subdivision Plan approval and a Special Permit for a Common Access Driveway. Access to five of the proposed subdivision lots will be via the Common Access Driveway, which as proposed is approximately 255 feet in length extending from Kimball Road. The other three subdivision lots will be accessed via driveways on Kimball Road. The Definitive Plan and Special Permit applications have been filed for consideration simultaneously.

The parcel of land comprising the Cluster Residential development exceeds the minimum allowable tract size under Amesbury's Zoning Bylaw. One-family detached dwellings on separate lots are proposed; they are uses allowed under the Bylaw. No residential lot in the development will directly abut any other homes already existing. The bulk of the common open space will be located to the rear of the subdivision, away from Kimball Road, in the area closest to Lake Attitash Road. The common open space surrounds the proposed residential lots, such that buffer zones will be maintained between abutting properties already improved. In addition, for safety purposes, the Petitioner is proposing as part of the subdivision plan to convey to the City a strip of land along Kimball Road to widen the road layout, reduce the curve, and increase sight distances for vehicles travelling on it.

The proposed Cluster Residential development for the subject parcel is superior to a conventional one in preserving open space for conservation or recreation, and in utilizing the natural features of the land. The majority of the property will remain in its undisturbed natural state. Where possible, the optimal building sites have been identified and located not closer than 100 feet to wetlands. The Common Access Driveway to serve the lots has been located to avoid or minimize adverse impacts on open space areas and to provide views of and access to the open space for the lots. As such, the plan allows a more efficient provision for utilities and other

public services than does a conventional subdivision. The reduced lot sizes discourage the sprawl associated with lots in a conventional subdivision. The Cluster development will not have detrimental effects on abutting neighborhoods and in preparing the plan, consideration has been given to the recommendations contained in the Amesbury Open Space & Recreation Plan, Preservation Plan and Overall Master Plan in the engineering and designing of it.

The proposed cluster subdivision encourages the preservation of valuable open space and maintains Amesbury's traditional character and land use pattern in which small villages contrast with open land. The open space shall consist of a contiguous area to which each proposed lot and house has direct reasonable, physical and visual access by a strip of land at least 20 feet wide suitable for a footpath. Narrow areas of open space less than 100 feet wide are limited, and only occur as vegetated buffers along wetlands or the perimeter of the site, and as connections between open space areas. The open space areas are designed to protect and enhance wetlands areas, all significant woodlands, treelines, rocky outcroppings of ledge or bedrock, wildlife habitat and corridor areas and areas of slopes greater than 10%. All significant wetlands, scenic views, fences and stone walls, and roads and trails are shown or described on the plans and incorporated into the open space. The development site does not contain any floodplains, open fields or meadows, any public water supply areas, watershed divides, aquifer recharge areas, drainage ways, soil test pits or percolation test areas or sites, recreational areas, historic structures or known archeological sites. The common open space area is of a shape, dimension, character, and location suitable to assure that all of the residents of the tract may use it for park, recreation, and conservation purposes.

All land within the cluster subdivision not covered by buildings, roads, walkways, parking areas or service areas, and which is not set aside as private yards is set aside and preserved as part of the common open space. The common open space area comprises 82.98% of the tract, of which 36.9% is within Wetlands areas. The common open space is not less than the square footage of the areas by which the lots are reduced below the minimum lot area required for conventional development.

The Applicant anticipates conveying the common open space and all appurtenances thereto to a homeowner's association, the principal purpose of which is to be conservation and passive recreation. In the event the Planning Board determines that the use of the open space may best be required for addressing an overriding public need, or prefers that the open space be otherwise conveyed to a different entity, the Applicant will defer to the Planning Board's discretion. The Applicant will cause the appropriate documents in proper form and content to be recorded in the Essex South Registry of Deeds restricting and/or conveying the common open space.

In addition, the Applicant anticipates imposing restrictive covenants on the lots within the development which will include, among other provisions, the following:

- there shall be no parking of automobiles in those areas designated as common open space;
- No cluster lot or any portion of the common open space may be further subdivided for the purposes of residential construction;

- no certificate of occupancy shall be issued by the Building Inspector until he has certified to the Planning Board that the premises have been built in accordance with any plan approved by the Board;
- any special permits granted pursuant hereto shall lapse within two (2) years if not exercised;
- Each unit shall consist of a single-family dwelling;
- Open space shall be used solely for recreation, conservation, agriculture or forestry purposes by residents and/or the public, and in accordance with the terms of the homeowner's association or entity acceptable to the Planning Board.

Each lot will also be conveyed an appurtenant right to use, and ownership of, the Common Access Driveway.

In general, the proposed cluster subdivision protects water bodies and supplies, wetlands, flood plains, forestry lands, wildlife, and other natural resources.

It minimizes the total amount of disturbance on the site and preserves open space areas for active and passive recreational use, including the provision for neighborhood parks and trails. The Petitioner intends to dedicate the Open Space for conservation and passive recreation purposes.

The proposed cluster subdivision permits greater flexibility and more attractive, efficient, economical design of residential subdivisions.

It will facilitate economical and efficient provision of utilities. A conventional subdivision would require the extension of infrastructure in excess of that proposed in order to serve proposed residences.

The proposed cluster subdivision is consistent with the City's Master Plan to meet housing needs and to promote diverse and energy efficient housing at a variety of costs.

Wherefore, the Applicant requests that the Planning Board grant its application for a Cluster Residential Special Permit upon such reasonable terms and conditions as it deems necessary to further the provisions of the Master Plan and Zoning Bylaw.



# Amesbury

PLANNING BOARD

Town Hall

## APPLICATION FOR SPECIAL PERMIT

Date July 26, 2016

Name BC Realty Trust, John Cormier and Robert O. Cormier, Trs.

Address 64 School Street, Merrimac, MA 01860

Title Reference - Book 5697 Page 435

Application is hereby made for a special permit under the requirements of Section V, Paragraph D of the Amesbury Zoning Bylaw.

Premises affected are situated on Kimball Road Street, Amesbury, Massachusetts, and on Map # 60, Lot # 6, 6A, 6B, 6C, 6D, & 6E of the Assessor's Map.

1. Type of Special Permit Required: Common Access Driveway; Section XI.O of the Zoning Bylaw.
2. Zoning District: R40
3. Has there been any previous appeal or permit on this property: No  
If yes, explain: \_\_\_\_\_
4. Lot Size: 19.3350 acres
5. Size of Building(s) existing or proposed: Eight single family residences to be constructed, approximately 28' by 60' in size as shown on the plan. The ninth lot will remain common open space.
6. Occupancy of Use, existing /proposed: Eight single family residential lots and one lot of Common Open Space is proposed; the site is currently unimproved.
7. Is site plan review required: No
8. Is Subdivision Control Law approval required: Yes



### SPECIAL PERMIT REQUIREMENTS

1. All special permit applications must be presented by individuals, partnerships or corporations being parties of interest in the permit applied for. No application will be acted upon unless accompanied by the name or names of the person having title to the property involved, and the book and page of the recording of the deed to said property. The applicant, their attorney, or representative must be present at the time of the public hearing; otherwise the application may be dismissed.
2. All applications shall be accompanied by a plot plan in ink, drawn to scale, showing the actual dimensions of the lot and the exact location and size of the existing building(s) or structure(s) or of the building(s) or structure(s) to be erected. Included on the plan should be the streets or ways adjacent to the lot. The Planning Board shall keep on file in their office a copy of the application and a copy of the plan.
3. The application must include the names and addresses of all abutters to the property in question, including property across the street or right of way, the owners of land within three hundred (300) feet of the property line; all as they appear on the most recent applicable tax list and certified by the Board of Assessors.
4. Applications requiring a recording of a plan must be accompanied by a recordable linen plan, plus copy, and said plan must contain an engineer's seal. A plan that is to be recorded in the Registry of Deeds must be at least 14 by 9½ inches.
5. All applications must specifically set out the nature of the special permit sought. Only the appeal that is specifically set forth in the application will be considered by the Board unless a change is voted by a majority of the Board.
6. A public hearing will be held by the Planning Board within 65 after filing of an application. Notice of public hearing will be given by publication in the newspaper once in each of two successive weeks, the first publication being not less than fourteen (14) days before the day of the hearing. Cost of the mailing and publication will be paid by the applicant.
7. No application will be accepted or published until the application form, the plan, the list of abutters, review fees and the filing fee have been submitted to the Planning Board or their representative.
8. Complete regulations for special permits are found in Section X, Paragraph J of the Amesbury Zoning Bylaw.

**Application for Special Permit – Common Access Driveway Special Permit –  
BC Realty Trust, 47.5 – 57 Kimball Road, Amesbury, MA**

Approval of the application of BC Realty Trust for a Common Access Driveway Special Permit is sought for the following principal reasons.

The subject site contains 19.3350 contiguous acres in area and approximately 860 feet of frontage on Kimball Road. It is located in the R40 zone. The parcel is a wooded, sloped parcel interspersed with wetlands and resource areas. It is a vacant tract of land. Access to the site is via Kimball Road and a 30 foot wide Right of Way extending from Lake Attitash Road. The site currently consists of six approved single family lots, each of which conforms to conventional bulk criteria for lots in the R40 zone. Each lot maintains its road frontage on Kimball Road. The plan dividing the lots into their current configurations was endorsed as Approval Not Required by the Planning Board in the year 1999. The Approval Not Required plan superceded a definitive subdivision plan constructively approved in 1971 which created 14 lots, 10 of which were to be accessed via a proposed roadway stretching from Kimball Road to the 30 foot wide Right of Way extending from Lake Attitash Road.

The Petitioner proposes to create a Cluster Residential development consisting of eight residential lots, with a ninth lot comprising common open space. A Cluster Residential Special Permit is being sought simultaneously herewith pursuant to Section XI.D of the Amesbury Zoning Bylaw. The development is also contingent upon the grant of Definitive Subdivision Plan approval and a Special Permit for a Common Access Driveway pursuant to Section XI.O of the Amesbury Zoning Bylaw. Access to five of the proposed subdivision lots will be via the Common Access Driveway, which as proposed is approximately 255 feet in length extending from Kimball Road. The other three subdivision lots will be accessed via driveways on Kimball Road. The Definitive Plan application has also been filed for consideration simultaneously herewith.

The proposed Common Access Driveway (CAD) shall be built to the design standards stated in the Zoning Bylaw, and as shown on the Definitive Subdivision plan. The use of the CAD for five of the lots is preferable to the use of individual driveways for the following reasons. Public safety is enhanced by reducing the number and frequency of points at which vehicles may enter onto Kimball Road, particularly in the area of the proposed subdivision. The development site consists of approximately 860 feet of frontage on Kimball Road, and is located on the inside of a long, gradual curve which limits sight distances for vehicles travelling southeasterly and southerly. The development site is currently comprised of six individual lots, each of which, if built upon, would maintain a separate driveway onto Kimball Road. Across from the southerly portion of the site, Ashley Drive intersects Kimball Road. Ashley Drive is a public roadway which serves approximately eight residences. In order to provide the safest access to the development site and balance those needs with the interests of the public travelling along Kimball Road, the Applicant proposes on the Subdivision plan to convey a parcel of land to the City for the future purpose of widening Kimball Road, thereby reducing the severity of the curve in the road and increasing sight distances. This proposal, along with the use of a CAD for the proposed development, would greatly address public safety concerns.

A CAD would further serve to preserve, protect and enhance environmentally sensitive lands located on the site by allowing the development of smaller lots within the Cluster Residential Development, thereby preserving wetlands and open space. The area of land that would otherwise need to be cleared, excavated, filled and/or covered with impervious surface is diminished. Further, the use of a CAD encourages the protection and preservation of significant natural features and vistas located on the development site, which will now be maintained as Common Open Space. The proposed CAD will not serve as a primary means of access to any property which is publicly-controlled or which serves a public purpose. To the extent possible, the CAD has been designed and located so as to minimize soil disturbance, vegetation removal, drainage impacts, and preserve existing trees of over 12" caliper, while minimizing the impact upon other natural features of special significance.

The Applicant does propose that the CAD shall be used to satisfy zoning frontage requirements as a waiver under the Cluster Residential Special Permit as it applies to Lots 6, 7 and 8 on the proposed plan, the remaining Lots all maintaining frontage on Kimball Road. The CAD will have a minimum surface width of sixteen (16) feet, exclusive of two foot shoulders on either side cleared of brush and trees, and shall provide access to the Lots served thereby.

The Applicant proposes that Planning Board allow the CAD to serve three (3) dwelling units for single family detached structures within the Cluster Residential development, while also permitting access to and from the CAD two (2) additional abutting dwelling units located along the intersection of the CAD and Kimball Road. Vital access to Kimball Road is reasonably available to the two (2) additional lots, but in the interests of safety, it is preferable that vehicles enter and exit those lots from the CAD.

The Applicant, upon the sale of any lot within the Cluster Residential development, shall establish within such deed that a grantee shall have rights of access, and ownership in common with the other lot owners, in and to the CAD.

The Applicant shall adopt restrictive covenants affecting the subdivision lots that state that the CAD shall not become a public or private way maintained by the City. Further, it shall be stated that the City of Amesbury shall not be required to provide construction, reconstruction, maintenance, snowplowing, school bus pickup or police patrols along the CAD, unless by contract duly entered into by the City and all landowners served by the CAD. A covenant shall be placed on the property stating that the owners of property served by the CAD shall not petition the City for accepting the way as a public way and that it shall always remain a private way. Each landowner served by the CAD shall be liable and responsible shall be jointly and severally responsible and liable for the repair and maintenance of all portions of the CAD to which more than one landowner holds a right-of-way.

As a condition of the development and construction of the subdivision and CAD, the Applicant shall install mailboxes for all of the units being serviced by the CAD along Kimball Road. The location and height of the mail boxes shall be as per current rules and regulations of the United States Postal Services. A granite post(s) no greater than forty eight (48) inches in height shall be used to support the mailboxes, which shall be uniform in appearance, and the post or box shall indicate the street number address assigned to each lot served by the CAD.

The Applicant proposes that the owners of the dwellings to be constructed shall contract with a private trash disposal service, such that public trash service will not be used. However, in the event public service is utilized, a permanent storage shed shall be constructed and used for the temporary storage of household trash and recycling for all lots being served by the CAD in the style, configuration and location as specified in the Zoning Bylaw.

The proposed CAD is beneficial to the design of the Applicant's development, and as such, furthers the best interests of the City of Amesbury.

Wherefore, the Applicant requests that the Planning Board grant its application for a Common Access Driveway Special Permit upon such reasonable terms and conditions as it deems necessary to further the provisions of the Master Plan and Zoning Bylaw.

# Amesbury

Town Hall, Amesbury, MA 01913

PLANNING BOARD

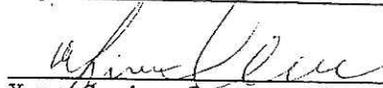
## FORM H TOWN OF AMESBURY COVENANT

Know all men by these presents that whereas the undersigned has submitted application dated July 26, 2016, to the Amesbury Planning Board for approval of a definitive plan of a certain subdivision entitled Definitive Subdivision of Land At 47.5 - 57\* and dated January 20, 2015, and has requested the Board to approve such plan without requiring a performance bond.

NOW THEREFORE, THIS AGREEMENT WITNESSETH that in consideration of the Amesbury Planning Board approving said plan without requiring a performance bond, and in consideration of one dollar in hand paid, receipt whereof as hereby acknowledged, the undersigned covenants and agrees with the Town of Amesbury as follows:

1. The undersigned will not sell any lot in the subdivision or erect or place any building on any such lot until the ways and other improvements necessary to serve adequately such lot have been completely constructed and installed in the manner specified in the aforesaid application and in accordance with the covenants, conditions, agreements, terms and provisions thereof, and of the applicable Rules and Regulations of the Amesbury Planning Board which are hereby incorporated by reference.
2. The undersigned represents and covenants that undersigned if the owner in fee simple of all land included in the aforesaid subdivision and that there are no mortgages or encumbrances or record of otherwise on any of said land, except such as are noted below and subordinated to this contract, evidence of which subordination is attached hereto.
3. This agreement shall be binding upon the executors, administrators, heirs, successors, and assigns of the undersigned. It is the intention of the undersigned and it is hereby understood and agreed that this contract shall constitute a covenant running with the land. It is understood and agreed that lots within the subdivision shall, respectively be released from the foregoing conditions upon the recording of a certificate of performance executed by a majority of said Planning Board an enumerating the specific lots to be so released.

IN WITNESS WHEREOF the undersigned hereunto set our hands and seals this 15<sup>th</sup> day of February, 2015.

  
Yvon Cormier Construction Corp.  
By: Yvon Cormier  
Its: President and Treasurer

Majority of the \_\_\_\_\_  
Planning Board of \_\_\_\_\_  
the Town of \_\_\_\_\_  
Amesbury \_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

Essex

ss

20

Then personally appeared \_\_\_\_\_, one of the above named members of the Planning Board of the Town of Amesbury, Massachusetts, acknowledged the foregoing instrument to be the free act and deed of said Planning Board, before me

Notary Public

My commission expires \_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this 10<sup>th</sup> day of February, 2015, before me, the undersigned notary public, personally appeared Yvon Cormier, President and Treasurer of Yvon Cormier Construction Corp., proved to me through satisfactory evidence of identification, which was a driver's license, to be the person whose name is signed to the attached document and acknowledged to me that he signed it voluntarily for its stated purpose.

*Diane M Caissie*

Notary Public -

My Commission Expires:

3/19/15



FORM C (con't)

This information is to be filled in by the Planning Board, however, the applicant may find the checklist useful for plan preparation

OFFICE USE ONLY

Definitive Plans (Ch. 41 §81U)

Submission Requirements:

- 10 prints of plan
- Copy of Form C to Town Clerk
- locus plan 1" = 1000'
- street plans & Profiles
- cross sections
- closures/ownership info
- drainage calcs / sewage calcs
- environmental & community analysis
- erosion & sedimentation plan
- landscaping plan
- soil survey/test pits
- fee paid (see filing fees)

Plan Contents:

- title/owners/applicant/surveyor
- boundary/area/reference/monuments
- abutters
- zoning classification/boundaries
- FEMA information
- street locations
- detention calculations
- stamp & signature of Land Surveyor
- certification by plan preparer
- major site features/utilities
- Clerk & Planning Board signature area

Referred to	sent	rec'd back	comment?
Board of Appeals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Conservation Commission	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Board of Health	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public Works Dept.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Police Dept.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fire Dept.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- PLAN ACCEPTED
- PLAN REJECTED (Circle missing items)

Date Plan Filed: \_\_\_\_\_  
 +90 Days: \_\_\_\_\_  
 Hearing Date: \_\_\_\_\_

Decision:

- PLAN APPROVED
- PLAN DENIED (State reasons)
- Date of decision

- Preliminary Plan Approved
- Definitive Plan Submitted
- Approval Deadline Date
- Hearing Date
- Hearing Date
- Date of letters to abutters
- Newspaper notices (H-14)
- Approval or Disapproval
- Appeal Deadline (A+20)
- Recording date
- Book \_\_\_\_\_ Page

COMMENTS:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



# Amesbury

Town Hall, Amesbury, MA 01913

PLANNING BOARD

## FORM J TOWN OF AMESBURY CONVEYANCE OF EASEMENTS AND UTILITIES

Yvon Cormier Construction Corp., a Massachusetts corporation with a usual place of business in Andover, ~~Essex~~ County, Massachusetts, for good and adequate consideration, grant to the Town of Amesbury, a municipal corporation in Essex County, Massachusetts, the perpetual rights and easements to construct, inspect, repair, renew, replace, operate and forever maintain, water mains with any manholes, pipes, conduits, drainage easements, and other appurtenances thereto, and to do all acts incidental thereto, in through, and under the following described land: Lots 1-9, inclusive and the Proposed Road appearing on a plan entitled Definitive Subdivision of Land At\*. And, for the consideration aforesaid, the said grantor does hereby give, grant, transfer, and deliver unto the Town of Amesbury all water mains, manholes, pies, conduits, drainage easements, and all appurtenances there to that are now or hereafter constructed or installed in, through, or under the above described land by the grantor and the grantor's successors and assigns.

\*47.5 - .57 Kimball Road In Amesbury, Massachusetts

The grantor warrants that the aforesaid easements are free and clear of all liens or encumbrances, that he (it) has good title to transfer the same, and that he will defend the same against claims of all persons.

For grantor's title, see deed from Laura P. Warner dated July 15th, 20 1970 and recorded in Essex District Registry of Deeds, Book 5697, Page 435, ~~or under Certificate of Title No. xxxxxx registered in xxxxx District of the Land Grant, Book xxxxxxxx Page xxxxxx~~

And (to be completed if a mortgage exists) (name) \_\_\_\_\_  
(address) \_\_\_\_\_

the present holder of a mortgage on the above described land, which mortgage is dated \_\_\_\_\_, 20 \_\_, and recorded in said Deeds, Book \_\_, Page \_\_, for consideration paid, hereby releases unto the Town of Amesbury forever from the operation of said mortgage, the rights and easements hereinabove granted and assents thereto.

\_\_\_\_\_  
Authorized Signature of Mortgagor

*Yvon Cormier*  
\_\_\_\_\_  
Owner  
Yvon Cormier Construction Corp.  
By: Yvon Cormier  
its: President and Treasurer



IN WITNESS WHEREOF I <sup>my</sup> have hereunto set ~~our~~ hands and seals this  
~~xxxx day of xxxxxx 20xxxx~~ 15<sup>th</sup> day of February, 2015.

COMMONWEALTH OF MASSACHUSETTS

Essex ss February 15<sup>th</sup>, 2015.

Then personally appeared the above named Yvon Cormier, President & Treasurer  
and acknowledged the foregoing to be his free act and deed, before me, on behalf  
of Yvon Cormier Construction Corp.

Diane M Caissie  
Notary Public

My commission expires: 3/19/15



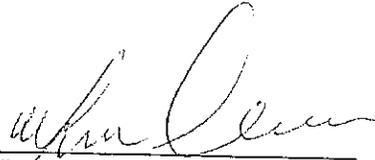
**YVON CORMIER CONSTRUCTION CORP.**  
3 Crenshaw Lane  
Andover, Massachusetts 01810

February 7<sup>th</sup>, 2015

Town of Amesbury  
Attn: Planning Board  
62 Friend Street  
Amesbury, MA 01913

**OWNER'S AUTHORIZATION**

I, Yvon Cormier, President and Treasurer of Yvon Cormier Construction Corp., owner of the property located at: 47 ½ - 57 Kimball Road, Amesbury, Massachusetts, do hereby authorize John Cormier and/or Robert O. Cormier, Trustees of the BC Realty Trust, their agents and representatives, to act on behalf of the Yvon Cormier Construction Corp. in all matters relative to any applications submitted to the Amesbury Planning Board, Amesbury Board of Appeals, or Amesbury Conservation Commission. Such applications include, but are not limited to, an Application for Approval of a Definitive Plan, a Cluster Residential Special Permit, a Common Access Driveway Special Permit, any variances, Orders of Conditions, or Requests for Determination.



Yvon Cormier  
President and Treasurer



# Amesbury

Town Hall, Amesbury, MA 01913

PLANNING BOARD

## FORM N TOWN OF AMESBURY RECEIPT FOR SUBDIVISION PLAN

Town Clerk  
Amesbury, Massachusetts

Received from Philip A. Parry, Parry & Barry, PC

a copy of a \_\_\_\_\_ Preliminary/ \_\_\_\_\_ Definitive Subdivision Plan

entitled Definitive Subdivision of Land at 47.5 - 57 Kimball Road

in Amesbury, Massachusetts

application for approval for which has been made to the Amesbury Planning board

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Date of Filing