



RECEIVED

16 SEP 27 AM 10:07

AMESBURY CITY CLERK

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, 6B, 6C, 6D and 6E of the Assessor's Map.

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 gearing. 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.