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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 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 V. L. G. Adams Atty In Fact  
Signature of Applicant

John Cain Pres + Treas by V. L. G. 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 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 – 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.