



## CITY OF AMESBURY IN THE YEAR TWO THOUSAND TWENTY-TWO

SPONSORED BY:



BILL No. 2022-100  
REVISED

### An Order to Conserve Certain City-Owned Properties on Cynthia Road

**Summary:** A measure to protect certain City-owned properties, in order to preserve open space and provide for passive recreational use that promotes the quality of life of Amesbury residents and for the preservation of natural resources, under the provisions of M.G.L. c. 40, §8C, as it may hereafter be amended; M.G.L. c. 45, §3, as it may hereafter be amended; and Article 97 of the Amendments to the Massachusetts Constitution, as amended. Land would be placed under the care and custody of the Conservation Commission and would be reserved for conservation and passive recreation purposes.

*WHEREAS, certain properties located at 58 Cynthia Road (shown as "Parcel 'A'" on The Approved Subdivision Plans for Orchard Heights II recorded at the Essex South Registry of Deeds at Plan Book 228 Plan 64) and 63 Cynthia Road (shown as "Parcel 'B'" on The Approved Subdivision Plans for Orchard Heights II recorded at the Essex South Registry of Deeds at Plan Book 228 Plan 64) are currently owned by the City of Amesbury; and*

*WHEREAS, 58 Cynthia Road ("Parcel 'A'") was obtained by the City through tax foreclosure in 1996 (the taking is recorded at the Essex South Registry of Deeds at Book 13583, Page 106); and*

*WHEREAS, 63 Cynthia Road ("Parcel 'B'") was also obtained by the City through tax foreclosure in 1996 (the taking is recorded at the Essex South Registry of Deeds at Book 13583, Page 105); and*

*WHEREAS, the properties in question are shown on Amesbury Assessor's Maps 22 and 23 as Lots 22-72 and 23-163, respectively; and*

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*WHEREAS, the properties in question are comprised of open land totaling 1.51 acres and 1.6 acres, respectively; and*

*WHEREAS, the properties in question are located directly adjacent to some of the densest multi-unit residential properties in Amesbury, central to an area comprised of Whitehall Lake Condominiums (120 Units), Northbrook Condominiums I & II (92 Units Total), and British Colonial Apartments (141 Units); and*

*WHEREAS, the properties in question serve as a welcome natural buffer between these dense housing developments, and have served as such for over thirty years; and*

*WHEREAS, 63 Cynthia Road (Parcel 'B') is currently the site of significant stormwater management infrastructure installed by the City as recently as 2017, the loss of which will have an adverse effect on the water quality and bacteria levels in Lake Gardner; and*

*WHEREAS, neither of the properties in question is currently considered buildable under Amesbury's current zoning ordinance, with respective lot depths being incapable of meeting both front and rear yard setback requirements in the current R40 zone due to extremely narrow lot configuration; and*

*WHEREAS, 58 Cynthia Road (Parcel 'A') is subject to an existing roadway easement to Whitehall Lake Condominium, which further limits its development potential/buildable area; and*

*WHEREAS, both properties are extremely steeply sloped, with changes in elevation of up to 15-18 feet from front to back for each property; and*

*WHEREAS, neither of the lots is currently served by City sewer infrastructure, with the nearest sewer connections being located either in Whitehall Road itself or in front of #60 Cynthia Road; and*

*WHEREAS, development on these narrow parcels will have both an adverse effect on neighboring property values, as well as lowering the quality of life of existing residents of the surrounding neighborhoods, while simultaneously providing minimal to negative financial benefit for the City; and*

*WHEREAS, conservation of the properties in question will serve to support and enhance their own continued viability for open space and passive recreational use; now, therefore:*

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Be it ORDERED by the City Council of the City of Amesbury assembled and by the authority of the same, as follows:

1. Conservation Land
  - a. That the City of Amesbury shall transfer the care, custody, management and control of the parcels shown collectively on Amesbury Assessor's Maps 22 and 23 as Lots 22-72 and 23-163, respectively, to the Amesbury Conservation Commission for conservation and passive recreation purposes.
  - b. These parcels shall be preserved for conservation purposes, for the promotion and development of natural resources and for passive recreation under the provisions of M.G.L. c. 40, §8C; M.G.L. c. 45, §3 and of Article 97 of the Massachusetts Constitution;
  - c. Activities requiring the use of motorized vehicles are hereby prohibited except as appropriate for persons with disabilities or unless otherwise specifically authorized under separate City ordinances/legislation. The previous sentence shall not be construed so as to prohibit the use of authorized municipal maintenance or emergency response vehicles; and
  - d. Upon acceptance, that a true copy attest of this Order shall be recorded by the City Clerk with the Essex South District Registry of Deeds.

References:

1. <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40/Section8C>
2. <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter45/Section3>
3. <https://malegislature.gov/Laws/Constitution#partTheFirst>
4. <https://malegislature.gov/Laws/Constitution#amendmentArticleXCVII>
5. Tax Taking Reference (58 Cynthia Road, a.k.a. "Parcel 'A'):  
<https://saalemdeeds.com/saalemdeeds/ImageDetail.aspx?stype=recdoc&machine=&year=1996&month=5&day=30&docnum=367&seqnum=%20&book=13583&page=106&homepg=106>
6. Tax Taking Reference (63 Cynthia Road, a.k.a. "Parcel 'B'):  
<https://saalemdeeds.com/saalemdeeds/ImageDetail.aspx?stype=recdoc&machine=&year=1996&month=5&day=30&docnum=367&seqnum=%20&book=13583&page=106&homepg=105>
7. Assessor's Maps:  
<https://www.amesburyma.gov/DocumentCenter/View/2334/FY21-Amesbury-Assessor-Map-1-37-PDF>