

## Salisbury Planning Board

Please check off the applicable application:

☒ **Special Permit-check all that apply**

☐ **Open Space Residential Development (OSRD)**

☐ **Water Resource District**

☐ **Planned Office Development**

☐ **Motel Reuse**

☐ **Wireless Communication Facility**

☐ **Village Center District**

☐ **Repetitive Petition**

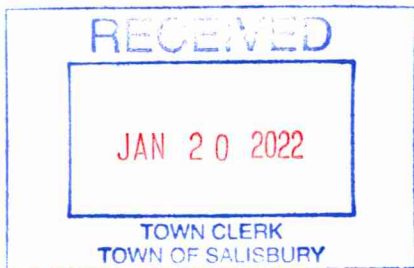
☒ **Other**

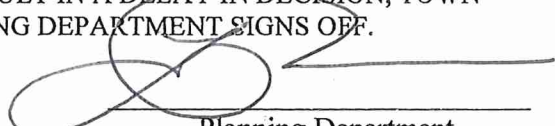
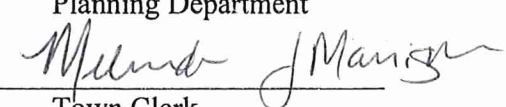
(Specify) Village Residential Overlay

*Applications will not be stamped in at the Town Clerk's office for the Planning Board, until the Planning Department determines that the following items are included with the application:*

1. Application must be filled out completely and correctly.
2. Special Permit filing fee. Checks payable to the Town of Salisbury.
3. Plan drawn in accordance with the requirements listed in the Town of Salisbury's Zoning By-Laws. (8 COPIES).
4. Abutters List
5. Treasurer's Office signature to ensure all Taxes are paid up to date on the property in question and any applicable betterments are paid in full.
6. A complete submittal checklist **must** be submitted along with copies of plans.

IMPROPER OR INCOMPLETE FILINGS WILL RESULT IN A DELAY IN DECISION, TOWN CLERK WILL SIGN AND STAMP AFTER PLANNING DEPARTMENT SIGNS OFF.



  
Planning Department  
  
Town Clerk

***A REGISTERED PLAN MUST BE FILED WITH THIS APPLICATION FORM***

## Salisbury Planning Board

Date Jan. 19, 2022

Applicant: Bradley Kutcher 138 Elm St Salisbury, MA 978-423-4254  
Full name Address phone number


Applicant's E-mail Address: bkutcher22@gmail.com


Owner: Caritlin Realty LLC 138 Elm Street 978-423-4254  
Full name Address phone number

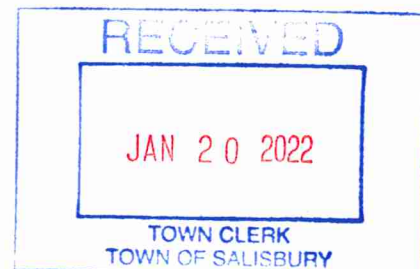
Lessee: \_\_\_\_\_  
Full name Address phone number

Tax Map # 6 Lot # 133

1. Location of Premises: 41 Gardner Street
2. Zoning District: Village Residential Overlay
3. Parcel Size: 0.42 Ac.
4. (OSRD applications only): Applicable Land Area: — Open Space Percentage: —
5. Number of existing buildings on parcel: N/A
6. What is the existing use of the subject premise? Vacant land
7. Provide a detailed description of the proposed use of premises, including # of proposed structures (attach additional pages if necessary):  
A duplex is proposed for the site. Driveway access is provided via an easement through 39 Gardner.
8. Zoning by-law provision under which application is made: Article XIII B Village Residential Overlay District 300-82.11-300.82.19
9. State grounds for this application, please be specific. Special permit criteria can be found in the Zoning Bylaw §300-35 (attach additional pages if necessary):  
A waiver is needed from 300-82.18 A(1). Due to the presence of wetlands, the front facade and main entrance do not face the street
10. Other Permits Required and Status of Applications: Notice of Intent - approved

  
Signature of Applicant

  
Signature of Owner



## Salisbury Planning Board

### REQUIREMENTS AND WAIVER REQUEST FORM

Map and Parcel # M6 L133 Project Address 41 Gardner Street

Plan Requirements	Included in Application	Requesting Waiver
A. Plans drawn by registered professional	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B. Existing site conditions:		
1. All waterbodies	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Wetland and Boundaries	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Topography	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Vegetation types	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Other natural features	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C. Location of:		
1. Proposed landscaping	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Existing landscaping and open space	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D. Use Plan indicating locations of		
1. Proposed building and additions	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Parking	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Service and loading areas	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Curbing and driveway locations	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Trash and receptacles or dumpsters	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Lighting	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Other site alterations	<input checked="" type="checkbox"/>	<input type="checkbox"/>
E. Architectural plans of all proposed buildings		
1. Floor plans	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Elevation plans	<input checked="" type="checkbox"/>	<input type="checkbox"/>
F. Utility Plans showing		
1. Water and sewer connection	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Stormwater Drainage Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>
G. Luminaire Plan showing		
1. Foot Candles	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Salisbury Planning Board

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### TAX AND BETTERMENT PAYMENT CERTIFICATION

Date Dec. 10, 2021

Map 6 Parcel 133

Owner's Name: Caitlin Realty LLC

Property Address: 41 Gardner Street, Salisbury, MA

I, Laura Hammilton, certify that all taxes and applicable betterment's have been paid in full for the property located at Map 6 Parcel 133. The next billing date is 2/1/2022.

Signature: Laura Hammilton  
Treasurer or Treasurer's Clerk

Date: 12/9/2021

# Salisbury Planning Board

## Special Permit Submittal Checklist

*Before any Special Permit application can be filed at the town clerk's office, the following departments must receive the specified information and sign below that the information has been received. Departments have 14 days within which they may comment on the proposed plan.*

### **Board of Health**

(1 Sets of Plans) Received By: T. Mahoney  
(1 copy of special permit application)

Date: 1/20/22

### **Fire Department**

(1 Sets of Plans) Received By: [Signature]  
(1 copy of special permit application)

Date: 1/20/22

### **Department of Public Works**

(1 Sets of Plans) Received By: San Sam  
(1 copy of special permit application)

Date: 1/20/22

### **Building Department**

(1 Sets of Plans) Received By: P. Melone  
(1 copy of special permit application)

Date: 1/20/22

### **Conservation Commission**

(1 Sets of Plans) Received By: [Signature]  
(1 copy of special permit application)

Date: 1/20/22

### **Police Department**

(1 Sets of Plans) Received By: [Signature]  
(1 copy of special permit application)

Date: 1/20/22

### **Assessor's Department**

(1 Sets of Plans) Received By: [Signature]  
(1 copy of special permit application)

Date: 1/20/2022

### **Planning Department**

(1 Sets of Plans) Received By: [Signature]  
(1 copy of special permit application)

Date: 1/20/22





**MILLENNIUM ENGINEERING, INC.**  
*Land Surveyors and Civil Engineers*

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January 19, 2022

Salisbury Planning Board  
Town Hall, 5 Beach Road  
Salisbury, MA 01952

Attn: Lisa Pearson, Planning Director

Re: Special Permit Application for  
41 Gardner Street

Members of the Board,

On behalf of the Applicant, Caitlin Realty, LLC, attached please find eight (8) copies of a Special Permit Application and supporting plans for the construction of a residential duplex building at 41 Gardner Street.

This submittal includes the following:

- Special Permit Application
- Special Permit Application Filing Fee (\$150.00)
- Special Permit Project Review Fee (\$4,000.00)
- Project Narrative
- Certified Abutter List
- Site Plans w/ Electronic Copies

We trust this submittal provides the necessary information for the Board's review and approval. If you have any questions, please feel free to contact our office at your earliest convenience.

Sincerely

Millennium Engineering, Inc.

Christopher M. York, P.E.  
Project Manager

## PROJECT NARRATIVE

for

41 Gardner Street, Salisbury, MA

January 19, 2022

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Applicant:	Caitlin Realty, LLC 138 Elm Street Salisbury, MA 01952
Engineer:	Millennium Engineering, Inc. 62 Elm Street Salisbury, MA 01952

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- 1.0 Overview
- 2.0 Existing Conditions
- 3.0 Proposed Improvements
- 4.0 Waivers Requested

### 1.0 Overview

The Applicant proposes to construct a residential duplex. The building will connect to the Town's water and wastewater systems.

### 2.0 Existing Conditions

The site (Map 6, Lot 133) is located in the Village Residential Overlay District and is 18,163 square feet in size. It is bordered by Gardner Street to the west. The existing site is entirely undeveloped with bordering vegetated wetlands along the front and southerly side of the property as well as a section in the northeast corner. The majority of the site is open meadow with mature trees along the perimeter. Elevations within the project site range from 98.00' along the front property line to 95.00' within the site. Land use surrounding the project lot is residential use.

### 3.0 Proposed Improvements

The proposal is to construct an 1,800 square foot residential duplex. Due to the presence of the wetlands at the front of the property, driveway access will be provided via an easement through the adjacent property at 39 Gardner.

The development will include the installation of public and private utilities to support the duplex. The duplex will tie into the existing water distribution system and the existing wastewater collection system. Natural gas, electrical, telephone and cable service will be provided.

#### 4.0 Waivers Requested

Four waivers are proposed on the Special Permit Waiver Request Form:

D.3 – *Service and loading areas.* As this is a residential use, there is no service or loading area.

D.5 – *Trash and receptacles or dumpsters.* The duplex will be served by the Town's waste pickup services.

F.2 – *Stormwater Drainage Plan.* No drainage is required per MassDEP Stormwater Regulations.

G.1 – *Luminaire Plan.* A lighting plan is not necessary as the only lights proposed will be typical house lights over the driveway and/or front door.

Two waivers are requested from the Village Residential Overlay District Design Standards:

Section 300-82.17E - *There shall be a landscaped buffer of not less than four feet between any driveway and the nearest side lot line, and no paved surface areas and no off-street parking shall be permitted within the buffer zone.* As the driveway is proposed to cross over the side lot line from #39 Gardner, a landscape buffer wouldn't appear to apply in this situation.

Section 300-82.18 A(1) - *The front facade and main entrance of the dwelling shall face the street and must be clearly articulated through the use of architectural detailing.* Due to the presence of wetlands along the frontage of the property, the front façade and main entrance face north towards the adjacent property at #39 Gardner.

END



2 Sets of Labels

## ABUTTERS LIST REQUEST

### TO BE SUBMITTED DIRECTLY TO ASSESSORS OFFICE

Abutters Lists will be processed within 10 days of Receipt by Assessors Office

PROPERTY ADDRESS: 41 GARDNER ST

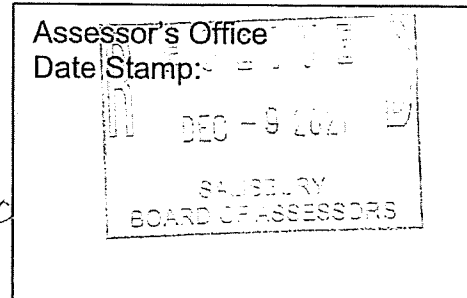
NAME OF APPLICANT: SUE (HEI)

NAME OF PROPERTY OWNER: CAITLIN REALTY

CONTACT PHONE: Sue or Kathy LLC 978-463-8980

MAP: 10 LOT: 133

FEE: — \$25 One Board  
\$15 each additional Board  
\$15 Recertification per Board



#### BOARD/APPLICATION TYPE:

#### AMOUNT DUE:

ZONING BOARD:	300 FEET	VARIANCE	_____
	300 FEET	SPECIAL PERMIT	_____
	300 FEET	40B PROJECT	_____

PLANNING BOARD:	DIRECT	SITE PLAN REVIEW (MINOR)	_____
	300 FEET	SITE PLAN REVIEW (MAJOR)	_____
	DIRECT	DEFINITIVE SUBDIVISION	_____
	300 FEET	SPECIAL PERMIT	\$25-

#### CONSERVATION COMMISSION:

\*Please see conservation requirements adopted by Wetlands Protection Act 12-2014 on reverse.

\*\*Please supply description of work and a scaled plan

#### BOARD OF

SELECTMEN: 100 FEET OR ABUTTER TO ABUTTER \_\_\_\_\_

#### LIQUOR

COMMISSION: DIRECT \_\_\_\_\_

#### OTHER:

TOTAL PAID: \$25- CHECK # 937

ABUTTERS LIST AND LABELS RECEIVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

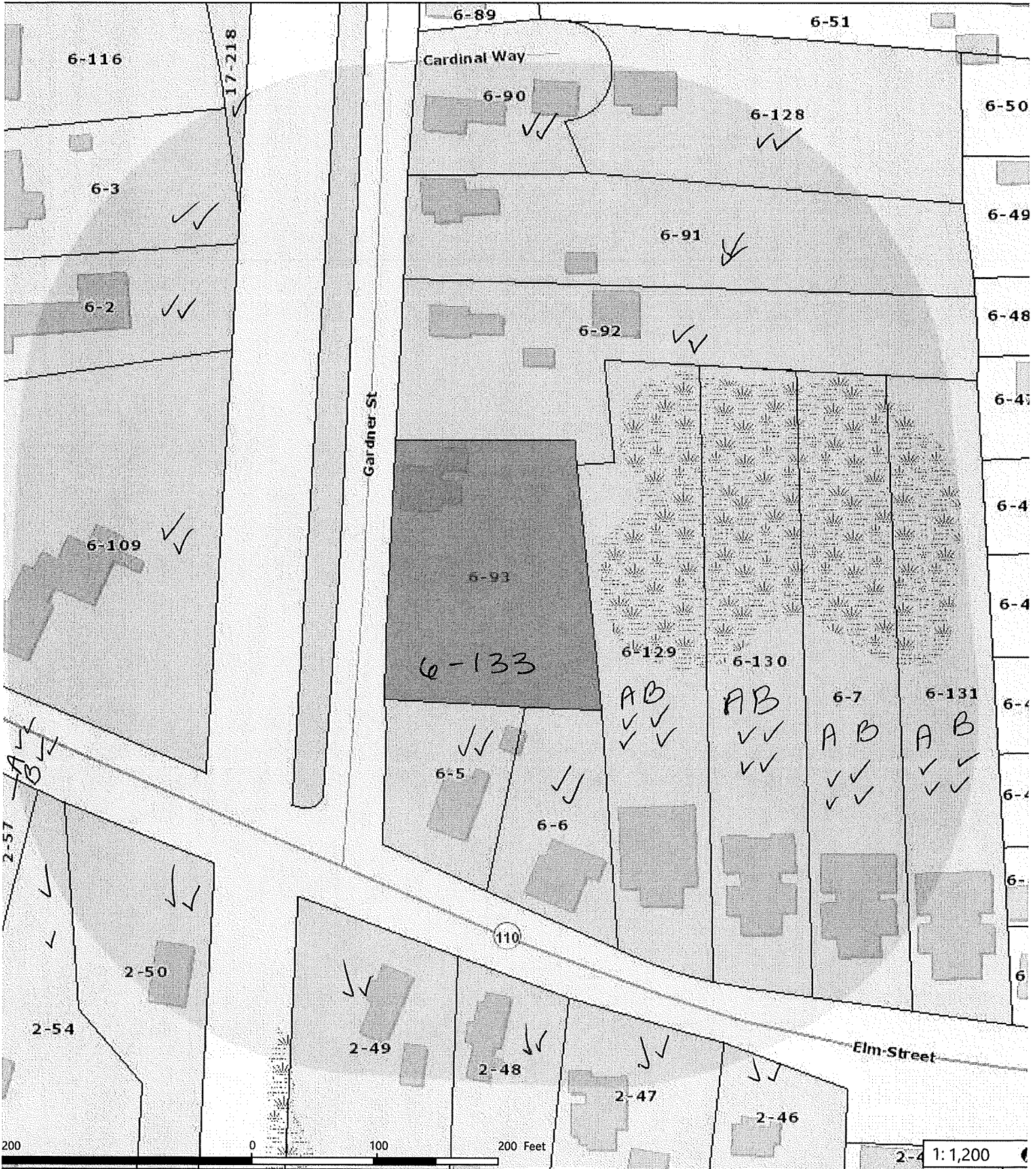
THIS LIST WILL REQUIRE RECERTIFICATION AFTER 60 DAYS.

O:\Assessor Office\FORMS\Abutters List Forms, Templates, Letters, etc\NEW ABUTTERS LIST REQUEST.doc

I will pay @ pick-up

# Town of Salisbury

12/09/20



Data Sources: Produced by Merrimack Valley Planning Commission (MVPC) using data provided by the Town of Salisbury & MassGIS/MassGIS. MVPC AND THE TOWN OF SALISBURY MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE TOWN OF SALISBURY AND MVPC DOES NOT ASSUME ANY LIABILITY ASSOCIATED WITH THE USE OR MISUSE OF THIS INFORMATION.



- |   |  |  |                                     |
|---|--|--|-------------------------------------|
| <input type="checkbox"/> Municipal Boundary | <input type="checkbox"/> Parcel Labels       | <input type="checkbox"/> Roads                 | <input type="checkbox"/> Interstate |
| <input type="checkbox"/> Major Road         | <input type="checkbox"/> Local Road          | <input type="checkbox"/> Hydrographic Features | <input type="checkbox"/> Streams    |
| <input type="checkbox"/> Floodplain         | <input type="checkbox"/> 100 Year Floodplain | <input type="checkbox"/> Wetlands              |                                     |
|   | <input type="checkbox"/> 500 Year Floodplain |  |                                     |

Date: 12/10/2021  
txaabut

Town of Salisbury

CERTIFIED ABUTTERS' LIST

Page 91

Parcel ID	Location	Owner Name/Address
06-133	41 GARDNER ST	CAITLIN REALTY LLC 138 ELM ST SALISBURY, MA 01952-1805
-----		
A B U T T E R S		
=====		
02-046	33 ELM ST	PIKE RAY 2 SECOND ST SALISBURY, MA 01952
02-047	35 ELM ST	MJ GRAY MA LLC 35 ELM ST SALISBURY, MA 01952
02-048	37 ELM ST	CAMPBELL PATRICK CAMPBELL CASSANDRA 37 ELM ST SALISBURY, MA 01952
02-049	39 ELM ST	MANCUSO JEREMIAH C 39 ELM ST SALISBURY, MA 01952
02-050	41 ELM ST	BUTTONWOODS, LLP PO BOX 1626 HAVERHILL, MA 01831
02-054	43 ELM ST	MASON JR PAUL N MASON LINDA C 43 ELM ST SALISBURY, MA 01952
02-57A	47 ELM ST A	MORGAN DEREK 47 ELM ST UNIT 1 SALISBURY, MA 01952
02-57B	47 ELM ST B	SULLIVAN WILLIAM SULLIVAN MARIA 47 ELM ST UNIT B SALISBURY, MA 01952
06-002	6 HARRISON AVE	BATTCKOCK DAVID C 6 HARRISON AVE SALISBURY, MA 01952
06-003	8 HARRISON AVE	HARRISON MICHAEL W HARRISON CORIE TINKHAM 8 HARRISON AVE SALISBURY, MA 01952

CERTIFIED ABUTTERS' LIST

Parcel ID	Location	Owner Name/Address
06-133	41 GARDNER ST	CAITLIN REALTY LLC 138 ELM ST SALISBURY, MA 01952-1805
-----		
A B U T T E R S		
=====		
06-005	40 ELM ST	O'CONNOR PATRICIA 40 ELM ST SALISBURY, MA 01952
06-006	38 ELM ST	LORING ELBA MARICELA LORING JR JOHN E 8 OLIVIA LN KENSINGTON, NH 03833
06-07A	32 ELM ST A	MOYNIHAN DENNIS MOYNIHAN CAROLE MOYNIHAN SEAN 32 ELM ST UNIT A SALISBURY, MA 01952
	Subsequent owner:	MOYNIHAN DENNIS G MOYNIHAN CAROLE A MOYNIHAN SEAN M 32 ELM ST UNIT A SALISBURY, MA 01952
06-07B	32 ELM ST B	RICHARD JUDSON E RICHARD CLARE 32 ELM ST UNIT B SALISBURY, MA 01952
06-090	31 GARDNER ST	BARBARO,FRANK & COLE, JENNIFER S/O BARBARO FRANK COLE JENNIFER 31 GARDNER STREET SALISBURY, MA 01952
06-091	33 GARDNER ST	MAGNO MICHAEL 33 GARDNER ST SALISBURY, MA 01952-1919
06-092	35 GARDNER ST	OLIVEIRA NICOLE 35 GARDNER ST SALISBURY, MA 01952
06-109	44 ELM ST	WEBSTER JULIE A WEBSTER CHRIS P 44 ELM ST SALISBURY, MA 01952

Town of Salisbury  
CERTIFIED ABUTTERS' LIST

Parcel ID	Location	Owner Name/Address
06-133	41 GARDNER ST	CAITLIN REALTY LLC 138 ELM ST SALISBURY, MA 01952-1805
-----		
A B U T T E R S		
=====		
06-128	1 CARDINAL WAY	EATON JR BRYAN D S/O BAKLAND SHEILA MULKERN HAROLD 1 CARDINAL WAY SALISBURY, MA 01952
06-129A	36 ELM ST A	THE DOROTHY J. COHEN REVOCABLE 36 ELM ST, UNIT A SALISBURY, MA 01952
06-129B	36 ELM ST B	ERICKSON CARL 36 ELM ST UNIT B SALISBURY, MA 01952
06-130A	34 ELM ST A	EDWARDS DANIEL A TR EDWARDS JANET R TR 34 ELM ST, UNIT A SALISBURY, MA 01952
06-130B	34 ELM ST B	GAYFER STEVEN J HALL DAWN M 34 ELM ST, UNIT B SALISBURY, MA 01952
06-131A	30 ELM ST A	DRAGON MAUREEN E TR MAUREEN E DRAGON LIVING TRUST 30 ELM ST UNIT A SALISBURY, MA 01952
06-131B	30 ELM ST B	KENNEY DEBRA G 30 ELM ST UNIT B SALISBURY, MA 01952
17-218	OFF HARRISON AVE	COMMONWEALTH OF MASSACHUSETTS MBTA 10 PARK PLAZA SUITE 3910 BOSTON, MA 02116

27 parcels listed

6856

**BRADKU, INC.**  
138 ELM STREET  
SALISBURY, MA 01952-1805  
978-388-3555

53-7150/2113

DATE

11/19/02

PAY  
TO THE  
ORDER OF

TWO OF SALISBURY

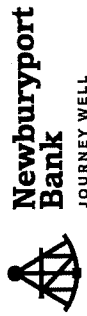
\$

150.00

DOLLARS



Security Features  
included.  
Details on back.



**Newburyport  
Bank**  
JOURNEY WELL

FOR

40 GARDENS ST.

⑈006856⑈ ⑆211371502⑆ 2980 994 4⑈

MP

6857

**BRADKU, INC.**  
138 ELM STREET  
SALISBURY, MA 01952-1805  
978-388-3555

53-7150/2113

DATE

11/17/02

PAY  
TO THE  
ORDER OF

TWO OF SALISBURY

\$

4,000.00

DOLLARS



Security Features  
included.  
Details on back.



**Newburyport  
Bank**  
JOURNEY WELL

FOR

41 GARDENS ST. REVISED PER

⑈006857⑈ ⑆211371502⑆ 2980 994 4⑈

MP