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June 18, 2020

By Hand

Donald Egan, Chair
Salisbury Planning Board
5 Beach Road
Salisbury, Massachusetts 01952



RE: Application for Flexible Residential Development Special Permit
Application for Definitive Subdivision
Assessor Map: 22 Lot: 19

Dear Chair and Members of the Board:

Reference is made to the above captioned matter and the Definitive Plan filed herewith. In that connection, this letter sets forth the waivers the Applicant is seeking and provides the justification for said waivers.

Request: § 300-51.B AT LEAST 50% OF EACH REQUIRED SETBACK FOR THE APPLICABLE ZONING DISTRICT SHALL BE MAINTAINED, LESS THAN 50% REQUESTED FOR LOTS 1, 3, 7, 8, 9, and 10

Justification: The compact nature of the proposed area for development and the preservation of wetlands and open space on the proposed open space parcel requires the residences to be laid out in a manner that requires smaller setbacks on 6 of the 10 lots. The reduced setbacks are on lots 1, 3, 7, 8, 9, and 10.

Request: § 300-51.C MINIMUM LOT SIZE SHALL BE 10,000 SQUARE FEET, 6,378 SQUARE FEET IS PROPOSED FOR LOT 8

Justification: This is necessary to limit the sprawl of the development and lay out the lots in an efficient manner which best utilizes the area for development. A waiver of the minimum lot size is requested for only one lot which will be 6,378 square feet and will further the purposes of the FRD Bylaw by consuming the least amount of space possible and minimizing disturbance on the site.

Request: § 300-52.B RATIO OF UPLANDS TO WETLANDS WITHIN PROPOSED OPEN SPACE SHALL BE EQUAL TO OR GREATER THAN THE RATIO OF UPLANDS TO WETLANDS ON THE ENTIRE TRACT, PROPOSED OPEN SPACE UPLAND IS 68.3% AND ON ENTIRE TRACT IS 76%

Justification: Given the nature of the existing conditions at the site, the area of land that best accommodates the compact FRD development results in an open space parcel that has a smaller ratio of uplands to wetlands than the entire tract. Despite this, 9.29 acres of land will be proposed as open space and nearly 70% will consist of uplands.

In support of the foregoing, the Applicant has proposed a definitive subdivision simultaneously with the FRD Special Permit application. The specific

Millis Office

730 Main Street, Suite 1F
Millis, MA 02054
Phone 508.376.8400

purpose behind the FRD provisions under Article X of the Town of Salisbury Zoning Bylaw is to promote more compact development, preserve open space, and minimize the amount of disturbance on the site. The Applicant has submitted a definitive plan in compliance with the FRD Bylaw and therefore the granting of the waivers may be found to be in the public interest.

We look forward to presenting the plan to the Board.

Respectfully submitted,
DeStefano Development Group LLC
By its Attorney,


Lisa L. Mead

cc: Client

SALISBURY PLANNING BOARD DEFINITIVE SUBDIVISION FILING CHECKLIST

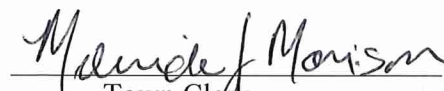
Applications will not be stamped in at the Town Clerk's office for the Planning Board, until the Planning Department determines that the following items are included with the application:

- ✓ 1. Application must be filled out completely and correctly. (Map and Parcel must be included and can be found in the Assessors Office). **Attachment 1**
- ✓ 2. Definitive Subdivision application & review fees. Checks payable to the Town of Salisbury.
- ✓ 3. Plan drawn in accordance with the requirements listed in Salisbury's Subdivision Control Regulations Section 6 (7 COPIES).
- ✓ 4. Abutters List Request form must be completed at the Assessor's Office (\$15-checks payable to the Town of Salisbury).
- ✓ 5. Treasurer's Office signature to insure all Taxes are paid up to date on the property in question and any applicable betterments are paid in full. **Attachment 2**
- ✓ 6. Copy of Registered Deed
- ✓ 7. Digital Data Submission Requirements – completed sign off form by MVPC. **Attachment 3**
- ✓ 8. New Streets/Ways Name sign off sheet. **Attachment 4**
- 9. A completed Form C Submittal Checklist. **Attachment 5**

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

*** Notes to Applicant ***

Applicants shall bear the cost of advertising the legal notices in the Newburyport Daily News, and will be directly billed by that publication.

Board of Health will approve or disapprove plans within 45 Days of submission. Planning Board decision is contingent upon Board of Health approval. Planning Board has up to 135 Days from submission to make a decision.

All conditions must be met and required changes made to the plan, then submitted to the Planning Board for review, before a building permit will be signed

Attachment 1

SALISBURY PLANNING BOARD
FORM C
APPLICATION FOR APPROVAL OF DEFINITIVE PLAN

JUNE 18, 2020
Date

Map 22 Lot 19

Applicant's Name: DESTEFANO DEVELOPMENT GROUP LLC d/o LISA MEND, MEAD, TALERMAN & COSTA LLC

Applicant's Address: 30 GREEN ST. NEWBURYPORT
(Local address needed for hearing notice)

Telephone # & Fax #: 978-463-7700

E-mail Address: lisa@mtclawyers.com

Owner of Property: DESTEFANO DEVELOPMENT GROUP LLC

Owner's Address: 804 HAVERHILL ST. ROWLEY 01969

Plan Entitled: _____ Dated _____

Zoning District: R-1, R-2

Lot Size: 12.80 ACRES

Description of Proposed Work: SEE ATTACHED COVER LETTER

Other Permits Required and Status of Applications: FRD SPECIAL PERMIT

Waivers Requested: SEE ATTACHED WAIVER REQUEST

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, hereby applies for the approval of said DEFINITIVE plan by the Salisbury Planning Board for property located at 9 GERRISH ROAD, Salisbury MA. In furtherance thereof hereby agrees to abide with the Rules and Regulations of said Board. The undersigned hereby further covenants and agrees with the Town of Salisbury, upon the approval of said DEFINITIVE plan by the Board:

1. to install utilities in accordance with the rules and regulations of the Planning Board, the water Department, the Highway Superintendent, the Board of Health, and all general as well as zoning bylaws of Salisbury, as are applicable to the installation of utilities within the limits of ways and streets;
2. to complete and construct the streets or ways shown thereon in accordance with Section 5 of the Rules and Regulations of the Planning Board and the approved DEFINITIVE plan, profiles and cross sections of the same. Said plan, profiles, cross sections and construction specifications are specifically, by reference, incorporated herein and made a part of this application. This application and the covenants and agreements herein shall be binding upon all heirs, executors, administrators, successors, grantees of the whole or part of said land, and assigns of the undersigned; and
3. to complete the aforesaid installations and construction within two years from the date hereof.



Signature of Applicant

Received: _____
Town Clerk

Attachment 2 .

DEFINITIVE SUBDIVISION APPLICATION
TAX AND BETTERMENT PAYMENT CERTIFICATION

Date JUNE 18, 2020

Map 22 Parcel 19

Owner's Name: DESTEFANO DEVELOPMENT GROUP LLC

Property Address: 9 GERRISH ROAD, Salisbury MA

I, CHRISTINE CARON, certify that all taxes and applicable betterment's have been paid in full for the property located at Map 22 Parcel 19. The next billing date is 8/3/20.

Signature:

Christine Caron
Treasurer or Treasurer's Clerk

Date:

6/18/20

Attachment 5

FORM C PLAN SUBMITTAL CHECKLIST

Before any Form C Definitive Subdivision 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 approve, disapprove, or comment on the proposed plan.

Board of Health

(1 Set of Plans & application) Received By: Kate White Date: 6/24/2020

Fire Department

(1 Set of Plans & application) Received By: [Signature] Date: 6/23/20

Department of Public Works

(3 Sets of Plans & application) Received By: Leigh Ann Dufren Date: 6/23/20

Building Department

(1 Set of Plans & application) Received By: Kate White Date: 6/24/2020

Conservation Commission

(1 Set of Plans & application) Received By: Jim Gray Date: 6/24/20

Police Department

(1 Set of Plans & application) Received By: [Signature] Date: 6/23/20

Assessor's Department

(1 Set of Plans & application) Received By: Shirley Veprine Date: 6/24/20

Economic Development

(1 Set of Plans & application) Received By: Sue John Date: 6/24/20

Planning Department

(1 Set of Plans & application) Received By: Sue John Date: 6/24/20