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June 18, 2020

By hand

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



Re: 9 Gerrish Road; Flexible Residential Development Special Permit
Flexible Residential Development Definitive Subdivision
Assessor Map: 22 Lot: 19

Dear Chair and Members of the Board:

Reference is made to the above-captioned matter. In that connection, this firm represents DeStefano Development Group LLC (the "Applicant"), the owner of property located at 9 Gerrish Road (the "Property"). The Applicant is seeking a special permit for the establishment of a Flexible Residential Development ("FRD") and approval of a Definitive Subdivision Plan on the Property. If allowed, the FRD will assure the permanent preservation of a 9.29-acre open space parcel (the "Open Space Parcel") which the Applicant proposes to deed to the town of Salisbury (the "Town"). The Applicant also proposed to discuss with the Town a means to provide public access to the Open Space Parcel.

A. Property Background

The Property is located in the R-1 and R-2 Zoning Districts and Wireless Communication B District under the Salisbury Zoning Bylaw (the "Bylaw") and contains 12.80 acres (557,428 square feet) of land. There is presently a single-family residence located on the Property.

B. Relief Requested

The Applicant seeks a Special Permit to allow the establishment of an FRD on the Property and approval of a definitive plan. As shown on the plans, the Property will support 10 single-family dwelling units. Because the Property includes more than 5 acres, the Applicant is required to submit this Special Permit application pursuant to Section 300-45.A.1 of the Bylaw.

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

2. Definitive Plan Application and Requisite Filing Fee
3. FRD Special Permit Application and Requisite Filing Fee
4. Stormwater Report

We look forward to presenting the plan to the Board.

Respectfully submitted,
DeStefano Development Group LLC
By its attorney



Lisa L. Mead

cc: Client

Flexible Residential Development Special Permit

The Applicant met with staff of the Planning and Development Office to discuss the proposed FRD in advance of preparing these materials.

Section 300-35 Special Permit Criteria

1. *The use requested is listed in the Table of Use Regulations as a special permit in the district for which application is made or is similar in character to permitted uses in a particular district but is not specifically mentioned.*

Single family residential use is allowed in the table of use regulations by right in the R-1 and R-2 zoning districts. Additionally, Section 300-45 of the Bylaw requires that any proposed residential development on 5 acres or more shall submit a special permit application for an FRD.

2. *The requested use is essential and/or desirable to the public convenience or welfare.*

The use as single family homes in the R-1 and R-2 districts, by their nature of being allowed by right, have been determined to be essential and/or desirable to the public convenience or welfare given that Town Meeting has adopted the uses allowed in these districts. Additionally, the requirement under the Bylaw that residential developments over 5 acres must apply for an FRD Special Permit indicates a determination that development of an FRD is more desirable than a traditional subdivision on land of 5 acres or more. Further, the Applicant's willingness to discuss with the Town a means of public access to the Open Space Parcel is desirable for the public welfare.

3. *The requested use will not create undue traffic congestion or unduly impair pedestrian safety.*

The single family home use is one of the least impactful uses allowed under the Bylaw. The Applicant proposes 10 single family homes. Access to all 10 single family home lots is proposed by a new 40-foot right-of-way to be constructed as part of the FRD subdivision, as discussed below. The new right of way will not create undue traffic congestion.

4. *The requested use will not overload any public water, drainage, or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety, or the general welfare.*

The Applicant will construct the project to meet all of the required stormwater regulations, as further detailed in the Stormwater Report submitted as part of the Definitive Subdivision application. The development of the Property for single family homes, one of the least intensive uses under the Bylaw, will not overload municipal water, drainage, or sewer systems. As shown on the plans, the Applicant proposes to construct sewer and water mains serving each lot.

5. *Any special regulations for the use set forth in the Special Permit Table are fulfilled.*

The special regulations set forth in Article X of the Bylaw are fulfilled. The Applicant is requesting waivers for Sections 300-51.B for setbacks, 300.51.A for minimum lot size, and 300-52 for the ratio of uplands to wetlands, as part of its Definitive Subdivision application. Additionally, the Applicant will make a payment into the affordable housing fund pursuant to the inclusionary bylaw equivalent to one (1) home.

6. *The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare of the neighborhood.*

The proposed FRD will be located in the R-1 and R-2 districts. The development area is located on 3.51 acres, whereby under a traditional subdivision the entire 12.80-acre parcel could be subdivided into 7 lots. The clustering of homes on 3.51 acres will maintain the feel of the more rural landscape along Gerrish Road and preserve 9.29 acres of land as open space, which the Applicant proposes to deed to the Town.

7. *The requested use will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood.*

Again, the proposed FRD will be located in the R-1 and R-2 districts where single family use is allowed by right. As a by-right use, the addition of single family homes in an FRD is not detrimental to the character of the neighborhood, particularly where the compact nature of the FRD allows the preservation of 9.29 acres of land as open space.

Article X

1. *Whether the FRD achieves greater flexibility and creativity in the design of residential developments than a conventional plan.*

The use of an FRD to develop the Property allows the Applicant to create smaller lots that are clustered on a 3.51-acre portion of the Property rather than subdividing the entire 12.80-acre area into 7 lots for individual homeowners. The Applicant proposed to convey the remaining undeveloped 9.29 acres of land to the Town to be preserved as open space. The proposed open space is one contiguous parcel, which will abut other land in the Town's ownership.

2. *Whether the FRD promotes permanent preservation of open space, scenic vistas, agricultural land, forestry land, wildlife and rare species habitat, other natural resources and features, including aquifers, water bodies, areas of critical environmental concern, and wetlands, and historical and archaeological resources in a manner that is consistent with the Town of Salisbury Community Development Plan.*

The proposed FRD will promote the preservation of open space in the Town in accordance with the Town of Salisbury Community Development Plan. As aforementioned, 9.29 acres of undeveloped land will be conveyed to the Town to be preserved as open space. The proposed Open Space Parcel is one contiguous parcel that will also abut land already owned by the Town. Further, as mentioned above, the Applicant has expressed a willingness to work with the Town to discuss the provision of public access to the Open Space Parcel.

3. *Whether the FRD promotes a more efficient and compact form of development that consumes less open land and natural materials and conforms to existing topography and natural features better than a conventional subdivision.*

The use of an FRD for the development of the Property will allow for residential lots with less than area than required under a conventional subdivision. The use of smaller lots with reduced setbacks allows the layout of the residences in a more compact fashion. This compact development resulting in 10 lots consumes less land than a 7-lot conventional subdivision. As you can see on the yield plan a traditional subdivision would result in use of 100%percent of the current lot as opposed to the approximately 27% which is being proposed.

4. *Whether the FRD reduces the total amount of disturbance on the site as compared with a conventional subdivision.*

Under a conventional subdivision, 7 dwelling units would cause more disturbance to the Property than the proposed 10 dwelling units with the FRD. As shown on the yield plan, 2 lots measure over 135,000 square feet each; the remaining 5 lots are between 43,500 and 60,100 square feet each. The FRD, by clustering the residential lots together in one area towards the front of the Property, preserves a large amount of open space, with the largest lot of the proposed FRD measuring 26,267 square feet.

5. *Whether the FRD furthers the goals and policies of the Town of Salisbury Community Development Plan as amended from time to time.*

The proposal is consistent with the zoning bylaw and the Community Development Plan as it preserves open space, creates reasonable housing opportunities, and provides for additional affordable housing.

6. *Whether the FRD facilitates the construction and maintenance of housing, streets, utilities, and public services in a more economical and efficient manner than a conventional subdivision plan.*

The proposed FRD will allow for more efficient construction of public services, streets, and utilities than a conventional subdivision primarily due to the clustered placement of the residential lots. The FRD will allow the residential lots to be smaller. Further, under the conventional subdivision two lots would be accessed from Gerrish Road resulting in the creation of not only a right-of-way connecting to Gerrish Road, but two additional driveways connecting to Gerrish Road. The reduced pavement from a shorter roadway will reduce stormwater as compared to a conventional subdivision.

7. *Whether the FRD special permit plan and other supporting documentation comply with all provisions of this bylaw.*

The FRD special permit plan and supporting documentation comply with the provision of Article X of the Bylaw.

8. *Whether the proposed construction of housing, landscape and streetscape is in harmony with the architectural heritage and historic character of the Town of Salisbury.*

The 10 single family homes comprising the proposed FRD have been carefully designed to be in harmony with and compliment the character of the Town and the surrounding landscape.

9. *Whether the FRD promotes affordable housing and a more diversified housing stock.*

The Applicant will make a payment into the affordable housing fund pursuant to the inclusionary bylaw equivalent to one (1) home, which will support the creation of affordable housing within the Town.

Definitive Subdivision Submission

Pursuant to the requirements of the Subdivision Rules and Regulations, the Applicant submits herewith its Definitive Subdivision Application. Attached please find the following documents:

1. Flexible Residential Development at 9 Gerrish Road in Salisbury, MA drawn by Millennium Engineering, Inc., 62 Elm Street, Salisbury, and dated June 11, 2020.

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**

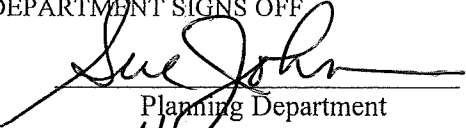
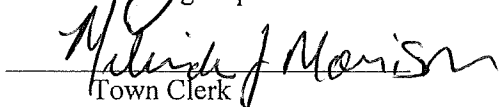
☐ **Other**

(Specify) _____

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 JUNE 18, 2020

Applicant: DESTEFANO DEVELOPMENT GROUP LLC c/o LISA MEAD, MEAD, TALERMAN ; COSTA, LLC
Full name Address phone number 30 GREEN ST. 978-463-7700
NEWBURYPORT


Applicant's E-mail Address: lisa@mtclawyers.com

Owner: DESTEFANO DEVELOPMENT GROUP LLC 804 HAVERHILL ST. ROWLEY
Full name Address phone number

Lessee: _____
Full name Address phone number

Tax Map # 22 Lot # 19

1. Location of Premises: 9 GERRISH ROAD
2. Zoning District: R-1, R-2
3. Parcel Size: 12.80 ACRES
4. (OSRD applications only): Applicable Land Area: _____ Open Space Percentage: _____
5. Number of existing buildings on parcel: 1
6. What is the existing use of the subject premise? SINGLE FAMILY
7. Provide a detailed description of the proposed use of premises, including # of proposed structures (attach additional pages if necessary): SEE ATTACHED COVER LETTER
8. Zoning by-law provision under which application is made: ARTICLE X
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): SEE ATTACHED COVER LETTER
10. Other Permits Required and Status of Applications: SEE ATTACHED COVER LETTER


Signature of Applicant

SAME AS APPLICANT
Signature of Owner

Salisbury Planning Board

REQUIREMENTS AND WAIVER REQUEST FORM

Map and Parcel # 22-19 Project Address 9 GERRISH ROAD

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 checked="" type="checkbox"/>	<input type="checkbox"/>
4. Curbing and driveway locations	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Trash and receptacles or dumpsters	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
G. Luminaire Plan showing		
1. Foot Candles	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Salisbury Planning Board

TAX AND BETTERMENT PAYMENT CERTIFICATION

Date JUNE 18, 2020

Map 22 Parcel 19

Owner's Name: DESTEFANO DEVELOPMENT GROUP LLC

Property Address: 9 GERRISH RD, 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

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: Kate White Date: 6/24/2020
(1 copy of special permit application)

Fire Department

(1 Sets of Plans) Received By: [Signature] Date: 6/23/20
(1 copy of special permit application)

Department of Public Works

(1 Sets of Plans) Received By: Highland Date: 6/23/20
(1 copy of special permit application)

Building Department

(1 Sets of Plans) Received By: Kate White Date: 6/24/2020
(1 copy of special permit application)

Conservation Commission

(1 Sets of Plans) Received By: Jim Gentry Date: 6/24/20
(1 copy of special permit application)

Police Department

(1 Sets of Plans) Received By: [Signature] Date: 6/23/20
(1 copy of special permit application)

Assessor's Department

(1 Sets of Plans) Received By: Sherry Veprna Date: 6/24/20
(1 copy of special permit application)

Planning Department

(1 Sets of Plans) Received By: Sue Johnson Date: 6/24/20
(1 copy of special permit application)