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**TOWN OF WEST NEWBURY  
OFFICE OF THE PLANNING BOARD  
381 MAIN STREET  
WEST NEWBURY MA 01985  
978-363-1100 X125 Fax: 978-363-1119**

**CERTIFICATE OF VOTE  
APPROVAL OF SPECIAL PERMIT APPLICATION FOR  
TWO REDUCED FRONTAGE LOTS  
OFF DOLE PLACE (Assessor's Map R-1, Parcel 58)  
HOLLY N. PRIVATERA & ANDREW G. NICHOLS (OWNER)  
C.W. COLLINS CORP. (APPLICANT)**

**January 8, 2019**

At a meeting of the West Newbury Planning Board (hereinafter the "Board") held on January 8, 2019, Board members voted to approve with Conditions the Application filed for a Special Permit for two reduced frontage lots (Zoning Bylaw Section 6.A.1.) (hereinafter the "Application") for property off Dole Place (Assessor's Map R-1, Parcel 58).

The application was filed with the Board and the Town Clerk on October 29, 2018, and was then amended and filed with the Board on November 18, 2018 and with the Town Clerk on November 26, 2018. The public hearing was held over the course of three meetings, which occurred on December 4, 2018, January 8, 2019 and January 22, 2019 (for purpose of reviewing of Draft Certificate of Vote). At the January 8, 2019 meeting, Board Members voted 4-1 (Ann Bardeen, Raymond Cook, Brian Murphey and Kim Monahan in favor) (Rick Bridges in opposition) to approve the Application with conditions. The approval herein incorporates by reference all the plans and drawings noted below as submitted by C.W. Collins Corp. (hereinafter the "Applicant") and to the Applicants' and Owners' heirs, successors and assigns as their interest may appear, subject to the Conditions of this Decision to be met.

- I. APPLICATION FILED:** Special Permit for two reduced frontage lots for property off Dole Place (Assessor's Map R-1, Parcel 58)
- II. OWNER:** Holly N. Privatera & Andrew G. Nichols, 208 Goodale Road, Baltimore, MD 21212
- III. APPLICANT:** C.W. Collins Corp., 14 Bradbury Ave., Medford, MA 02155
- IV. REFERENCES:**
  - Special Permit Application for two reduced frontage lots, West Newbury, MA 01985; Prepared by C.W. Collins Corp; filed with the Board and Town Clerk on October 29, 2018, then amended and filed with the Board on November 18, 2018 and with the Town Clerk on November 26, 2018.

- Letter dated November 13, 2018 from C.W. Collins, Inc. to West Newbury Planning Board, which is a formal written request for waivers of the submittal requirements.
- Plan Entitled “Special Permit Plan for Two Reduced Frontage Lots Assessor’s Map R-1, Lot 58 Dole Place West Newbury, Massachusetts”, dated November 14, 2018 and revised through December 27, 2018, with a final printing date of January 15, 2019; scale: 1”=50’; drawn by GA Consultants, Inc. Professional Engineers, 10 State Street, Newburyport, MA 01950.

## **V. FILING and PUBLIC HEARING INFORMATION:**

The Application was filed with the Board as noted above on October 29, 2018, was published in the Daily News of Newburyport on 11/20/18 & 11/27/18, posted with the Town Clerk on 11/19/18 and was mailed to Parties in Interest and Planning Boards of abutting cities and towns on 11/20/18.

Copies of the Application package were distributed to the Board of Health, Building Inspector, Conservation Commission, Department of Public Works, Fire, Police, and Water Departments in compliance with Section II.2.a. of the Planning Board Rules and Regulations Governing Special Permits. Verbal comments were received from Building Inspector Glenn Clohecy on 12/4/18 and written comments were received from Police Chief Arthur Reed on 11/26/18.

The Public Hearing occurred over the course of three meetings held on December 4, 2018, January 8, 2019 and January 22, 2019 (for review of Draft Certificate of Vote).

## **VI. WAIVERS:**

The Applicant has requested and the Board hereby approves waivers of the submission requirements contained in the letter dated 11/13/18 from C.W. Collins, Inc. to the West Newbury Planning Board, pursuant to Section II.5.4 of the Planning Board’s Rules and Regulations Governing Special Permits, revised through October 3, 2017 (hereinafter “the Rules”) as follows:

Section II.5.1.J: Existing and proposed utilities – gas line, water line, electric, telephone and cable

Section II.5.1.M: Elevations and perspective drawings

Section II.5.1.N: Structural details and cross sections

Section II.5.1.O: Proposed screening, surfacing, exterior storage, lighting, landscaping, including fences, walls, planting areas, and signs

Section II.5.1.P: Drainage and Stormwater Management

These details will be provided to the Building Inspector prior to issue of building permits for all three proposed lots (2 reduced frontage lots and 1 conforming lot).

## **VII. FINDINGS:**

1. The Board made the following findings pursuant to Section 6.A.1. “Reduced Frontage Special Permit”, of the Zoning Bylaw.
  - a. The reduced frontage lots (Lot A and Lot B) comply with the Table of Dimensional Control for Reduced Frontage Lots.
  - b. The Frontages for Lot A and Lot B are continuous on Dole Place, which is a public way.

- c. The reduced frontage lots (Lot A and Lot B) have at least one area that can accommodate a circle with a diameter of 200-feet.
  - d. Not more than two reduced frontage lots have abutting frontage on the plan.
  - e. The reduced frontage lots (Lot A and Lot B) do not block future extensions or connections of a dead-end street.
  - f. The reduced frontage lots (Lot A and Lot B) shall not be further subdivided, reduced in area, and/or changed in size or shape. A recorded Deed Restriction shall set forth this restriction in perpetuity.
  - g. The reduced frontage lots (Lot A and Lot B) do not interfere with the use and enjoyment of an abutting lot, and do not adversely affect the neighborhood.
2. The Board made the following findings pursuant to Section 8.A.2.f. "Findings of the Planning Board", of the Zoning Bylaw.
- a. The specific site is an appropriate location for the use.
  - b. The use developed will not adversely affect the neighborhood.
  - c. There will not be an undue nuisance or serious hazard to vehicles or pedestrians, and adequate and appropriate facilities have been provided to ensure the proper operation of the proposal.
  - d. The proposed use is in harmony with the general purpose of the West Newbury Zoning Bylaw as amended.
  - e. The requested use will not overload any public water, drainage, 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.

#### **VIII. CONDITIONS OF APPROVAL:**

- 1. In compliance with Section 7.A.1.f. of the Zoning Bylaw, a restriction shall be placed on the deeds for Lot A and Lot B and on all future deeds for these lots, as follows: "Lot A (OR Lot B) has been approved by a Reduced Frontage Special Permit, and it shall not be further subdivided, or reduced in area, or changed in size or shape. This deed restriction shall remain in effect in perpetuity." Proof of recording must be submitted to the Board and the Building Inspector prior to issuance of a Building Permit for Lot A or Lot B.
- 2. The Applicant shall retain the natural vegetation as practicable for screening along the property boundary of Lot A and Gunners Hill Road. The Applicant shall supplement a minimum of six, 2-inch caliper evergreen trees along this boundary as appropriate.

#### **IX. ADMINISTRATION:**

Following the expiration of the applicable appeal periods, the Applicant shall record this endorsed Certificate of Vote and the approved Special Permit Plan at the Registry of Deeds. The Applicant shall also secure a statement for recording from the West Newbury Town Clerk, indicating that the applicable appeal periods have lapsed and that there have been no appeals or that if any appeal has been filed that it has been dismissed or denied. A copy of the recorded documents shall be provided to the Board.

All applicable laws, bylaws, rules, regulations, and codes of state law, federal law, and the Town of West Newbury shall be complied with, and the Owner shall obtain all necessary permits, licenses, and variances, as applicable.

The action of the Board does not waive or alter any other permit or approval requirements, including, but not limited to, those of the Board of Health, the Inspection Department, and the Conservation

Commission.

In accordance with Section 8.A.2.h. of the Town of West Newbury Zoning Bylaw, this approval shall lapse within two years from the date of the Board's filing of this Certificate of Vote with the Town Clerk if a substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause.

The Conditions of this Special Permit shall run with the land and shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto. The owners and purchasers of all lots shall be forever bound by all applicable conditions and restrictions contained in this Certificate of Vote.

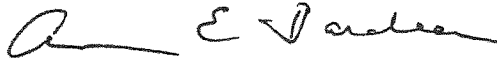
**APPEALS: Appeals, if any, shall be made pursuant to Massachusetts General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after the filing of this Certificate of Vote in the Office of the Town Clerk of the Town of West Newbury.**

**CERTIFICATE OF VOTE**  
**PROPERTY OFF DOLE PLACE (ASSESSOR'S MAP R-1, LOT 58)**  
**HOLLY N. PRIVATERA AND ANDREW G. NICHOLS (OWNER)**  
**C.W. COLLINS CORP. (APPLICANT)**

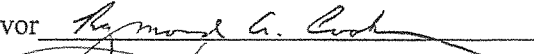
At a meeting of the West Newbury Planning Board held on January 8, 2019, Board Members voted to approve the Application for a Special Permit for two reduced frontage lots subject to the following:


- Final Certificate of Vote and Conditions, as approved by the Board,
- Final Plans, as approved by the Board,
- Other documents, as referenced in the Certificate of Vote.

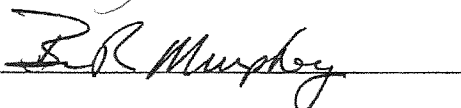
The Vote was as follows:

Ann E. Bardeen                      In favor 

Richard W. Bridges              In opposition \_\_\_\_\_

Raymond A. Cook                In favor 

Kim A. Monahan                 In favor 

Brian R. Murphey                In favor 

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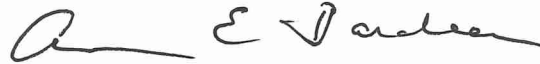
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- Final Certificate of Vote and Conditions, as approved by the Board,
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- Other documents, as referenced in the Certificate of Vote.

The Vote was as follows:

Ann E. Bardeen

In favor



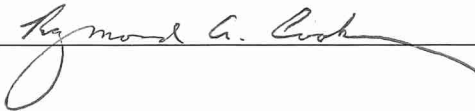
Richard W. Bridges

In opposition



Raymond A. Cook

In favor



Kim A. Monahan

In favor

\_\_\_\_\_

Brian R. Murphey

In favor

