

**TOWN OF WEST NEWBURY  
PLANNING BOARD  
Tuesday February 6<sup>th</sup>, 2024 7:00 p.m.  
AGENDA**

***For Remote Participation (see below)***

1. Continued Public Hearing – 125 River Road, Eagle Nest Subdivision
2. ANR 16 & 22 Church Street – Lot line adjustment
3. Housing Opportunities Initiative
  - a. Set Hearing Date for MBTA Communities Multi-Family Overlay District (MCMOD)
  - b. Site Comparison Matrix
  - c. Frequently Asked Questions
  - d. Article Request
4. Town Planner Report
5. Discuss Alternate MVPC Member Appointment
6. General Business:
  - Minutes – January 2, 2024; January 16, 2024.
  - Correspondence
  - Administrative Details: 2024 Meeting Schedule
  - Placement of Items for Future Planning Board Agendas
  - Items not Reasonably Anticipated by the Chair 48 Hours in Advance of a Meeting  
*The Planning Board reserves the right to take Agenda items out of order*

Addendum to Meeting Notice Regarding Remote Participation

Pursuant to Chapter 2 of the Acts of 2023 that includes extending certain COVID - 19 measures adopted during the state of emergency, this meeting of the West Newbury Planning Board will be conducted via remote participation to the greatest extent possible. Members of the public who wish to view and/or listen to the meeting may do so using Zoom, by calling the telephone number or using the VideoLink listed below:

Zoom Meeting Instructions:

Phone: 1+(646) 558-8656

VideoLink: <https://us06web.zoom.us/j/84007084439?pwd=qM9u4VzkWfV9ohSjBRk03f1nb52ziM.1>

Meeting ID: 840 0708 4439

Passcode: 443936

No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the Town of West Newbury website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as practicable after the meeting.



**TOWN OF WEST NEWBURY  
OFFICE OF THE PLANNING BOARD  
381 MAIN STREET  
WEST NEWBURY MA 01985  
978-363-1100 X125 Fax: 978-363-1119  
e-mail: [townplanner@wnewbury.org](mailto:townplanner@wnewbury.org)**

**Legal Notice  
West Newbury Planning Board**

Pursuant to M.G.L. Ch. 41, S. 81T, the West Newbury Planning Board will hold a public hearing on Tuesday, January 2, 2020 beginning at 7:00 PM to consider an application for approval of a Definitive Plan to subdivide two existing building lots into four building lots (2 existing and 2 new), including a new roadway. The properties are located at 125 and 171 River Road, Assessors' Map R24, Lots 12 & 10A, and are in the Residence B Zoning District. The Applicant is Michael Fusco of 64 Main Street, West Newbury, MA. The application and plans can be viewed online: [West Newbury Legal Ads/Public Hearing Notices](#) or please contact the Planning Office at 978-363-1100 x125 or [townplanner@wnewbury.org](mailto:townplanner@wnewbury.org) to view the plans in person. Interested persons may participate in the meeting by joining from computer, tablet or smartphone using <https://us06web.zoom.us/j/83184601270?pwd=OE14NnN5MGV4NzJmcGkT1VCR1pXUT09> OR by calling: 305 224 1968. Meeting ID: 851 3286 9953, Passcode: 462916

Ann Bardeen  
Clerk

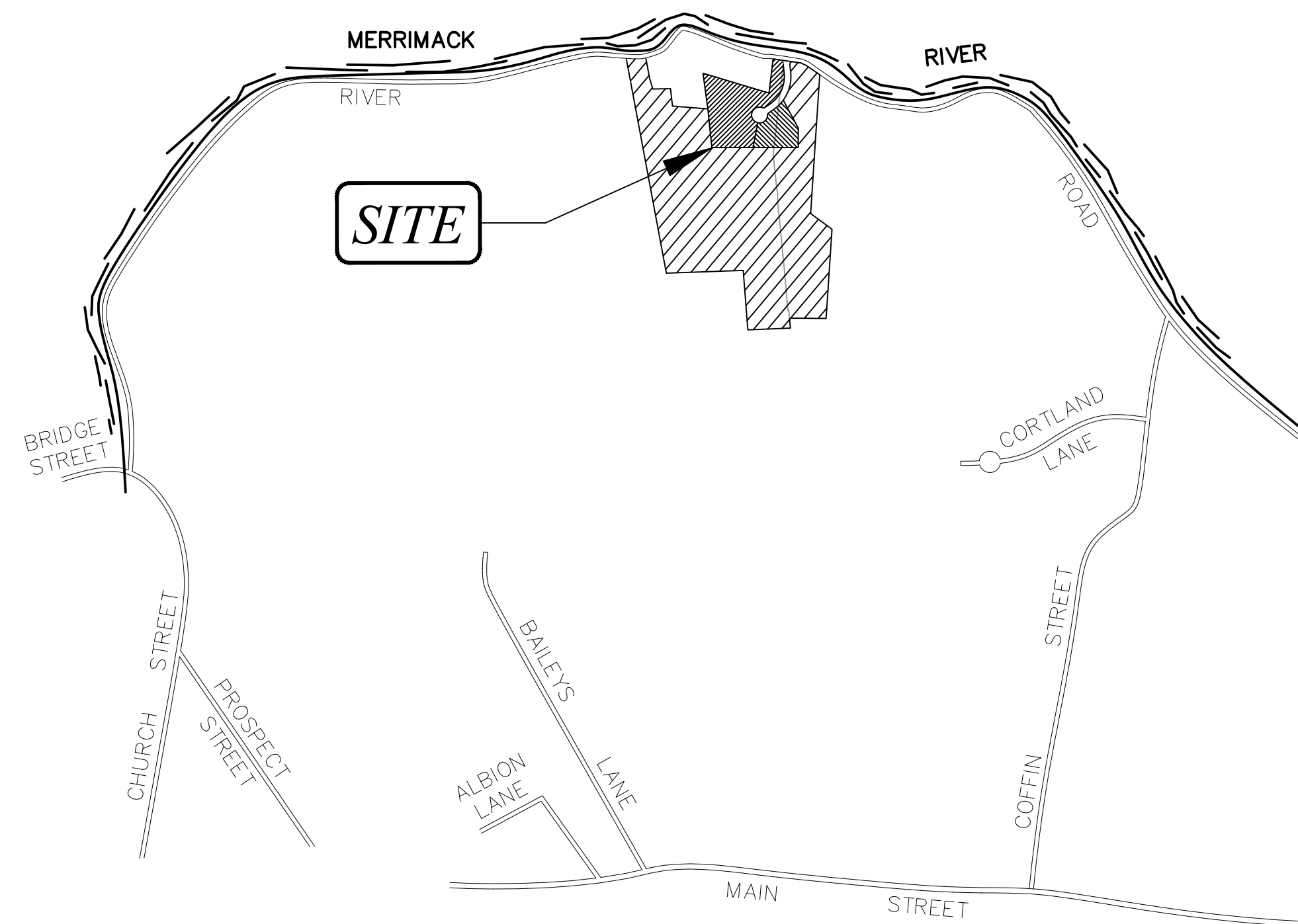
**Waivers Sought:**

SECTION OF RULES AND REGULATIONS – WAIVER SOUGHT

- 3.3.1.5 – WAIVER TO ALLOW FOR THE ELEVATIONS TO BE NAVD 1988 DATUM.
- 3.3.3.1.11 – WAIVER FROM REQUIREMENT TO LOCATE ALL TREES OVER TEN (10") INCHES IN DIAMETER, EFFORTS HAVE BEEN MADE TO LIMIT CLEARING TO EXTENT POSSIBLE.
- 3.3.3.4.10 – WAIVER TO NOT REQUIRE TEST PIT LOCATIONS. TEST PITS CAN BE CONDUCTED AS A CONDITION OF APPROVAL, PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
- 3.3.3.4.11 – WAIVER TO REQUIRE SIDEWALK, TRAILS, LIGHTING AND CURBING.
- 3.3.3.4.12 – WAIVER FROM THE REQUIREMENT FOR DRAINAGE CALCULATIONS, AS THE PROJECT IS NOT SUBJECT TO THE STATES STORMWATER STANDARDS (SUBDIVISION WITH FOUR OR FEWER LOTS). ROOF AND DRIVEWAY RECHARGE SYSTEMS HAVE BEEN INCORPORATED INTO THE DESIGN. DETAIL AND CAPACITY CALCULATIONS PROVIDED ON DETAIL SHEET.
- 4.2.4.5 – WAIVER FROM REQUIREMENT OF 250' SIGHT DISTANCE. 250' IS PROVIDED LOOKING WEST, HOWEVER EXISTING ROAD GEOMETRY DOES NOT PERMIT A 250' SIGHT DISTANCE TO THE RIGHT. SIGHT DISTANCE IS SHOWN ON PLAN & PROFILE SHEET.
- 4.2.4.9 – WAIVER FROM THE REQUIREMENT THAT THE FRONTAGE ON THE EXISTING STREET OF PARCEL SHALL BE AT LEAST THE FRONTAGE REQUIRED OF THE ZONING DISTRICT. THE TWO PARCELS WHICH WILL COMPRISE THE PROPOSED SUBDIVISION DO HAVE THE REQUIRED FRONTAGE, HOWEVER PARCEL R24-12 DOES NOT HAVE THE REQUIRED FRONTAGE AT THE LOCATION OF PROPOSED RIGHT OF WAY.
- 4.2.4.11 – A WAIVER IS REQUIRED TO ALLOW FOR THE RIGHT OF WAY TO BE LESS THAN 1/2 THE FRONTAGE REQUIRED FOR THE ZONING DISTRICT AWAY FROM THE ABUTTING LOT. THE CENTER LINE OF THE RIGHT OF WAY IS LOCATED ±82' FROM THE ABUTTING LOT, HOWEVER THE DRIVEWAY WITHIN THE ROW IS LOCATED 91' FROM THE ABUTTING LOT, THE PROPOSED ROW AND DRIVEWAY LAYOUT HAVE BEEN DRIVEN BY THE LOCATION OF THE DWELLING AND BARN AT #171 RIVER ROAD.
- 4.2.5.1 – WAIVER TO NOT REQUIRED CURBING FOR THIS PROPOSED SUBDIVISION.
- 4.2.6.3 – WAIVER TO ALLOW FOR THE TRAVELED WAY WIDTH TO BE 18' AND TO NARROW DOWN TO 12' AT THE WETLAND CROSSING AS REQUIRED BY MASSDEP FOR A LIMITED PROJECT.
- 4.2.8.2 – WAIVER TO ALLOW FOR DEAD END DRIVEWAY (STREET) TO NOT REQUIRE A CUL-DE-SAC WITH A HAMMER HEAD TURNAROUND PROVIDED INSTEAD.
- 4.2.8.3 – WAIVER TO NOT REQUIRE LANDSCAPED ISLAND IN CENTER OF CUL-DE-SAC AS A CUL-DE-SAC IS NOT PROPOSED.
- 4.3.1.1 – WAIVER TO NOT REQUIRE SIDEWALKS, PEDESTRIAN OR BICYCLE TRAILS.
- 4.3.1.5 – WAIVER TO NOT REQUIRE FOOTPATH AND TRAILS WITHIN THE SUBDIVISION.
- 4.3.1.6 – WAIVER TO NOT REQUIRE BICYCLE PATH/RECREATION PATH.
- 4.4 – WAIVER FROM THE REQUIREMENTS TO PROVIDE STORMWATER MANAGEMENT REQUIREMENT AND CALCULATIONS. PROPOSED PROJECT PROVIDES STORMWATER MITIGATION BY ROOF RECHARGE CHAMBERS AND DRIVEWAY RUNOFF CRUSHED STONE TRENCHES.
- 4.5 – WAIVER FROM THE REQUIREMENTS TO PROVIDE WATER MAINS, WATER WILL BE SUPPLIED BY PROPOSED WELLS.

# Definitive Subdivision "Eagle Nest" River Road West Newbury, Massachusetts

**Issued for Permitting  
Not Approved for Construction**



LOCUS PLAN

SCALE: 1"=1,200'

APPROVED BY THE TOWN OF WEST NEWBURY PLANNING BOARD

\_\_\_\_\_  
DATE

\_\_\_\_\_  
FILED

\_\_\_\_\_  
HEARING

\_\_\_\_\_, CLERK OF THE TOWN OF WEST NEWBURY, HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SUCH NOTICE.

\_\_\_\_\_  
TOWN CLERK

I HEREBY CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF MASSACHUSETTS.

\_\_\_\_\_  
REG. PROF. ENGINEER

**ASSESSORS/OWNERS OF RECORD:**

PARCEL R24-12  
FUSCO FAMILY IRREVOCABLE TRUST  
ANTHONY J. FUSCO &  
N. DAWNE FUSCO TRUSTEES  
125 RIVER ROAD  
WEST NEWBURY, MA 01985  
BOOK 25609 PAGE 254  
PLAN LC 33173-A

PARCEL R24-10A  
SHARMAN E. GINGRICH TRUST  
SHARMAN E. GINGRICH &  
CHRISTOPHER F. HARRIS TRUSTEES  
171 RIVER ROAD  
WEST NEWBURY, MA 01985  
BOOK 34827 PAGE 450  
PLAN BOOK 173 PLAN 64

**DEED REFERENCE:**

ESRO BOOK 14031, PAGE 76  
ESRO BOOK 34827, PAGE 450

**Zoning Summary Chart**

Zoning District:	Residential B			
Zoning Regulation Requirements	Required	Proposed Lot 1	Proposed Lot 2	Proposed Lot 3
MINIMUM LOT AREA	40,000 S.F.	204,284 S.F.	52,642 S.F.	563,010 S.F.
PERCENT CONTIGUOUS AND BUILDABLE	30,000 S.F. (75%)	176,300 S.F.	45,800 S.F.	130,000 S.F.±
FRONTAGE	200 Feet	605.60 FEET	259.69 FEET	315.84 FEET
FRONT YARD SETBACK	40 Feet	>40 Feet	>40 Feet	>40 Feet
SIDE YARD SETBACK	20 Feet	>20 Feet	>20 Feet	>20 Feet
REAR YARD SETBACK	20 Feet	>20 Feet	>20 Feet	>20 Feet
MINIMUM LOT WIDTH	180 Feet	654.5 Feet	271.6 Feet	356.2 Feet
MAXIMUM BUILDING HEIGHT	35 Feet	<35 Feet	<35 Feet	<35 Feet

**Drawing Sheet Index**

Number	Drawing Title	Original Submittal Date	Revised Date
1 of 10	Cover Sheet	11/20/2023	12/18/2023
2 of 10	Lotting Sheet 1 of 3	11/20/2023	12/18/2023
3 of 10	Lotting Sheet 2 of 3	11/20/2023	12/18/2023
4 of 10	Lotting Sheet 3 of 3	11/20/2023	12/18/2023
5 of 10	Existing Conditions	11/20/2023	12/18/2023
6 of 10	Layout & Materials	11/20/2023	12/18/2023
7 of 10	Grading & Utilities	11/20/2023	12/18/2023
8 of 10	Plan & Profiles	11/20/2023	12/18/2023
9 of 10	Site Details 1	11/20/2023	12/18/2023
10 of 10	Wetland Replication Detail	11/20/2023	12/18/2023

- LEGEND:**
- EXISTING CONTOUR
  - EDGE OF WETLANDS
  - EXISTING EDGE OF WOODS
  - EXISTING WATER
  - EXISTING GAS
  - EXISTING DRAIN
  - EXISTING SEWER
  - EXISTING EDGE OF PAVEMENT
  - PROPOSED CONTOUR
  - PROPOSED WATER
  - PROPOSED STRAW BALES OR SILT SOXX
  - PROPOSED EDGE OF WOODS
  - PROPOSED RETAINING WALL
  - PROPOSED ROOF DRAIN
  - PROPOSED UNDERGROUND ELEC/TEL/COMM

Revision No.	Revision Description	Date
1	REVISIONS PER INITIAL PEER REVIEW	12/18/2023

**COVER SHEET  
DEFINITIVE SUBDIVISION  
EAGLE NEST  
WEST NEWBURY, MASS.**

PREPARED FOR: MICHAEL FUSCO  
DATE: NOVEMBER 23, 2023  
SCALE: 1"=40'

1 East River Place  
Methuen, Mass. 01844  
Telephone: 978-687-3828

Dennis A. Griecci  
Reg. Prof. Engineer

FOR REGISTRY USE ONLY

ZONING SUMMARY TABLE - RB				
	REQUIRED	PROPOSED LOT 1	PROPOSED LOT 2	PROPOSED LOT 3
LOT AREA	40,000 S.F.	204,284 S.F.	52,642 S.F.	563,010 S.F.
CBA	30,000 S.F. (75%)	176,300 S.F.	45,800 S.F.	130,000 S.F.±
FRONTAGE	200'	605.60'	259.69'	315.84'
FRONT YARD SETBACK	40'	>40.0'	>40.0'	>40.0'
SIDE YARD SETBACK	20'	>20.0'	>20.0'	>20.0'
REAR YARD SETBACK	20'	>20.0'	>20.0'	>20.0'
LOT WIDTH	180'	654.5'	271.6'	356.2'

I HEREBY CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTRARS OF DEEDS OF MASSACHUSETTS.  
*Peter D. Goodwin*  
 REG. PROF. LAND SURVEYOR

APPROVED BY THE TOWN OF WEST NEWBURY PLANNING BOARD

DATE \_\_\_\_\_  
 HEARING \_\_\_\_\_

I, \_\_\_\_\_ CLERK OF THE TOWN OF WEST NEWBURY, HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SUCH NOTICE.

TOWN CLERK \_\_\_\_\_  
 REFERENCE PLANS:  
 PLANS ON FILE AT THE ESSEX COUNTY REGISTRY OF DEEDS, SOUTHERN DISTRICT.  
 1.) PLAN BOOK 173 PLAN 64  
 2.) PLAN BOOK 39282 PLAN 206  
 3.) PLAN BOOK 164 PLAN 207  
 4.) LAND COURT PLAN 33173-B  
 5.) LAND COURT PLAN 33173-A  
 ASSESSORS REFERENCE:  
 MAP R24 LOT 12  
 MAP R24 LOT 10A  
 ZONING DISTRICT: RB

Revision No.	Revision Description	Date
1	REVISIONS PER INITIAL PEER REVIEW	DEC.18, 2023

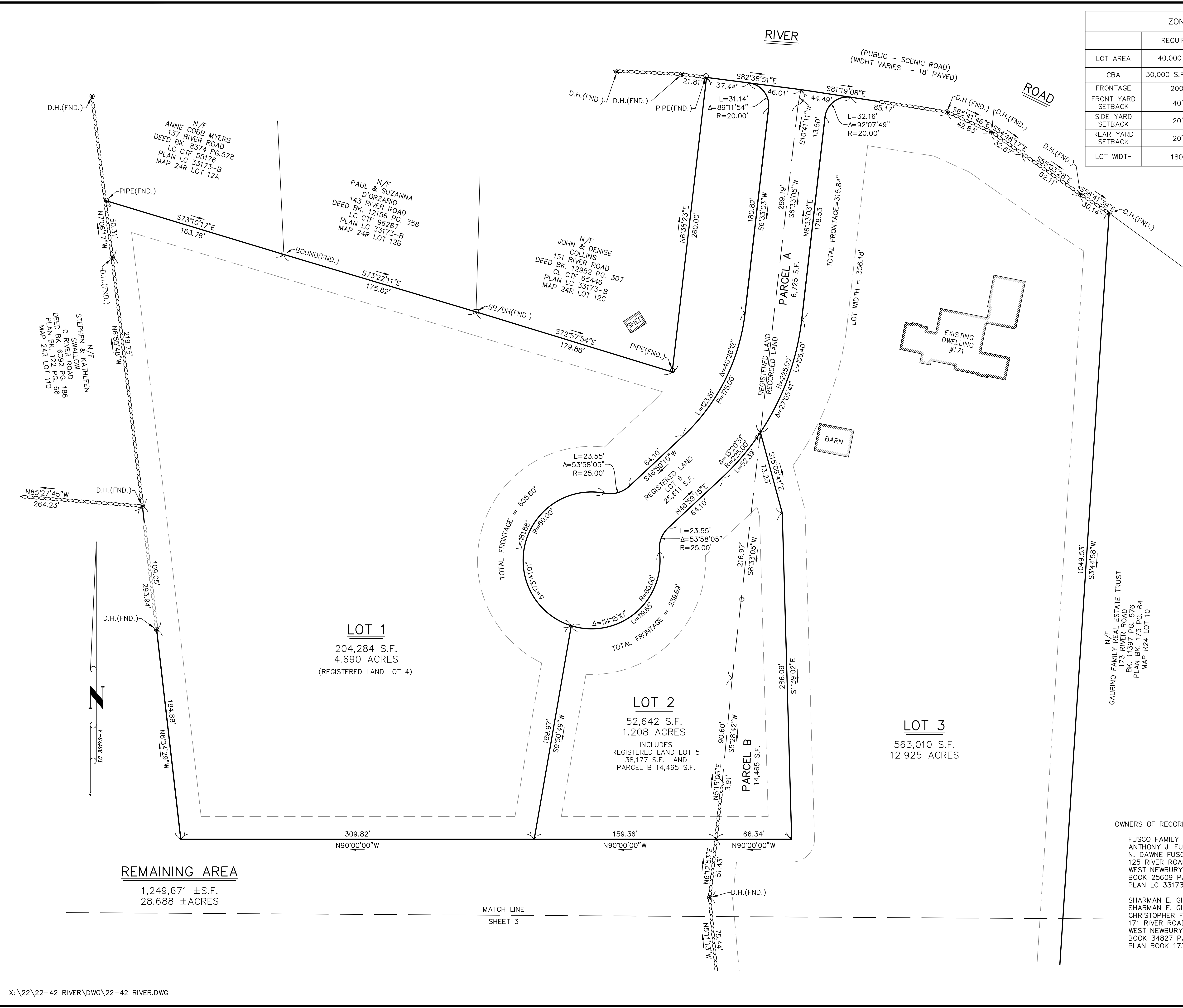
**DEFINITIVE SUBDIVISION PLAN**  
**EAGLE NEST**  
**WEST NEWBURY, MASS.**

PREPARED FOR: MICHAEL FUSCO  
 DATE: NOVEMBER 20, 2023  
 SCALE: 1" = 40'

*Peter D. Goodwin*  
 Peter D. Goodwin  
 Reg. Prof. Land Surveyor

andover consultants inc.  
 1 East River Place  
 Methuen, Mass. 01844  
 Telephone: 978-687-3828

0 40 80 120 160 Ft.  
 0 10 20 40 Meter



I HEREBY CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF MASSACHUSETTS.  
*Peter Goodwin*  
REG. PROF. LAND SURVEYOR

REMAINING AREA  
1,249,671 ±S.F.  
28.688 ±ACRES

SHEET 2  
MATCH LINE

REMAINING AREA  
1,249,671 ±S.F.  
28.688 ±ACRES  
REMAINING LAND  
FUSCO FAMILY IRREVOCABLE TRUST  
125 RIVER ROAD  
LOT R24-12

LOT 3  
563,010 S.F.  
12.925 ACRES

N/E  
GAURINO FAMILY REAL ESTATE TRUST  
173 RIVER ROAD  
BK. 11397 PG. 576  
PLAN BK. 173 PG. 64  
MAP R24 LOT 10

N/E  
MARGOS & MARGARET  
GONCALVES  
177 RIVER ROAD  
DEED BK. 3960 PG. 272  
PLAN BK. 164 PG. 87  
MAP R24 LOT 9

APPROVED BY THE TOWN OF WEST  
NEWBURY PLANNING BOARD

\_\_\_\_\_  
DATE  
\_\_\_\_\_  
\_\_\_\_\_  
FILED \_\_\_\_\_  
HEARING \_\_\_\_\_


I, \_\_\_\_\_ CLERK OF  
THE TOWN OF WEST NEWBURY, HEREBY  
CERTIFY THAT THE NOTICE OF APPROVAL  
OF THIS PLAN BY THE PLANNING BOARD  
HAS BEEN RECEIVED AND RECORDED AT  
THIS OFFICE AND NO APPEAL WAS  
RECEIVED DURING THE TWENTY DAYS NEXT  
AFTER SUCH RECEIPT AND RECORDING OF  
SUCH NOTICE.

\_\_\_\_\_  
TOWN CLERK

Revision No.	Revision Description	Date
1	REVISIONS PER INITIAL PEER REVIEW	DEC.18, 2023

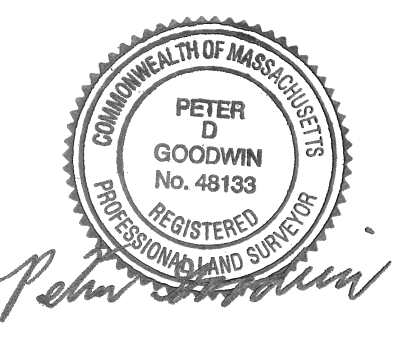
**DEFINITIVE SUBDIVISION PLAN**  
**EAGLE NEST**  
**WEST NEWBURY, MASS.**

PREPARED FOR: MICHAEL FUSCO  
DATE: NOVEMBER 20, 2023  
SCALE: 1" = 40'

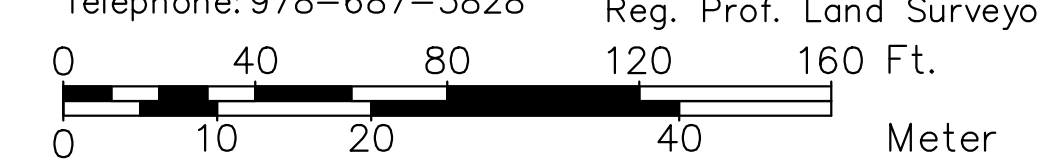


andover  
consultants  
inc.

1 East River Place  
Methuen, Mass. 01844  
Telephone: 978-687-3828



Peter D. Goodwin  
Reg. Prof. Land Surveyor



I HEREBY CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF MASSACHUSETTS.  
*Peter D. Goodwin*  
REG. PROF. LAND SURVEYOR

SHEET 2  
MATCH LINE

**REMAINING AREA**  
1,249,671 ±S.F.  
28.688 ±ACRES  
REMAINING LAND  
FUSCO FAMILY IRREVOCABLE TRUST  
125 RIVER ROAD  
MAP R24 LOT 12

**LOT 3**  
563,010 S.F.  
12.925 ACRES

APPROVED BY THE TOWN OF WEST NEWBURY PLANNING BOARD

DATE \_\_\_\_\_  
FILED \_\_\_\_\_  
HEARING \_\_\_\_\_

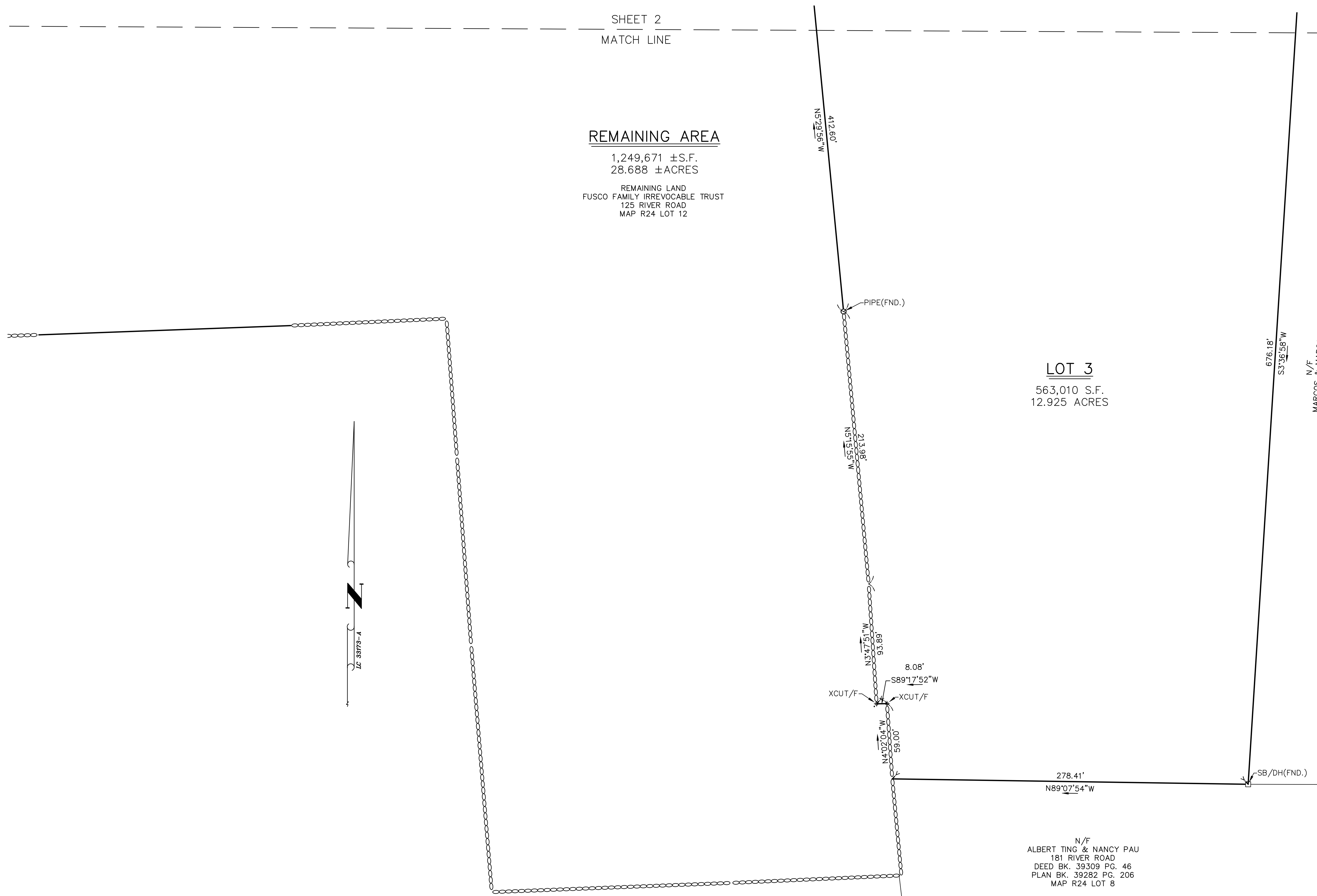
\_\_\_\_\_, CLERK OF THE TOWN OF WEST NEWBURY, HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SUCH NOTICE.

\_\_\_\_\_  
TOWN CLERK

N/F  
MARCOS & MARGARET  
CONCALVES  
17 RIVER ROAD  
DEED BK 3960 PG. 272  
PLAN BK 3960 PG. 87  
MAP R24 LOT 9

N/F  
ALBERT TING & NANCY PAU  
181 RIVER ROAD  
DEED BK. 39309 PG. 46  
PLAN BK. 39282 PG. 206  
MAP R24 LOT 8

N/F  
FUSCO FAMILY IRREVOCABLE TRUST  
0 LONG HILL PASTURE  
DEED BK. 25609 PG. 254  
MAP R24 LOT 13



Revision No.	Revision Description	Date
1	REVISIONS PER INITIAL PEER REVIEW	DEC.18, 2023

**DEFINITIVE SUBDIVISION PLAN**  
**EAGLE NEST**  
**WEST NEWBURY, MASS.**

PREPARED FOR: MICHAEL FUSCO  
DATE: NOVEMBER 20, 2023  
SCALE: 1" = 40'

**andover consultants inc.**  
1 East River Place  
Methuen, Mass. 01844  
Telephone: 978-687-3828

Peter D. Goodwin  
Reg. Prof. Land Surveyor

I HEREBY CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF MASSACHUSETTS.  
*Peter Goodwin*  
REG. PROF. LAND SURVEYOR

APPROVED BY THE TOWN OF WEST NEWBURY PLANNING BOARD

DATE \_\_\_\_\_  
FILED \_\_\_\_\_  
HEARING \_\_\_\_\_

\_\_\_\_\_  
CLERK OF THE TOWN OF WEST NEWBURY, HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SUCH NOTICE.

TOWN CLERK

LEGEND:

- EXISTING CONTOUR
- PAVEMENT EDGE
- RETAINING WALL
- RIVER BANK FLAG
- TREELINE
- U-POLE & GUY WIRE
- WETLAND FLAG
- WETLANDS

Revision No.	Revision Description	Date
1	REVISIONS PER INITIAL PEER REVIEW	DEC.18, 2023

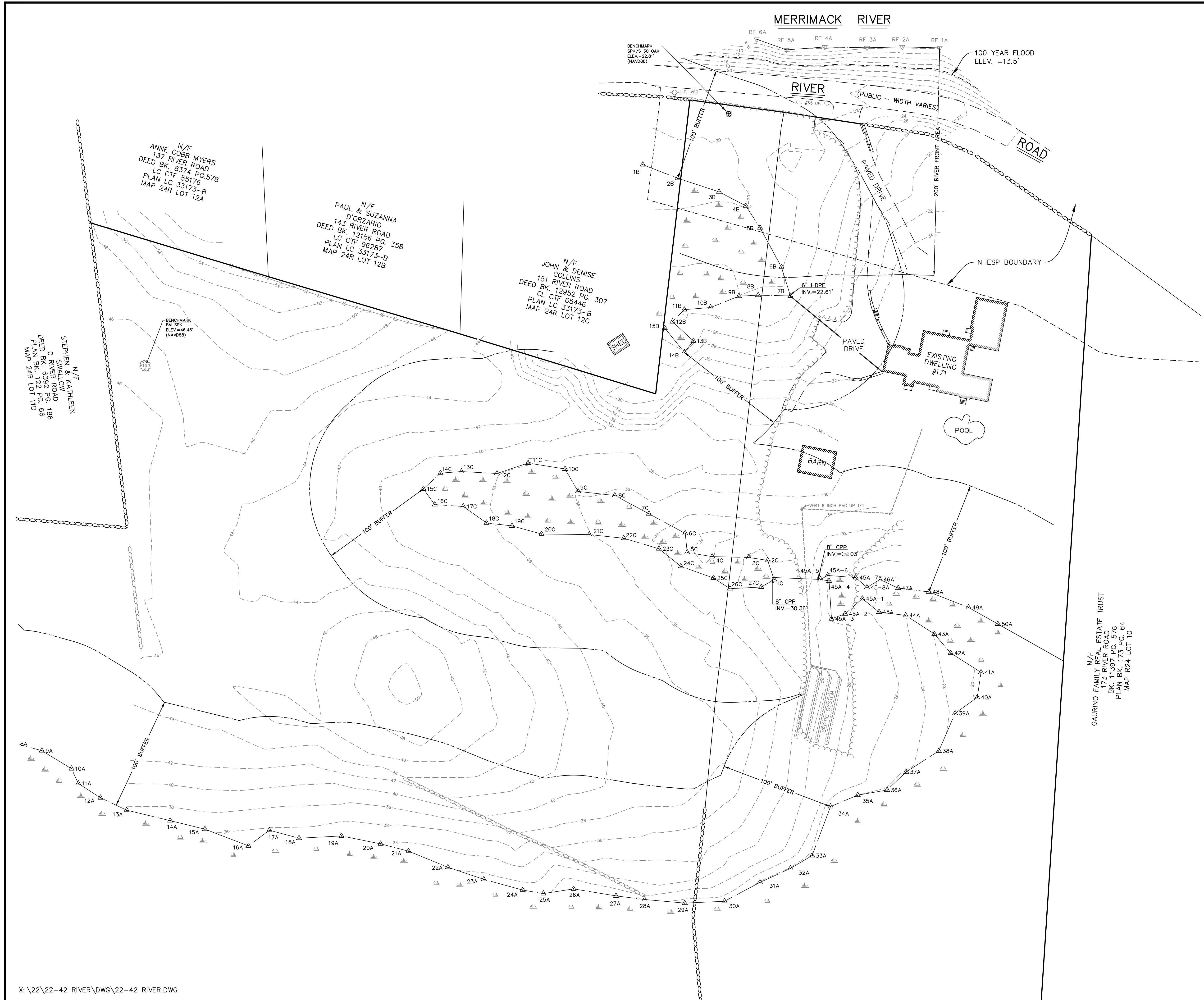
**EXISTING CONDITIONS PLAN**  
**EAGLE NEST**  
**WEST NEWBURY, MASS.**

PREPARED FOR: MICHAEL FUSCO  
DATE: NOVEMBER 20, 2023  
SCALE: 1" = 40'

andover  
consultants  
inc.  
1 East River Place  
Methuen, Mass. 01844  
Telephone: 978-687-3828

*Peter Goodwin*  
 Peter D. Goodwin  
 Reg. Prof. Land Surveyor

0 40 80 120 160 Ft.  
0 10 20 40 Meter



APPROVED BY THE TOWN OF WEST NEWBURY PLANNING BOARD

DATE \_\_\_\_\_  
FILED \_\_\_\_\_  
HEARING \_\_\_\_\_

CLERK OF THE TOWN OF WEST NEWBURY, HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SUCH NOTICE.

TOWN CLERK

I HEREBY CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF MASSACHUSETTS.

REG. PROF. ENGINEER

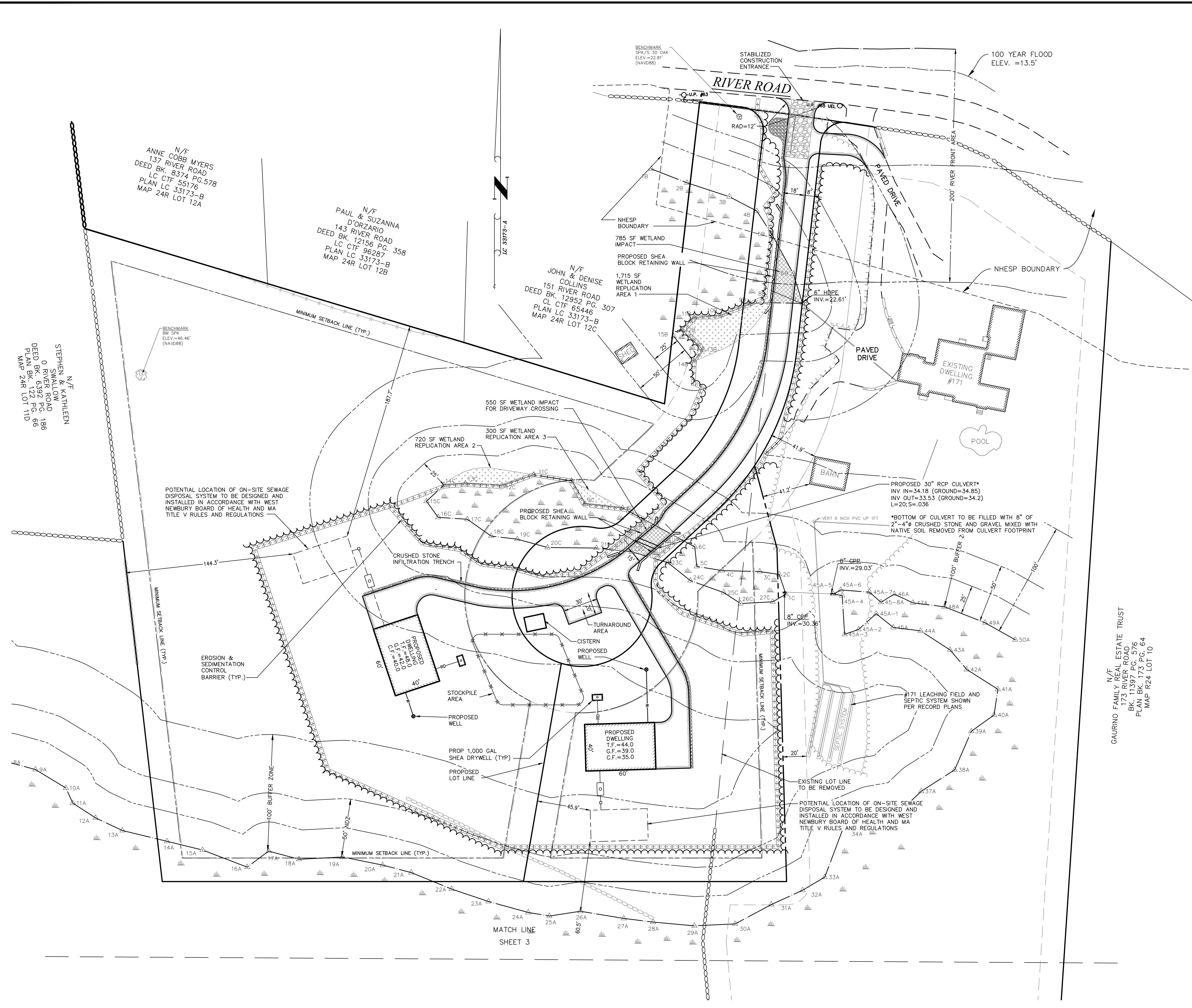
ASSESSORS/OWNERS OF RECORD:

PARCEL R24-12  
FUSCO FAMILY IRREVOCABLE TRUST  
ANTHONY J. FUSCO &  
N. DAWNE FUSCO TRUSTEES  
125 RIVER ROAD  
WEST NEWBURY, MA 01985  
BOOK 25609 PAGE 254  
PLAN LC 33173-A

PARCEL R24-10A  
SHARMAN E. GINGRICH TRUST  
SHARMAN E. GINGRICH &  
CHRISTOPHER F. HARRIS TRUSTEES  
171 RIVER ROAD  
WEST NEWBURY, MA 01985  
BOOK 34827 PAGE 450  
PLAN BOOK 173 PLAN 64

DEED REFERENCE:

ESRO BOOK 14031, PAGE 76  
ESRO BOOK 34827, PAGE 450



Revision No.	Revision Description	Date
1	REVISIONS PER INITIAL PEER REVIEW	12/18/2023

**DEFINITIVE SUBDIVISION LAYOUT & MATERIALS PLAN**  
**EAGLE NEST**  
**WEST NEWBURY, MASS.**

PREPARED FOR: MICHAEL FUSCO  
 DATE: NOVEMBER 20, 2023  
 SCALE: 1"=40'

**andover consultants inc.**  
 1 East River Place  
 Methuen, Mass. 01844  
 Telephone: 978-687-3828

**Dennis A. Griecci**  
 Reg. Prof. Engineer  
 No. 49318  
 REGISTERED PROFESSIONAL ENGINEER

N/F GAURINO FAMILY REAL ESTATE TRUST  
173 RIVER ROAD  
BK. 11397 PG. 64  
PLAN BK. 173 PG. 64  
MAP R24 LOT 10

N/F ANNE COBB MYERS  
137 RIVER ROAD  
DEED BK. 8374 PG. 578  
LC CTF 55176  
PLAN LC 33173-B  
MAP 24R LOT 12A

N/F PAUL & SUZANNA D'ORZARIO  
143 RIVER ROAD  
DEED BK. 12156 PG. 358  
LC CTF 96287  
PLAN LC 33173-B  
MAP 24R LOT 12B

N/F JOHN & DENISE COLLINS  
151 RIVER ROAD  
DEED BK. 12952 PG. 307  
CL CTF 65446  
PLAN LC 33173-B  
MAP 24R LOT 12C

N/F STEPHEN & KATHLEEN SMALLWOOD  
0 RIVER ROAD  
DEED BK. 6122 PG. 66  
PLAN BK. 24R LOT 11D



APPROVED BY THE TOWN OF WEST NEWBURY PLANNING BOARD

DATE

FILED

HEARING

CLERK OF THE TOWN OF WEST NEWBURY, HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SUCH NOTICE.

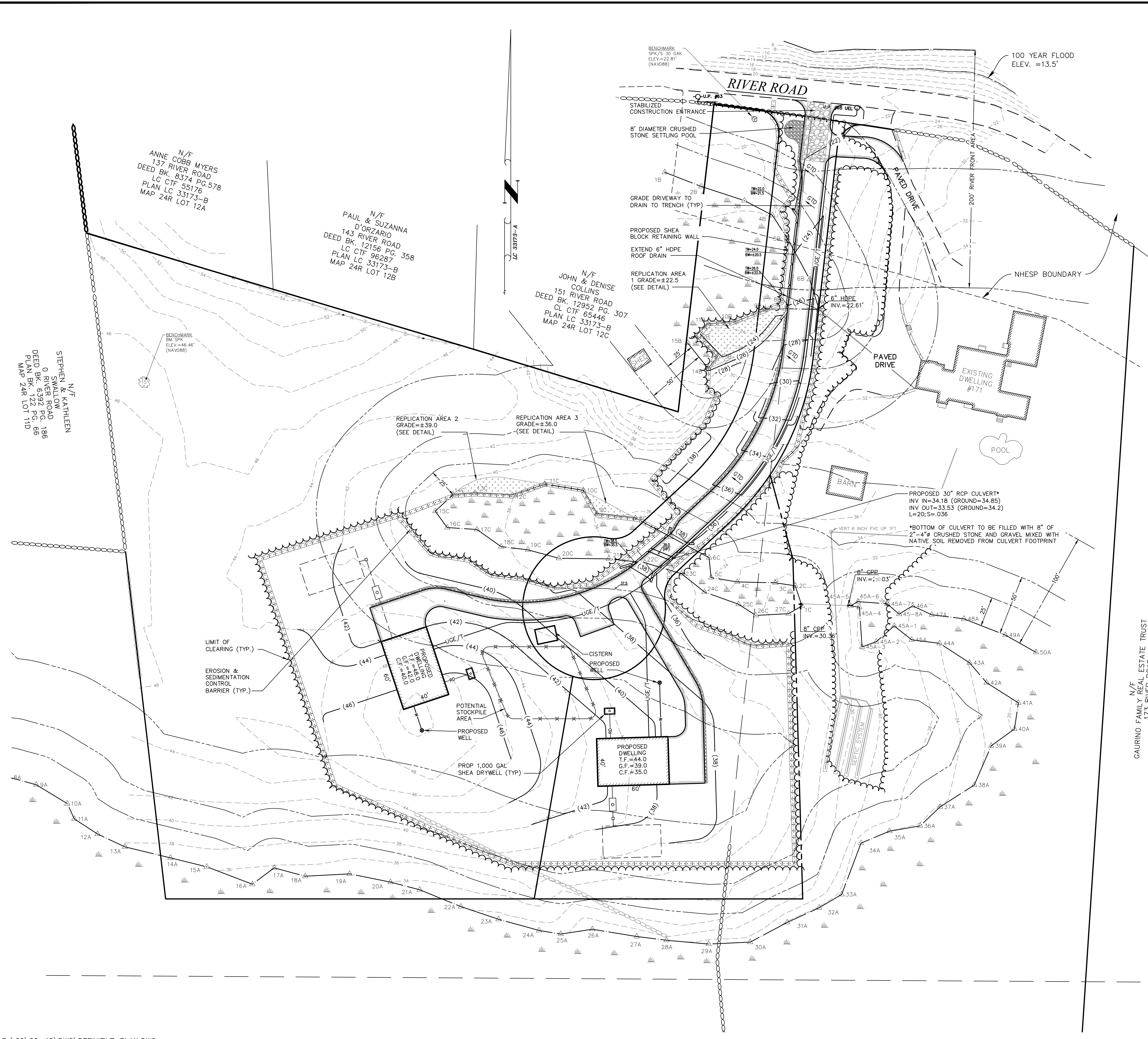
TOWN CLERK

I HEREBY CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF MASSACHUSETTS.

REG. PROF. ENGINEER

General Notes - Grading, Drainage, Utilities

- 1. TOP SOIL SHALL BE STRIPPED AND STOCKPILE ON SITE AS INDICATED ON PLANS, OR AS OTHERWISE DEEMED APPROPRIATE BY CONTRACTOR. AREAS DISTURBED DURING CONSTRUCTION SHALL RECEIVE SIX INCHES OF LOAM AND SEED. NO TOP SOIL SHALL LEAVE THE SITE EXCEPT IN ACCORDANCE WITH THE WEST NEWBURY SOIL REMOVAL BYLAW.
2. ALL EARTHEN MATERIALS SHALL BE HANDLED IN ACCORDANCE WITH APPLICABLE STATE AND LOCAL LAWS. SOIL SHALL BE STOCKPILED ON SITE AS INDICATED ON THE PLANS, OR AS OTHERWISE DEEMED APPROPRIATE BY CONTRACTOR. NO EARTHEN MATERIALS SHALL LEAVE THE SITE EXCEPT IN ACCORDANCE WITH THE WEST NEWBURY SOIL REMOVAL BYLAW.
3. CONTRACTOR SHALL NOTIFY "DIG-SAFE" (1-888-344-7233) AT LEAST 72 HOURS BEFORE EXCAVATING.
4. CONTRACTOR SHALL PREVENT DUST, SEDIMENT, AND DEBRIS FROM EXITING THE SITE AND SHALL BE RESPONSIBLE FOR CLEANUP, REPAIRS AND CORRECTIVE ACTION IF SUCH OCCURS.
5. DAMAGE RESULTING FROM CONSTRUCTION LOADS SHALL BE REPAIRED BY THE CONTRACTOR AT NO ADDITIONAL COST TO OWNER.
6. CONTRACTOR SHALL CONTROL STORMWATER RUNOFF DURING CONSTRUCTION TO PREVENT ADVERSE IMPACTS TO OFF SITE AREAS, AND SHALL BE RESPONSIBLE TO REPAIR RESULTING DAMAGES, IF ANY, AT NO COST TO OWNER.
7. THIS PROJECT DISTURBS MORE THAN ONE ACRE OF LAND AND FALLS WITHIN THE NPDES CONSTRUCTION GENERAL PERMIT (CGP) PROGRAM AND EPA JURISDICTION. PRIOR TO THE START OF CONSTRUCTION CONTRACTOR IS TO FILE A CGP NOTICE OF INTENT WITH THE EPA AND PREPARE A STORMWATER POLLUTION PREVENTION PLAN IN ACCORDANCE WITH THE NPDES REGULATIONS. CONTRACTOR SHALL CONFIRM THE OWNER HAS ALSO FILED A NOTICE OF INTENT WITH THE EPA.
8. PROPOSED BOUNDS AND ANY EXISTING PROPERTY LINE MONUMENTATION DISTURBED DURING CONSTRUCTION SHALL BE SET OR RESET BY A PROFESSIONAL LICENSED SURVEYOR.
9. CONTRACTOR SHALL NOT RELY SOLELY ON ELECTRONIC VERSIONS OF PLANS, SPECIFICATIONS, AND DATA FILES THAT ARE OBTAINED FROM THE DESIGNERS, BUT SHALL VERIFY LOCATION OF PROJECT FEATURES IN ACCORDANCE WITH THE PAPER COPIES OF THE PLANS AND SPECIFICATIONS THAT ARE SUPPLIED AS PART OF THE CONTRACT DOCUMENTS.
10. PRIOR TO STARTING ANY OTHER WORK ON THE SITE, THE CONTRACTOR SHALL NOTIFY APPROPRIATE AGENCIES AND SHALL INSTALL EROSION CONTROL MEASURES AS SHOWN ON THE PLANS AND AS IDENTIFIED IN FEDERAL, STATE, AND LOCAL APPROVAL DOCUMENTS PERTAINING TO THIS PROJECT.
11. CONTRACTOR SHALL INSPECT AND MAINTAIN EROSION CONTROL MEASURES, AND REMOVE SEDIMENT THEREFROM ON A WEEKLY BASIS AND WITHIN TWELVE HOURS AFTER EACH STORM EVENT AND DISPOSE OF SEDIMENTS IN AN UPLAND AREA SUCH THAT THEY DO NOT ENCUMBER OTHER DRAINAGE STRUCTURES AND PROTECTED AREAS.
12. CONTRACTOR SHALL BE FULLY RESPONSIBLE TO CONTROL CONSTRUCTION SUCH THAT SEDIMENTATION SHALL NOT AFFECT REGULATORY PROTECTED AREAS, WHETHER SUCH SEDIMENTATION IS CAUSED BY WATER, WIND, OR DIRECT DEPOSIT.
13. CONTRACTOR SHALL PERFORM CONSTRUCTION SEQUENCING SUCH THAT EARTH MATERIALS ARE EXPOSED FOR A MINIMUM OF TIME BEFORE THEY ARE COVERED, SEEDED, OR OTHERWISE STABILIZED TO PREVENT EROSION.
14. ELEVATIONS ARE BASED ON NAVD 1988 DATUM.
15. WETLAND FLAGS WERE SET BY NORSE ENVIRONMENTAL SERVICES IN DECEMBER OF 2022 AND JULY OF 2023 AND FIELD LOCATED BY ANDOVER CONSULTANTS.



GAURINO FAMILY REAL ESTATE TRUST
173 RIVER ROAD
BK. 11397 PG. 66
PLAN BK. 173 PG. 64
MAP R24 LOT 10

ASSESSORS/OWNERS OF RECORD:

PARCEL R24-12
FUSCO FAMILY IRREVOCABLE TRUST
ANTHONY J. FUSCO &
N. DAWNE FUSCO TRUSTEES
125 RIVER ROAD
WEST NEWBURY, MA 01985
BOOK 25609 PAGE 254
PLAN LC 33173-A

PARCEL R24-10A
SHARMAN E. GINGRICH TRUST
SHARMAN E. GINGRICH &
CHRISTOPHER F. HARRIS TRUSTEES
171 RIVER ROAD
WEST NEWBURY, MA 01985
BOOK 34827 PAGE 450
PLAN BOOK 173 PLAN 64

DEED REFERENCE:

ESRO BOOK 14031, PAGE 76
ESRO BOOK 34827, PAGE 450

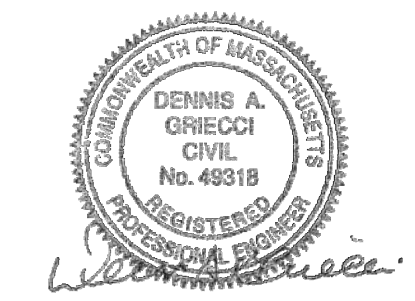
Table with 3 columns: Revision No., Revision Description, Date. Row 1: 1, REVISIONS PER INITIAL PEER REVIEW, 12/18/2023

DEFINITIVE SUBDIVISION GRADING & UTILITIES PLAN EAGLE NEST WEST NEWBURY, MASS.

PREPARED FOR: MICHAEL FUSCO
DATE: NOVEMBER 20, 2023
SCALE: 1"=40'



1 East River Place
Methuen, Mass. 01844
Telephone: 978-687-3828



Dennis A. Griecci
Reg. Prof. Engineer



APPROVED BY THE TOWN OF WEST NEWBURY PLANNING BOARD

DATE \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 FILED \_\_\_\_\_  
 HEARING \_\_\_\_\_

CLERK OF THE TOWN OF WEST NEWBURY, HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SUCH NOTICE.

TOWN CLERK

I HEREBY CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF MASSACHUSETTS.

REG. PROF. ENGINEER

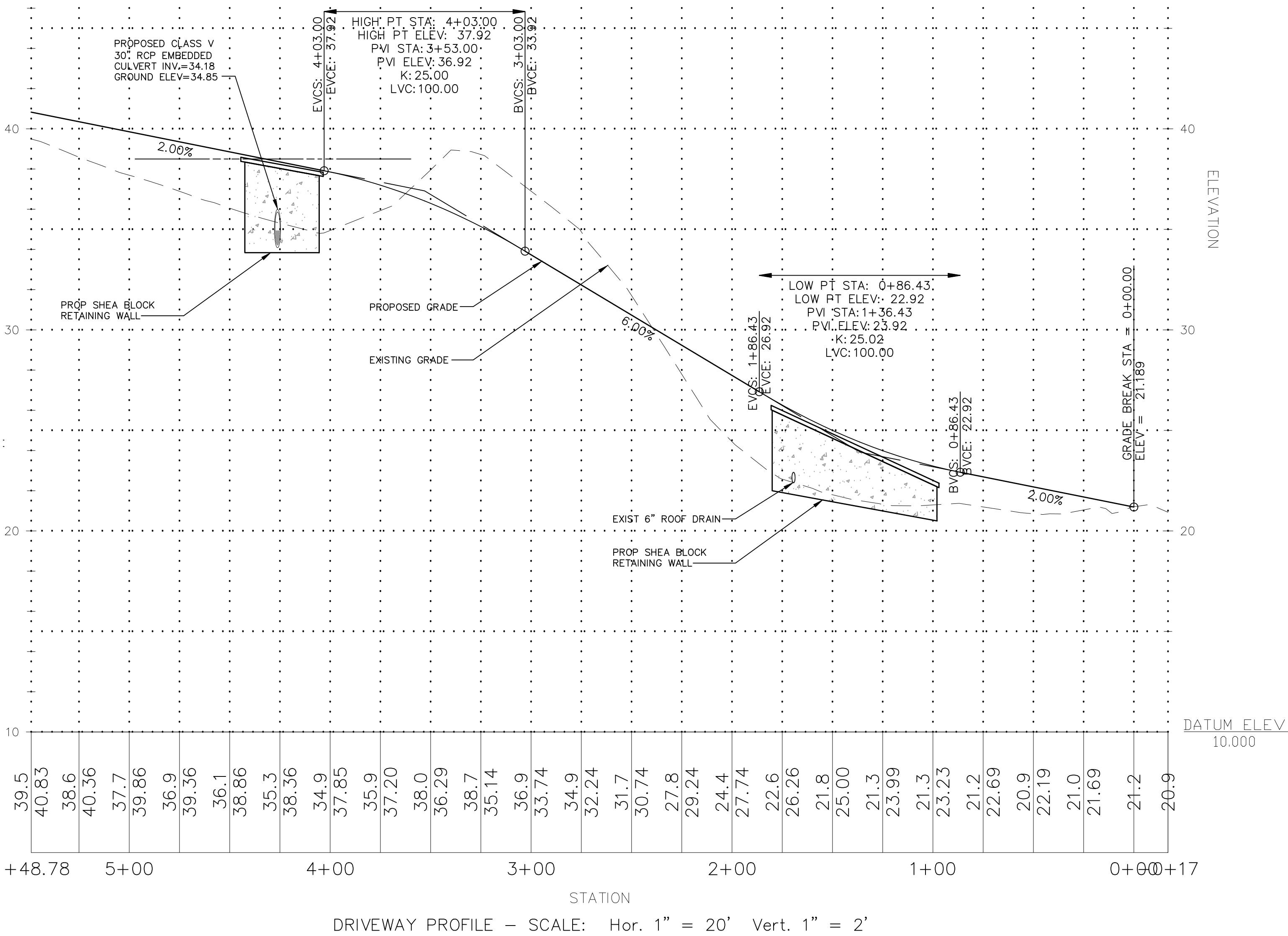
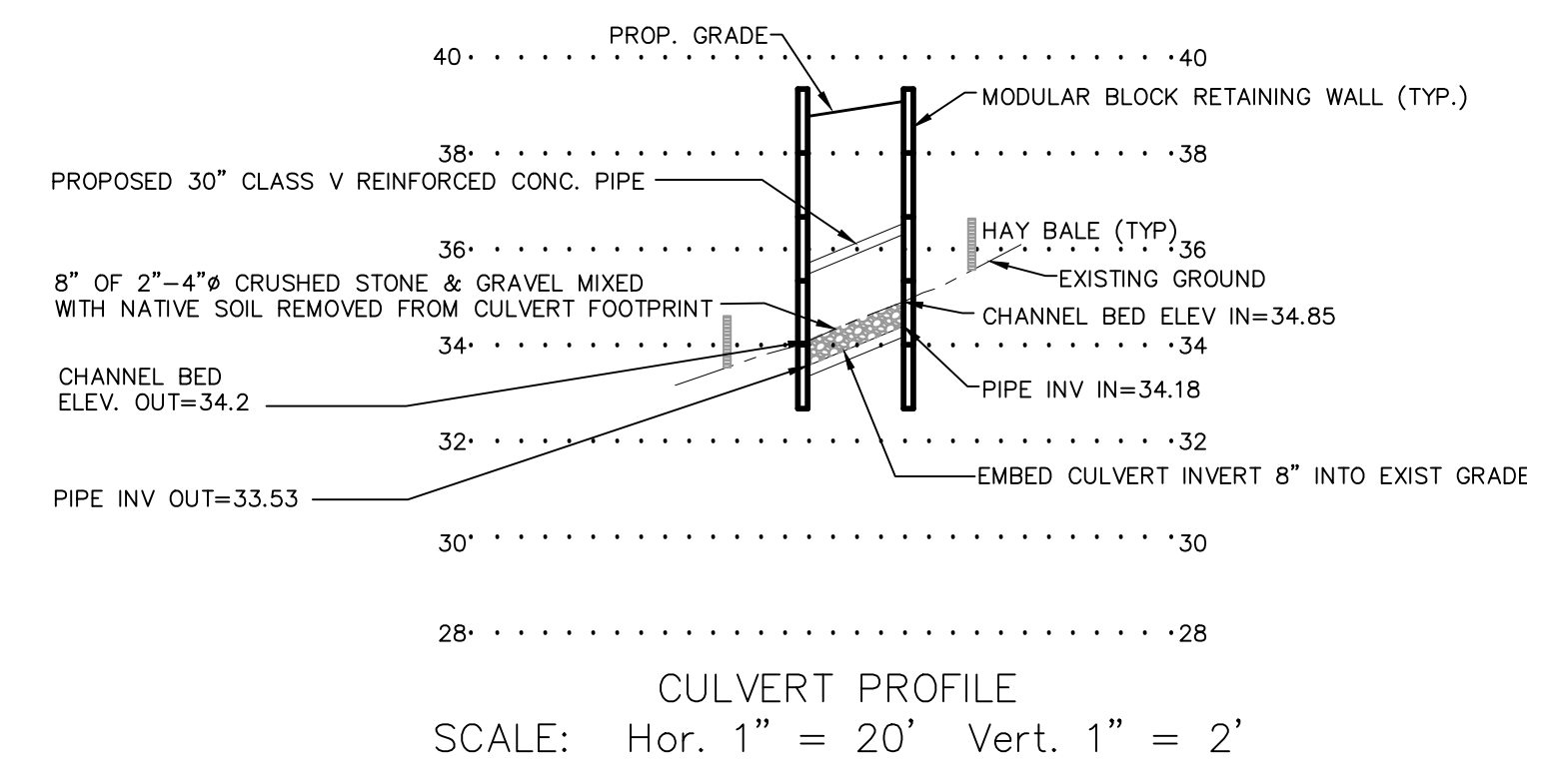
ASSESSORS/OWNERS OF RECORD:

PARCEL R24-12  
 FUSCO FAMILY IRREVOCABLE TRUST  
 ANTHONY J. FUSCO &  
 N. DAWNE FUSCO TRUSTEES  
 125 RIVER ROAD  
 WEST NEWBURY, MA 01985  
 BOOK 25609 PAGE 254  
 PLAN LC 33173-A

PARCEL R24-10A  
 SHARMAN E. GINGRICH TRUST  
 SHARMAN E. GINGRICH &  
 CHRISTOPHER F. HARRIS TRUSTEES  
 171 RIVER ROAD  
 WEST NEWBURY, MA 01985  
 BOOK 34827 PAGE 450  
 PLAN BOOK 173 PLAN 64

DEED REFERENCE:

ESRO BOOK 14031, PAGE 76  
 ESRO BOOK 34827, PAGE 450



Revision No.	Revision Description	Date
1	REVISIONS PER INITIAL PEER REVIEW	12/18/2023

**DEFINITIVE SUBDIVISION PLAN & PROFILE**  
**EAGLE NEST**  
**WEST NEWBURY, MASS.**

PREPARED FOR: MICHAEL FUSCO  
 DATE: NOVEMBER 20, 2023  
 SCALE: 1" = 40'

**andover consultants inc.**  
 1 East River Place  
 Methuen, Mass. 01844  
 Telephone: 978-687-3828

DENNIS A. GRIECCI  
 CIVIL ENGINEER  
 No. 49318  
 REGISTERED PROFESSIONAL ENGINEER

Dennis A. Grieci  
 Reg. Prof. Engineer

0 40 80 120 160 Ft.  
 0 10 20 40 Meter

APPROVED BY THE TOWN OF WEST NEWBURY PLANNING BOARD

DATE \_\_\_\_\_

FILED \_\_\_\_\_  
HEARING \_\_\_\_\_

\_\_\_\_\_, CLERK OF THE TOWN OF WEST NEWBURY, HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SUCH NOTICE.

TOWN CLERK

I HEREBY CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF MASSACHUSETTS.

REG. PROF. ENGINEER

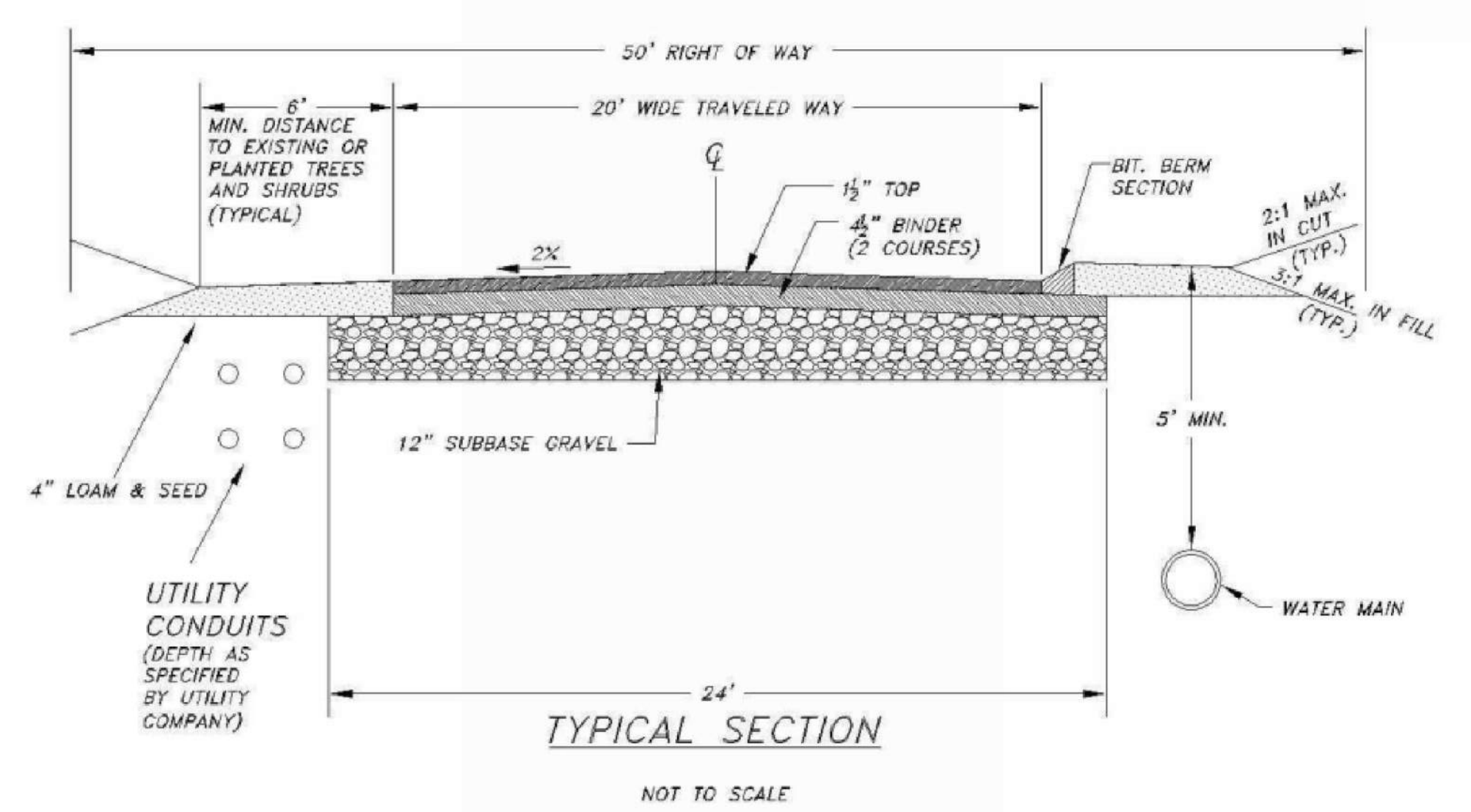
ASSESSORS/OWNERS OF RECORD:

PARCEL R24-12  
FUSCO FAMILY IRREVOCABLE TRUST  
ANTHONY J. FUSCO &  
N. DAWNE FUSCO TRUSTEES  
125 RIVER ROAD  
WEST NEWBURY, MA 01985  
BOOK 25609 PAGE 254  
PLAN LC 33173-A

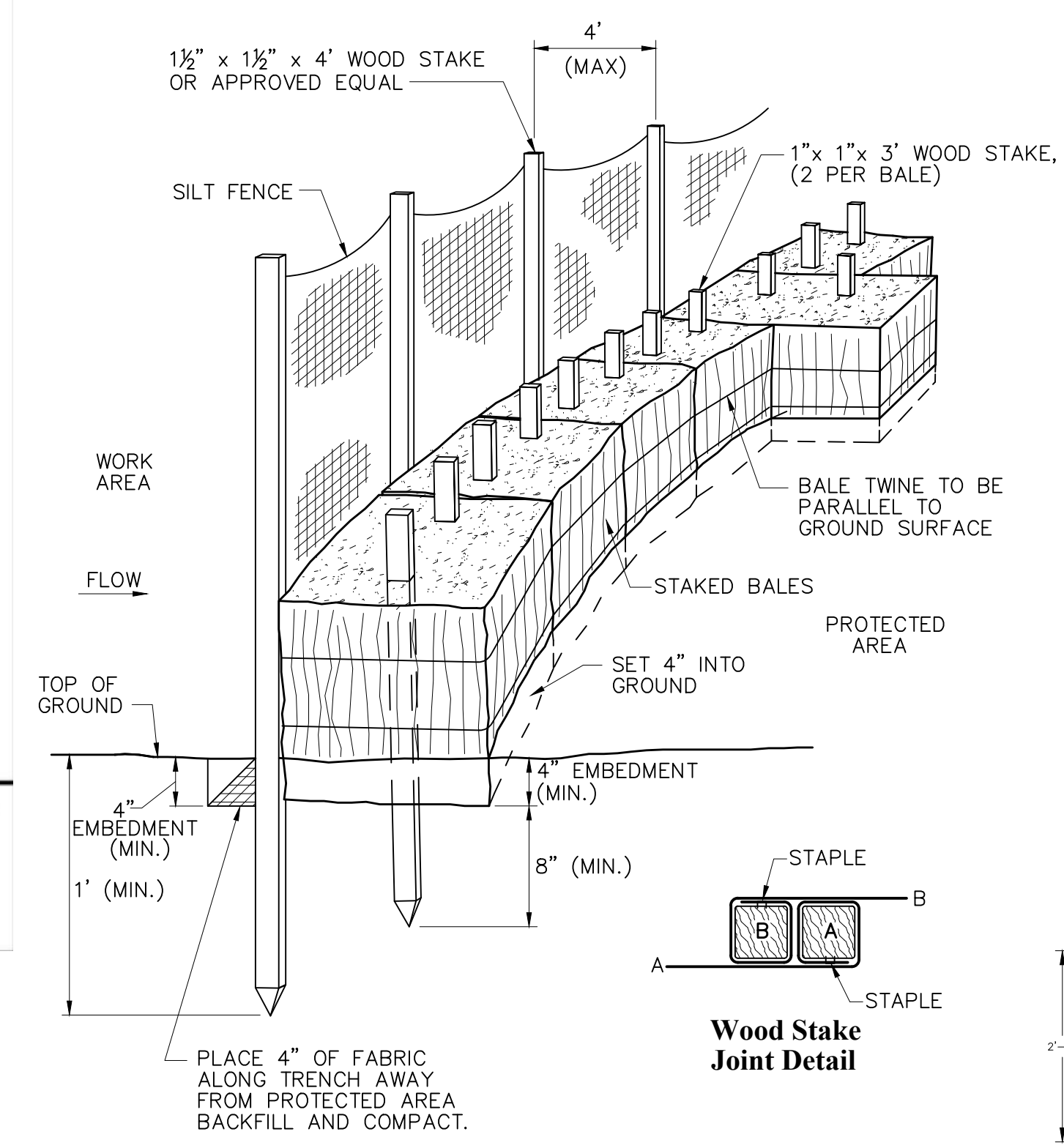
PARCEL R24-10A  
SHARMAN E. GINGRICH TRUST  
SHARMAN E. GINGRICH &  
CHRISTOPHER F. HARRIS TRUSTEES  
171 RIVER ROAD  
WEST NEWBURY, MA 01985  
BOOK 34827 PAGE 450  
PLAN BOOK 173 PLAN 64

DEED REFERENCE:

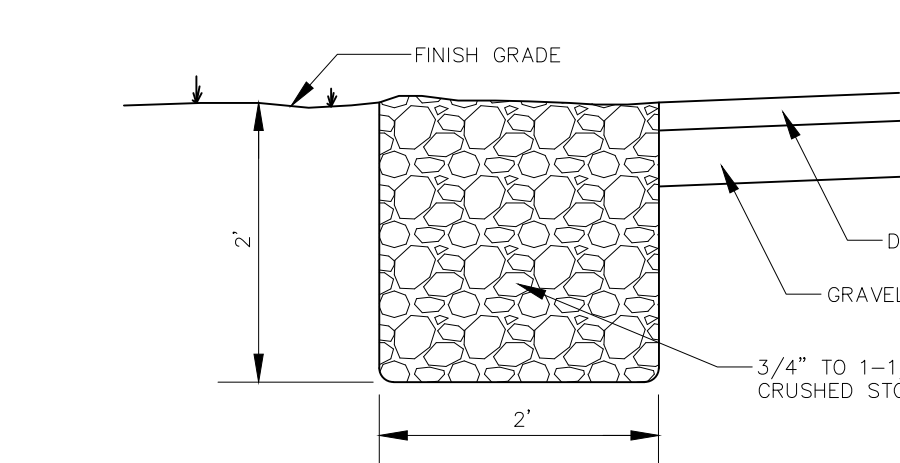
ESRO BOOK 14031, PAGE 76  
ESRO BOOK 34827, PAGE 450



TOWN OF WEST NEWBURY  
CONSTRUCTION DETAILS  
2006  
MINOR LOCAL ACCESS ROAD

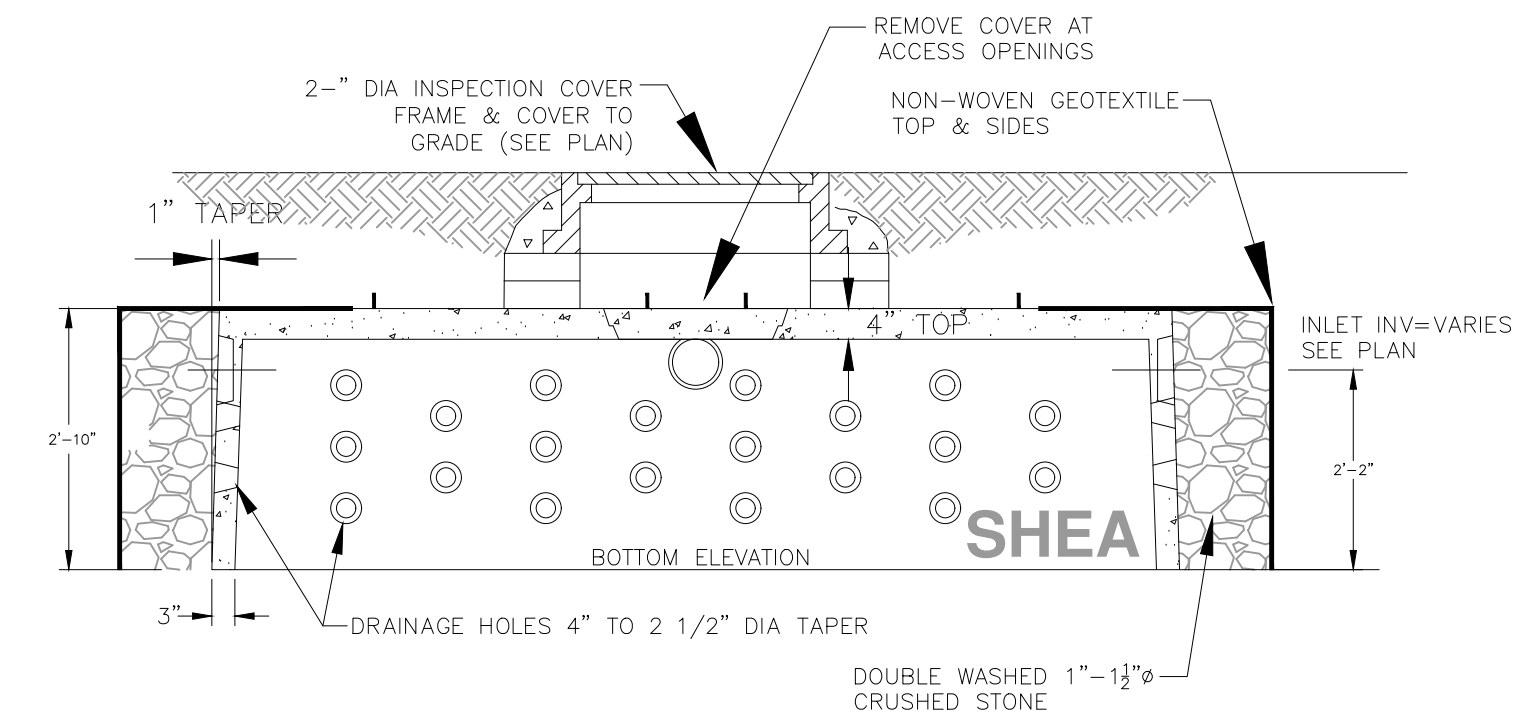


SILT FENCE/STRAW BALE BARRIER



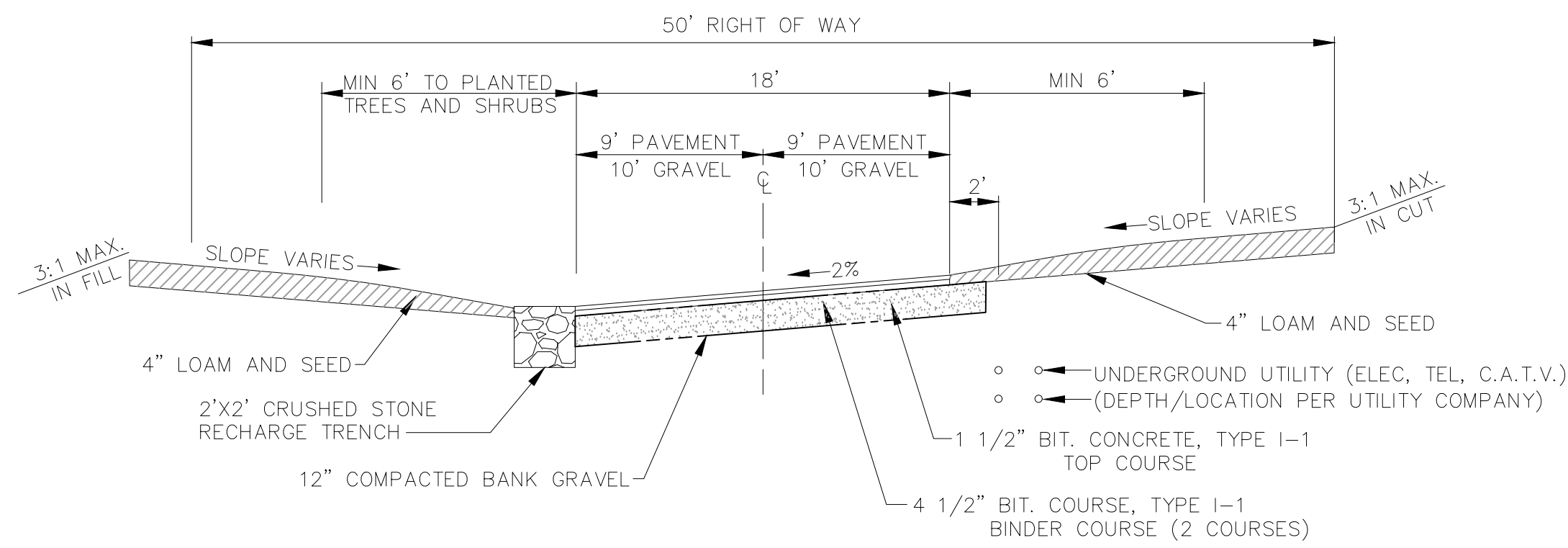
STONE TRENCH SIZING CALCULATIONS:  
- TOTAL DRIVEWAY/ROADWAY AREA = 17,100 SF  
- TOTAL VOLUME OF STORAGE = (735 FEET)(2 FEET)(2 FEET)(40% VOIDS) = 1,176 CF  
- TRENCH PROVIDES STORAGE FOR 0.82" OF STORMWATER RUNOFF  
- PARENT SOIL IS CLASSIFIED AS HSG C/D WITH AN ESTIMATED INFILTRATION RATE OF 0.27 IN/HR.

CRUSHED STONE INFILTRATION TRENCH  
NOT TO SCALE

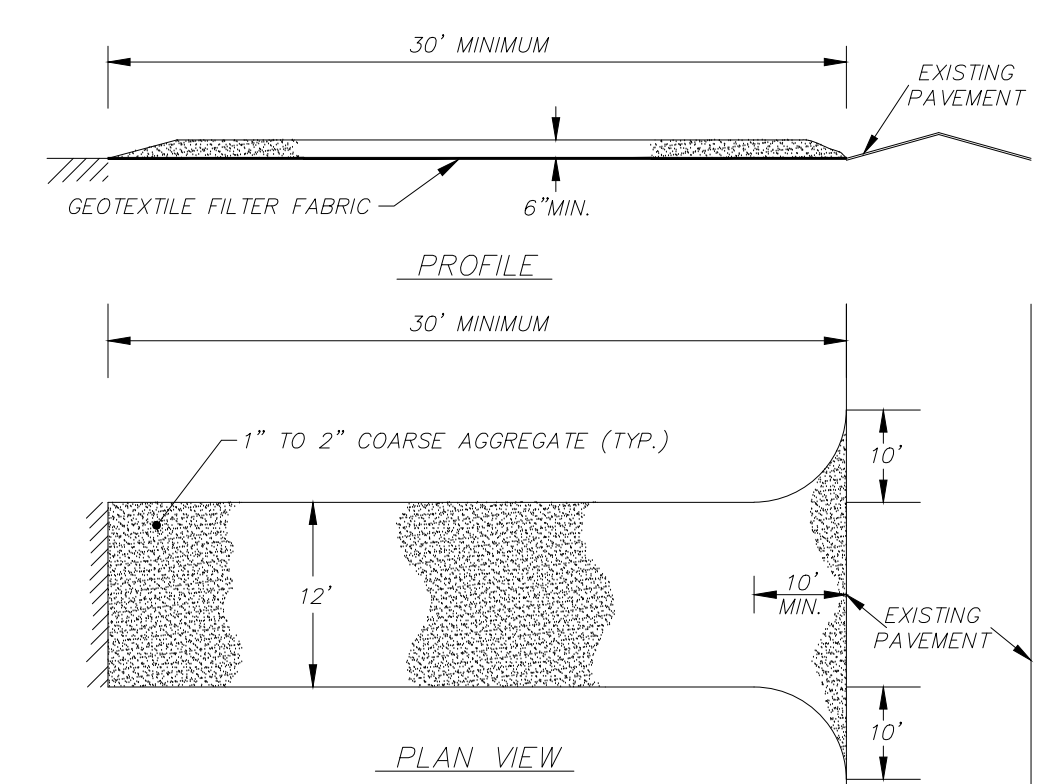


DRYWELL SIZING CALCULATIONS:  
- ROOFTOP AREA PER HOUSE = 2,400 SF  
- TOTAL VOLUME OF STORAGE = 1,000 GALLONS (134 CF)  
- EACH DRYWELL PROVIDES STORAGE FOR 0.67" OF STORMWATER RUNOFF  
- PARENT SOIL IS CLASSIFIED AS HSG C/D WITH AN ESTIMATED INFILTRATION RATE OF 0.27 IN/HR.

SHEA PRECAST CONCRETE 1000 GALLON JUMBO DRYWELL  
NOT TO SCALE



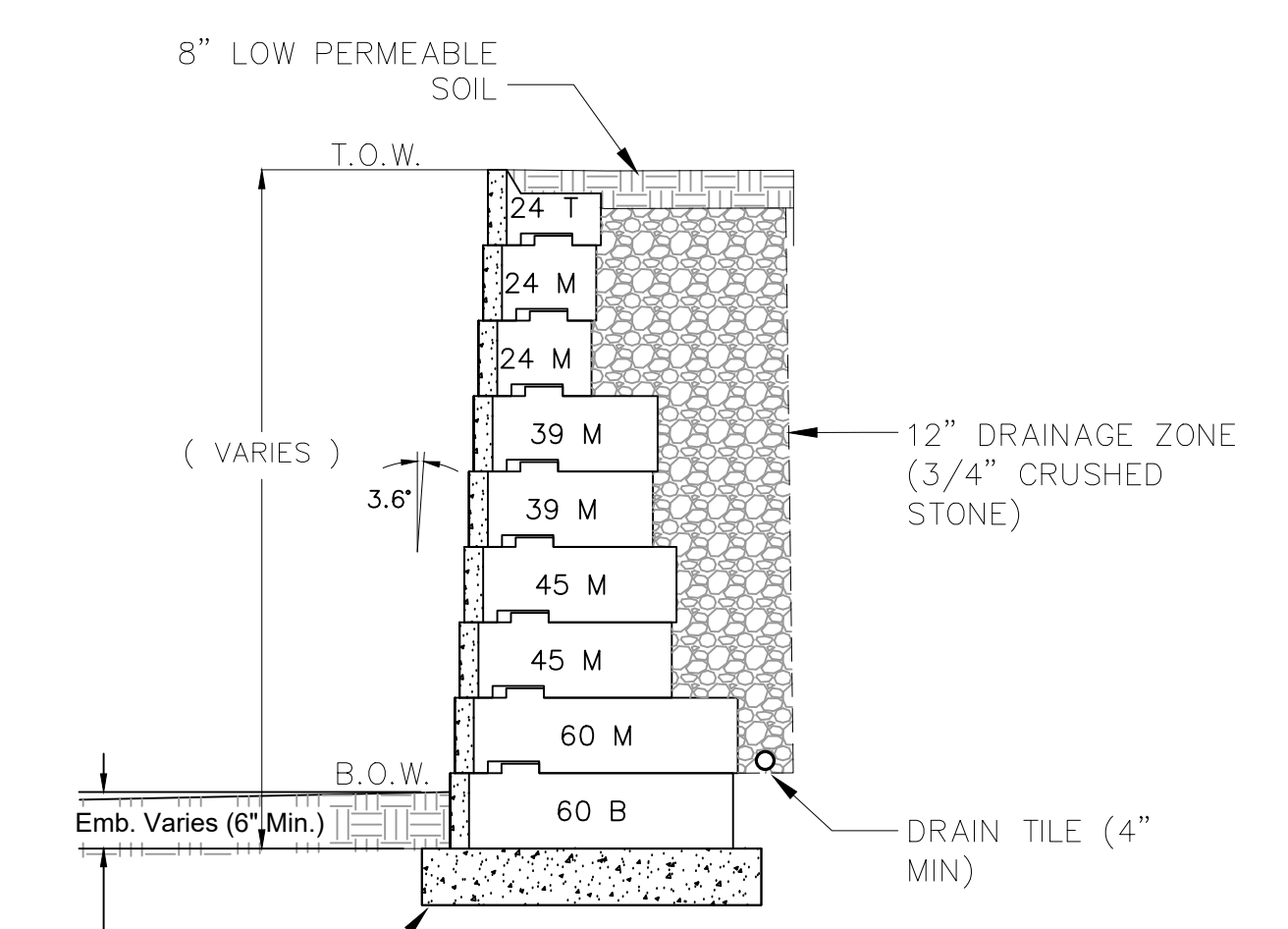
REQUESTED TYPICAL ROADWAY SECTION  
50 FOOT RIGHT OF WAY  
NOT TO SCALE



CONSTRUCTION SPECIFICATIONS:

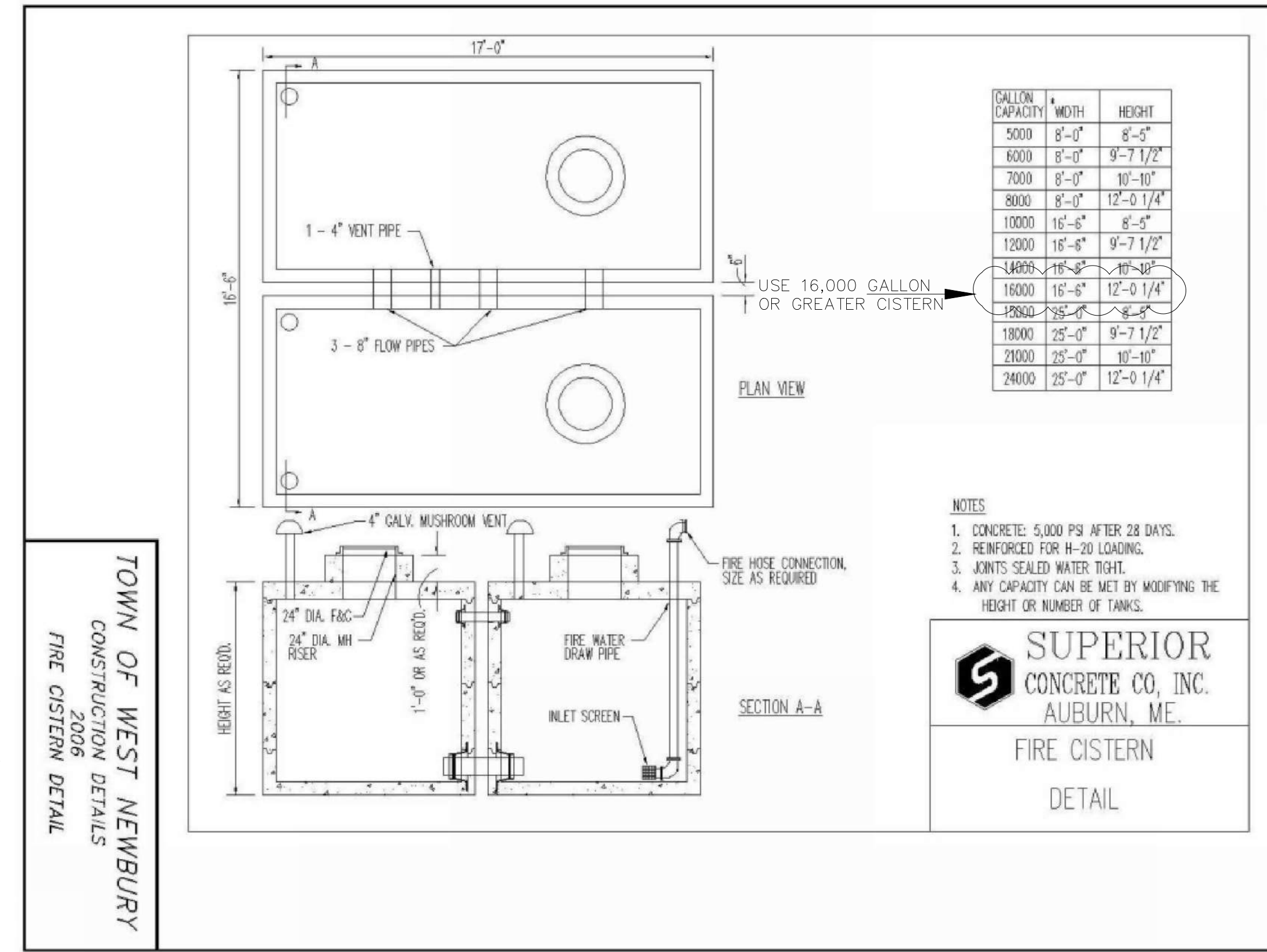
1. THE WIDTH OF THE ENTRANCE SHALL NOT BE LESS THAN A FULL WIDTH OF THE ENTRANCE WHERE INGRESS OR EGRESS OCCURS OR 10 FEET, WHICH EVER IS GREATER.
2. GEOTEXTILE FILTER CLOTH SHALL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING THE STONE.
3. ALL SURFACE WATER THAT IS FLOWING TO OR DIVERTED TOWARDS THE CONSTRUCTION ENTRANCE SHALL BE PIPED BENEATH THE ENTRANCE. IF PIPING IS IMPRACTICAL, A BERM SUBSTITUTED FOR THE PIPE.

STABILIZED CONSTRUCTION ENTRANCE DETAIL  
NOT TO SCALE



NOTE: SHOWN FOR GENERAL INFORMATION ONLY. FINAL WALL CONFIGURATION TO BE DETERMINED BY THE WALL SUPPLIER ENGINEER LICENSED TO PRACTICE ENGINEERING IN MASSACHUSETTS.

TYPICAL \"SHEA\" WALL SECTION  
(NOT TO SCALE)



- NOTES:
1. CONCRETE: 5000 PSI AFTER 28 DAYS.
  2. REINFORCED FOR H-20 LOADING.
  3. JOINTS SEALED WATER TIGHT.
  4. ANY CAPACITY CAN BE MET BY MODIFYING THE HEIGHT OR NUMBER OF TANKS.

**SUPERIOR CONCRETE CO. INC.**  
AUBURN, ME.  
FIRE CISTERN  
DETAIL

**andover consultants inc.**  
1 East River Place  
Methuen, Mass. 01844  
Telephone: 978-687-3828

**DENNIS A. GRIECCI**  
CIVIL  
No. 49318  
REGISTERED PROFESSIONAL ENGINEER

DEFINITIVE SUBDIVISION  
SITE DETAILS  
EAGLE NEST  
WEST NEWBURY, MASS.  
PREPARED FOR: MICHAEL FUSCO  
DATE: NOVEMBER 20, 2023  
SCALE: 1"=40'

APPROVED BY THE TOWN OF WEST NEWBURY PLANNING BOARD

\_\_\_\_\_  
DATE

\_\_\_\_\_  
FILED

\_\_\_\_\_  
HEARING

\_\_\_\_\_  
CLERK OF THE TOWN OF WEST NEWBURY, HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SUCH NOTICE.

\_\_\_\_\_  
TOWN CLERK

I HEREBY CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF MASSACHUSETTS.

\_\_\_\_\_  
REG. PROF. ENGINEER

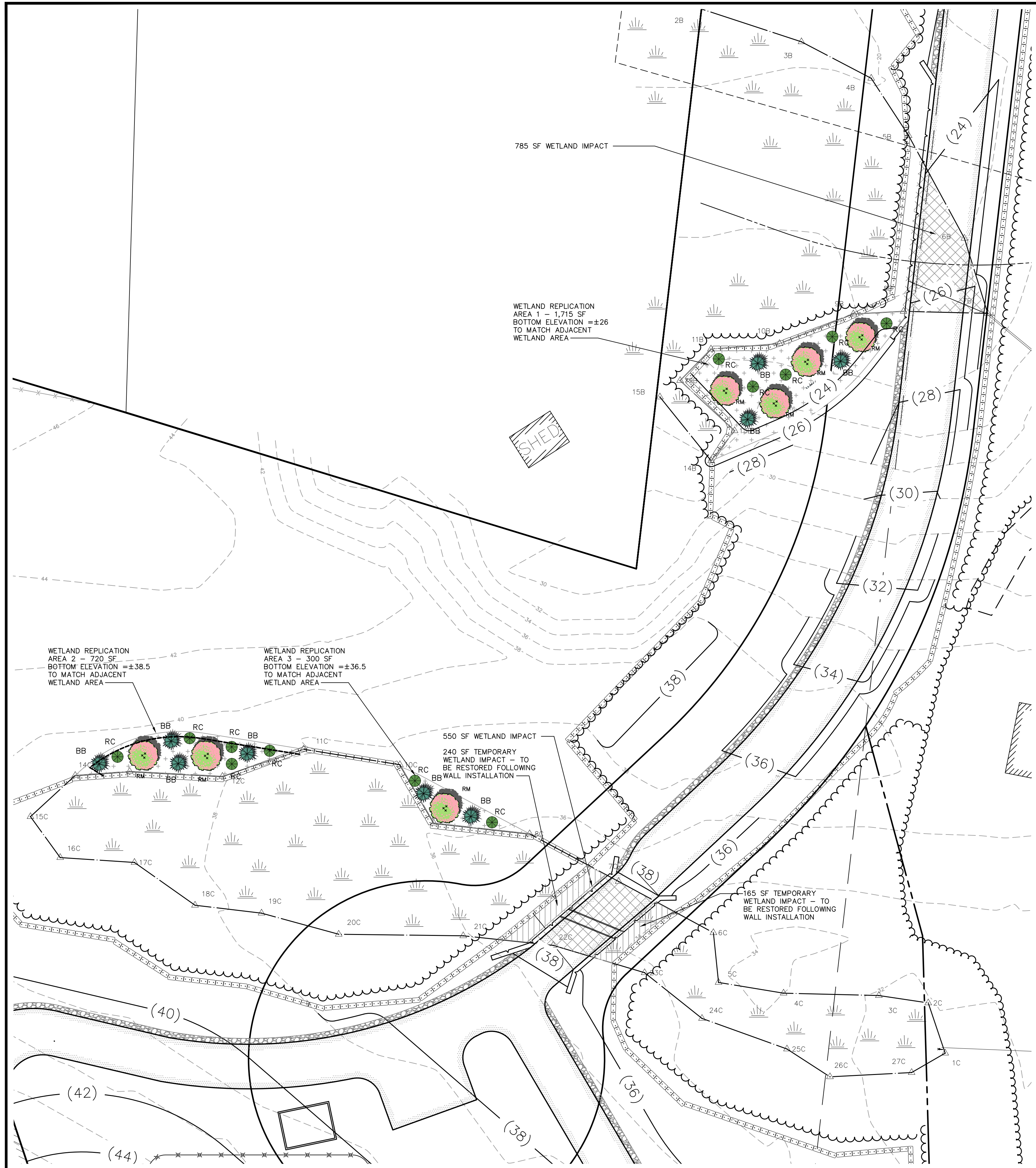
ASSESSORS/OWNERS OF RECORD:

PARCEL R24-12  
FUSCO FAMILY IRREVOCABLE TRUST  
ANTHONY J. FUSCO &  
N. DAWNE FUSCO TRUSTEES  
125 RIVER ROAD  
WEST NEWBURY, MA 01985  
BOOK 25609 PAGE 254  
PLAN LC 33173-A

PARCEL R24-10A  
SHARMAN E. GINGRICH TRUST  
SHARMAN E. GINGRICH &  
CHRISTOPHER F. HARRIS TRUSTEES  
171 RIVER ROAD  
WEST NEWBURY, MA 01985  
BOOK 34827 PAGE 450  
PLAN BOOK 173 PLAN 64

DEED REFERENCE:

ESRO BOOK 14031, PAGE 76  
ESRO BOOK 34827, PAGE 450



Wetland Impacts And Mitigation Summary

Area Identification	Total Resource Area Impacted	Total Resource Area Replicated
WETLAND SERIES B (REPLICATION AREA 1)	785 SF	1,715 SF
WETLAND SERIES C (REPLICATION AREA 2/3)	550 SF	1,020 SF
TOTALS	1,335 SF	2,735 SF

NOTES:  
1. PROVIDING 2:1 REPLICATION FOR IMPACTED WETLANDS.

Plant List

Key	Qty.	Botanical Name	Common Name
Replication Area 1			
RM	4	ACER RUBRUM	RED MAPLE
RC	5	ARONIA ARBUTIFOLIA	RED CHOKEBERRY
BB	4	VACCINIUM CORYMBOSUM	HIGHBUSH BLUEBERRY
Replication Area 2			
RM	2	ACER RUBRUM	RED MAPLE
RC	5	ARONIA ARBUTIFOLIA	RED CHOKEBERRY
BB	4	VACCINIUM CORYMBOSUM	HIGHBUSH BLUEBERRY
Replication Area 3			
RM	1	ACER RUBRUM	RED MAPLE
RC	2	ARONIA ARBUTIFOLIA	RED CHOKEBERRY
BB	2	VACCINIUM CORYMBOSUM	HIGHBUSH BLUEBERRY

Plant Legend

	RED MAPLE
	RED CHOKEBERRY
	HIGHBUSH BLUEBERRY

REPLICATION DETAIL

1" = 20'

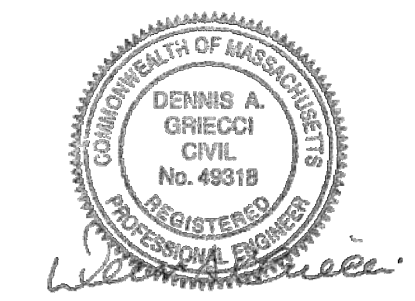
Revision No.	Revision Description	Date
1	REVISIONS PER INITIAL PEER REVIEW	12/18/2023

DEFINITIVE SUBDIVISION  
WETLAND REPLICATION DETAIL  
EAGLE NEST  
WEST NEWBURY, MASS.

PREPARED FOR: MICHAEL FUSCO  
DATE: NOVEMBER 20, 2023  
SCALE: 1" = 40'

andover consultants inc.

1 East River Place  
Methuen, Mass. 01844  
Telephone: 978-687-3828



Dennis A. Griecci  
Reg. Prof. Engineer



TOWN OF WEST NEWBURY  
PLANNING BOARD  
West Newbury, Massachusetts

FORM A  
APPLICATION FOR APPROVAL NOT REQUIRED PLAN

1/29/24  
Date of Filing

Submit three (3) copies of the Application with an original and four (4) copies of the plan. (Request the Town Clerk stamp two (2) Application forms and two (2) prints of the plan, keeping one set at the Town Clerk's office and filing the remainder sets with the Planning Board. See Sect. 3.1.1. for additional application procedures.)

To the Planning Board:

TOWN OF WEST NEWBURY CLERK  
1/29/24 10:28 PM 4:07

The undersigned, believing that the accompanying plan of property in the Town of West Newbury, Massachusetts does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits said plan for a determination and endorsement that the Planning Board approval under the Subdivision Control Law is not required.


1. Name of Applicant(s): John S McGrath  
Address: 244 Main St. W.N  
Telephone # 978 808 1145
  2. Name of Owner(s) (if other than Applicant(s)): \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone # \_\_\_\_\_
  3. Location and Description of Property (include Assessor's Map & Lot and Zoning)  
District(s): 2.2 & 16 Church St  
\_\_\_\_\_  
\_\_\_\_\_
  4. Deed Reference: Book 22610 74, Page \_\_\_\_\_ or Certificate of Title \_\_\_\_\_
  5. Name of Surveyor: Rick Bartram  
Address: 2 Fruit St Bigfield  
Telephone: 978 961 1702
- Signature(s) of Applicant(s): John S McGrath

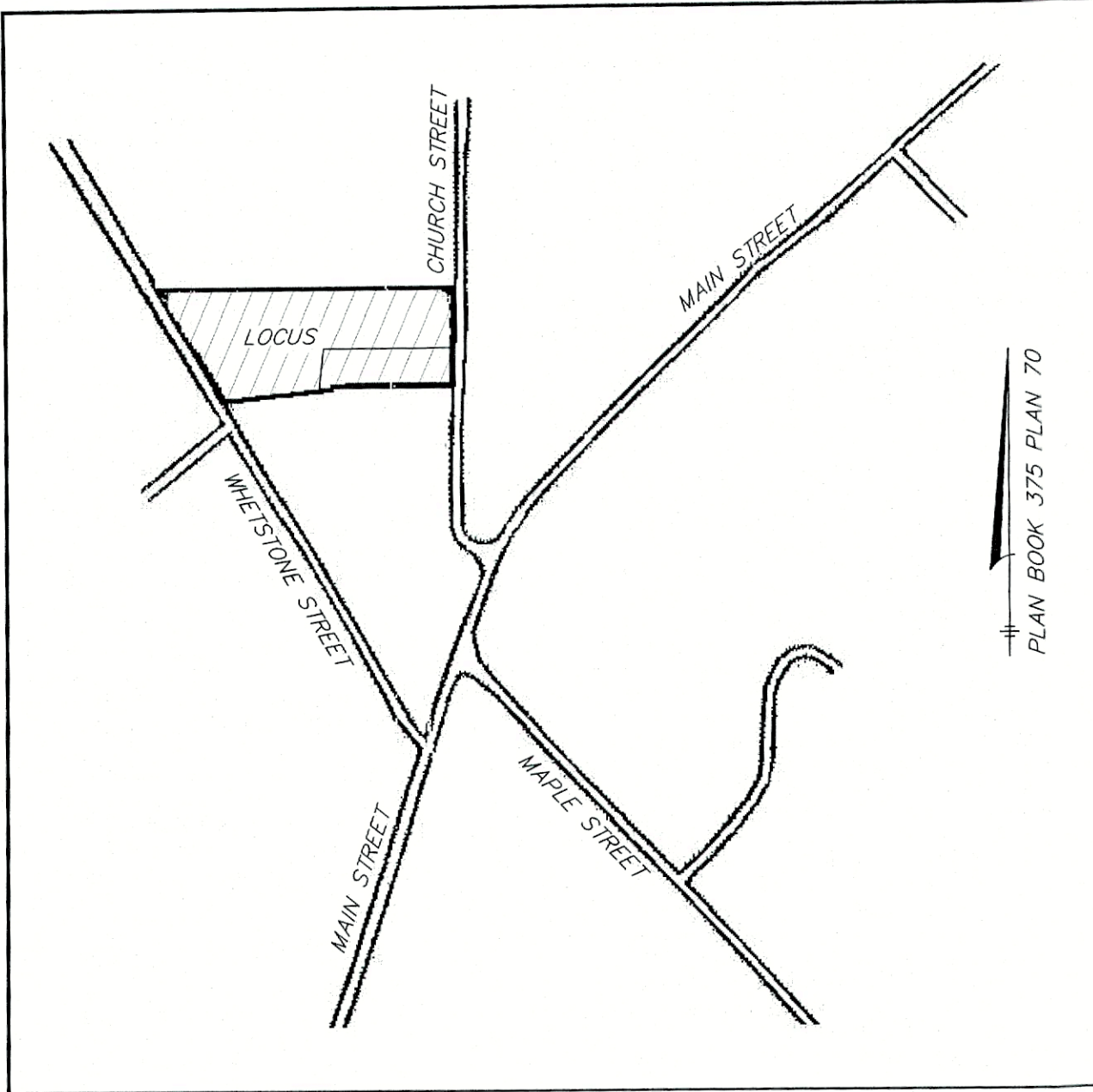
Signature(s) of Owner(s): \_\_\_\_\_  
(if other than Applicant(s))

Please indicate the grounds (either 1., 2., 3. or 4., not a combination of) on which the plan should not be considered a subdivision.

1. has all the frontage required under the Zoning By-law on:
  - (1) a public way; or
  - (2) a way which the Town Clerk certifies is maintained and used as a public way; or
  - (3) a way shown on a plan already approved and endorsed by the Board under the Subdivision Control Law; or
  - (4) a way existing before the date on which subdivision control was adopted in the Town, having, in the opinion of the Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.
  
2. has been clearly marked on the plan to be either:
  - (1) joined to and made part of an adjacent existing lot; or
  - (2) "Not a Building Lot"; or
3. contains a building which existed prior to the date on which subdivision control was adopted in the Town; or
4. constitutes an existing parcel with no new lot division. If the lot is not being subdivided and does not contain frontage on a way, as specified above, the lot shall be clearly marked on the plans that it is "Not a Building Lot".
  
5. other \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Received: Town of West Newbury, Town Clerk (date stamp):

  
\_\_\_\_\_  
Signature of Town Official Receiving this Application

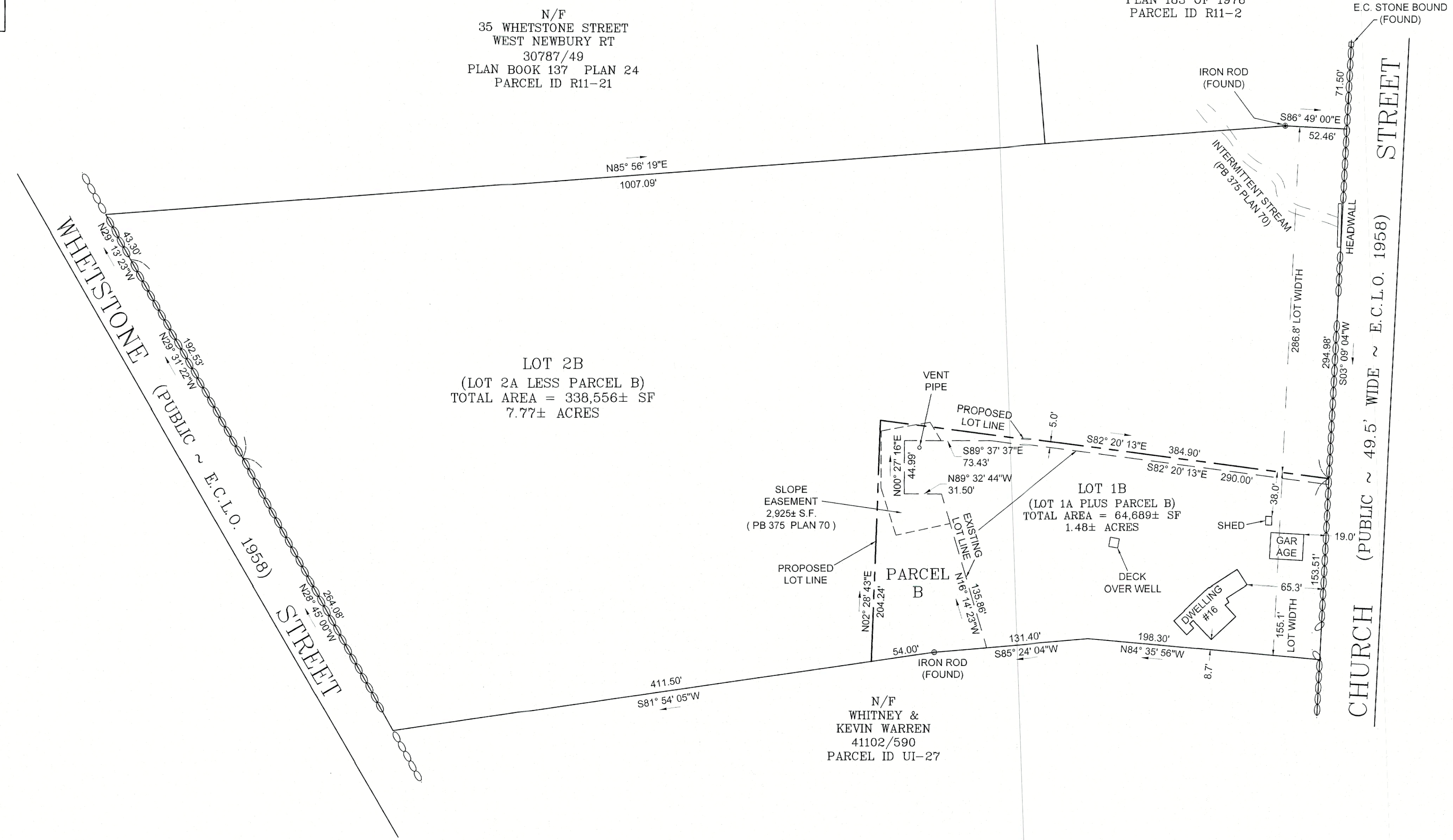


LOCUS  
SCALE: 1" = 600'

- NOTES:**
- 1) THE PURPOSE OF THIS PLAN IS TO COMBINE PARCEL "B", OWNER JSM R.T., WITH LOT 1A, OWNERS ERNEST AND PAULA ROBERTS, TO FORM ONE CONTIGUOUS LOT. (LOT 1B)
  - 2) PARCEL "B" AREA IS 13,880± SF AND IS NOT A BUILDABLE LOT BY ITSELF.
  - 3) THIS PLAN CREATED FROM AN INSTRUMENT LAND SURVEY.
  - 4) OFFSETS SHOWN TO STRUCTURES ARE TO CORNER BOARD.

PLAN BOOK 375 PLAN 70

**LEGEND:**  
 - - - - - EXISTING LOT LINE  
 ———— PROPOSED LOT LINE



N/F  
35 WHETSTONE STREET  
WEST NEWBURY RT  
30787/49  
PLAN BOOK 137 PLAN 24  
PARCEL ID R11-21

N/F  
ALAINA MCNALL  
& SEAN CASTRO  
41343/196  
PLAN 183 OF 1976  
PARCEL ID R11-2

LOT 2B  
(LOT 2A LESS PARCEL B)  
TOTAL AREA = 338,556± SF  
7.77± ACRES

LOT 1B  
(LOT 1A PLUS PARCEL B)  
TOTAL AREA = 64,689± SF  
1.48± ACRES

N/F  
WHITNEY &  
KEVIN WARREN  
41102/590  
PARCEL ID U1-27

SCALE: 1" = 60'  
 0 30 60 120 240

**PLAN REFERENCES:**  
 PLAN BOOK 353 PLAN 77  
 PLAN BOOK 375 PLAN 70

**DEED REFERENCES:**  
 BOOK 22610 PAGE 74  
 (SUNRISE DAIRY R.T. TO JSM R.T.)  
 BOOK 39972 PAGE 523  
 (MAGUIRE TO ROBERTS)

**ZONING REQUIREMENTS:**

DISTRICT	RESIDENCE C
MIN LOT AREA	20,000 S.F.
MIN LOT FRONTAGE	150 FT
MIN YARDS	
FRONT	40 FT
SIDE	20 FT
REAR	20 FT
CONTIGUOUS BLDG. AREA	75%

APPROVAL UNDER THE  
SUBDIVISION CONTROL LAW NOT  
REQUIRED. WEST NEWBURY  
PLANNING BOARD

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 DATE: \_\_\_\_\_

FOR REGISTRY USE ONLY

**BARTRAM  
LAND SURVEY**  
 2 FRUIT STREET  
 BYFIELD, MASSACHUSETTS 01922  
 KNOW YOUR BOUNDARIES®

FORM "A"  
 LOT LINE ADJUSTMENT PLAN  
 CHURCH STREET  
 WEST NEWBURY, MA  
 ESSEX COUNTY

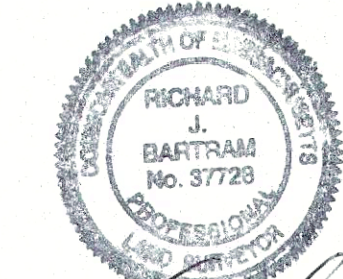
**OWNERS:**  
 LOT 2A  
 PARCEL ID R11-90  
 22 CHURCH STREET  
 JSM REALTY TRUST  
 JOHN S MCGRATH  
 TRUSTEE

LOT 1A  
 PARCEL ID R11-1  
 16 CHURCH STREET  
 ERNEST & PAULA  
 ROBERTS

**APPLICANT:**  
 JOHN S. MCGRATH  
 244 MAIN STREET  
 WEST NEWBURY, MA

I CERTIFY,  
 1) THE PREPARATION OF  
 THIS PLAN CONFIRMS TO  
 THE RULES AND  
 REGULATIONS OF THE  
 REGISTERS OF DEEDS.

2) THE CERTIFICATION  
 SHOWN HEREON IS INTENDED  
 TO MEET REGISTRY OF  
 DEEDS REQUIREMENTS AND  
 IS NOT A CERTIFICATION TO  
 THE TITLE OR OWNERSHIP  
 OF THE PROPERTY SHOWN.  
 OWNERS OF ADJOINING  
 PROPERTIES ARE SHOWN  
 ACCORDING TO CURRENT  
 ASSESSOR MAPS.



1/23/24  
 DATE P.L.S.

## ARTICLE REQUEST FORM

**ARTICLE:** Zoning Amendment - MBTA Communities Multi-Family Overlay District (MCMOD)

**AMOUNT REQUESTED:** 0

**CONTACT PERSON:** Sue Brown, Town Planner

**PHONE NUMBER:** 978-363-1100 x 125

**Why should the Town make this purchase? What needs will be met? Who will benefit?**

The Town is obligated under Ch 40A Section 3A to adopt a Multi-Family Overlay District that allows multi-family housing by right. By adopting the MCMOD, the Town will be in compliance with the law. Communities that fail to comply with the Law will be ineligible for some State funding and may be subject to civil enforcement action. Communities that fail to comply with the Law's requirements also risk liability under federal and state fair housing laws. The Law requires that MBTA Communities "shall have" a compliant zoning district and does not provide any mechanism by which a town or city may opt out of this requirement. Further, new housing developed under the MCMOD bylaw would help diversify the Town's housing stock as is recommended in various Town Plans including past Comprehensive Plans and past and current Housing Production Plan.

**What factors affect the timing of this purchase?** N/A

**When should this Article be sunsetted - how long will the project take?** 2024 ATM

**What ancillary costs do you anticipate? (Maintenance, Insurance, Training, etc.)** None

**Does this Article involve improvement, preservation or creation of tangible Town-owned assets and projects which 1) have useful life of at least five years; 2) cost over \$20,000 and or 3) for which the Town is authorized to borrow funds? If so, please confirm that this item is on the Capital Improvements Committee Schedule for future capital investments.**

No

**Please attach additional pages or other supporting documentation.**



# ARTICLE #??: MBTA Communities – Multi-Family Overlay District

## Frequently Asked Questions

### Why are we considering a Multi-Family Overlay District Bylaw?

- Chapter 358 of the Acts of 2020 (“Acts”) amended the state zoning act to stimulate economic development and address the housing crisis by requiring that towns allow multi-family housing near transit with by-right zoning.

### What is the law?

- The new law states that all MBTA Communities must have a zoning district where multi-family housing is allowed as-of-right, meaning without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.
- Complying with the law is mandatory. If a town does not comply, the town will be ineligible for many critical state funding programs, may be subject to civil enforcement action” and, also risk liability under federal and state fair housing laws.

### What is an MBTA Community

- MBTA is the Massachusetts Bay Transportation Authority. A city or town with MBTA service, or adjacent to a city or town with MBTA service, is considered an MBTA Community. West Newbury is designated as an MBTA Adjacent Small Community because the abutting towns of Newburyport and Haverhill have MBTA Commuter Rail Service.

### Why did the state pass this law?

- Local zoning restrictions on multi-family housing are contributing to the state’s housing crisis. Changing zoning to remove these barriers can stimulate the development of more diverse types of housing, providing places to live for young people, older people looking to downsize, and others who cannot afford, or do not want, a single-family house.

### What is a multi-family housing?

- Multi-family housing is defined as:
  - a building with three or more residential units; or
  - two or more buildings on the same lot with more than one residential unit in each building.

### What does the law mean for West Newbury?

- The Town is required to adopt a zoning district where multi-family housing is allowed as-of-right. The zoning district can require Site Plan Review to ensure that a project meets established environmental and aesthetic standards, but as long as a project meets the zoning criteria, it must be approved.
- The law requires that the district must:
  - Allow for a minimum density of 15 dwelling units per acre.
  - Be of reasonable size, which for West Newbury means about six acres.
  - Include land that is feasible to develop.
  - Allow multi-family housing that is suitable for families with children. For example, it cannot limit the number of bedrooms in a dwelling unit or the age of residents.
  - Create the potential capacity for 87 dwelling units (this number is based on the 2020 Census, specifically 10% of our year-round housing units).
- The law **DOES NOT** require:

- that any housing units be built, just that our local zoning allows them.
- the use of town-owned land.
- the town to provide utilities or services not already provided in the area.
- any housing to be affordable, however a maximum requirement of 10% affordability may be allowed if the Town has an existing bylaw requiring such for other developments. West Newbury does have an existing Inclusionary Zoning Bylaw that requires 10% of housing units in any new development qualify as affordable.

**What is the proposed MBTA Communities Multi-family Overlay District (MC-MOD?)**

- Around 6 acres of land (clarify when decided) at 147/317 Main Street (6 acres at 15 units per acre (= 90 units) complies with the requirement to allow for 87 units of housing)
- The regulations that control development within the MCMOD include dimensional controls and site and building design standards.

**Is housing created under MCMOD Regulations subject to West Newbury’s zoning, wetland, septic and other requirements?**

- Yes, MCMOD Developments are subject to all applicable requirements of the West Newbury Zoning Bylaw, Conservation Commission/Wetland regulations, Stormwater Management regulations and Title V Septic regulations. Any building would require a building permit and must meet all applicable building codes.

**How was the proposed Bylaw developed?**

- Using State Grant funds, the town secured the services of Dodson & Flinker, a design and planning firm to lead a community planning process.
- The public planning process that began in April of 2023 helped the town identify and evaluate three potential districts and create zoning to regulate potential development within the selected district.
- The process included presentations and discussions at Planning Board Meetings (March 21, April 4, May 16, July 18, Sept 19, Oct 17, Nov 21, Dec 5, Dec 19, Jan 2, Jan 16), virtual community forums (April 18, June 20, Sept 5, Nov 7) and in-person community forums ( Nov 15), an in-person design workshop (June 27) and a public hearing (TBD).

**Are there other questions we should answer/issues we should address?**

Capacity of soils limiting development

Water capacity

How one district was selected over another

Why Mullen was eliminated from consideration

Others??

Strengths and Challenges of 317 Main (Dunn) and 187 Main (Knapp)

		317 Main (Dunn)		187 Main (Knapp)		
		Strength	Challenge	Strength	Challenge	
Location	Proximity to services	Within Town Center, walking distance to retail and services		Between school and Town Center, walkable to both		
	Pedestrian access/amenities		topography makes pedestrian access more challenging	Potential for sidewalk connection/access		
	Sight lines at likely entrance		Concern w/site lines to West	Site line distances reasonable	Left turning traffic problematic	
	Traffic volume/speed		Speed here is an issue due to long, straight stretch of road when traveling east to west		Volume and speed of traffic less than at Dunn site	
					Site has history of traffic entering and existing this site so locals may be more accustomed to that activity here	
	Intersections		Concern re proximity to busy Chruch St intersection			
Other				Owners fully support rezoning effort, hope to sell for redevelopment		
Site Characteristics	Visibility of development	Much of development would not be visible from Main St., Development at front of site, along with topography could block view of other development to rear			Development on this site is likely to be more visible from Main St than on Dunn site	
	Open space opportunity	High point of land could remain open		Opportunity to retain front field (protected by stream and buffer zones)		
	Topography		Elevation changes - challenge to development: entrance/exit, stormwater, placing bldgs		Relatively level site - reduces challenges to development vs. hilly site	
				Site development may require substantial retaining wall		
	Drainage		Stormwater runoff a considerable concern/would require considerable infrastructure to control	Limited concern regarding runoff and less stormwater infrastructure needed due to level nature of site		
	Soils Information		Drainage issues currently impact neighbors	Site provides opportunity for smaller scattered stormwater collection sites		
			Best perc location (back of lot) may also be best location for housing	Preliminary perc explorations are positive		
			Subsurface/soils unknown	Considerable knowlege os subsurface/soils		
	Vegetation	Perhaps less tree clearing needed			More trees may need to be cut compared to Dunn site, Owners indicated vegetation was not mature	
	Frontage		Frontage provides limited options for entrance/exit	Good amount of frontage		
Other		Site is still in agricultural use				

# Town Planner Report

February 6, 2024

## **Housing Opportunities Initiative** (MBTA Community Multi-Family Zoning District)

- Draft Regulations sent to the Attorney General's Office for an informal, nonbinding review.
- Board and public comments regarding the two potential districts compiled into a comparison matrix.
- Frequently Asked Questions document prepared (may serve as a Town Meeting Handout).
- Dillon provided the following summary and recommendation regarding District Selection:

*Based on the conversations at public forums and Planning Board meetings, I think the town's current direction makes sense:*

1. *Pursue 3A compliant zoning on the Knapp or Dunn properties, or both.*
  1. *These two properties were identified through a robust planning process.*
    1. *The two properties have been evaluated through a series of public forums and planning board meetings.*
    2. *The Town's planning consultants for the MBTA Communities Zoning process developed concept plans for these two properties and the bylaw amendments the Planning Board is currently finalizing are based on concept plans for these specific properties.*
  2. *The Mullen property, on the other hand, was initially considered for 3A compliant zoning, but the Planning Board, with public input, concluded that it was not the best location for an MBTA zoning district. First, the town has not made a final decision that housing is the highest and best use for the Mullen property. It is not ready to move forward with developing zoning and disposing of the property at the speed that would be required for 3A compliance. Second, one of the selling points for the Mullen property for a housing development is that it is town-owned. This gives the town an unusual ability to shape housing development on the property. However, Section 3A would require that the town be substantially along the road to disposition of the property before EOHLIC would recognize zoning changes at Mullen as having fulfilled the 3A requirements. Third, the town has historically wanted a significant proportion of affordable units if housing is to be built on the Mullen Property, but zoning districts under 3A are limited to 10% affordable housing, or 20% if a 40R district is also adopted. The Town's planning consultants evaluated whether combining 3A and 40R is possible. Based on information they shared, the Planning Board determined that the complexity of combining 3A and 40R is not worth the potential benefits. The two laws have different aims, different definitions, different adoption procedures, etc. Neither the 40R program staff nor the 3A program staff were able to offer concrete guidance on how to develop zoning that would meet both laws.*
2. *Continue to evaluate the best use of the Mullen property. If housing is the best use, then undertake a rigorous planning process with extensive community engagement to determine the appropriate composition of housing on the site and the best development approach, including what kinds of zoning changes would be needed. 40R may well be the best zoning approach for the Mullen property, but without a clear understanding of the town's goals, and a fresh look at the development program and preferred site design, that cannot be determined yet.*

---

## **Housing Production Plan**

- More than 20 attended the January 25 Housing Needs Forum with representatives of the Select Board, Affordable Housing Trust, Finance Committee, Open Space Committee, Housing Authority, and Planning Board along with members of the general public.
- Presentation ([2024 Housing Production Plan | Town of West Newbury MA \(wnewbury.org\)](https://www.wnewbury.org/2024-Housing-Production-Plan))
- MVPC presented potential housing strategies and asked participants to select their priorities. These were the top ranked strategies.

# Town Planner Report

February 6, 2024

- Activate and utilize municipally owned property to develop housing that supports community needs.
- Update existing design guidelines to accommodate and facilitate production of a variety of housing types, including duplexes, “starter” homes, townhomes, and housing suitable for seniors.
- Explore and prioritize creation of partnerships with land preservation and housing-focused organizations to continue to develop tools that dually address housing production and land preservation to meet multiple community goals.
- Wendy Reed and Kevin Bowe representing the Select Board and Affordable Housing Trust hosted a table where they solicited input on the type of housing preferred on Town-owned properties. There were a range of suggestions including affordable, mix of affordable and market rate, modest size, and one and two bedroom (starter and ender) homes, and the most agreed on type of housing was rental. There was also a considerable discussion of reimagining the Page School to include housing, a senior center, daycare and recreational components including a gym and ski tow.
- Brian hosted the Housing Opportunities Initiative table which was well attended. Much of the discussion revolved around the very basics of the MBTA Communities requirements.

## Zoning Amendments

STM 2023 – Received approval from the AGs Office on the ADU Bylaw and the Non-Conforming Use bylaw

## ADU Inquiries

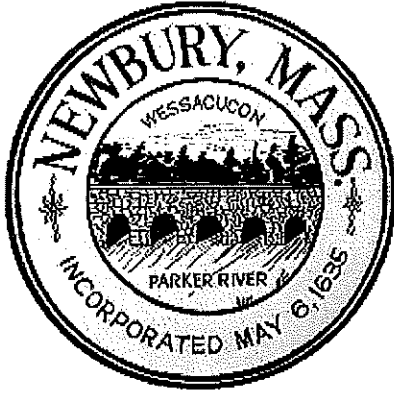
There has been some limited interest from residents regarding the potential for adding an ADU to their properties. Sam has heard from three residents since the amendment passed, and Paul has heard from two, but to date, no applications have been received.

## Annual Town Meeting

Article Request Forms submitted for MBTA Communities Multi-Family Overlay District Zoning and amendments to Definitions.

## Potential Zoning Initiatives for Future Town Meetings

- Inclusionary Housing Bylaw –amend and/or clarify how housing contributions are calculated
- BESS – Battery Energy Storage Systems – new bylaw
- Wireless Communication Facilities – Update existing bylaw
- Section 4 Use Regulations - convert to a table format
- Section 6.2 Performance Standards – update/revise as needed
- Flood Plain Bylaw – Change map panel numbers to reflect new Charles River Watershed mapping once the map numbers are issued
- Parking/loading Regulations - update
- Stormwater Bylaw – update
- Adult Use of Marijuana Bylaw – potential new bylaw to regulate the building and operation of non-medical marijuana facilities
- Steep Slopes Bylaw – potential new bylaw



**TOWN OF NEWBURY  
ZONING BOARD OF APPEALS  
12 KENT WAY, SUITE 101  
BYFIELD, MA 01922  
978/465-0862 x304**

### **ABUTTER'S NOTICE**

Notice is hereby given that the Newbury Zoning Board of Appeals will hold a public hearing on Thursday, February 15, 2024, at 7:30 p.m., in the Hearing Room, 2<sup>nd</sup> Floor, Newbury Municipal Offices, 12 Kent Way, Byfield, MA 01922, on the application of **David and Sharon Broll, of 3 River Street, Byfield, MA 01922.**

The Applicants are requesting a **SPECIAL PERMIT/FINDING** for relief from Section 97-10D(2)(c) (detached accessory apartments) of the Newbury Zoning Bylaws, and any other permit relief as may be required under the Town of Newbury's Zoning By-Laws to allow the proposed use/project, in order to renovate the existing detached barn/garage on the lot to convert it to a detached accessory apartment, on the property located at 3 River Street, Byfield, MA 01922 (Assessor's Map R19, Lot 59).

Eric P. Svahn, Chair  
Newbury Zoning Board of Appeals

**Town of Groveland**  
**Planning Board**  
183 Main Street  
Groveland, MA 01834



2024 JAN 16 PM 12: 22

### **Legal Notice**

Notice to run in the Eagle Tribune on January 22, 2024, and January 30, 2024.

The Groveland Planning Board will hold a public hearing on Tuesday, February 6, 2024, at 183 Main St, Groveland beginning at 7:00 p.m., pursuant to M.G.L. Ch.40A, Section 5 to consider amendments and additions to the Zoning Bylaw as follows:

- 1) Addition of a Battery Energy Storage System section to Article 7, Special Use Regulations.
- 2) Addition of a section to Article 13, Section 2(A) Applicability for Site Plan Review, to require a site plan review for Battery Energy Storage Systems.

For questions or to view the materials contact [aschindler@grovelandma.com](mailto:aschindler@grovelandma.com). Texts of the proposed amendments are on file and can be viewed at the Economic Development, Planning and Conservation Department Monday – Thursday 8AM-3PM 183 Main Street Groveland, MA 01834.