# City of Newburyport Planning Board Application for a SPECIAL PERMIT

Petitioner:	Hillside Living LLC			
Address:	978 463 7700			
Phone:				
Owner:	Hall & Moskow Corp., See Also Attached Power of Atty.			
Address:	75 Water Street, Newburyport			
Phone:	978 465 7047 Years owned land: 4 yrs			
Site Address:	Hillside Ave. and Cottage Court			
Assessor's Map	and Lot(s): 35-110,117,118,119,120,121 Zoning District: R3			
Book and Page	#: See Attached or Certificate of Title:			
Floodpl Open S Water F Federal	Courts and Lanes (XXIII)  Iain (XIII)  Iain			
•				
Construct 7 re	esidential structures on one lot.			
Every application fo the petitioner to furn of Planning and Dev	Landowner signature(s):  or a Special Permit shall be made on this form, which is the official form of the Planning Board. It shall be the responsibility or a Special Permit shall be made on this form, which is the official form of the Planning Board. It shall be the responsibility or is also also as a special permit shall be the responsibility or is a special permit shall be the responsibility or in this responsibility. Failure to comply with application requirements as cited the Planning Board dismissing the application as incomplete.			
Signature of peti	tioner/owner:			
Print name(s) he	ere: DAVID D. HALL			

### Cottage Court and Hillside Ave.

### Book and Page of Control and/or Ownership

35-110 Book 30377 Page 467

35-119, 118, 117, 121 see Book 33040 Page 110 and attached powers of attorney

35-120 Book 30377 Page 467

## City of Newburyport Planning Board Application for SITE PLAN REVIEW

Applicant:	Hillside Living LLC					
Address:	c/o Lisa Mead, Blatman, Bobrowski, Mead & Talerman, LLC					
Address.	30 Green Street, Newburyport MA 01950					
Phone:	978 463 7700					
	Hillside Ave. and Cottage Court					
Property Addre	35-110 117 118 119 120 121 R3					
Assessor's Map  Deed Reference	and Lot(s): Zoning District:					
Deed Neterence	or Certificate of Title:					
Type of Project:						
	of request:  Iltifamily homes with bonus units and with reduced separation between buildings  t a private parking lot.					
Engineer:	Westcott Site Services					
Address:	60 Prospect St, Waltham MA 02453					
71441000.						
Phone:	781 647 0062					
Owner:	Hall & Moskow Corp, See Also Attached Power of Atty.					
Address:	75 Water Street					
Address.	Newburyport MA 01950					
Phone:	978 465 7047					
Owner's Signatu	ire: Lola ( Tez )					

### Cottage Court and Hillside Ave.

### Book and Page of Control and/or Ownership

35-110 Book 30377 Page 467

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35-120 Book 30377 Page 467

## BLATMAN, BOBROWSKI, MEAD & TALERMAN, LLC

- ATTORNEYS AT LAW -

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LISA L. MEAD Lisa@bbmatlaw.com

February 2, 2016

James McCarthy, Chair Newburyport Planning Board City Hall 60 Pleasant Street Newburyport, Massachusetts 01950

RE: Cottage Court and Hillside Ave

Map 35 Parcels 110, 117, 118, 119, 120 and 121 (the "Property")

Site Plan Review / VI-C Special Permit

Dear Chairman McCarthy and Members of the Board;

Reference is made to the above captioned matter. In that connection, this firm represents Hillside Living LLC., (the "Applicant") which is developing the Property. The Applicant proposes to construct a multifamily sustainable development community which will have net zero impact on the environment. The Applicant is proposing forty-eight (48) units in seven (7) residential buildings, one connected accessory structure which is a green house and one free standing accessory structure which a barn. The adjacent parcels located as the Northern portion of Map 35 Lot 120 and Map 35 Lot 121 along with a portion of 12- 14 Cottage Court will be used for Private Parking and will include a solar array canopy. In total there will be 76 parking spaces provided where 73 are required. (The "Project").

#### I Overview

The Property is located in the R-3 zoning district and the residential component consists of 149,153 square feet of lot area. There is an adjacent lot, a portion of Map 35 Lot 120 located to the north of the private way, along with Map 35 Lot 121 which will be used for private parking and which consists of 13,593 square feet of lot area. In addition, there is a portion of 12-14 Cottage Court which will be used for private parking which is a part of a separate application. The Property has 358 feet of frontage on Cottage Court where 120 is required and meets all other dimensional requirements. Currently the lots are vacant. As some of you might recall much of the Property is the former Hiller property and since the Applicant has owned same it has invested substantially in the remediation of hazardous materials.

As required, the Petitioner has received a denial from the Building Commissioner for the proposed renovations. Said denial dated November 18, 2015 and attached hereto. The Applicant has attended a Technical Review Committee Meetings over the past year with various department

representatives within the City including, Water, Sewer, Fire, Police, Engineering and Planning. The Applicant has received letters from the Water, Sewer, Fire and Police Departments noting that they are satisfied with the Applicant's proposal with regards to their areas of responsibility.

In order to construct the proposed Project, the Applicant will require the following permits from this Board: Major Sit Plan Review under Section XV-C of the Ordinance and a Special Permit to locate more than one residential structure on the same lot under section VI-C of the Ordinance.

#### II. The Requirements Under Section XV-E(a)

Under Section XV-C of the Ordinance, site plan review is required "for any structure intended for residential use which includes five (5) or more residential units on one property..." Major site plan review is mandated where a project consists of construction of ten (10) or more new or additional parking or loading spaces and where there is renovation to 25% or more of the existing gross floor area. Accordingly, this project is subject to major site plan review.

In accordance with Section XV-E(a) of the Ordinance, the following information is provided, all as shown on the Plans included herewith:

- 1. <u>Location and boundaries</u>. The location and boundaries of the Property and adjacent roadways, to the extent feasible, are shown on the Plans.
  - 2. <u>Structures.</u> Both existing and proposed structures are shown on the Plans.
  - 3. <u>Signage</u>. Signage is shown on the plan.
  - 4. <u>Landscaping.</u> The Landscape Plan is provided.
- 5. <u>Traffic.</u> Traffic patterns, site access and circulation within the site are all shown on Site Plans included in the Plan Package by Moskow Linn Architects, Inc. and dated November 16, 2015, revised date February 1, 2016 (the "Plans") and as more specifically reviewed in the traffic impact and access study provided by MDM Transportation Consultant's, Inc., dated November 2015 and attached hereto.
- 6. <u>Parking.</u> The locations of parking spaces, entrances and exits and the Property area are all shown on the Plans.
- 7. <u>Public access.</u> All access through the property is shown on the Plans and the interconnection between the private ways and the public ways are set forth as well.
- 8. <u>Lighting.</u> The lighting is shown on the Lighting Plan in the Plans. There will be low level lighting in various areas of the site as well as typical residential fixtures located at the entry to the residential units adjacent to the ways. The cut sheets for same are a part of the Plans.
- 9. <u>Topography.</u> Both existing and proposed topography of the site, with contours, are shown on the Plans.
  - 10. Water and waste disposal, drainage and other utilities. The locations of water and

sewer systems, other utilities and connections thereto are shown on the Plans.

#### III. Narrative Submittals Under Section XV-E(b)

As required by Section XV-E(b) of the Ordinance, the following narrative submittals are provided to assist with the Board's review of the Project:

- 1. <u>Surface and groundwater pollution</u>. The Storm Water Report prepared by Westcott Site Services is attached hereto. (the "Storm water Report").
  - 2. <u>Soils.</u> Please see Storm Water Report.
- 3. Environmental and community impact analysis. The Applicant requests a Waiver from a full Environmental and community impact analysis. However, the Applicant provides that it has undertaken significant hazardous material remediation from the Property which was for years operated essentially as a salvage yard. The proposed project is projected to have a "Net Zero" impact on energy consumption through the inclusion of solar panels throughout the project, methods of construction, sources and methods of heat, production of food on site, permeable roadways, rainwater collection, LED lighting and implementation of recycling and reuse to name a few employed techniques. The Applicant has provided letters from the water and sewer department which indicate there will be no negative impact on those aspects of the city infrastructure. Additionally, the Applicant will be employing the use of electric car sharing among its residents to reduce the number and type of cars on the public roads. Stormwater will also be all taken care of on site. (Please see attached letters of the Water, Sewer and Police Departments).

Additionally, it should be noted that the density proposed is in keeping or below density in nearby neighborhoods of the city. Specifically, in the Dalton, Hill, Pond Street block there are 15.01 units per acre where the Project is 12.44 units per acre. Said another way, the Dalton Street block has 45.1 bedrooms per acre where the Project has 21.3. As a result, the impact of units is less than the nearby neighborhood.

Given the initial cleanup of the site and the proposed reuse the actual impacts to the environment and the community are a net positive with little to no negative impact.

- 4. <u>Traffic impacts</u>. As provided in the Traffic Report attached, "Traffic impacts associated with the proposed apartment development are not expected to notably affect travel or safety conditions in the site vicinity."
- 5. <u>Architectural style.</u> The architect is providing a style which will nicely integrate into the existing style of homes in the Cottage Court Hillside Avenue neighborhood. The residential structures are of a cottage style as shown in the attached plans.
- 6. Other permits required. In addition to site plan approval, the Project requires: a Section VI-C Special Permit from this Board, a Special Permit for multifamily use, Special Permit to reduce the setbacks between residential structures and a Special Permit for Private Parking from the Zoning Board.

#### IV. Criteria for Site Plan Review

Pursuant to Section XV-G of the Ordinance, I address each of the criteria for site plan review as follows:

- 1. <u>Community character.</u> The Hillside Avenue Cottage Court Area consists of a mix of architectural styles. The Cottage Court area resembles a cottage style architecture. The area generally is residential on three sides but also is bounded by a state highway and cemetery. The Project is in keeping with the residential area and compliments the character of the architecture as well as making use of the unique topography of the site.
- 2. <u>Traffic</u>, parking and public access. Traffic impacts, or the absence thereof, are referenced above, and analyzed in detail in the Traffic Study annexed hereto. As noted previously the project will have a negligible impact on the surrounding roads. All parking is accommodated on site and importantly the creation of the private parking lot will utilize a solar canopy for cover.
- 3. <u>Health.</u> The Project will have no negative effect on the public health or safety. In fact, by remediating the hazardous materials on site, constructing the Project to be Net Zero and including the ability to grow food will be a benefit to the health of the residents of the Project and the community at large.
- 4. <u>Public services and utilities.</u> Both the water and sewer demand of the Project have been reviewed by the Water and Sewer Departments who have determined that there is sufficient capacity to handle the additional residential units. All storm water will be treated on site.
- 5. Land use planning. The Project implements the use of the density bonus available in the Zoning Ordinance to allow for a restriction on providing rental units for at least 40 years. The Master Plan as well as other goals of the city include reusing former "dirty" sites in a productive manner such as is being proposed. The design of the development which takes advantage both for energy efficiency as well as design, of the existing topography of the site allows for more density while not creating sprawl. The implementation of the use of solar arrays over parking and on structures fully utilizes the square footage available as does the creation of the greenhouse and community growing space and private garden space in between the units. The proposal is a model for land use planning of a sustainable community.
- 6. Open space and environmental protection. The proposal has only positive impacts on the environment, beginning with the cleanup of the site to the creation of a Net Zero project. Further, as time goes on, the environment both locally, at the Property, and on the community at large will be positive. Further, the use of open space on the site and duel use of the parking lot are examples of positive use of open space while at the same time protecting the environment.

#### V. Development and Performance Standards

Pursuant to Section XV-H of the Ordinance, I address each of the required development and performance standards, to the extent the same are applicable, as follows:

- 1. <u>Pedestrian and vehicular access and traffic impacts.</u> Pedestrian and vehicular access, circulation on-site and traffic concerns are all addressed, above, and in detail in the traffic study annexed hereto.
- 2. <u>Site plan and architectural design.</u> The Project has been designed so as to address the design elements identified in the Ordinance and, as noted above, to be consistent with and complimentary too the surrounding neighborhood and takes advantage of the topography of the site.
- 3. <u>Lighting.</u> The lighting uses low level, low located, LED lights at various spaces throughout the project. Additionally, typical residential lighting is placed at the front entry of the units. The lighting will not spill onto the neighboring properties.
- 4. <u>Landscaping.</u> Landscaping is an integral part of the Project's design, both for aesthetics and for the practical purpose gardening and sustainable development. All landscaping will be properly maintained by the Petitioner who will be employing an on-site manager.
- 5. <u>Storm water runoff.</u> The project complies with the Massachusetts Storm Water Guidelines.
- 6. <u>Water quality.</u> The Project does not result in any negative impact on the quality of groundwater.
  - 7. <u>Wetlands.</u> The Project does not result in any impact on wetland resources.
- 8. <u>Erosion control.</u> Erosion control measures will be implemented during construction.
- 9. <u>Environmental performance standards.</u> The Project complies with the performance standards set forth in Section XI of the Ordinance, governing fire and explosive hazards, radioactivity, smoke, air pollution, wastes, vibration, noise, odors and glare.
- 10. <u>Utilities.</u> All new locations and connections are represented on the Site Plans. The Applicant will be providing a new looped water main from Cottage Court, through the Fireman's Lane to Hillside. The City does not currently have a looped system. A new fire hydrant will be installed on the south end of the site. All electricity, telephone and cable will be underground.

#### VI Section VI-C

An Application to construct more than one residential structure on a lot must meet the criteria set forth in Section VI-C or the NZO as well as the Special Permit criteria of Section X-H (7).

Section VI-C includes the following criteria:

(1) The application shall include conceptual by-right development plans, such as a conventional subdivision, to demonstrate to the planning board that more than one residential structure per lot is a reasonable alternative to other allowed developments of the parcel involved.

The Applicant has submitted with this Application a development plan which shows the layout of 14 single family home lots by right. As you can see, the plan provides for a conventional layout of typical single family home lots. The lots and homes would not provide the same public benefit that the Applicants proposal does either by way of providing market rate rentals, taking advantage of the natural topography of the site or implementation and creation of a sustainable net zero development.

The Applicants proposal, as opposed to the traditional layout, is a reasonable alternative to other developments of the Property. In fact, the Applicants proposal is a superior alternative to the traditional development of the Property. The Applicant has remediated and cleaned up a once blighted property, the reuse of the property will provide much needed rental housing for the city for at least 40 years to come, the Project takes advantage of the topography rather than decimating it, the Project is sustainable and is projected to have a net zero impact on the environment due to the use of renewable energy to support it, the type of construction, the method of heating and cooling and the provision to grow its own food.

The Applicant has opened its hearing before the Zoning Board to allow a multi-family use as well as reduce the setbacks between residential structures to 0'. While the Zoning Board has not closed out its hearing, the Board did not express concerns about the project.

- (2) A clear public benefit is derived from the proposed development, including but not limited to a long-term restriction involving one or more of the following:
  - a. Creation of affordable housing;
  - b. Preservation of historical structures; and/or
  - c. Conservation of significant natural resources.

As part of the overall project, the Applicant is proposing to build a ten (10) room lodging house on an adjacent parcel at the corner of Route One and Cottage Court extension. Once constructed the lodging house and the land upon which it is built will be turned over to the YWCA for ownership and management at a significantly reduced rate. The lodging house will be operated by the YWCA similar to the housing which it has operated on Market Street since 1890.

The Newburyport Housing Needs Assessment which was conducted in 2014 for the Newburyport Affordable Housing Trust in preparation of their affordable housing production plan identified the following Housing Priority Needs for the City:

- Rental housing for individuals
- Rental housing for families
- Preservation and improvement of existing housing stock
- Affordable homeownership for families
- Housing for at risk and special needs populations.

The wait list for the Newburyport Housing Authority currently includes 140 non-elder individuals and 170 Newburyport households on the section 8 wait list.

There is no doubt that the housing provided through a lodging house will help, no matter how small, the first priority of the Affordable Housing Trust needs assessment.

The Applicant is would suggest that an appropriate restriction be a condition of the permit to be finalized prior to the issuance of any occupancy permit for the YWCA structure.

As a result, there is a clear public benefit of this Project, aside from the environmental and rental aspects of the Project, by the provision of the creation of affordable housing to be operated by the YWCA.

- (3) Unless the residential structures are located side-by-side and have the same front yard setback, then one (1) residential structure shall be subordinate to the other dwelling in appearance by meeting either of the following:
  - a. Covering at least ten (10) percent less building footprint and built no higher than the existing dwelling; or
  - b. Located entirely within the envelope of an accessory building in existence on the effective date of this ordinance.

As you can see from the plans the residential structures are located side by side and have the same front yard setbacks as the adjacent structure. As the structures are laid out throughout the site they provide easy access to the road and are clearly principal structures.

(4) The plan provides adequate ways furnishing access to each site for such building, in the same manner as otherwise required for lots within a subdivision.

There is adequate and safe access throughout the site which has been reviewed and approved by the Police Department and the Fire Department, for both vehicular traffic, pedestrian traffic and emergency vehicles. Cottage Court necks down to reduce excess traffic at the northern end for existing abutters, but allows those same abutters to have a choice about existing Cottage Court. Hillside Avenue continues as it currently exists and connection to an emergency and maintenance access roadway called the Fireman's Lane. There is two-way traffic in and out of Route One to service the main parking area of the site and allow for an alternate egress for the northern end of Cottage Court.

(5) The proposed residential structures shall comply with all other applicable zoning regulations.

The proposed residential structures comply will all other applicable zoning regulations. As noted previously, the Applicant has appeared before the Zoning Board for a Special Permit for multifamily use, using the density provisions in section XVI-C of the NZO as well as a Special Permit to reduce the separation between buildings to 0' under section VI-D of the NZO.

In addition to complying with the foregoing specific criteria under section VI-C of the NZO, the

Applicant must comply with the general Special Permit criteria under Section X-H (7) of the NZO. I note the following, required "general conditions" for the issuance of a special permit for the proposed use together with an explanation of the Applicant's compliance with each such requirement:

1. The use requested is listed in the table of use regulations or elsewhere in the ordinances [as] requiring 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.

As noted above, the Property is located in an R3 zoning district where multifamily use is allowed by special permit and more than one structure on the lot is allowed by special permit.

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

The multifamily use in more than one structure on the lot is an integral part of the Project. The Applicant is proposing seven buildings with 48 units on one site which will have little to no negative impact on the environment and which will be essentially tucked away from the remainder part of the R3 district and the newly downzoned R2 district. The Property will be built into the topography of the land with the cemetery rounding out the rear corners of the site and Route One surrounding the other corner. The City is in need of more rental housing and by its very nature section XVI-C(2) of the NZO encourages more densely created rental housing by providing for the density bonus. In this instance the manner in which the units are proposed to be constructed, the layout of the required parking and the location of the Project overall, is desirable to the public convenience and welfare by providing convenient much needed rental housing and at the same time helping to eliminate the reliance on fossil fuels and thereby reduce carbon emissions, not to mention the environmental cleanup that has already taken place on the Property. Further, the residents of the development will be growing their own produce within the greenhouse on site providing for further benefits to the residents and community at large.

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

The creation of forty-eight (48) multifamily units in seven buildings on one lot will not create undue traffic congestion or unduly impair pedestrian safety. The proposed parking is adjacent to Route One and directly across the private way from the proposed residential development. Additionally, there are two means of access off of Pond Street via Hillside Avenue and Cottage Court and there is ingress and egress from Route One. There are sidewalks throughout the site and on Pond Street. All parking will be provided for either on the Property or the adjacent Private Parking provided by the Applicant. The Applicant will be providing a Traffic Report to support this criterion and which concludes that the project is not projected to significantly change any reported operating levels compared to future No-Build conditions.

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 city will be unduly subjected to hazards affecting health, safety or the general welfare.

The Applicant has reviewed the application with the water and sewer department and they have agreed the city services are sufficient to service the Project. Sewer service will be pumped up Pond Street. The construction of the Project will allow for the Applicant to replace the water line in Cottage Court starting at Pond Street and loop it around to the eight inch main in Hillside Avenue thus providing the City with a looped water main which they did not have before. All storm water design and treatment will occur on site and meet or exceed the storm water regulations. All internal plumbing will be constructed with water conversation measures and equipment and fixtures.

5. Any special regulations for the use, set forth in the special permit table are fulfilled.

There are no special regulations for the multifamily use which exist in the NZO. Section XVI-C (2) of the NZO requires that where the density bonus is related to the Market Rate Rental housing, the Applicant provide a deed restrictions prohibiting conversion of at least 25% of the units from rental to for-sale units for a period of forty (40) years on any units designated as market rate rental units. The Applicant is seeking that Special Permit from the Zoning Board of Appeals. Section VI-C sets forth special criteria, which the Applicant has addressed above.

## 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.

As has been previously stated, the location of the proposed multifamily Project is tucked in the end of two dead end streets with the cemetery and Route One providing the buffer to a large part of the Property. It is the use of multiple buildings on one lot which makes this Project a success and which allows for the integration into the topography and environmentally sensitive construction. Given the topography of the site there is little to no impact on the surrounding properties. Additionally, the density of the site is less than several two or multifamily sites in the nearby district. The residential portion of the Property consists of 149,153 square feet for 48 units – that is one unit per 3,107 square feet or 12.44 units per acre. Nearby in the Dalton Street, Pond Street, Hill Street neighborhood has a density of 15.01 units per acre. Said another way, the proposal has 21.3 bedrooms per acre and the Dalton Street neighborhood has 45.1 bedrooms per acre. Beginning with the cleanup of the property to the sensitive design of the units taking advantage of the topography of the site to the overall architectural design, in fact the proposed Project will be a benefit to the district and adjoining districts. Again, the environmentally conscious design and net zero impact and use will benefit not only the residents of the Project but the community overall and will not be detrimental to the health and welfare of anyone.

Allowing more than one structure per lot will not be averse to the area or nearby neighborhood. Indeed, the allowance does not overwhelm the density or physical characteristics of the Property.

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.

There will not be an of multiple buildings on one lot or an excess of multifamily housing in the neighborhood. The immediate adjacent properties include single family homes. Further up Pond Street at 37-43 Pond there is a multifamily, 1-3 Hill is a multifamily and 5 Hillside is a two family, lower on Hill Street there is a multifamily, otherwise there are two and single family homes throughout the district. There will not be an excess of more than one building on a lot or of multifamily use in the neighborhood.

8. The proposed use is in harmony with the purpose and intent of this ordinance.

The use of more than one building on a lot is allowed by special permit in the R3 district. By its very nature the use is in harmony with the purpose and intent of the ordinance. Given its location and design, the proposed use will take advantage of the land and will not overwhelm an already dense area of the city. The reuse of a prior contaminated site will be consistent with the land use principals of the City.

In the most recent draft of the Master Plan, Land Use Principals, the city provides: "In order to preserve Newburyport's scenic vistas, heritage landscapes, wildlife habitat and lands bordering its water supply, it is important to guide future development to appropriate locations, maximizing density in some areas and minimizing the effects on the natural environment and preserving open space corridors and recreational opportunities." And the Smart Growth and Sustainable Development Principals provides a goal of: "New development must mimic these patterns and create compact, sustainable, walkable and vibrant new neighborhoods. Compact development with adequate municipal infrastructure using sustainable construction techniques and materials along with water conservation and energy efficiency are a central goal when reviewing development and redevelopment proposals." By allowing more than one building on a lot as proposed for the Project, the Board will be making a decision which is consistent with these two principals.

9. The proposed use shall not be conducted in a manner so as to emit any dangerous, noxious, injurious or otherwise objectionable fire, explosion, radioactive or other hazard, noise or vibration, smoke, dust, odor or other form of environmental pollution.

The use as residences in the proposed net zero Project will not be conducted in a manner which is dangerous or injurious or otherwise objectionable. Indeed, quite to the contrary the creation and ongoing use of the Project will provide a benefit to the community overall. The use of green energy, reuse of storm water, provision of greenhouse for growing of food among other benefits, will result in a positive impact to the community.

#### VI. Conclusion

Wherefore, the Petitioners respectfully request that the Board grant site plan approval for the Project in accordance with Section X-V of the Ordinance and grant a Special Permit in accordance with section VI-C for construction of more than one structure on a lot.

Respectfully submitted, Hillside Living, LLC

by its attorney.

Lisa L. Mead

## BLATMAN, BOBROWSKI, MEAD & TALERMAN, LLC

ATTORNEYS AT LAW

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February 2, 2016

IN HAND Planning Board Pleasant Street Newburyport MA 01950

LISA L. MEAD

Lisa@bbmatlaw.com

RE: Waiver Request / Site Plan Review / Cottage Court and Hillside Ave.

Dear Members of the Board;

Reference is made to the above captioned matter. In that connection, this letter shall serve as a waiver request from the requirements of a portion of section XV-H-C.2 of the City of Newburyport Zoning Ordinance as follows:

1. Environmental and Community Impact Analysis

Given the limited nature of the modification and that there are no new or additional uses and no impacts on surrounding roadways, the Applicant requests that the requirement for this specific reports be waived and that the information provided in this submittal be deemed sufficient.

2. Landscape Plan Executed by a Registered Landscape Architect.

Whole Systems Design LLC (WSD) is imminently qualified to prepare a landscape and permaculture plan to the Board. WSD was developed as a land-based response to biological and cultural extinction and the increasing separation between people and elemental things. WSD identifies, designs, and develops human habitats - landscape and infrastructure systems - that yield perennial abundance and enduring value. The product is adaptive, resilient and secure places in a future of peak oil, climate instability, and deepening economic insolvency. WSD's studio and homestead in Vermont's Mad River Valley serves as a proving ground for the regenerative land developments featured throughout their work. Conducting nearly 200 site development consultations across New England and beyond, Ben and his highly skilled team have generated widespread acclaim for their revolutionary approach to mitigate today's pressing issues, as they develop into a world class design shop - one of their most notable projects being the redesign of Burlington's city center into an interactive landscape full of edible vegetation and stormwater infiltration features. Their services integrate the many aspects of sustainable landscape architecture, including ecological analysis, land planning, sustainable architecture and green building, renewable energy systems integration, planting and hardscape construction, and project management. Ben is also the author of the award-winning book the Resilient Farm and Homestead (Chelsea Green, 2013), illustrated by his partner at Whole Systems Design, Cornelius Murphy.

The landscape design required for this project must incorporate both the traditional landscape techniques but also integrate the agricultural needs of the Property.

I thank you for your time and attention to this matter.

Sincerely.

Lisa L. Mead



#### FIRM PROFILE

Whole Systems Design, LLC (WSD) identifies, designs and develops human habitats; integrated landscape and building systems, that yield perennial abundance and enduring value. We go beyond current trends in sustainability by implementing regenerative food, fuel, and shelter systems that thrive on current solar energy. We differ from other designers in that we actually live inside of our work everyday, amidst the spaces and ecosystems we design. Our direct interaction with our designs allows us to provide clients with enhanced connections to place, increased levels of self-sufficiency, and tangible learning opportunities through integration with the ecological systems that surround them. These places become more adaptive, resilient and vibrant over time, while requiring less input from distant and ancient energy sources.

We are a multi-faceted design studio rooted in ecological analysis and holistic practices, known for our pioneering work in the research and development of regenerative land management strategies. These strategies include a diverse array of stormwater management and perennial food system techniques. Our process involves a multi-disciplinary approach integrating ecology, agriculture, architecture, pedagogy, and project management. We assist clients in all areas of project development from visioning and goals articulation to site selection, construction management, project communications, and research/education.

We facilitate 1-day to 10-day courses that equip citizens with the capacity to grow their own food, medicine and fuel; plan and develop a resilient home and farm infrastructure; and cultivate a high level of self-reliance while creating durable and vibrant livelihoods for themselves and their family. This allows our firm continual practice and interaction with what it means to design and develop optimal learning landscapes.



## BEN FALK, M.A.L.D. WHOLE SYSTEMS DESIGN, LLC

Ben developed Whole Systems Design, LLC as a land-based response to biological and cultural extinction and the increasing separation between people and elemental things. Life as a designer, builder, ecologist, tree-tender, and backcountry traveler continually informs Ben's integrative approach to developing landscapes and buildings. His home landscape and the WSD studio site in Vermont's Mad River Valley serve as a proving ground for the regenerative land developments featured in the projects of Whole Systems Design. Ben has studied architecture and landscape architecture at the graduate level and holds a master's degree in land-use planning and design. He has conducted nearly 200 site development consultations across New England and facilitated dozens of courses on permaculture design, property selection, microclimate design, and design for climate change.

EDUCATION

2005 The Conway School of Landscape Design

Master of Arts, Landscape Design

2000 The University of Vermont

Bachelor of Science, Environmental Studies

**PROFESSIONAL** 

Author | The Resilient Farm & Homestead - published by Chelsea Green Press

Founder & Director, Planner, Teacher | Whole Systems Design, LLC - Moretown, VT

Speaker | TEDx, Keynotes & Conferences

Instructor | Yestermorrow Design/Build School - Warren, VT

Teacher, Design/Builder, Campus Designer I The Island School - Cape Eleuthera, BS

RELEVANT EXPERIENCE

Riverdale Country School - New York, NY

Edible Landscape Plan and curriculum development

The Lawrenceville School - Lawrenceville, NJ

Campus Food Garden

The Hotchkiss School - Lakeville, CT

Central Heating Facility | THS Farm Working Master Plan | Campus Trail Map

Farm & Wilderness - Plymouth, VT

Saltash Mountain Master Plan | Tamarack Farm Master Plan

Northfield Mount Hermon - Gill, MA

Campus Map & Sustainability Programming

CEF & The Island School - Cape Eleuthera, Bahamas

Campus Master Plan

State of Vermont Department of Buildings, Grounds & Services - Windsor, VT

Windsor Integral Sustainability Initiative



AWARDS, HONORS & PUBLICATIONS

Board of Directors (past & present)

Yestermorrow Design/Build School

Bright Blue Ecomedia Whole Systems Health Compost Power Network

2013 American Horticultural Society Book Award - The Resilient Farm & Homestead

2013 Falk, B. The Resilient Farm & Homestead: An Innovative Permaculture and Whole

Systems Design Approach. Chelsea Green Press

2011 "Future Farmers" Utne Reader

"Post-Oil Groceries" Landscape Architecture Magazine

2010 "Wild Farms" Northern Woodlands

"Cleaner Energy from Firewood" Mother Earth News

Vermont Commons - Regular Columnist

2008 "Promised Land" Fast Company Magazine



#### CORNELIUS MURPHY

WHOLE SYSTEMS DESIGN, LLC

Cornelius is an ecologically minded designer, illustrator, and project manager focusing on the research and development of regenerative and ecological design principles in the areas of agriculture, community planning, education and the public realm. Over the last eight years, he has helped Whole Systems Design grow into a recognized leader in ecological design, permaculture, regenerative agriculture and landscape master planning. His professional experience includes academic and corporate campus, estate and public park planning and design while working for several California-based landscape architecture studios. Cornelius also manages 40 acres of prime farmland along the Lamoille River in Johnson, VT for Laraway Youth & Family Services, a state-wide social services agency focusing on the empowerment of at-risk youth through strengthening families and building community.

EDUCATION 2007 Regenerative Design Institute

Permaculture Design Certificate

2005 Santa Barbara City College

Course studies in sustainability and ecology

2004 Temple University Rome Campus

Advanced Architecture Studio, Photography

2004 Temple University Ambler Campus

Bachelor of Science (BSLA),

Department of Landscape Architecture and Horticulture

PROFESSIONAL Land Steward | Laraway Youth & Family Services - Johnson, VT

Designer, Project Manager | Whole Systems Design, LLC - Moretown, VT

Designer | Land Goodkind Landscape Architects - Santa Barbara, CA

Project Manager | Van Atta Associates, Inc. - Santa Barbara, CA

RELEVANT EXPERIENCE The Hotchkiss School - Lakeville, CT

Central Heating Facility | THS Farm Working Master Plan | Campus Trail Map

Farm & Wilderness - Plymouth, VT

Saltash Mountain Master Plan | Tamarack Farm Master Plan

Northfield Mount Hermon - Gill, MA

Campus Map & Sustainability Programming

CEF & The Island School - Cape Eleuthera, Bahamas

Campus Master Plan



### **CORNELIUS MURPHY**

WHOLE SYSTEMS DESIGN, LLC

State of Vermont Department of Buildings, Grounds & Services - Windsor, VT

Windsor Integral Sustainability Initiative

Westmont College - Santa Barbara, CA

Landscape Mater Plan

University of California Santa Barbara - Santa Barbara, CA

UCSB Lagoon Park | North Campus Housing

AWARDS, HONORS &	2013	American Horticultural Society Book Award - The Resilient Farm & Homestead	
PUBLICATIONS 2013 Falk, B. The Resilient Farm & Homestead: An Innovative Permacultur		Falk, B. The Resilient Farm & Homestead: An Innovative Permaculture and Whole	
Systems Design Approach. Chelsea Green, 2013; Illustrat		Systems Design Approach. Chelsea Green, 2013; Illustrations.	
2011 "Future Farmers" Utne Reader		"Future Farmers" Utne Reader	
		"Post-Oil Groceries" Landscape Architecture Magazine	

2010 "Wild Farms" Northern Woodlands
"Cleaner Energy from Firewood" Mother Earth News
Vermont Commons - Staff Cartoonist & Illustrator

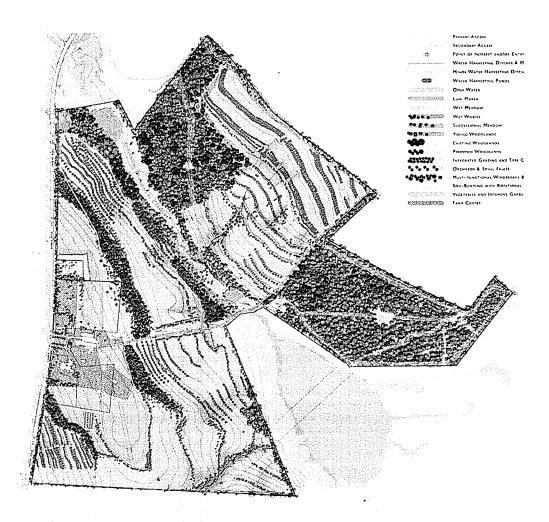
2008 "Promised Land" Fast Company Magazine
ASLA General Design Award of Honor
UCSB Lagoon Park

ASLA Certificate of Honor Award
ASLA Honor Society, Alpha Row Chapter
Cum Laude Honors, Temple University

2003 Greywater Gardens, Philadelphia Flower Show
Best in Show, Educational Category
Bulkley Medal, Garden Club of America
ASLA Honor Award, Communications Category



RELEVANT EXPERIENCE



## THE HOTCHKISS SCHOOL

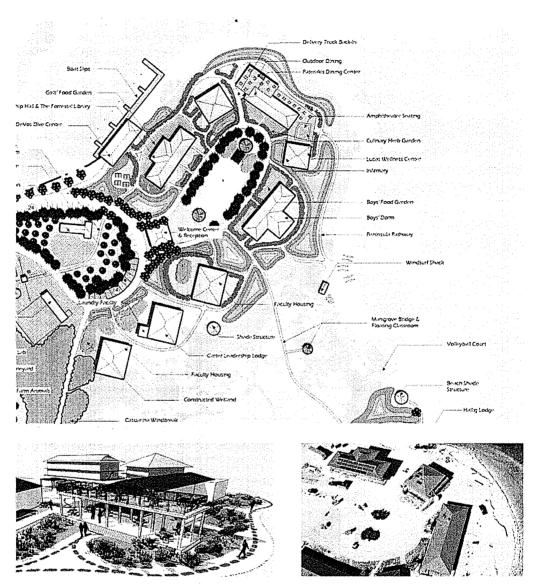
Lakeville, CT

The Hotchkiss School (THS) is a selective, independent boarding school striving to develop a lifelong love of learning, responsible citizenship, and personal integrity in their students. THS is a nationally recognized secondary school with students from across the United States and 37 foreign countries.

WSD was hired to create a forward looking campus master plan, an agricultural master plan for a newly acquired farm property, a campus trail map and provide overall consulting for sustainable campus strategies. WSD also provided interprative graphics, programatic consultation, and resource management strategies for THS's new Central Heating Facility.



## WHOLE SYSTEMS DESIGN, LLC RELEVANT EXPERIENCE

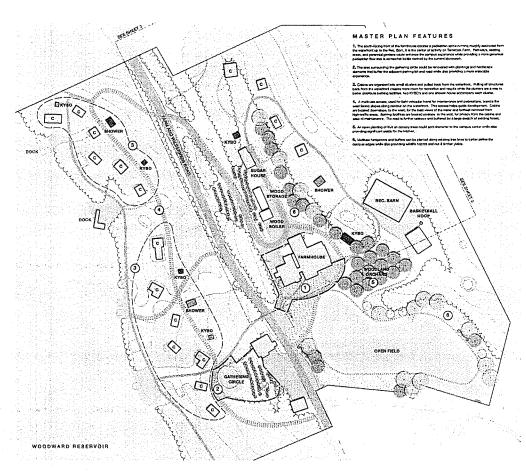


THE ISLAND SCHOOL Cape Eleuthera, BS The Island School (IS) offers a transformative educational semester and summer journey for high school students from around the world. IS engages in the process of inquiry in order to discover sustainable solutions to real world problems.

WSD provided master planning services and program development for the 18-acre school and research facility. The CEF Master Plan integrated various ongoing initiatives to create and solidify plans for future growth and expansion while also improving the resiliency and adaptability of a landscape facing both immediate and long-term threats due to global climate change.



RELEVANT EXPERIENCE



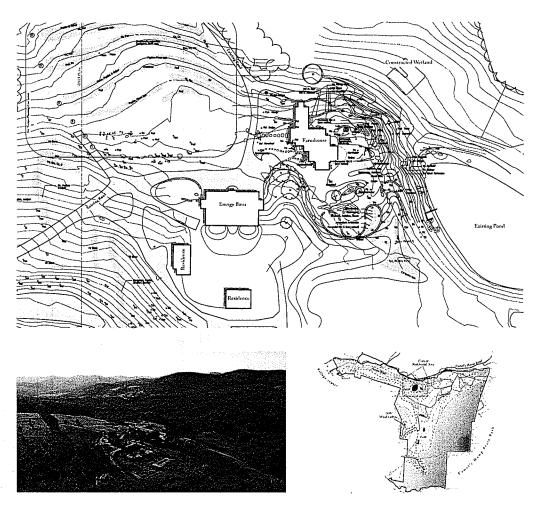
FARM & WILDERNESS
Plymouth, VT

Farm & Wilderness offers six overnight camps for children ages nine through seventeen, a day camp and a family camp. At F&W, activities grow out of a closeness to the land and the people. Campers delve into the farm and garden, the woods and lake, and are living within a close-knit community. The strength of the F&W program is that use of daily activities and the simple tasks of daily life to teach the intangible skills of living respectfully and happily.

WSD consulted with Leadership staff to re-think the layout and development of two F&W campuses, Tamarack Farm & Saltash Mountain. While the organization and their programs have been incredibly successful over the years, their campuses have suffered from an ad-hoc approach to growth. WSD provided strategies to improve campus circulation, utility & resource management, and create a more aesthetic but still highly functioning and working landscape.



RELEVANT EXPERIENCE



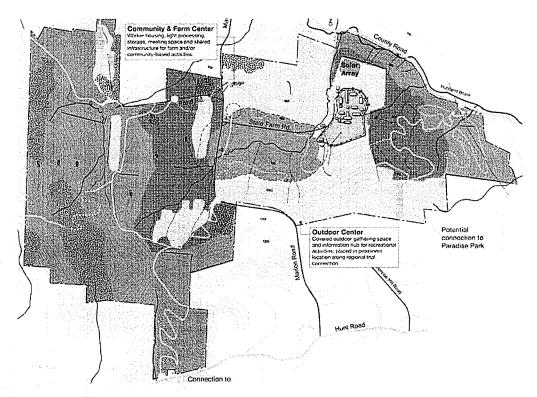
**TEAL FARM**Huntington, VT

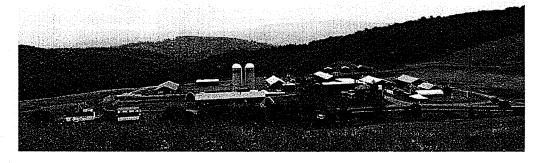
Teal Farm is a 1200 acre future-looking farm, ecological preserve, and residence seeking to prototype perpetual agriculture and energy systems capable of meeting regional food and energy needs within the tumultuous conditions of global warming, fluctuating energy supplies, and an oil-dependent global economy.

Whole Systems Design (WSD) created a Master Plan that outlined agricultural and infrastructure development potential for the next 10-25 years. The first phase began implementation in spring of 2007 with WSD responsible for planting thousands of trees and overseeing all landscape construction.



RELEVANT EXPERIENCE





WINDSOR INTEGRAL SUSTAINABILTY INITIATIVE Windsor, VT The State of Vermont hired a team led by WSD to develop a master plan for 900 acres of surplus property around the Southeast State Correctional Facility in Windsor, VT. The WSD team crafted a vision, program and plan to enhance inmate rehabilitation through involvement in agricultural practices, wildlife management, recreation and other site services.

The plan articulates a new model for local economic growth and investment by integrating inmate rehabilitation, a more localized and sustainable food system and community stewardship that is facilitated and supported by state agencies. Aspects of Phase 1 implementation as outlined in the plan began in 2012 with new inmate programming led by a local non-profit.

#### **4 HILLSIDE AVE**

Location 4 HILLSIDE AVE

Assessment \$246,800

Mblu 35/110///

**PID** 2054

Owner HALL & MOSKOW CORP

Building Count 1

#### **Current Value**

Assessment				
Valuation Year	Land	Total		
ALL THE	\$0	\$246,800	\$246,800	
2015	, -			

#### Owner of Record

Owner

HALL & MOSKOW CORP

Sale Price

Co-Owner

Address 75 WATER ST STE 503

NEWBURYPORT, MA 01950

Certificate

Book & Page 30377/0467

Sale Date

04/29/2011

Instrument

#### Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
HALL & MOSKOW CORP			30377/0467	1F	04/29/2011
HALL & MOSKOW CORP	\$355,000		29959/0455	1V	11/12/2010
HART MICHAEL J & LORNA HILLER TRS	9		28209/0182	1F	12/22/2008
HILLER BRUCE W	\$0		4306/ 172		

#### **Building Information**

#### Building 1 : Section 1

#### Year Built:

Living Area: 0		
Buildi	ng Att	ributes
Field		Description
Style		Vacant Land
Model		
Stories:		
Occupancy	-	
Exterior Wall 1		
Exterior Wall 2		67.
Roof Structure:		:
Roof Cover		

#### **Building Photo**



 $(http://images.vgsi.com/photos/NewburyportMAPhotos//\\ \ 01$ \00\69/62.jpg)

Interior Wall 1		•
Interior Wall 2	 	
Interior Flr 1		
Interior Flr 2		
Heat Fuel		
Heat Type:		
AC Type:		
Total Bedrooms:		
Total Bthrms:		
Total Half Baths:		
Total Xtra Fixtrs:		
Total Rooms:		
Bath Style:	 ······································	
Kitchen Style:		

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Building Layout

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	Building Sub-Areas	Legend
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**Extra Features** 

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1	Extra Features Legend	
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-	No Data for Extra Features	
	NO Data for Extra Features	1
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Land

Land Use

Use Code 1300

Description RES ACLNDV

Zone R3 2.87

Size (Acres) Depth

Assessed Value \$246,800

Outbuildings

	Outbuildings	Legend
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	No Data for Outbuildings	

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#### 19 COTTAGE CT

Location 19 COTTAGE CT

Assessment \$36,200

Mblu 35/ 119/ / / **PID** 2063

Owner DONAHUE DAN F

**Building Count** 1

#### **Current Value**

Assessment			
Valuation Year	Improvements	Land	Total
2015	\$0	\$36,200	i .

#### Owner of Record

Owner

DONAHUE DAN F

Address

Co-Owner C/O HOISETH

10 VIRGINIA LN

NEWBURYPORT, MA 01950

Sale Price

\$0

Certificate Book & Page

Sale Date

#### **Ownership History**

Ownership History						
Owner	Sale Price	Certificate	Book & Page	Sale Date		
DONAHUE DAN F	\$0					

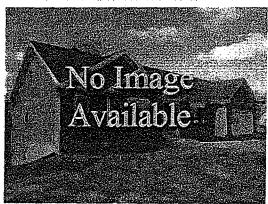
#### **Building Information**

#### Building 1: Section 1

#### Year Built: Living Area:

Building Attributes					
Field		Descr	iption		
Style		Vacant Land			
Model			di di		
Stories:					
Occupancy					
Exterior Wall 1					
Exterior Wall 2					
Roof Structure:					
Roof Cover					
Interior Wall 1					
Interior Wall 2			<u></u>		
Interior Flr 1	:				
Interior Flr 2	***********				

#### **Building Photo**



(http://images.vgsl.com/photos/NewburyportMAPhotos//defau

**Building Layout** 

Building Layout

**Building Sub-Areas** 

Legend

		Extra	Features	
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Kitchen Style:				
Bath Style:	·			
Total Rooms:	····			
Total Xtra Fixtrs:		 ·		
Total Half Baths:				
Total Bthrms:				
Total Bedrooms:				
AC Type:				
Heat Type:	<del>-</del>			
Heat Fuel				Ì

No Data for Building Sub-Areas

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#### Land

Land Use

1310

Use Code Description RES ACLNPO

Zone

R3

#### Land Line Valuation

Size (Acres) 0.19

Depth

Assessed Value \$36,200

#### Outbuildings

Outbuildings	Legend
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No Data for Outbuildings	

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#### 17 COTTAGE CT

Location 17 COTTAGE CT

Assessment \$36,200

Mblu 35/118/// PID 2062

Owner REYNOLDS ROSE E **Building Count** 1

#### **Current Value**

Assessment				
Valuation Year Improvements Land Total				
2015	\$0	\$36,200	\$36,200	

#### Owner of Record

Owner

REYNOLDS ROSE E

Address

Co-Owner C/O HOISETH

10 VIRGINIA LN

NEWBURYPORT, MA 01950

Sale Price \$0

Certificate

Book & Page 3000/ 220

Sale Date

#### **Ownership History**

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Sale Date	
REYNOLDS ROSE E	\$0		3000/ 220		

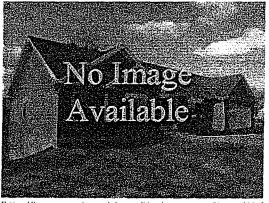
#### **Building Information**

Year Built:

#### Building 1: Section 1

### Living Area: **Building Attributes** Field Description Style Vacant Land Model Stories: Occupancy Exterior Wall 1 Exterior Wall 2 Roof Structure: Roof Cover Interior Wall 1 Interior Wall 2 Interior Flr 1 Interior Flr 2

#### **Building Photo**



(http://images.vgsi.com/photos/NewburyportMAPhotos//defau

#### **Building Layout**

Building Layout

**Building Sub-Areas** 

Legend

Heat Fuel		
Heat Type:		
AC Type:		
Total Bedrooms:		
Total Bthrms:		
Total Half Baths:	1.4	
Total Xtra Fixtrs:	<del></del>	
Total Rooms:		
Bath Style:		
Kitchen Style:		

No Data for Building Sub-Areas

#### Extra Features

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	No Data for Extra Features	1
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#### Land

 Land Use
 Land Line Valuation

 Use Code
 1310
 Size (Acres)
 0.19

 Description
 RES ACLNPO
 Depth
 0

 Zone
 R3
 Assessed Value
 \$36,200

#### Outbuildings

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#### 15 COTTAGE CT

Location 15 COTTAGE CT

Assessment \$36,200

Mblu 35/117///

PID 2061

Owner DONOGHUE IGNATIUS F

Building Count 1

#### **Current Value**

Assessment						
Valuation Year	Improvements	Land	Total			
2015	. \$0	\$36,200	;			

#### Owner of Record

Owner

DONOGHUE IGNATIUS F

Sale Price

Co-Owner C/O HOISETH Address

10 VIRGINIA LN

Certificate Book & Page

NEWBURYPORT, MA 01950

Sale Date

#### Ownership History

Ownership History						
Owner	Sale Price	Certificate	Book & Page	Sale Date		
DONOGHUE IGNATIUS F	\$0		To providing the parties and the parties of the par			

#### **Building Information**

#### Building 1 : Section 1

#### Year Built:

Living Area: **Building Attributes** Field Description Style Vacant Land Model Stories: Occupancy Exterior Wall 1 Exterior Wall 2 Roof Structure: Roof Cover Interior Wall 1 Interior Wall 2 Interior Flr 1 Interior Flr 2

#### **Building Photo**



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#### **Building Layout**

Building Layout

**Building Sub-Areas** 

Heat Fuel Heat Type: AC Type:		
	at Fuel	
AC Type:	at Type:	
	Type:	
Total Bedrooms:	tal Bedrooms:	
Total Bthrms:	tal Bthrms:	
Total Half Baths:	tal Half Baths:	
Total Xtra Fixtrs:	tal Xtra Fixtrs:	
Total Rooms:	cal Rooms:	
Bath Style:	th Style:	
Kitchen Style:	chen Style:	

No Data for Building Sub-Areas

#### **Extra Features**

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A CONTRACTOR OF THE CONTRACTOR		No Data for Extra Features		ž.
		NO Data for Extra reactives		1
4				

#### Land

Land Use

Use Code

Zone

1310

Description RES ACLNPO

R3

Land Line Valuation

Size (Acres)

0.19

Depth 0

Assessed Value \$36,200

#### Outbuildings

1.4	Outbuildings	<u>L</u>	.egend
	No Data for Outbuildings		

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#### **18 COTTAGE CT**

Location 18 COTTAGE CT

Assessment \$6,300

Mblu 35/120///

PID 2064

Owner HALL & MOSKOW CORP

Building Count 1

#### Current Value

Assessment						
Valuation Year	Improvements	Land	Total			
2015	\$0	\$6,300	\$6,300			

#### Owner of Record

Owner

HALL & MOSKOW CORP

Sale Price Certificate

Co-Owner

Address 75 WATER ST STE 503

NEWBURYPORT, MA 01950

Book & Page 30377/0467 Sale Date 04/29/2011

Instrument 1F

#### Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
HALL & MOSKOW CORP			30377/0467	1F	04/29/2011
HALL & MOSKOW CORP	\$355,000		29959/0455	1∨	11/12/2010
HART MICHAEL ] & LORNA HILLER TRS			28209/0182	1F	12/22/2008
HILLER BRUCE W	\$0		5147/ 193		

#### **Building Information**

#### Building 1 : Section 1

#### Year Built:

Living Area:	0				
Building Attributes					
Field		Description			
Style		Vacant Land			
Model					
Stories:					
Occupancy					
Exterior Wall 1					
Exterior Wall 2			1 1		
Roof Structure:	<del></del>				
Roof Cover	<del></del>		<del></del>		

#### **Building Photo**



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Interior Wall 1	
Interior Wall 2	
Interior Flr 1	
Interior Flr 2	
Heat Fuel	
Heat Type:	
АС Туре:	
Total Bedrooms:	
Total Bthrms;	
Total Half Baths:	
Total Xtra Fixtrs:	
Total Rooms:	
Bath Style:	
Kitchen Style:	

Buil	ldi	na	Lav	/ou

Building Layout

Building Sub-Areas	Legend
No Data for Building Sub-Areas	

Extra Features

	·	·			
		*	Extra Features	<u>Legend</u>	
			No Data for Extra Features		
-					

#### Land

Land OSE								
			** · · · · · · · · · · · · · · · · ·					
Use Code	1320				Size (Acres)	0.35		
Description	RES ACLNUD				Depth	0		
Zone	R3				Assessed Value	\$6,300		

## Outbuildings

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	Outbuildings	Legend
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i e	No Data for Outbuildings	į.
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## **16 COTTAGE CT**

Location 16 COTTAGE CT

Assessment \$35,300

Mblu 35/121///

**PID** 2065

Owner GRIFFIN MARGARET F

Building Count 1

## **Current Value**

Assessment						
Valuation Year	Improvements	Land	Total			
2015	\$0	\$35,300	\$35,300			

#### Owner of Record

Owner

GRIFFIN MARGARET F

Co-Owner C/O HOISETH

Address

10 VIRGINIA LN

NEWBURYPORT, MA 01950

Sale Price

Certificate

Book & Page 2977/273

Sale Date

#### **Ownership History**

Ownership History						
Owner	Sale Price	Certificate	Book & Page	Sale Date		
GRIFFIN MARGARET F	\$0		2977/ 273	The same of the sa		

## **Building Information**

## Building 1: Section 1

## Year Built:

0		
ding Atl	ributes	
	Description	
	Vacant Land	
		_
1.40		
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	ding Att	Description  Vacant Land

## **Building Photo**



(http://images.vgsi.com/photos/NewburyportMAPhotos//defau;

## **Building Layout**

Building Layout

**Building Sub-Areas** 

Legend

Heat Fuel	
Heat Type:	
AC Type:	
Total Bedrooms:	
Total Bthrms:	
Total Half Baths:	
Total Xtra Fixtrs:	
Total Rooms:	
Bath Style:	
Kitchen Style:	

No Data for Building Sub-Areas

## **Extra Features**

Long the most construction of the second sec		
	Extra Features	<u>Legend</u>
	No Data for Extra Features	

## Land

Land Use

Use Code

1310

Description RES ACLNPO

Zone

R3

Land Line Valuation

Size (Acres)

0.16

Depth 0 Assessed Value \$35,300

Outbuildings

į	Outbuildings <u>L</u>	egend
	No Data for Outbuildings	
i		

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## OFFICE OF THE BUILDING COMMISSIONER/ZONING CODE ENFORCEMENT OFFICER

## ZONING DENIAL

	ZOWING DE		ity APR#: (C)
Name: HAIL AND Moscow	( )		
Address COTTACE CT/ HILLSING AUG	MAP35	Zoning District:	_
Request: Coustoct (48) uni	its in En	blet KesiDenti	al Blogs iteau
Special Permiss For Spains	use (mo	Introducte Parking	) MAJOT SITE PL
ZONING BOARD (Zeview,		ever Bernie	
Lot Frontage Height `	Front Yard Side Yard Rear Yard	PIOD (XXI) —— FAR —— 2 ½ stories	Parking (VII)
Use Variance  Not permitted use (V)		Sign Variance Sign Location/Rep	lacement (VIII-D)
Special Permit  Special Permit for Use (V.D) Use #  Spacing (VI.D)  In-Law Apartment (XIIA)  Bonus for Multifamily Developme  Personal Wireless Communication  Demolition Control Overlay Distric  Wind Energy Conversion Facilities	nts (XVI) Services (XX) t (XXVIII)	Special Permit for Non-  Extension or Alter  Parking  Upward Extens  Open Space  Height  Lot Area  Over 500 s.f. incre  Plum Island Overla  FAR  Footprint Expa  Height Increase	ration (IX.B.2)  Rear Yard Lot Coverage Side Yard Lot Frontage Front Yard ease (IX.B.3.c) ay District (XXI-G-3)
Special Permit  One residential structure per lot (V Floodplain (XIII) Open Space Residential Developme Water Resource Protection District Federal Street Overlay District (XXI	ent (XIV) (XIX)	Courts and Lanes (XX Waterfront West Ove Towle Complex Rede Downtown Overlay D	erlay District (XXIV) v. Overlay District (XXV)
Site Plan Review (XV)  Major  Minor			
HISTORICAL COMMISSION  Demo. Delay Advisory Review	<b>w</b> + 1		
CONSERVATION COMMISSION			
CITY COUNCIL  GACM (X.H.9)  Date		Building Commissioner/Zor	Slow Lough



## CITY OF NEWBURYPORT

## DEPARTMENT OF PUBLIC SERVICES

16A PERRY WAY
NEWBURYPORT, MA 01950
TEL: 978-465-4463 EXT. 1701

ANTHONY J. FURNARI, DIRECTOR OF DPS WAYNE S. AMARAL, DEPUTY DIRECTOR/DIRECTOR OF OPERATIONS

November 13, 2015

Ed Ramsdell Chair Zoning Board of Appeals 60 Pleasant Street Newburyport MA 01950

RE: Cottage Court and Hillside Avenue Development.

Dear Chair and Members of the Board;

I have reviewed the plans from Hall and Moskow Corp dated 11-05-15 showing the creation of 48 multifamily units on 149,153 square feet along with the accessory structures and proposed parking. The City of Newburyport sewer collection system has sufficient capacity to handle the proposed development. The proposed development will discharge into the Pond Street gravity sewer. The sewer division has no issues at this time with the proposed development.

Should you have any questions, please let me know.

Sincerely

mie Tuccolo عور

Collection System Superintendent



## CITY OF NEWBURYPORT

## POLICE DEPARTMENT

MARK R. MURRAY Interim City Marshau

4 Greek Street Newburyport, MA 01950

> TEL: 978-462-4411 FAX: 978-462-0396

November 13, 2015

Ed Ramsdell Chair Zoning Board of Appeals 60 Pleasant Street Newburyport MA 10950

RE: Cottage Court and Hillside Avenue Development by Hall and Moskow, Corp.

Dear Chair and Members of the Board;

I have reviewed the plans from Hall and Moskow Corp dated 11-05-15 showing the creation of 48 multifamily units on 149, 153 square feet along with the accessory structures and proposed parking. There is sufficient access in and around the structures on the site and through the site for the police department. Given the various methods of access to and from the site, I see no public safety issues from a traffic or police enforcement point of view. The Police Department has no issues with the proposed plan.

Should you have any questions, please let me know.

Sincerely,

Mark Murray

Interim City Marshal



## CITY OF NEWBURYPORT DEPARTMENT OF PUBLIC SERVICES

16A PERRY WAY NEWBURYPORT, MA 01950

TONY FURNARI, DIRECTOR DAN LYNCH, WATER DISTRIBUTION SYSTEM MANAGER

PHONE: 978-465-4464 FAX: 978-465-1623

November 13, 2015

Ed Ramsdell Chair Zoning Board of Appeals 60 Pleasant Street Newburyport MA 01950

RE: Cottage Court and Hillside Avenue Development by Hall and Moskow, Corp.

Dear Chair and Members of the Board;

I have reviewed the plans from Hall and Moskow Corp dated 11-05-15 showing the creation of 48 multifamily units on 149,153 square feet along with the accessory structures and proposed parking. The City has sufficient water capacity to service this project and the Applicant has agreed to loop the water mains servicing the site from Pond Street and replace the existing mains in Hillside Avenue and Cottage Court as determined necessary by our Department.

Should you have any questions, please let me know.

Sincerely

Daniel Lynch



## CITY OF NEWBURYPORT

## FIRE DEPARTMENT

0 Greenleaf Street, Newburyport, MA 01950 (978) 465-4427 FAX (978) 463-9177



November 20, 2015

To: Ed Ramsdell, Zoning Board of Appeals

From: Deputy Bradbury

Re: Cottage Court & Hillside Ave, Hall and Moskow

I have reviewed the site plans in regards to fire department vehicle access and location of fire hydrants. The fire department has no objections to this development proceeding.

If I can be of further assistance to you do not hesitate to call.

Sincerely,

Steve Bradbury Deputy Fire Chief

Cc: building department and planning office.

SHEET



ILLUSTRATIVE LANDSCAPE PLAN (provided by WSD)

# HILLSIDE - CENTER FOR SUSTAINABLE LIVING

NEWBURYPORT, MA

# OWNER

Hillside Living LLC 2 Federal Street Newburyport, MA 01950 978.465.7047

## DEVELOPER

Hall & Moskow 75 Water Street Newburyport, MA 01950 978.465.7047

88 Broad Street Boston, MA 02110 617.292.2000

## CIVIL **ENGINEER**

Westcott Site Services 60 Prospect Street Waltham, MA 02453 781.647.0062

# LANDSCAPE & PERMACULTURE

Whole Systems Design 66 Dean's Mountain Road Moretown, VT 05660 802.496.3128

# SOLAR **ENGINEER**

Solar Market 25 Limerick Road Arundel, ME 04046 207.985.0088

## TRAFFIC ENGINEER

GENERAL NOTES

DEPARTMENT.

ARCHITECT.

A2.1

A4.2

DRAWING LIST

1. ALL WORK TO BE PERFORMED IN STRICT ACCORDANCE WITH THE

MASSACHUSETTS FUEL, GAS AND PLUMBING CODES, MASSACHUSETTS ELECTRICAL CODE, OSHA REGULATIONS, ORDINANCES OF THE CITY OF NEWBURYPORT, AND THE REQUIREMENTS OF THE NEWBURYPORT FIRE

2. THE CONTRACTOR SHALL VERIFY IN THE FIELD ALL DIMENSIONS. THE

CONTRACTOR SHALL VERIFY IN THE FIELD ALL CONDITIONS AFFECTING THE WORK. ANY CONDITIONS FOUND THAT ALTER OR OTHERWISE CHANGE THE REQUIREMENTS FOR THE WORK SHALL BE REPORTED IMMEDIATELY TO THE

3. THE CONTRACTOR SHALL COORDINATE THE WORK SHOWN ON THESE

ETC.) AND BRING ANY CONFLICT TO THE ATTENTION OF THE ARCHITECT.

COVER SHEET & GENERAL NOTES

PROPOSED SEWER, WATER, & ELEC PLAN

HILLSIDE AVE ELEVATIONS & BLDG SECTION

COTTAGE COURT ELEVATIONS & BLDG SECTION

COTTAGE COURT EXTENSION ELEVATIONS & BLDG SECTION

COTTAGE COURT EXTENSION FLOOR PLANS

SOUTH RISE ELEVATIONS & BLDG SECTION

COMMON HOUSE FLOOR PLANS COMMON HOUSE FLOOR PLANS COMMON HOUSE FLOOR PLANS COMMON HOUSE ELEVATIONS

COMMON HOUSE BLDG SECTIONS

BARN ELEVATIONS & BLDG SECTION

EXISTING TOPOGRAPHIC PLAN

EROSION CONTROL PLAN

PROPOSED DRAIN PLAN

PROPOSED GRADING PLAN

LAYOUT PLAN

SITE SECTIONS

SIGNAGE PLAN

GFA CALCULATIONS

EXTERIOR LIGHTING PLAN

HILLSIDE AVE FLOOR PLANS

HILLSIDE AVE FLOOR PLANS

SOUTH RISE FLOOR PLANS SOUTH RISE FLOOR PLANS

BARN FLOOR PLANS

COTTAGE COURT FLOOR PLANS

DRAWINGS WITH WORK OF ALL TRADES (MECHANICAL, PLUMBING, ELECTRICAL,

REQUIREMENTS OF ALL GOVERNING CODES AND ORDINANCES. INCLUDING BUT

NOT LIMITED TO, THE MASSACHUSETTS STATE BUILDING CODE (8th ADDITION),

MDM Transportation Consultants 28 Lord Road Marlborough, MA 01752 508.303.0370

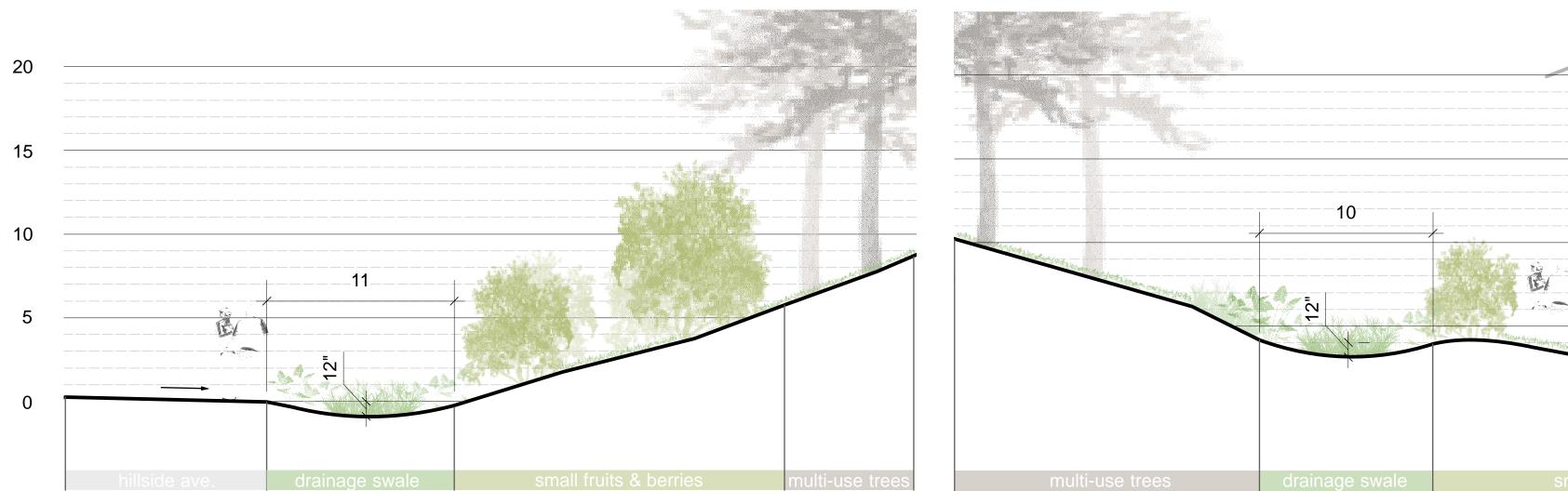
# **ATTORNEY** OF RECORD

Lisa L. Mead Blatman, Bobrowski, Mead & Talerman 30 Green Street Newburyport MA 01950

# **ARCHITECT**

Moskow Linn Architects





Drainage Swale Cross-Section SACLE: 3/16" = 1'-0"

Drainage Swale Cross-Section SCALE: 3/16" = 1'-0"

# HILLSIDE CENTER FOR SUSTAINABLE LIVING

## PRELIMINARY LANDSCAPE PLAN

## **GENERAL NOTES**

1. All ideas, designs and arrangements shown in these drawings are the property of WSD and are to be used in connection with the specific project and property owner and shall otherwise not be used without written consent of WSD

2. All work shall conform to industry standards and local building codes. Permits, when necessary, are the responsibility of the contractor or property owner.

3. Contractor shall verify all existing conditions prior to starting work. Verify all dimensions on site prior to commencing construction. Dimensions are APPROX. (+/-). All quantities listed in legends are for convenience only. Check and verify all counts in legends against symbols and mesurments on plan(s). WSD is not responsible nor due they assume any liability if legend counts are not verified before project is bid.

4. Contractor shall install sleeves to provide for future installation of irrigation, drainage and lighting in all areas that would be potentially blocked off by hardscape construction.

5. Contractor to supply a full material and labor warranty on all plants installed for a minimum of 45 days and all large caliper trees for 90 days or longer as agreed on between contractor and owner.

6. See engineering SHEETS for all engineering, hardscape, grading and infrastructure plans and specifications.

AMPHITHEATER SEATING seating walls and stone steps integrated into slopes; can be used to accomodate larger outdoor performances

**PLAYSCAPE** natural playscape for youth with climbing boudlers, live willow tunnels, rolling hill and balance

elements

low-lying areas used to pre-treat stormwater runoff before entering the larger system; planted

small garden areas integrated into architecture with raised beds and espallied trees and/or

**GATHERING AREA** open lawn area for large gatherings and group play

with wet-loving shrubs and perennials

VEGETABLE GARDEN centrally located intensive vegetable and herb gardens for use by residents

SMALL FRUITS & BERRIES berry bushes planted in rows roughly 10 FT O.C. and on-contour; spacing depends on species

FRUIT TREES & ORCHARDS slected cultivars planted throughout the site; orchard areas planted in rows 15-20 FT depending on species selection

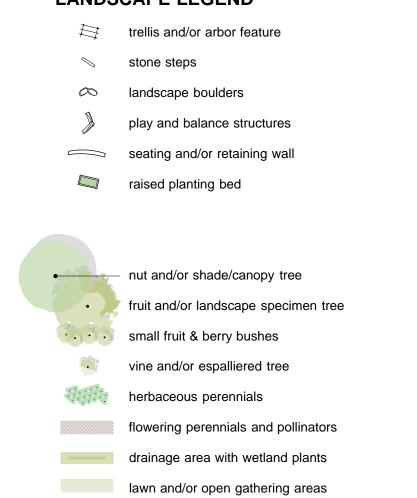
**POLLINATION ZONES** deep-rooted herbaceous perennial flowers used to attract insects and help build soil

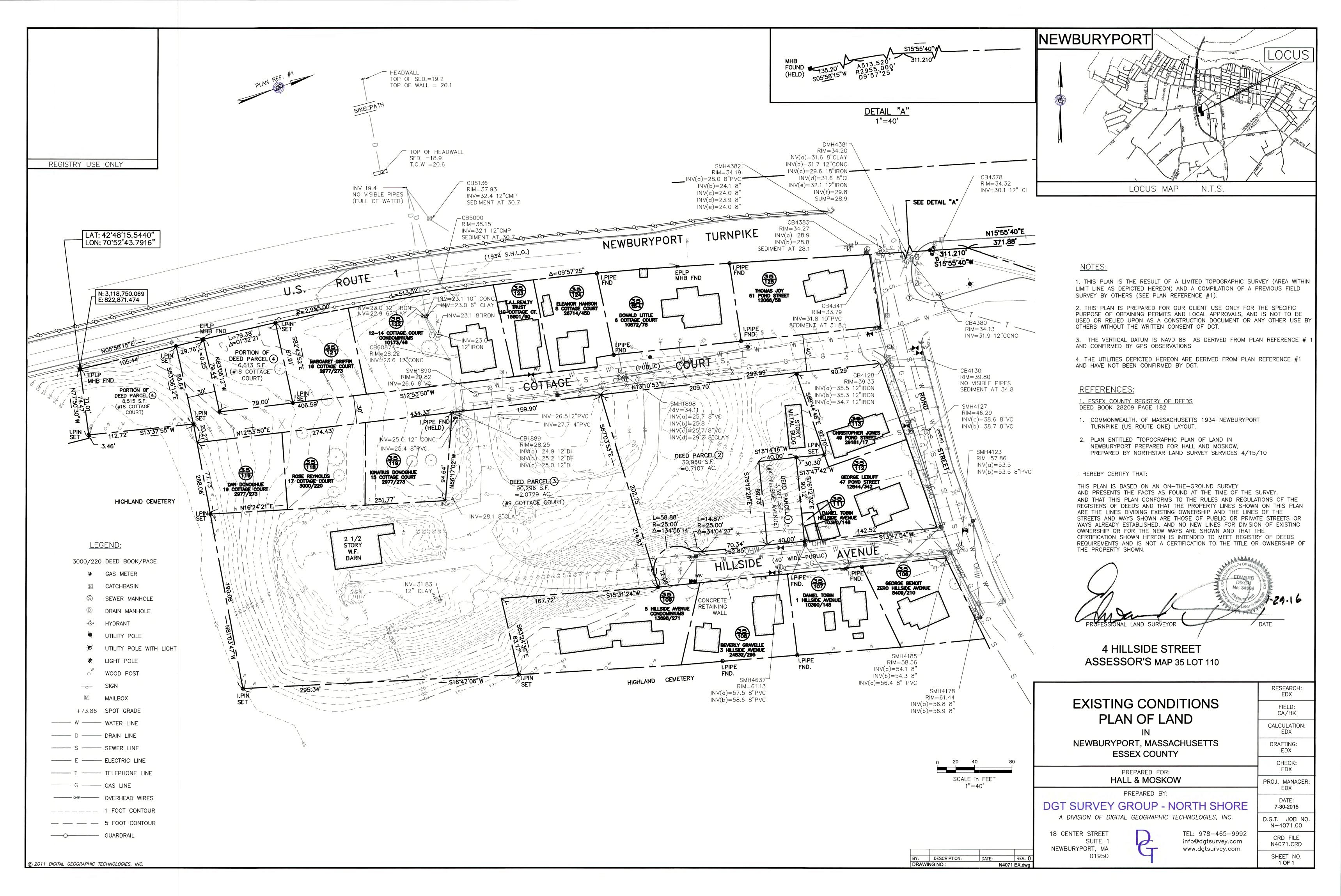
MULTI-PURPOSE HARDWOODS & NUT TREES large canopy hardwoods used to provide shade while also yielding nuts, timber, soil fertitlity and creating microclimates throughout the site

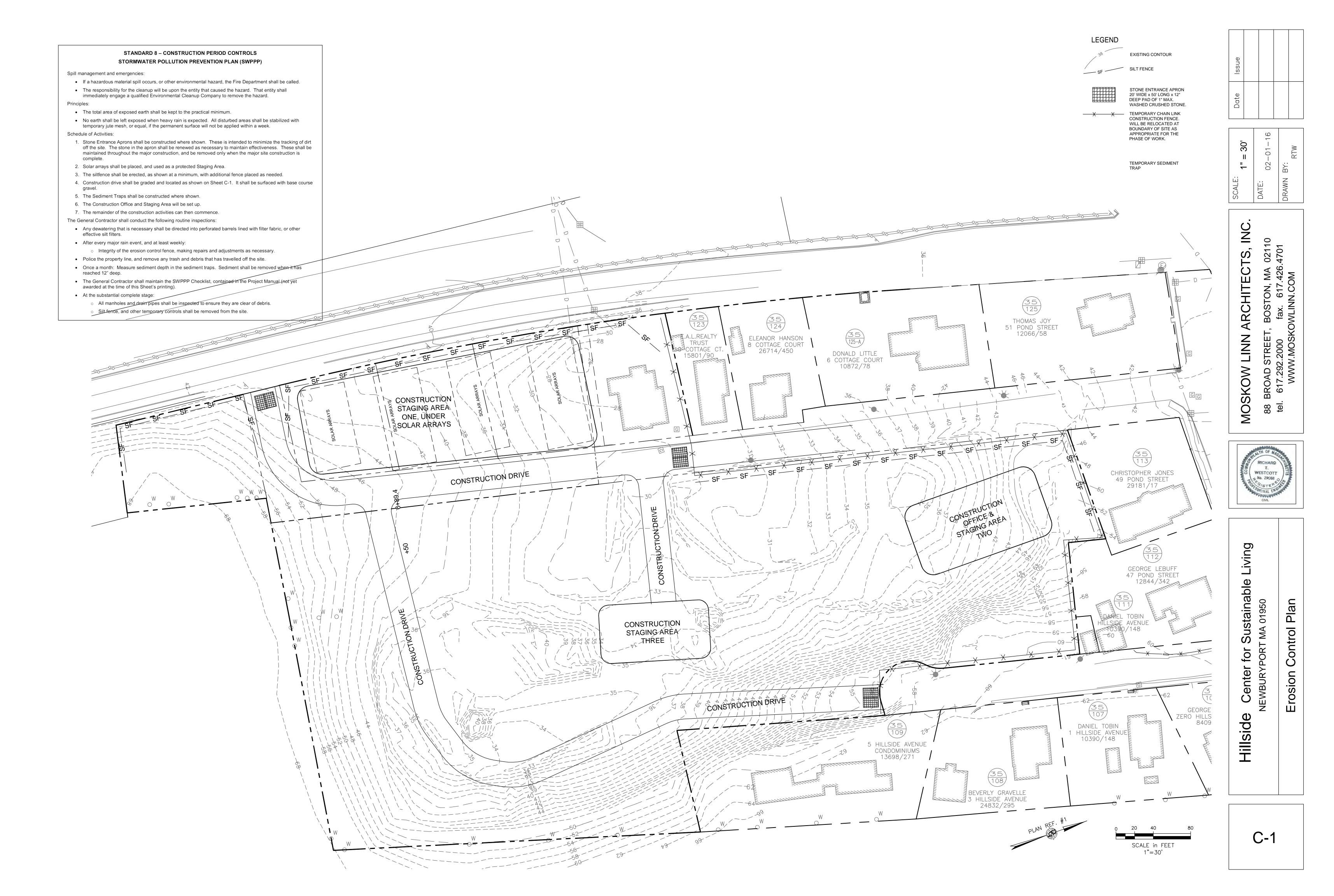
## **ABBREVIATIONS USED**

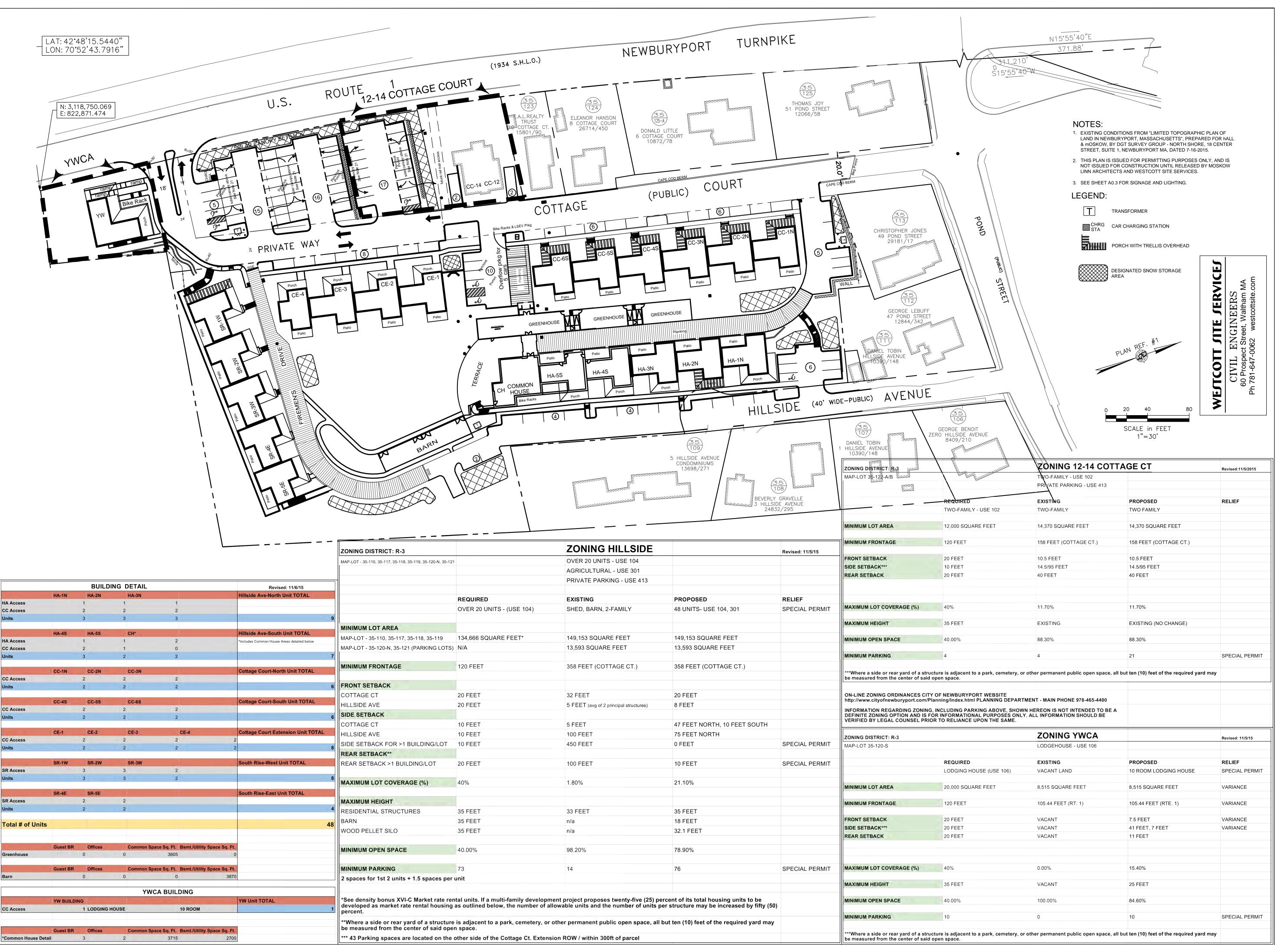
APPROX.	approximately
CA	caliper
CONC.	concrete
CONST.	construction
CY	cubic yard
DIA.	diameter
EA	each
FT	feet
GAL.	gallon
LF	linear feet
LS	lump sum
MIN.	minimum
PIP.	poured in place
SF	square foot
SIM.	similar
V.I.F.	verify in field
W/	with

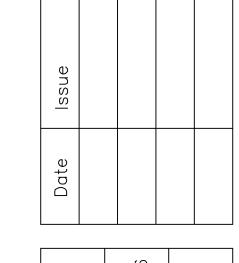
## LANDSCAPE LEGEND







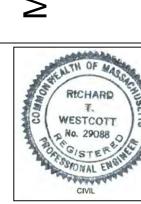




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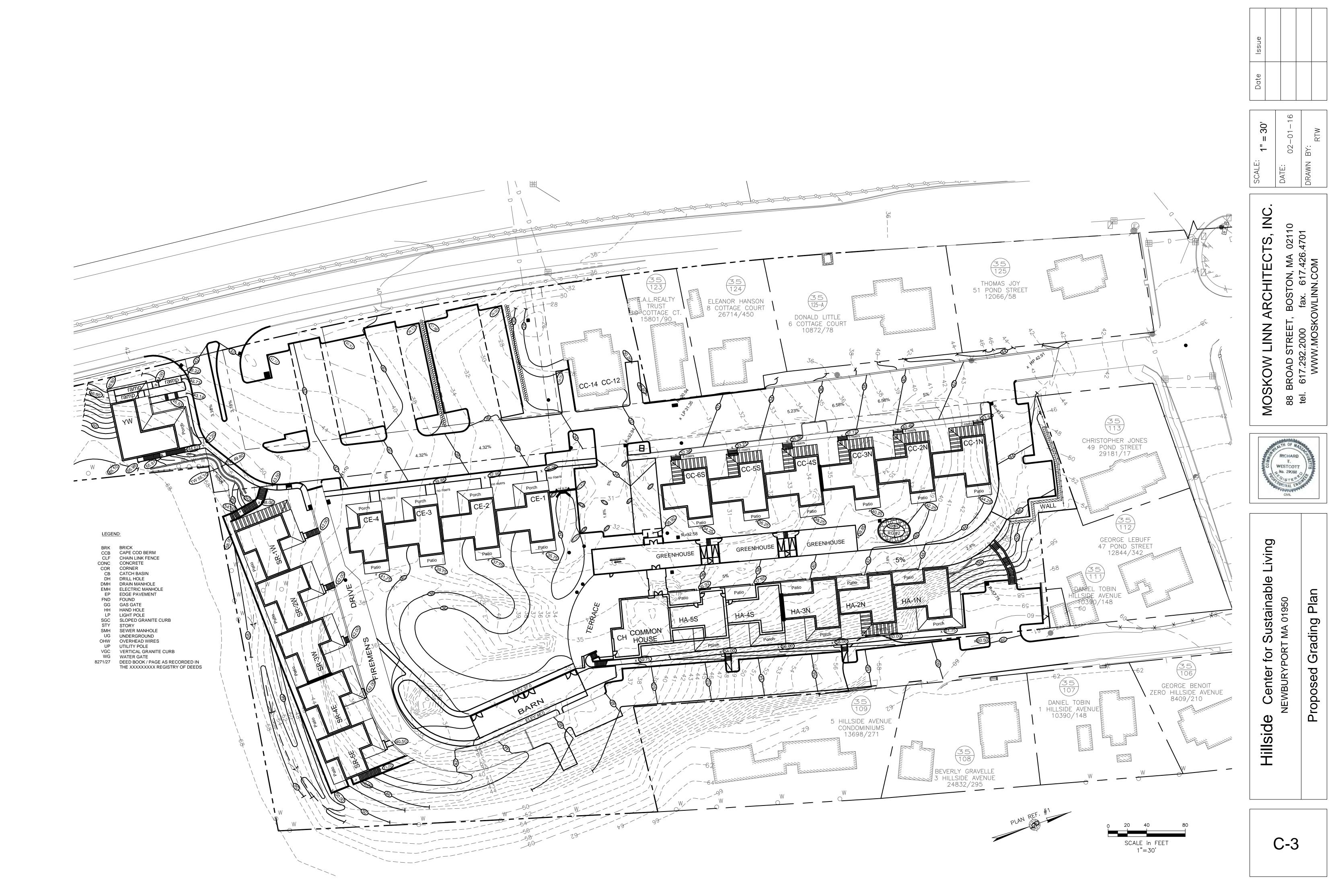
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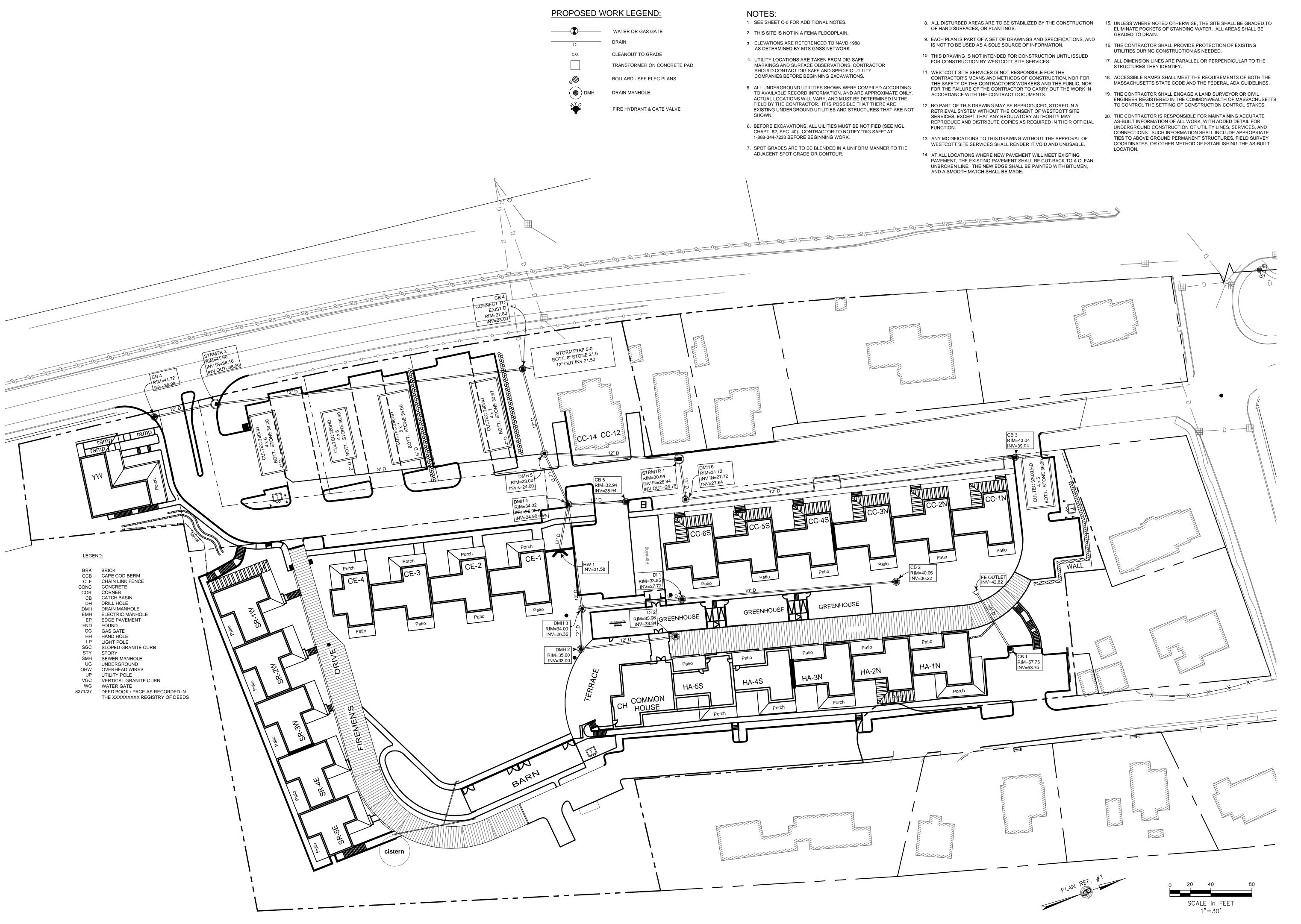
**MOSKOW LINN** 



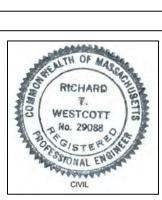
Sustainable Hillside T MA 01950 Center forX YWCA atNEWBURYPORT for 7 HIISI

Layout





9 30' 0

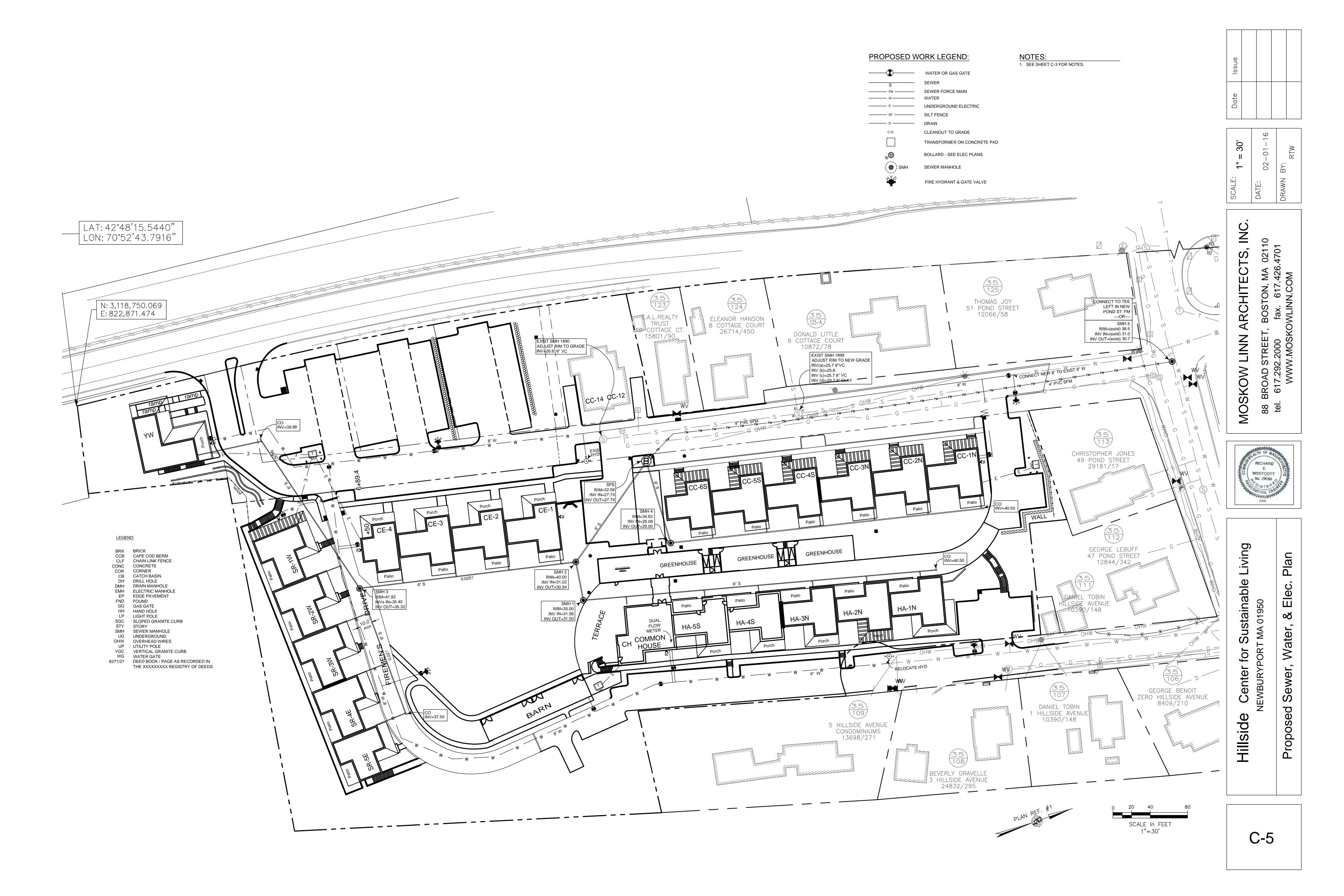


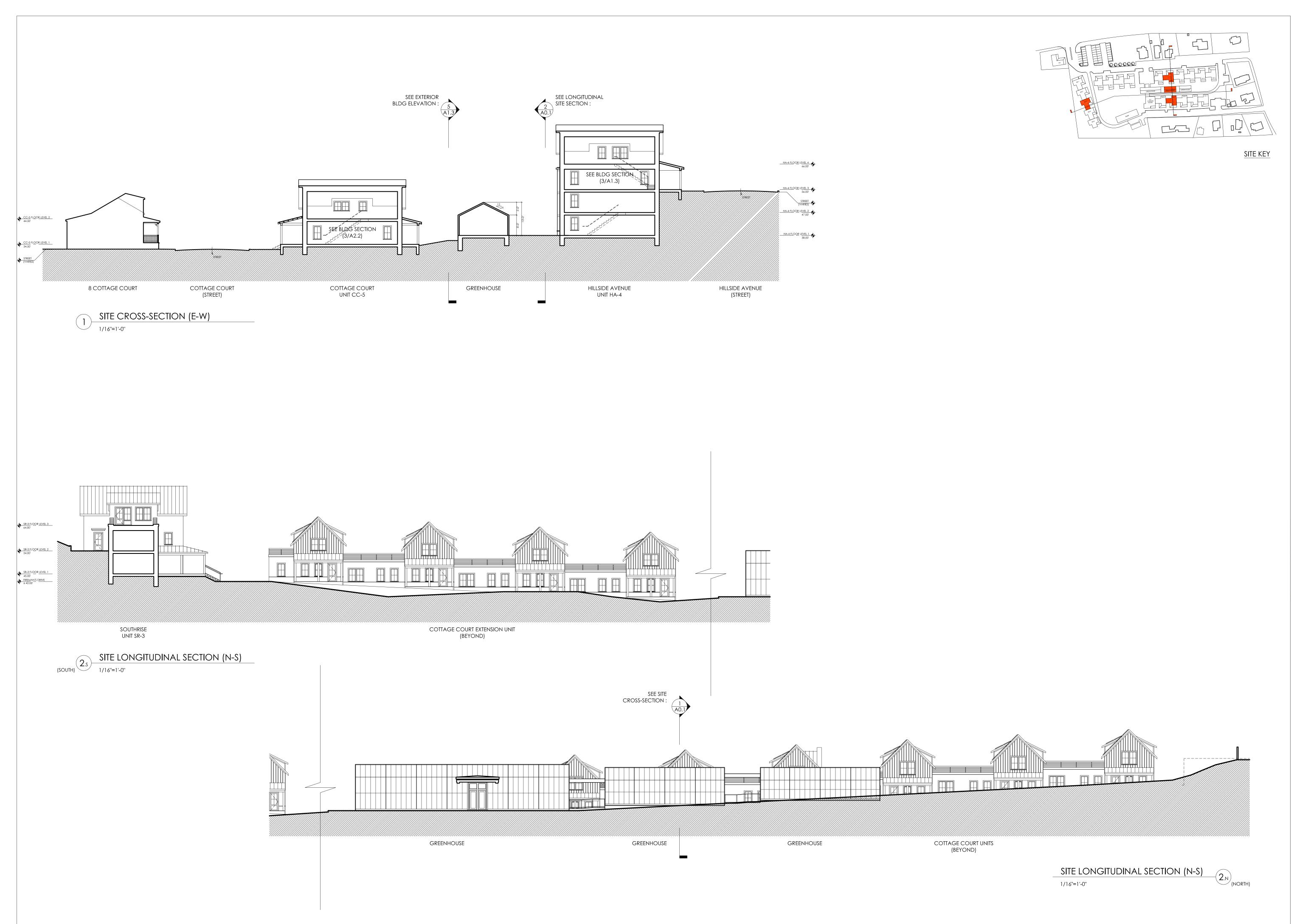
Sustainable

Proposed Drain Plan

NEWBURYPORT MA 01950 Center for Hillside

C-4





**MOSKOW LINN** 

.2016

SCALE:

ARCHITECTS, INC

02.01.2016

DATE:

02110

Center for Sustainable Living SECTION (E-W) NEWBURYPORT, MA SITE Hillside



GROSS FLOOR AREA CALCULATIONS			
BUILDING	FLOOR LEVEL	FLOOR AREA	
HA-N	1	3,010 SF	
	2	3,010 SF	
	3	3,010 SF	
	4	3,010 SF	
	TOTAL GFA	12,040 SF	
HA-S	Cellar	2,190 SF	
	1	3,845 SF	
	2	3,639 SF	
	3	3,301 SF	
	4	2,005 SF	
	TOTAL GFA	14,980SF	
CC-N	1	3,010 SF	
	2	1,704 SF	
	TOTAL GFA	4,714 SF	
CC-S	1	2,882 SF	
	2	1,704 SF	
	TOTAL GFA	4,586 SF	
CE	1	3,876 SF	
	2	2,272 SF	
	TOTAL GFA	6,148 SF	
SR-W	1	3,010 SF	
	2	3,010 SF	
	3	1,704 SF	
	TOTAL GFA	7,724 SF	
SR-E	1	1,847 SF	
	2	1,847 SF	
	3	1,136 SF	
	TOTAL GFA	3,830 SF	
BARN	1	1,546 SF	
	2	2,010 SF	
	TOTAL GFA	3,556 SF	
YWCA	1	1,080 SF	
	2	1,080 SF	
	3	1,080 SF	
	TOTAL GFA	3,240 SF	
GREENHOUSE	1	4,485 SF	
	TOTAL GFA	4,485 SF	
TOTAL PROJECT	TOTAL GFA	65,303 SF	

02.01.2016

02.01.2016

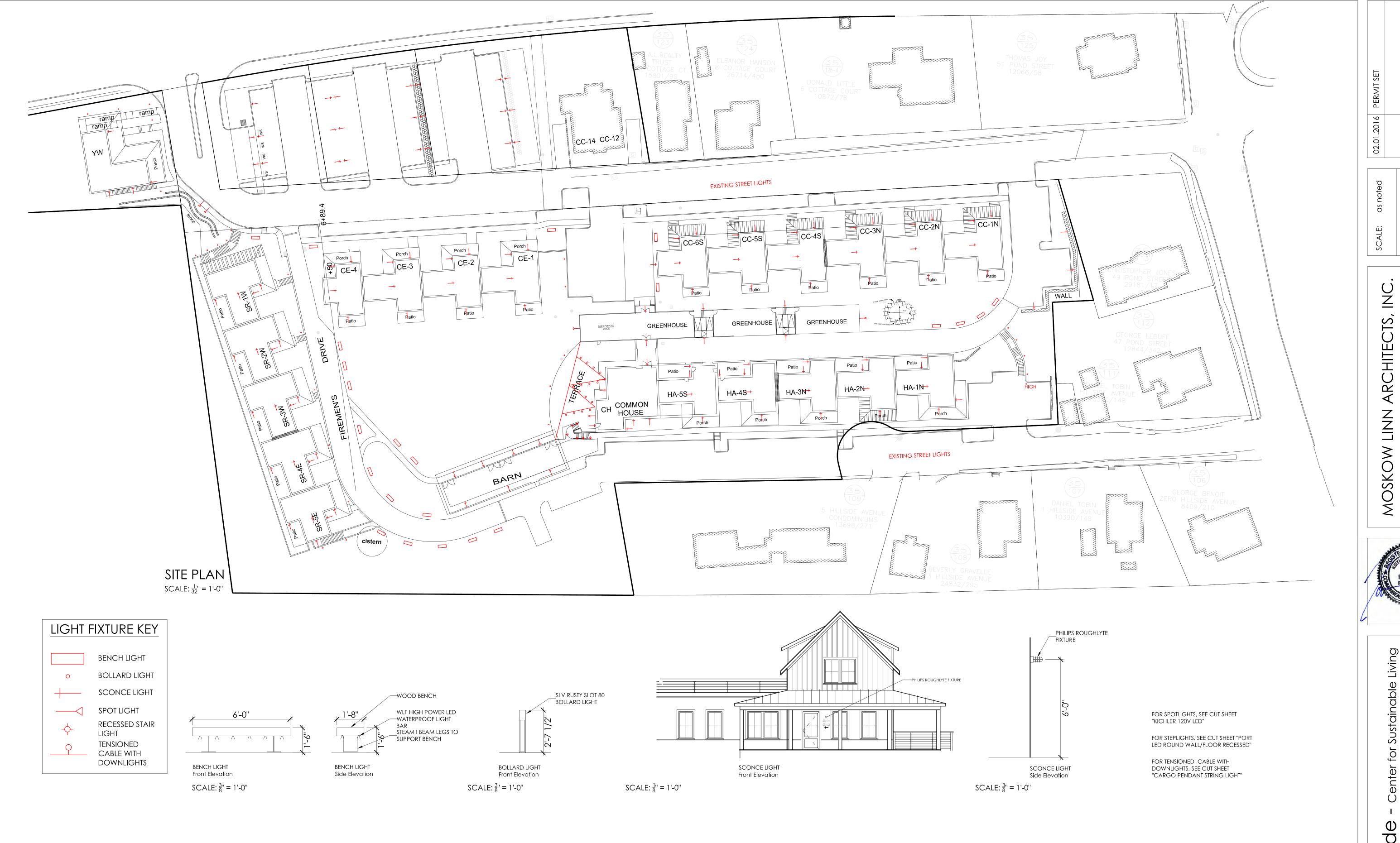


Hillside – Center for Sustainable Living
NEWBURYPORT, MA
GFA Calculations



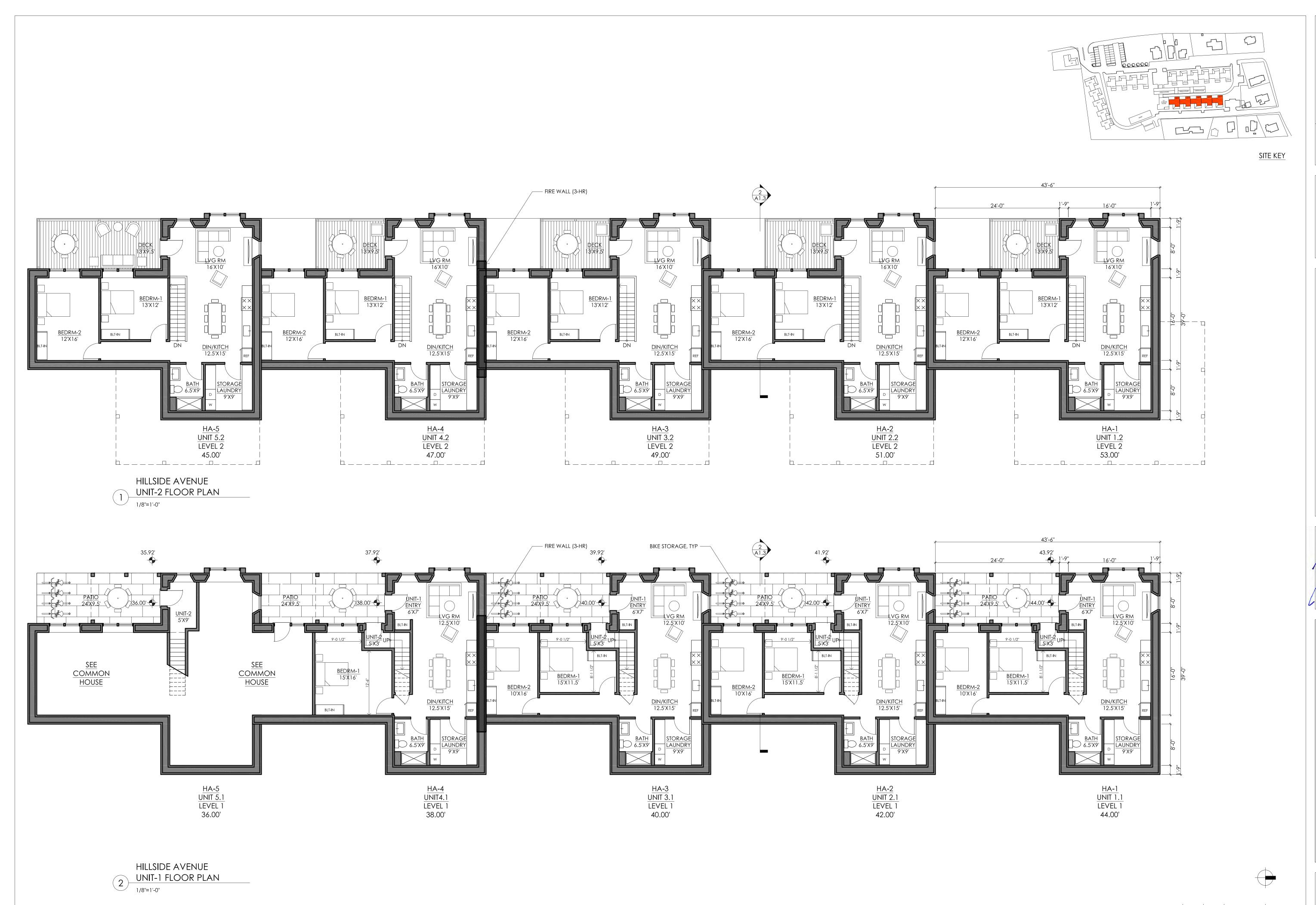
NEWBURYPORT, MA
SIGNAGE PLAN

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Center for Sustainable Living NEWBURYPORT, MA Hillside

EXTERIOR LIGHTING



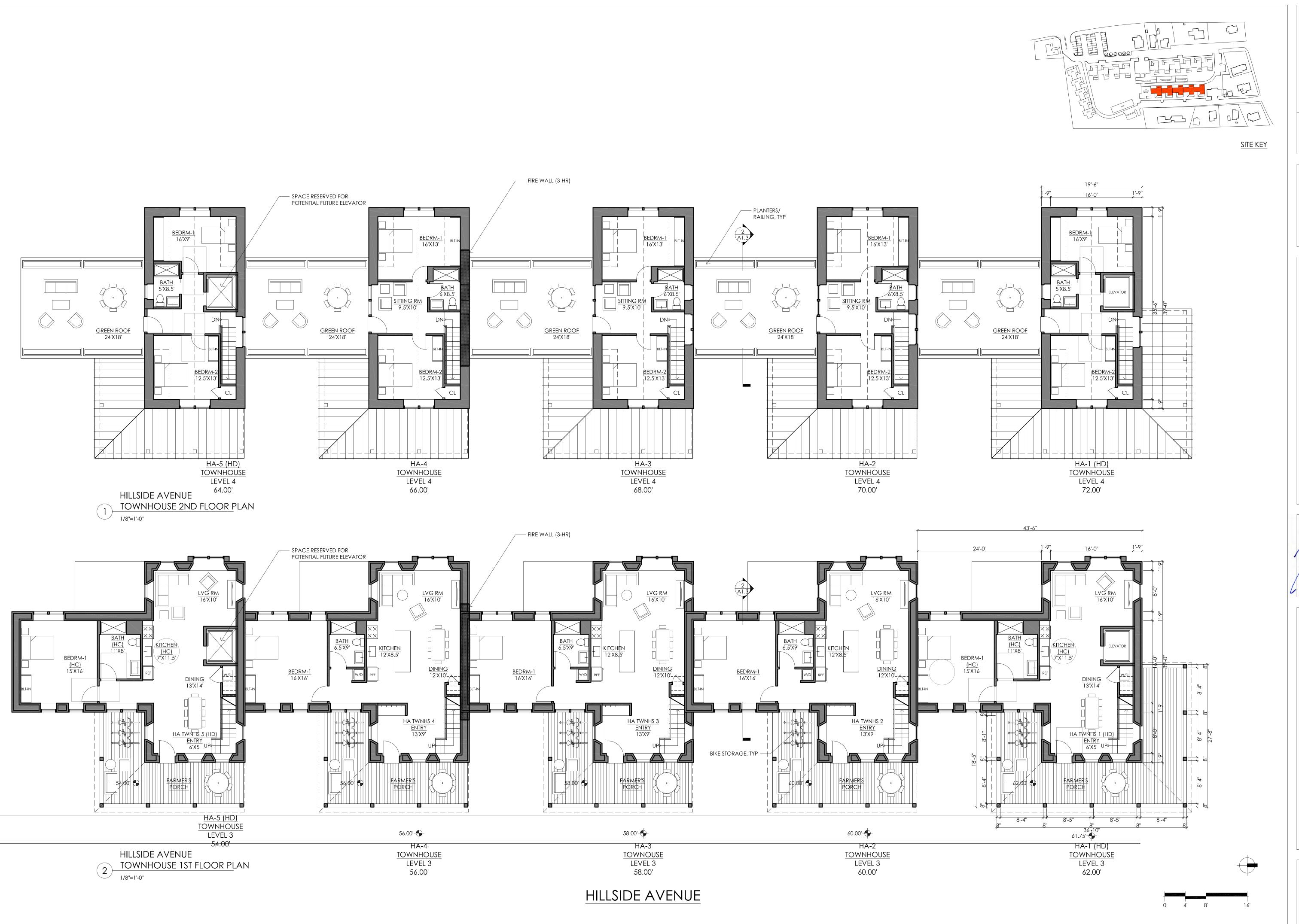
Center for Sustainable Living NEWBURYPORT, MA Hillside

HILLSIDE AVENUE UNITS

02.01.2016

DATE:

MOSKOW LINN ARCHITECTS, INC



ARCHITECTS, INC **MOSKOW LINN** 

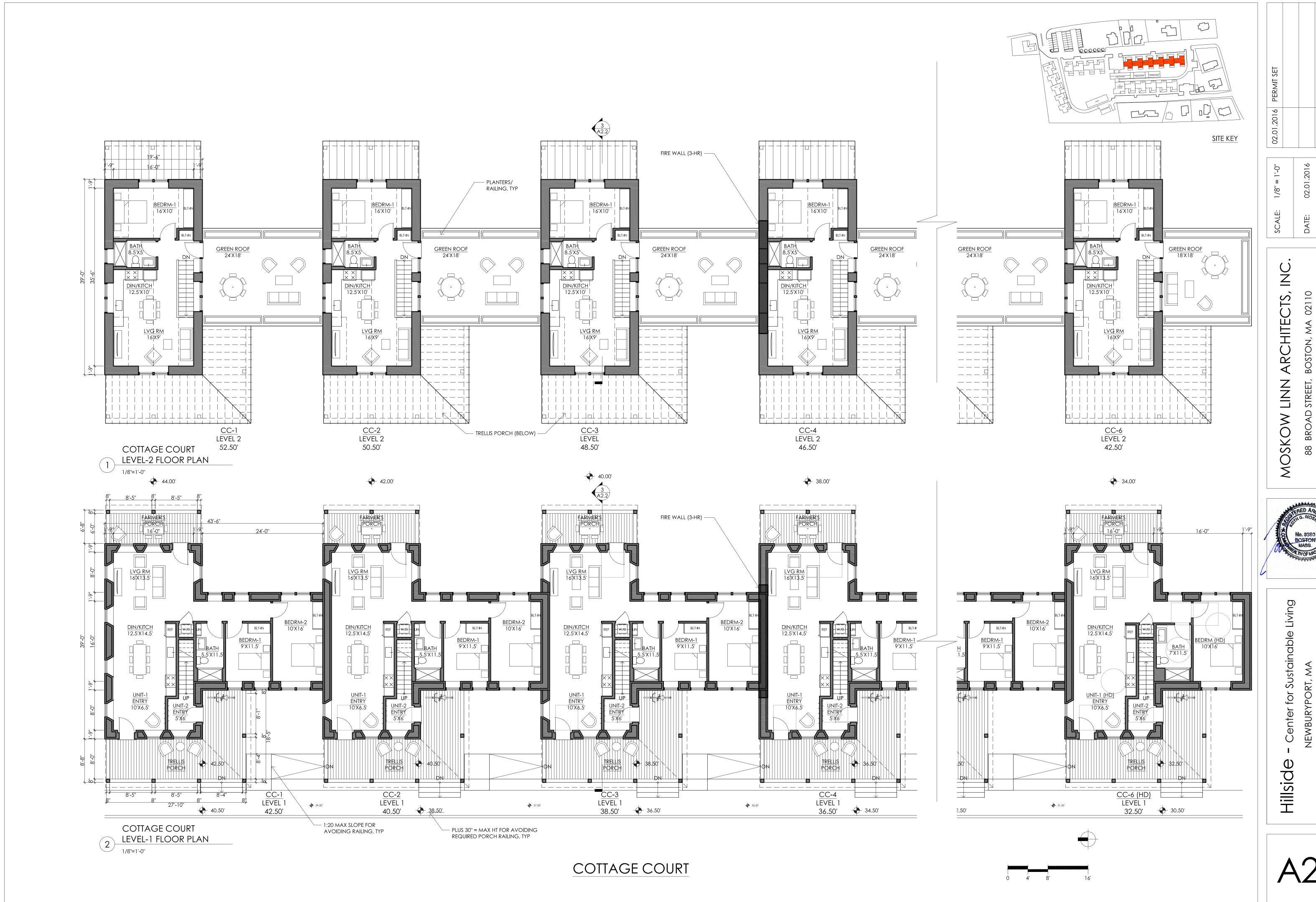
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Center for Sustair NEWBURYPORT, MA

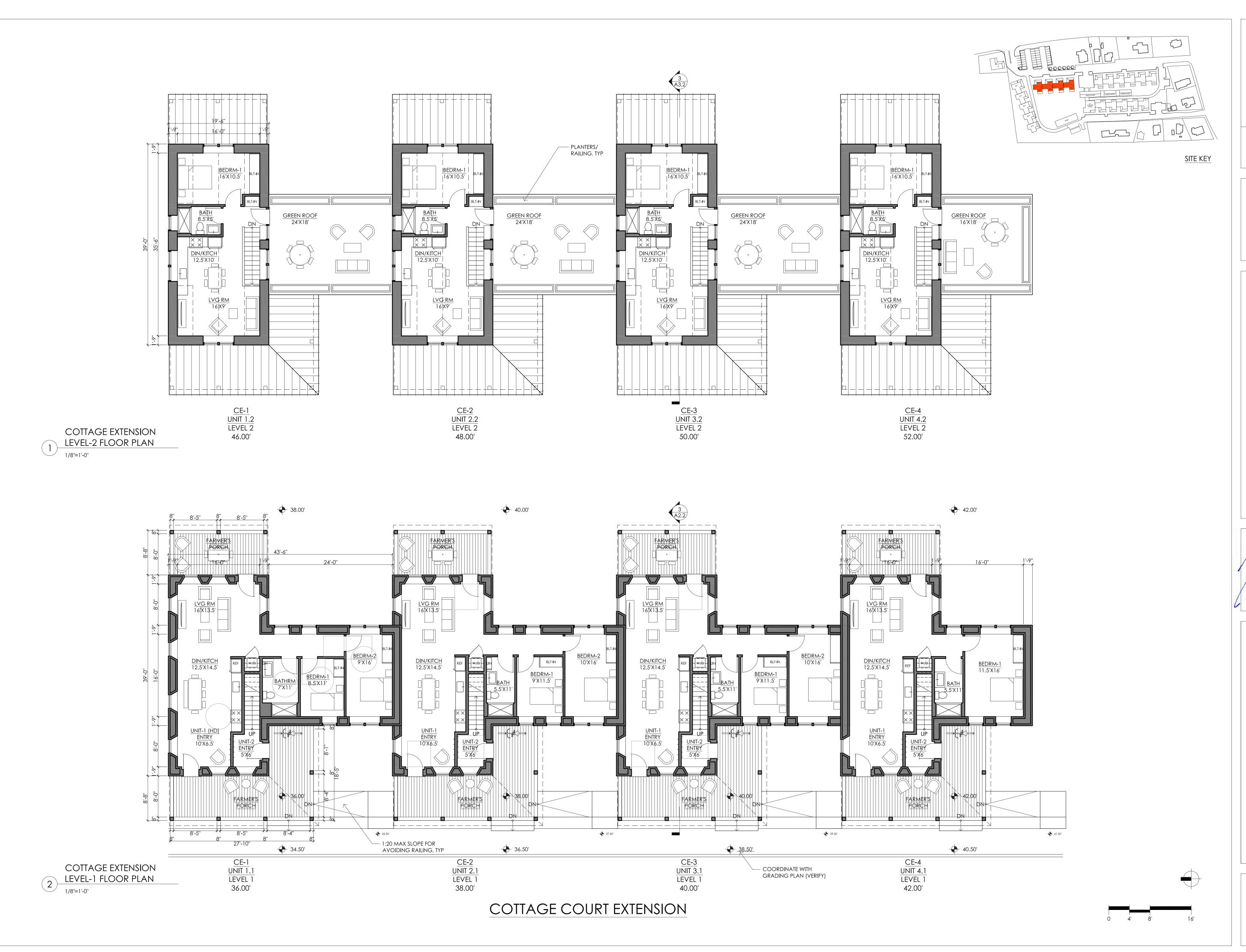
**AVENUE UNITS** HILLSIDE , Hillside





**COURT UNITS** 





Hillside

**EXTENSION UNITS** 

DATE:

ARCHITECTS, INC

A3.



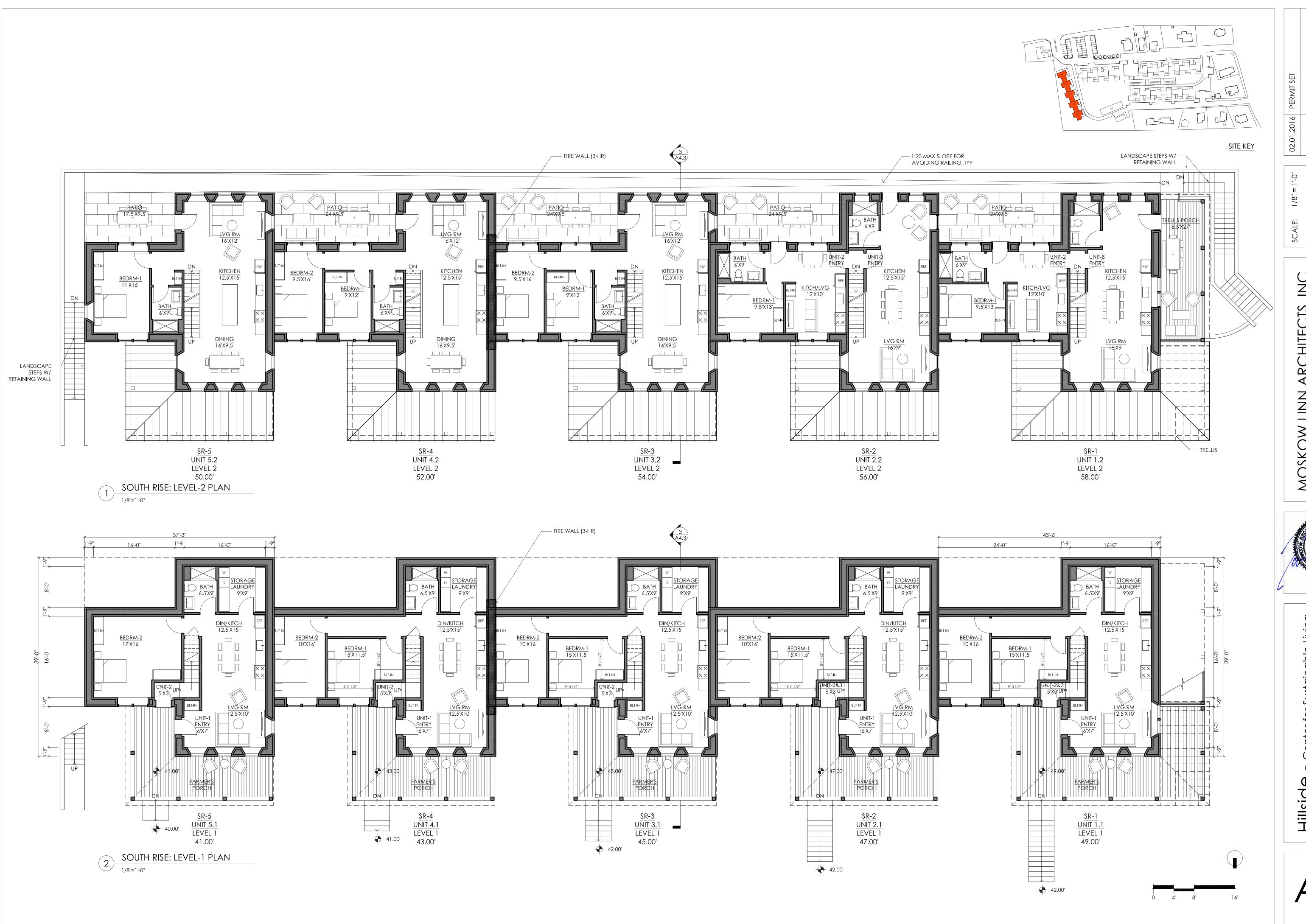
COTTAGE EXTENSION UNITS

NEWBURYPORT, MA

DATE:

02110

BROAD STREET, tel. 617.292.2000



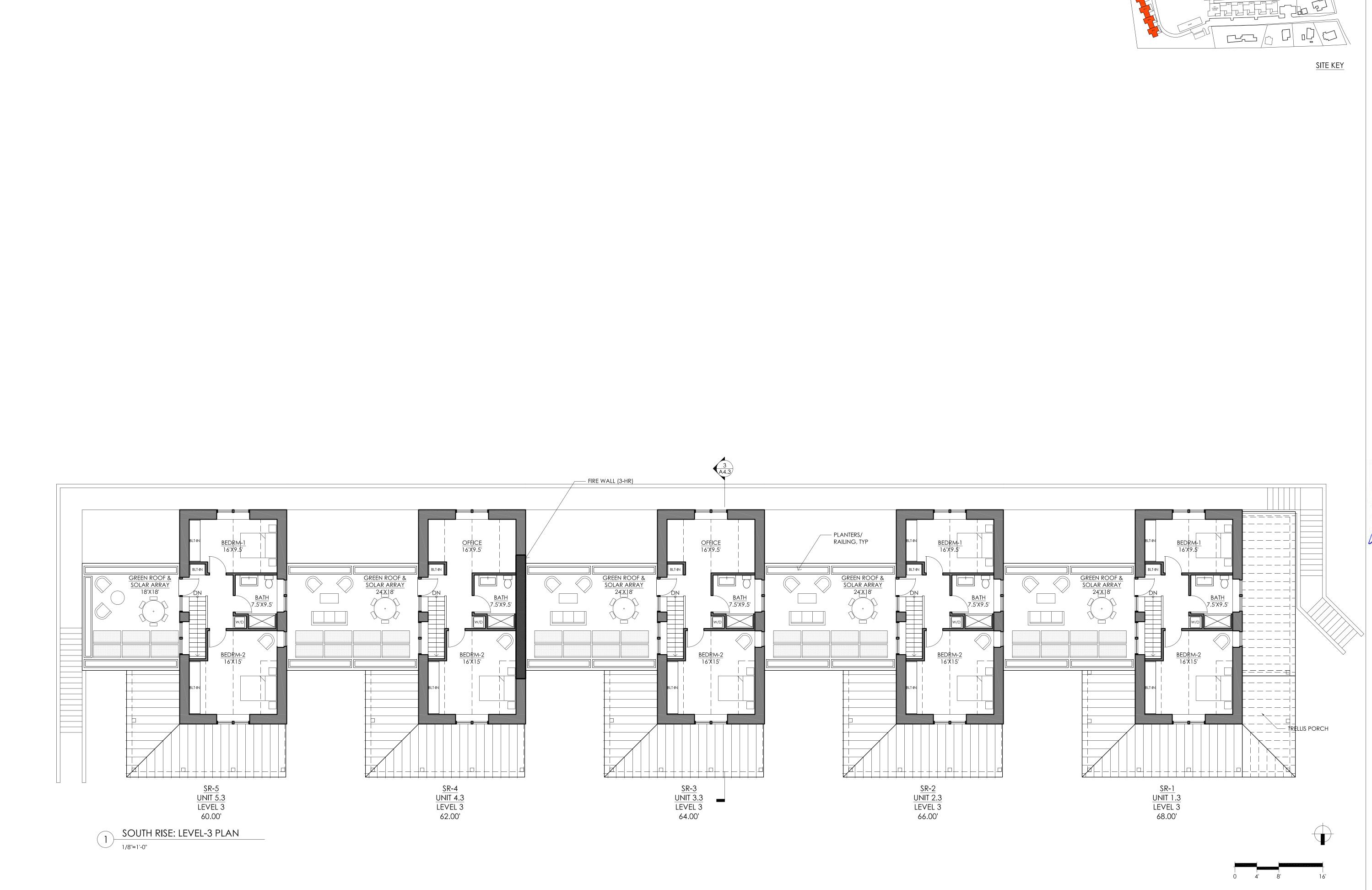
ARCHITECTS, INC 02110 **MOSKOW LINN** BR( tel.

02.01.2016

DATE:

SOUTH RISE UNITS

NEWBURYPORT, MA Hillside



SCALE: DATE: MOSKOW LINN ARCHITECTS, INC

02.01.2016

1/8" = 1'-0"

02.01.2016

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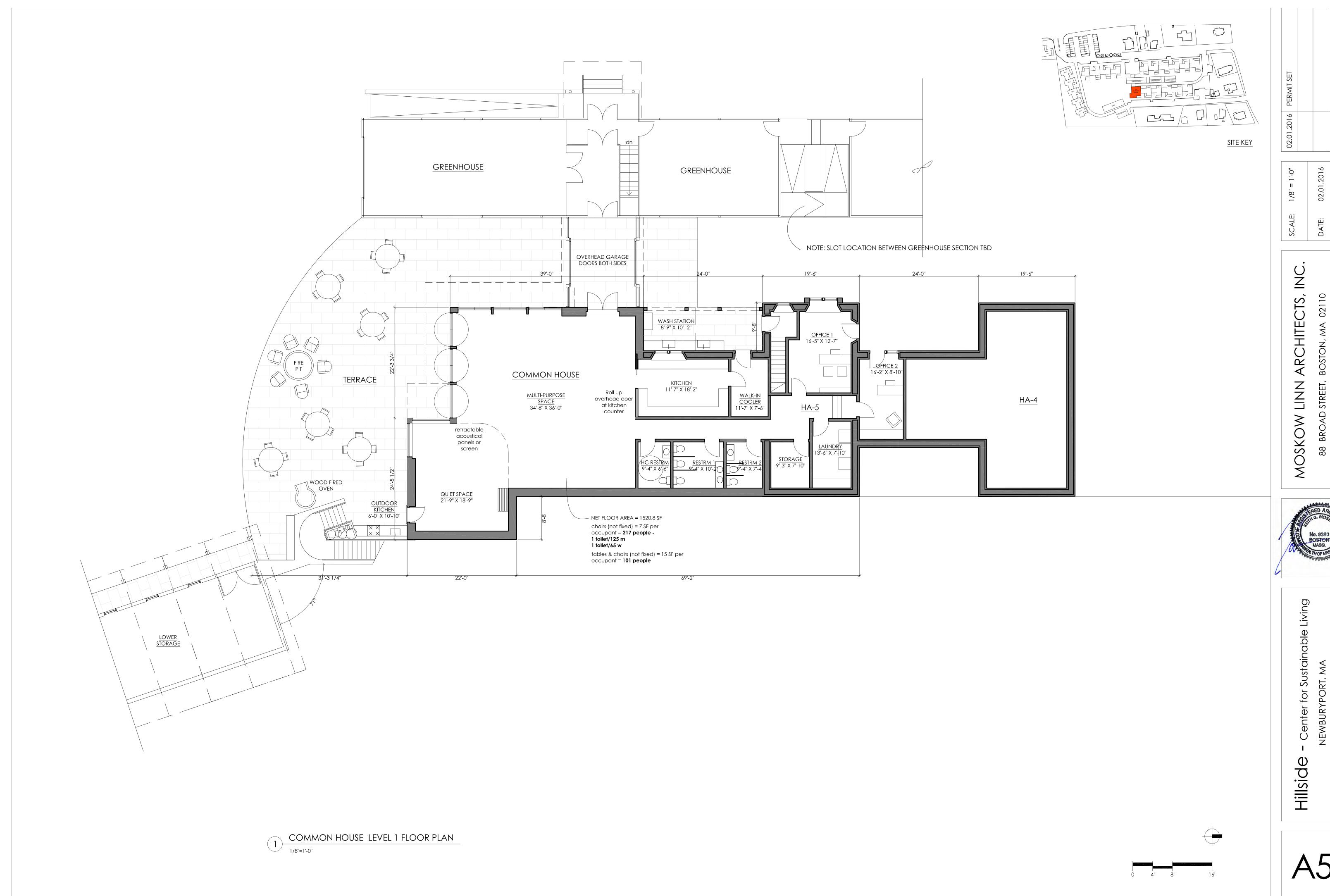
88 BROAD STREET, BOSTON, MA 02110 tel. 617.292.2000 fax. 617.426.4701 www.moskowlinn.com



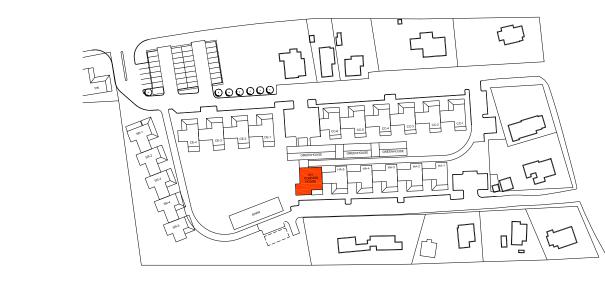
Center for Sustainable Living

SOUTH RISE UNITS NEWBURYPORT, MA Hillside





COMMON HOUSE FLOOR

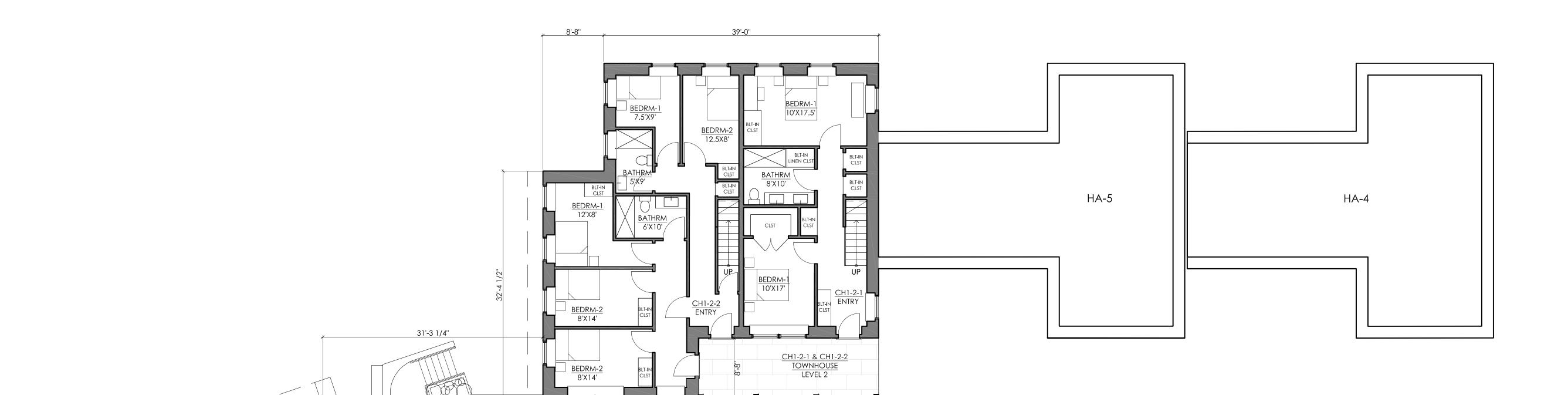


SITE KEY

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02.01.2016

DATE:



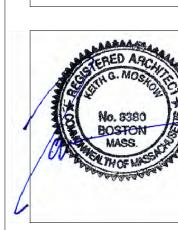
2 COMMON HOUSE LEVEL-2 FLOOR PLAN

1/8" = 1'-0"

22'-0''

<u>UPPER</u> STORAGE

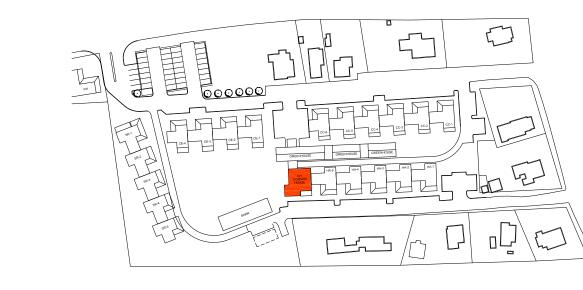
MOSKOW LINN ARCHITECTS, INC



Center for Sustainable Living NEWBURYPORT, MA

Hillside

COMMON HOUSE FLOOR PLANS



SITE KEY

02.01.2016

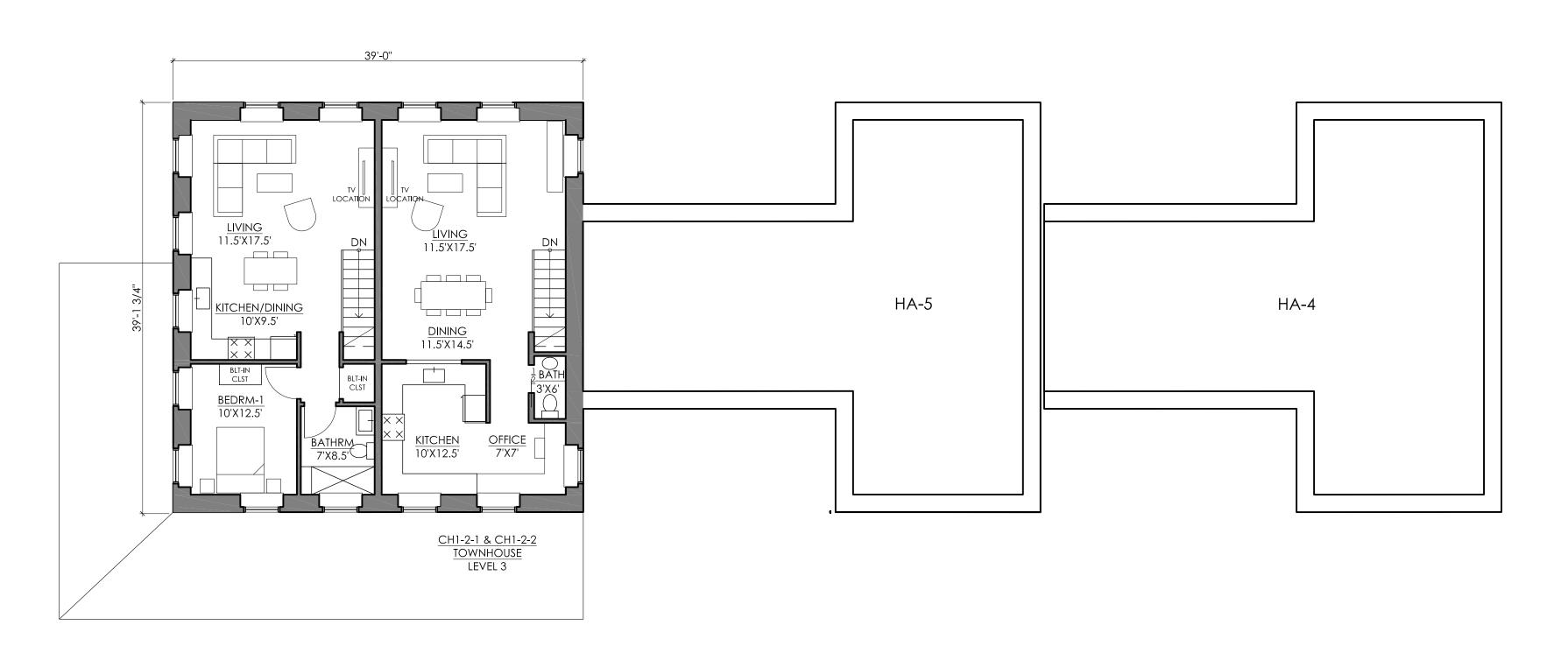
SCALE:

MOSKOW LINN ARCHITECTS, INC

88 BROAD STREET, BOSTON, MA 02110 tel. 617.292.2000 fax. 617.426.4701 www.moskowlinn.com

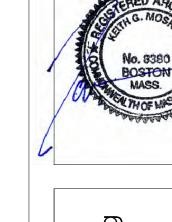
02.01.2016

DATE:



COMMON HOUSE LEVEL-3 FLOOR PLAN

1/8" = 1'-0"



Center for Sustainable Living NEWBURYPORT, MA Hillside

COMMON HOUSE FLOOR PLANS

COMMON HOUSE - TERRACE ELEVATION

1/8"=1'-0"

HA-5 2 HA-5 2 HEV 54 11 = 36.0° 12 = 45.0° 13 = 54.0° 14 = 64.0°

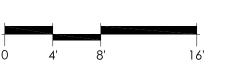
2 COMMON HOUSE - HILLSIDE ELEVATION

1/8"=1'-0"

PLOCALITY I. 2

3 COMMON HOUSE - GREEN HOUSE ELEVATION

1/8"=1'-0"



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88 BROAD STREET, BOSTON, MA 02110

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02.01.

02.01.2016

DATE:

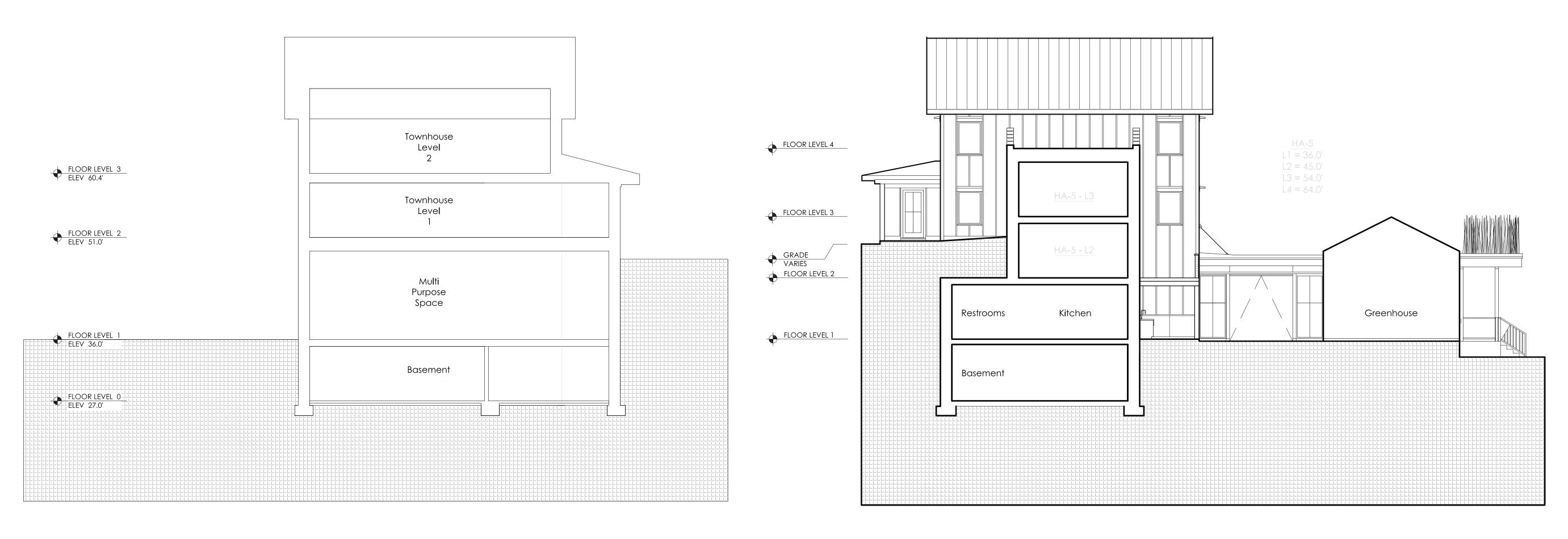
No. 8380
BOSTON
MASS.
WHOF WISSEL

Hillside - Center for Sustainable Living

NEWBURYPORT, MA

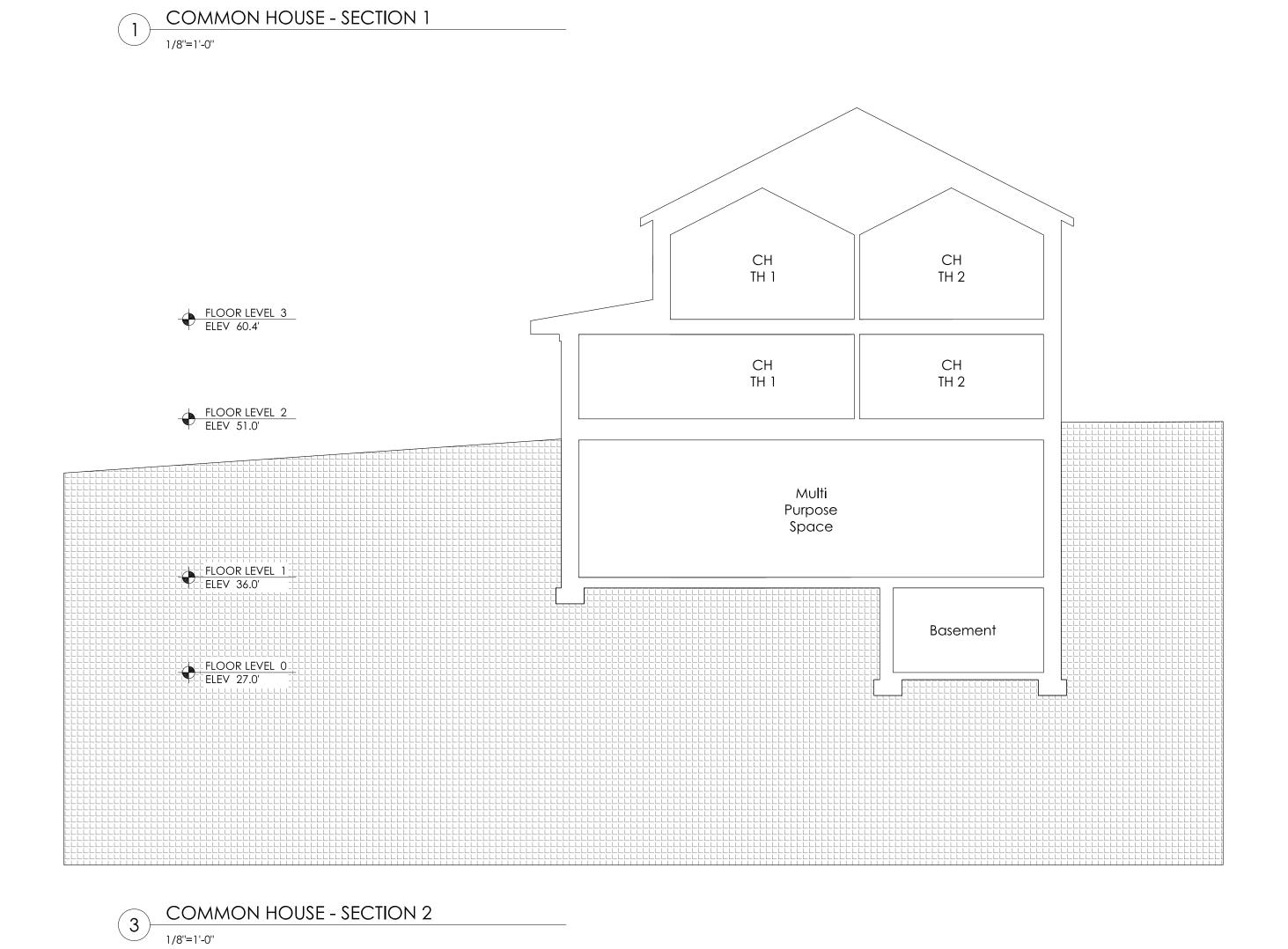
COMMON HOUSE ELEVATIONS

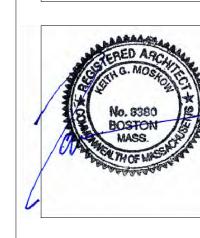
A5.4



2 COMMON HOUSE- SIDE ELEV (North)

1/8"=1'-0"





.2016

02.01.

SCALE:

MOSKOW LINN ARCHITECTS, INC

02.01.2016

DATE:

, BOSTON, MA 02110 fax. 617.426.4701 cowlinn.com

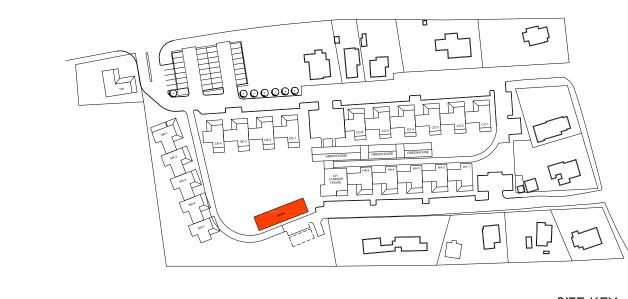
88 BROAD STREET, I tel. 617.292.2000 www.mosko

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Center for Sustainable Living NEWBURYPORT, MA Hillside

COMMON HOUSE BUILDING SECTIONS



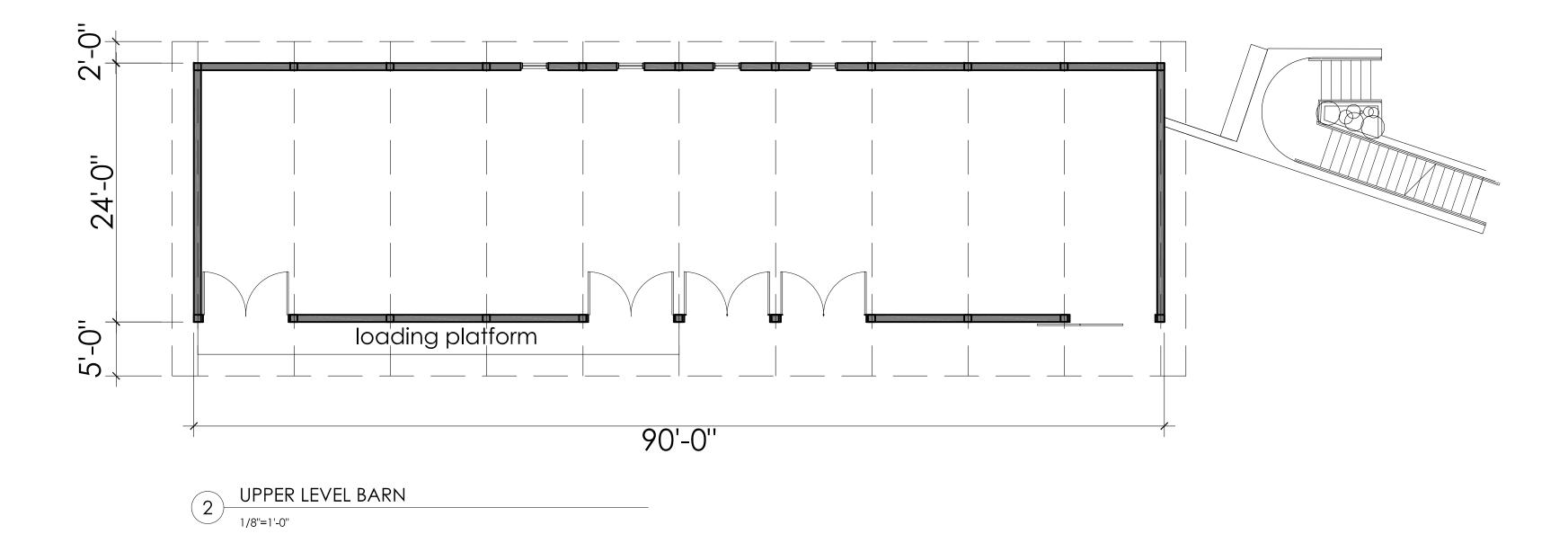
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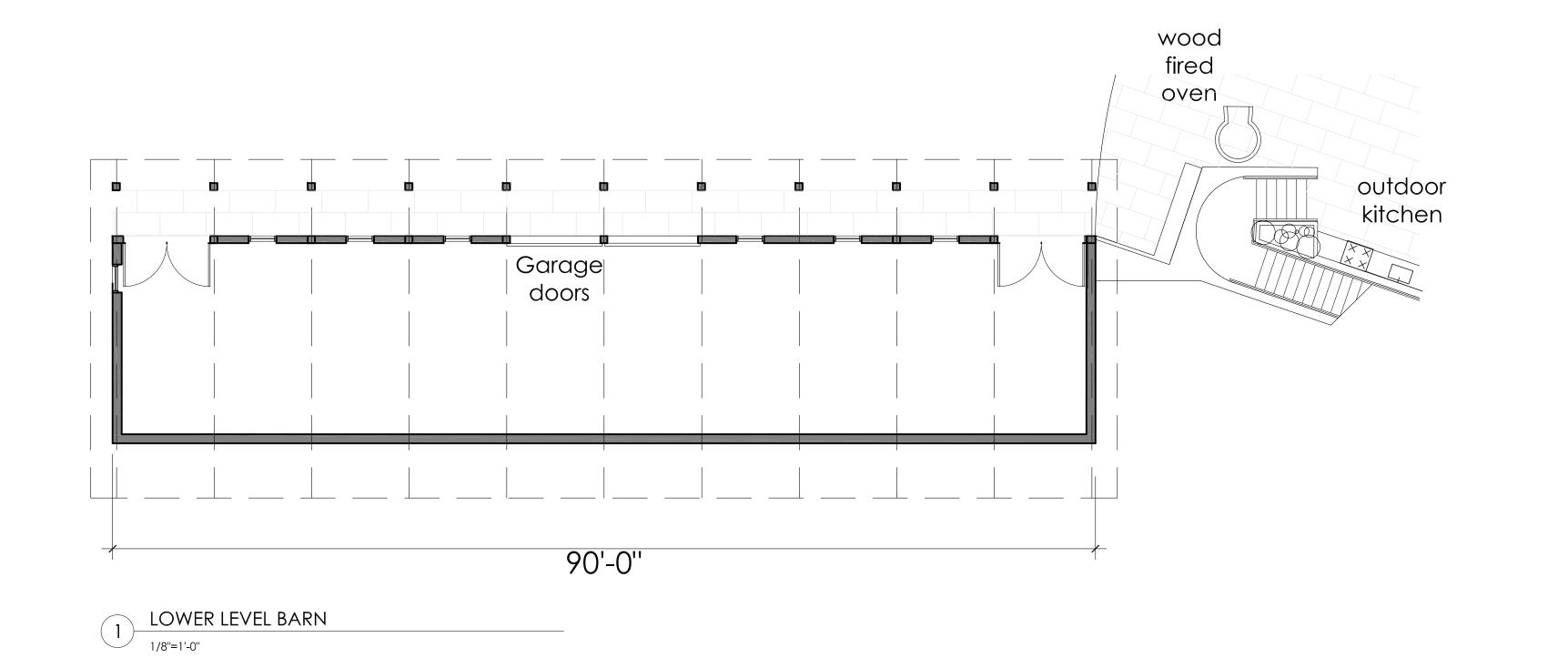
02.01.2016

SCALE:

02.01.2016

DATE:

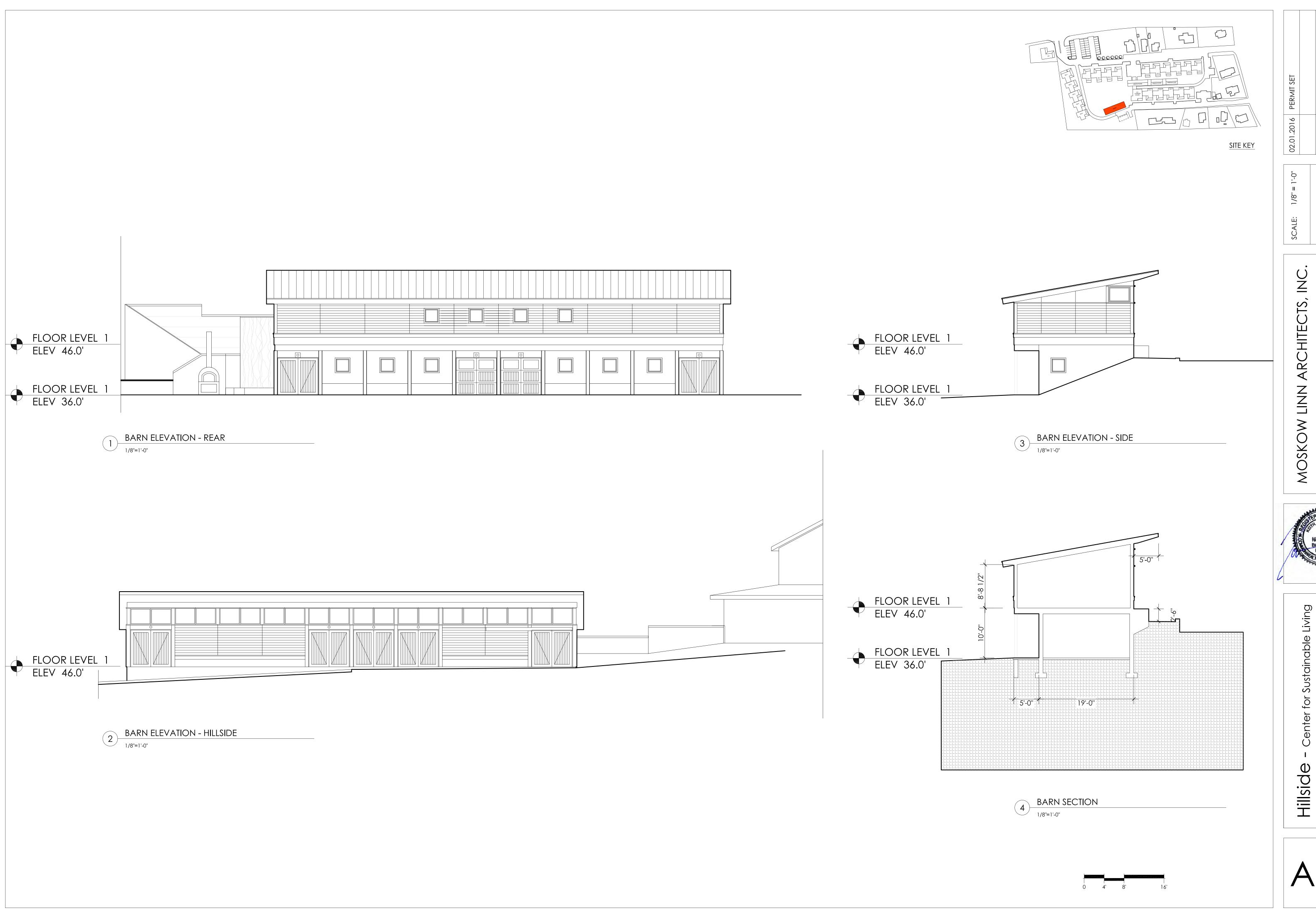




MOSKOW LINN ARCHITECTS, INC

Center for Sustainable Living NEWBURYPORT, MA

Hillside



NEWBURYPORT, MA

02.01.2016

DATE:

88 BROAD STREET, BOSTON, MA 02110 tel. 617.292.2000 fax. 617.426.4701 www.moskowlinn.com