

FORM C - APPLICATION FOR DEFINITIVE SUBDIVISION APPROVAL

Please submit twelve (12) applications and sets of plans with the required application fee and publication/abutters fee to the Planning Office. At least one set of plans must be full size, others may be reduced to 11" x 17". Plans must also be filed according to the Planning Board's ["Digital Submission Requirements."](#)

To the Planning Board:

The undersigned, being an applicant under MGL Chapter 41, Section 81-O, for approval of a proposed subdivision plan, hereby submits a Definitive Subdivision Plan and makes application for approval to the Newburyport Planning Board.

1. Name of Applicant: NEW ENGLAND DEVELOPMENT
Address: One Wells Avenue, Newton, MA 02459
Phone number: 617-965-8700
2. Name of Subdivision: GALLAGHER DRIVE
3. Location and description of property: Please see EXHIBIT A
Assessor's Map: See EXHIBIT A Assessor's Lot: See EXHIBIT A Zoning District: B-2
4. Book and Page#: Please see EXHIBIT A
or Certificate of Title: Please see EXHIBIT A
5. Name of Engineer/Surveyor: RJ O'Connell & Associates, Inc.
Address: 80 Montvale Avenue, Stoneham, MA 02180
Phone number: 781-279-0180
6. Easements and restrictions of record (describe and include deed references):
Easement from John J. Canepa to Haverhill Electric Company, dated October 2, 1945, recorded at Book 3432, Page 46
7. Preliminary Plan Submitted: 3/27/14 Plan approved: No Action Taken Date: 5/7/14
8. Name of Property Owner: Please see EXHIBIT A
Address: c/o New England Development, One Wells Avenue, Newton, MA 02459
Phone number: 617-965-8700
Signature of Owner(s): Please see EXHIBIT B

EXHIBIT A

GALLAGHER DRIVE				
<u>Address</u>	<u>Owner</u>	<u>Assessor's Map</u>	<u>Deed</u>	<u>Legal Description</u>
90 Pleasant Street 63-79 Merrimac Street	90 Pleasant Street Nominee Trust	Map 47, Lot 34	Book 23919, Page 54 (Certificate of Title No. 78124)	See Attached
81-83 Merrimac Street	81-83 Merrimac Street Nominee Trust	Map 47, Lot 38	Book 23921, Page 21	See Attached

Note: To the extent required, ownership of the lots will be combined.

EXHIBIT B

GALLAGHER DRIVE

Application for Definitive Subdivision Approval (Form C)

Signature of Owners:

90 PLEASANT STREET NOMINEE TRUST

By: Newburyport Manager LLC, its sole trustee

By: 
Name: Stephen R. Karp
Title: Manager

81-83 MERRIMAC STREET NOMINEE TRUST

By: Newburyport Manager LLC, its sole trustee

By: 
Name: Stephen R. Karp
Title: Manager

LEGAL DESCRIPTION

90 Pleasant Street
63-71 Merrimac Street
Newburyport, Massachusetts

Three parcels of land with the buildings thereon, situate in Newburyport, Essex County, Massachusetts, bounded and described as follows:

Parcel 1: (Registered Land ~ 90 Pleasant Street)

Southeasterly	by Titcomb Street one hundred forty-nine and 18/100 (149.18) feet;
Southwesterly	by Pleasant Street eighty-nine (89) feet;
Northwesterly	by land now or formerly of Luella N. Pappas forty-eight and 32/100 (48.32) feet;
Northeasterly	by land now or formerly of Elsie Alice Lewis et al one and 72/100 (1.72) feet;
Northwesterly	by said Lewis, et al land and by land now or formerly of James H. Cameron seventy-nine and 35/100 (79.35) feet;
Southwesterly	four and 38/100 (4.38) feet;
Northwesterly	sixteen and 81/100 (16.81) feet by said Cameron land; and
Northeasterly	by land now or formerly of Martha Kalashian et al eighty-one and 18/100 (81.18) feet.

All of said boundaries are determined by the Court to be located as shown upon plan numbered 20725-A, filed with original Certificate of Title 18393 in said Registry, the same being compiled from a plan drawn by Charles H. Morse, Surveyor, dated June 14, 1947, and additional data on file in the Land Registration Office, all as modified and approved by the Court.

Parcel 2: (Registered Land ~ 73-81 Merrimac Street)

Northeasterly	by the southwesterly line of Merrimac Street one hundred five and 54/100 (105.54) feet;
Southeasterly	forty-four and 76/100 (44.76) feet;
Southwesterly	two and 83/100 (2.83) feet;
Southeasterly	thirty-eight and 21/100 (38.21) feet by land now or formerly of Aram Kalashian et al;
Southwesterly	four and 39/100 (4.39) feet;
Southeasterly	sixteen and 81/100 (16.81) feet;
Northeasterly	four and 38/100 (4.38) feet;

Southeasterly thirty-six and 31/100 (36.31) feet by land now or formerly of the Massachusetts Amusement Corporation;

Southwesterly by land now or formerly of Elsie Alice Lewis et al ninety-eight and 42/100 (98.42) feet; and

Northwesterly by land now or formerly of John J. Canepa et ux one hundred seventeen and 65/100 (117.65) feet.

All of said boundaries are determined by the Court to be located as shown upon plan numbered 23311-A, drawn by Charles H. Morse & Sons, Engineers, dated December 1950, as modified and approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed with original Certificate of Title No. 23658 in said Registry.

Parcel 3: (unregistered land ~ 63-71 Merrimac Street)

Land in said Newburyport, Essex County, Massachusetts numbered 63-71 Merrimac Street, bounded and described as follows:

Commencing at the southerly corner thereof on Titcomb Street, by land now or formerly of Canepa, at a point 149 feet Northeasterly from Pleasant Street; thence turning at a right angle to said Titcomb Street and running Northwesterly by land now or formerly of Canepa, 77 feet more or less, to land formerly of Atkinson; thence Northeasterly by land formerly of Atkinson, 88 feet, 3 inches more or less, to Merrimac Street; thence Southeasterly by said Merrimac Street 75 feet, more or less, to Titcomb Street; and thence Southwesterly by said Titcomb Street 88 feet, more or less, to the point of beginning.

There is excepted from the above described premises so much thereof as was taken by the city of Newburyport pursuant to an Order of Taking dated June 4, 1923, recorded with Essex South District Registry of Deeds in Book 2560, Page 49. Further reference is made to instrument and plans recorded with said Deeds in Book 2561, Page 408.

LEGAL DESCRIPTION

81-83 Merrimac Street
Newburyport, Massachusetts

The land in Newburyport, Essex County, Massachusetts with the buildings thereon, bounded as follows, viz:

- Northeasterly: by Merrimac Street 44 and 84/100 feet;
Southeasterly: by land now or formerly of Atkinson, 115 and 3/100 feet;
Southwesterly: by land of the Loyal Order of Moose, 38 and 33/100 feet; and
Northwesterly: by land now or formerly of Davis, 106 and 10/100 feet.

Said premises are now numbered 81 and 83 Merrimac Street, in said Newburyport.