

**MACLEAN HOLLOWAY  
DOHERTY & SHEEHAN, P.C.**  
ATTORNEYS AT LAW

8 ESSEX CENTER DRIVE, PEABODY, MA 01960  
TEL: (978) 774-7123 FAX (978) 774-7164  
[www.mhdpc.com](http://www.mhdpc.com)

WILLIAM H. SHEEHAN III  
Direct Dial: (978) 762-5808  
Email: [wsheehan@mhdpc.com](mailto:wsheehan@mhdpc.com)

August 8, 2018

Ms. Kathryn Newhall-Smith  
Newburyport City Hall  
60 Pleasant Street  
Newburyport, MA 01950

RE: Stephen McConnell, Lot 4B, Donahue Court

Dear Ms. Newhall-Smith:

This office is counsel to Stephen McConnell, the owner of a lot of land at Lot 4B, Donahue Court, Newburyport, Massachusetts, off of Toppans Lane. This letter supplements Mr. McConnell's filings. His matter is scheduled for hearing on August 15, 2018.

At one time Steve and his wife Leslie anticipated building a house on the lot for themselves and their children. Steve's contractor cleared the lot at issue in preparation for the construction of that house. That clearing led to litigation and neighbor complaints. Steve has been working to address those complaints. Steve and Leslie hosted a neighborhood meeting at the Port Tavern on June 21, 2018 designed to hear and consider neighborhood input.

Steve cannot build the house originally proposed for the lot and satisfy neighborhood concerns. Accordingly, Steve will present to the Planning Board on August 15, 2018 at 7:00 p.m. the revised plans, now on file with you, which include a site plan and a landscape plan. The site plan shows building envelopes for a house and garage and the location of a proposed driveway. Because Steve cannot build the house he had planned, he intends to sell the lot and it will be his buyer, not Steve, who will design the specifications for the house. That said, Steve is proposing the following limitations for any prospective house on the lot:

1. House building envelope: 50 feet by 68 feet;
2. Garage building envelope: 24 feet by 36 feet;
3. Paved driveway area not to exceed 1,450 square feet;
4. The house may be a one- or two-story house with a storage attic under a pitched roof and a full basement; and

5. Total living area, as living area is calculated by the Newburyport Assessor's Office (living area on first and [if a two-story house] second floors), not to exceed 4,500 square feet.<sup>1</sup>

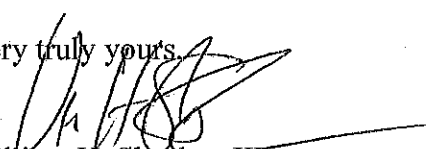
The site plan shows contours to be added to the present site, designed to cause the lot to be similar in grade to that before it was cleared, but with a drainage swale along the southerly side of the lot to capture stormwater and direct it away from the two properties to the south. The detention basin shown on the southeast corner of the site will not be changed from that approved three years ago.

The landscape plan was prepared by John Desjardins of Scenic Landscape, Inc. The plan calls for the planting of 28 trees, a mixture of Eastern White Pines, October Glory Maples, and Red Sunset Maples, as shown on the plan. Included herewith are descriptions of those types of trees. Mr. Desjardins has located the trees so as to provide screening for the neighbors while affording a clearing for a useable back yard for the eventual owner of the lot.

The Eramos, neighbors to the south, have asked for a retaining wall, the top of which will be nearly flush with the ground, along the forty-foot boundary line shared by Steve and the Eramos where the Eramos' driveway turn-out is located. The site plan shows such a retaining wall. In all other areas, all previously proposed retaining walls have been removed from the plan, all as requested by neighboring property owners.

Thank you for your attention and assistance.

Very truly yours,

  
William H. Sheehan III

WHS/kjs

cc: Stephen J. McConnell

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<sup>1</sup> 4,500 square feet is roughly the mid-point of the living area of four single-family houses close to Steve's lot. Please see table enclosed.



# October Glory Maple

## *Acer rubrum* 'October Glory'



One of the most popular red maple cultivars, the October Glory maple delivers on its name. The tree's foliage holds a lustrous dark green color until later in the fall than most maples, but once the fall colors emerge, they burst forth boldly in shades of orange and red.

This beautiful shade tree would be an amazing addition to any yard.

### Hardiness Zones



The October Glory maple can be expected to grow in Hardiness Zones 4–9.

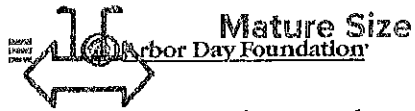
[View Map](#)

### Tree Type



This is a shade tree, featuring a spreading canopy capable of blocking sunlight.





## Mature Size

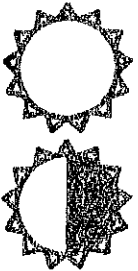


The October Glory maple grows to a height of 40-50' and a spread of around 35' at maturity.



## Growth Rate

This tree grows at a medium to fast rate, with height increases of anywhere from 13" to more than 24" per year.



## Sun Preference

Full sun and partial shade are best for this tree, meaning it prefers a minimum of four hours of direct, unfiltered sunlight each day.



## Soil Preference

The October Glory maple grows in acidic, loamy, moist, rich, sandy, silty loam, well-drained, wet, and clay soils.



## Attributes

This tree:

- Provides brilliant orange to red color late in the fall.
- Produces tiny, conspicuous red blooms in the spring.
- Features simple, lustrous dark green leaves 3-6" in length with 3-5 lobes.
- Yields seeds with attached red-tinged wings that are up to 1½" in length.



### Wildlife Value

The showy, red-tinged fruits attract many types of birds and other wildlife.



### History/Lore

This red maple cultivar was introduced in 1961 by Princeton Nursery.



# Red Sunset Maple

## *Acer rubrum* 'Franksred'



Known as one of the best red maple cultivars, this tree delivers on color. Winter buds, clusters of small winter/spring flowers, leaf stems, twigs and winged summer fruits all carry a red hue. And of course, the fall show is breathtaking, with red and orange leaves blending to give a sunset effect.

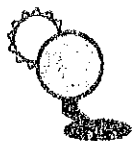
The lovely red coloring, a good branch structure and a faster growth rate make the red sunset maple a welcome enhancement to any yard or public space.

### Hardiness Zones



The red sunset maple can be expected to grow in Hardiness Zones 4-8. [View Map](#)

### Tree Type



This is a shade tree, featuring a spreading canopy capable of blocking sunlight.





### Mature Size

The red sunset maple grows to a height of 45–50' and a spread of 35–40' at maturity.



### Growth Rate

This tree grows at a medium to fast rate, with height increases of anywhere from 13" to more than 24" per year.



### Sun Preference

Full sun and partial shade are best for this tree, meaning it prefers a minimum of four hours of direct, unfiltered sunlight each day.



### Soil Preference

The red sunset maple grows in acidic, loamy, moist, sandy, silty loam, well-drained, wet and clay soils.



### Attributes

This tree:

- Provides superior fall color, with leaves turning vibrant shades of orange and red.
- Is often the first to color up in the autumn.
- Produces red clusters of small flowers winter to spring.

- Features simple, medium to dark green leaves 2-6" in length with 3 or 5 lobes and sinuses that are irregularly toothed.
- Yields winged summer fruit that is reddish in color.
- Develops a good branch structure.
- Has strong wood.
- Grows in a pyramidal to rounded shape.
- Is salt-sensitive.



### Wildlife Value

The fruit is popular with squirrels and birds.



### History/Lore

This cultivar was introduced in 1966 by J. Frank Schmidt and Son in Boring, OR.





# Eastern White Pine

## *Pinus strobus*



The eastern white pine has played a very important role throughout the history of America. In colonial days, the best of the trees were set apart by the king for masts on British ships. As the nation grew, the lumber of white pines built our homes and businesses.

Today it is still a valuable commercial tree but also favored in parks and spacious yards—both for its beauty and its fast growth. It has also been named the state tree of both Maine and Michigan.

### Hardiness Zones



The eastern white pine can be expected to grow in Hardiness Zones 3–8. [View Map](#)

### Tree Type



This is an evergreen tree, keeping its foliage year-round.

### Mature Size





The eastern white pine grows to a height of 50-80' and a spread of 20-40' at maturity.



### Growth Rate

This tree grows at a fast rate, with height increases of more than 24" per year.



### Sun Preference

Full sun and partial shade are best for this tree, meaning it prefers a minimum of four hours of direct, unfiltered sunlight each day.



### Soil Preference

The eastern white pine grows in acidic, moist, well-drained and dry soils. While it does best in moist soil, the tree can has been known to tolerate everything from dry, rocky ridges to bogs.



### Attributes

This tree:

- Transplants easily.
- Works well for windbreaks.
- Is widely used as a Christmas tree.
- Features long, slender, blue-green needles, sometimes reaching 5" in length, grown in bundles of 5 that are soft and flexible.



Produces elongated brown cones that are 3–8" in length. Each is curved slightly and has smooth scales.



- Grows in an oval, pyramidal shape.
- Is sensitive to air pollution, road salt and soil compaction.



### Wildlife Value

Eastern white pine seeds are favored by black bears, rabbits, red squirrels and many birds, especially red crossbills. While potentially damaging to the trees, the bark is eaten by mammals such as beavers, snowshoe hares, porcupines, rabbits and mice. White pines provide nesting sites as well for many birds including woodpeckers, common grackles, mourning doves, chickadees and nuthatches.

APPLICATION OF STEPHEN McCONNELL

LOT 4B, DONAHUE COURT

Comparable Size Table

Property Address	Stories	Footprint	Living Area (SF)	Lot Area
18 Toppans	3	2700+	4634	.36A
20 Toppans	2	4598	5320	.53A
22 Toppans	2	3200	4015	.66A
28R Toppans	2	2428	3440	.84A
Proposed Lot 4B	2	TBD	Not Greater Than 4500	.82A