

3 Boston Way, Newburyport

October 23, 2019

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- Landscape and lighting plans
- Drainage report

Newburyport Planning Board Instructions for SMART GROWTH DISTRICT (SGD) PLAN APPROVAL Application

Instructions:

1. The petitioner shall submit two (2) hard-copies of the following information and the required submittals listed in Section XXIX-H(1)(d) of the Smart Growth District (SGD) Ordinance:

Note: *All plan and drawings submitted shall include two (2) complete 11"x17" sets as well as one (1) 24"x36" set.*

- a. 2 Completed Application for Smart Growth Plan Approval form, both copies shall be time stamped in the City Clerk's Office.
- b. Zoning Administrator's Zoning Review form indicating required zoning relief – in this case the applicant's responsibility to obtain 40R Plan Approval from the Planning Board acting as the "Plan Approval Authority (PAA)" under Newburyport's Smart Growth District Ordinance – as a prerequisite to building permit approval(s).
- c. Development narrative including a description of the proposed Project, including all uses, breakdown of square footage for each use, number of housing units, number of bedrooms per unit, square footage per unit type and a zoning summary. Any application shall show the full proposed buildout of a Project (both residential and commercial) and whether the Project will be phased or not.
- d. Certified list of abutters from the Newburyport Assessors Office.
- e. Building floor plans (all levels including basement and roof). If proposing ten (10) or more dwelling units, floor plans must show where the affordable dwelling units are located.
- f. Building elevation drawings for all exterior facades indicating detailing and materials selection (The PAA may require the applicant to provide samples of all materials to be used on the exterior of the proposed building(s)).
- g. 3D perspective sketches or renderings of the proposed building(s) within its neighborhood context
- h. Existing Conditions Plan(s) and Project Plans, to include the following:
 - i. Date of Plan with all revisions noted and dated. Title of development; North arrow; scale; map and lot number; name and address of record owner; name and address of person preparing the Plan.
 - ii. The names of all owners of record of adjacent properties, and the address, map and lot number of the properties and all buildings.
 - iii. Zoning district boundaries and flood zone boundaries shall be shown as they affect all the property needed to meet zoning/permit requirements, including delineation of required setback lines.
 - iv. Boundaries of the property and lines of existing street, lots, easements and areas dedicated to public use, including rights-of-way.
 - v. A locus map with lot and address identifications in relation to adjacent streets and rights-of-way showing the location of the property with reference to surrounding area, including the building footprints of adjacent buildings, if any.
 - vi. A table indicating all calculations necessary to determine conformance to the requirements of this Section and applicable Design Standards.
 - vii. Square footage of property to the nearest 10 square feet.
 - viii. Proposed site plan, indicating project boundaries, building footprints, onsite and remote parking areas (where applicable), and topography
 - ix. Location of existing and proposed buildings, walls, fences, culverts, parking areas, loading areas, walkways and driveways.
 - x. Location and dimensions of utilities, gas, telephone, electrical, communications, water, drainage, sewer and other waste disposal.

Newburyport Planning Board

Instructions for SMART GROWTH DISTRICT (SGD) PLAN APPROVAL Application

- xi. Location, type and dimensions of landscaping and screening, including landscaped areas for public or tenant/owner-only communal use.
 - xii. Proposed exterior lighting plan with photometric information
 - xiii. Location of existing rock outcroppings, high points, vistas, ponds, depressions, wetlands and buffer zones, major trees (twelve-inch caliper and over) and any other significant existing features.
 - xiv. Two-foot contours where slopes are less than 15% and five-foot contours when 15% or more. Existing contours shall be indicated by dashed line. Proposed contours shall be indicated by solid line.
 - xiv. Signage plans & details.
- i. Evidence that the project complies with the affordable housing requirements of Section XXIX-G as applicable to the project.
- j. A form of Affordable Housing Restriction that satisfies the requirements of Section XXIX-G.5. as applicable to the project.
- k. A table/list indicating any proposed/requested waivers or reductions from the SGD dimensional requirements, parking requirements, and/or design standards. The table shall include one column enumerating the applicable section(s) of the SGD Ordinance and a second column indicating the reason for requesting the applicable waiver(s) or reduction(s) and any proposed alternative or mitigation. Requested waivers must be consistent with subsections XXIX-G.11 and XXIX-H.3.c of the SGD Ordinance, which limit the scope of any waiver request/approval.
2. The petitioner shall submit one (1) hard-copy of the following:
- a. Stormwater management report with drainage calculations and proposed Operation & Maintenance plan.
3. The petitioner shall submit one (1) disk or emailed file link for download containing the following:
- a. Entire submission listed above in .pdf format
- b. CAD files of the proposed plans

Fees: All applications shall include payment of the following fees at the time of filing:

1. Administrative Fee: \$1,000 per project/application
2. Hearing Publication/Abutters Notification Fee: \$400 per project/application
3. Peer Review Fee: \$5,000 initial fee, which shall be supplemented forthwith to reestablish the original account balance by the applicant during the permitting process any time said applicant is notified by the Office of Planning & Development that the balance of said Peer Review account is below \$3,000. The balance of any Peer Review Fees not used by the Plan Approval Authority (PAA) and/or Office of Planning & Development for peer review services during the plan review (permitting) process shall be returned to the applicant upon request.

All checks shall be made payable to the "City of Newburyport."

Newburyport Planning Board
SMART GROWTH DISTRICT (SGD) PLAN APPROVAL Application

Petitioner: Three Boston Way, LLC

Mailing Address: 231 Sutton St., Suite 1B, North Andover, MA 01845

Phone: 978-687-6200

Email: nbpt@mincocorp.com

Property Address: 3 Boston Way

Assessor's Map and Lot(s): M 78 Lot 1-I

Book and Page(s): ESRD Bk 37775 Pg 478

40R Subdistrict: A B

Owner(s) Name: Three Boston Way, LLC

Mailing Address (if different): same

Project Engineer/Firm: Scott P. Cameron, P.E./The Morin-Cameron Group, Inc.

Project Architect/Firm: Gregory P. Smith/GSD Associates, LLC

Brief project description:

5 story residential building, comprised of 84 studio, one bedroom, two bedroom, and three bedroom rental units with both surface and garage parking. 25% affordable or 21 units will be affordable.

Existing Use(s): ambulance service, landscaper, outside material storage

Proposed Use(s):

- Multi-Family Residential
- Live/Work Units
- Hotel/Inn, including conference and meeting facilities
- Bed and Breakfast
- Public Parking
- Public School
- Parking accessory to any other permitted uses:
 - Surface
 - Underground
 - Structured
- Accessory uses customarily incidental to any other permitted uses
- Other: _____
- Other: _____
- Other: _____

- Mixed-Use consisting of Multi-Family Residential and:
 - ___ Church
 - ___ Library/museum
 - ___ Private Education
 - ___ Retail Trade
 - ___ Retail Services, including Banks
 - ___ Health/Recreation, including Gym/Fitness Centers
 - ___ Entertainment/Clubs (*south of Parker Street only*)
 - ___ Nursery School/Daycare
 - ___ Radio/T.V. Studio
 - ___ Professional/Social Service/Office, including Medical Offices
 - ___ Theater Assembly
 - ___ Meeting Space
 - ___ Neighborhood Bakeries/Delis
 - ___ Restaurant
 - ___ Outdoor Café

**Newburyport Planning Board
SMART GROWTH DISTRICT (SGD) PLAN APPROVAL Application**

Proposed gross floor area:	<u>83,258</u>	Proposed dwelling units per acre:	<u>41.8</u>
Proposed dwelling units:	<u>84</u>	Proposed affordable dwelling units:	<u>21</u>

	Proposed	Required
Lot Area	2.1 ac (87,556 SF) ±	≥10,000 s.f.
Frontage	391.6'	≥40'
Front Setback	20' to 32' (W)	≤10'
Undeveloped Area	51%	≥20%
Building Height(s)	60'	See Section XXIX-F(4)
Non-Residential Floor Area (if mixed-use)	N/A	≤33%
Parking Spaces	110	See Section XXIX-F(6)

Any advice, opinion, or information given by any board member or any other official or employee of the City of Newburyport shall not be binding on the Plan Approval Authority (PAA). Every application for Smart Growth Plan Approval shall be made on this form, which is the official form of the PAA. It shall be the responsibility of the petitioner to furnish all supporting documentation with this application. The dated copy of this application received by the City Clerk or Planning Office does not absolve the petitioner from this responsibility. Failure to comply with the application requirements, as cited herein may result in a dismissal of this application as incomplete.

Petitioner and Landowner signature(s):

Signature(s)  _____

Andover Real Property Management, Inc., Manager, Louis P. Minicucci, Jr., Pres.

Name (Print): _____

Petitioner Landowner

Petitioner Landowner

Signature(s) _____

Name (Print): _____

Petitioner Landowner

Petitioner Landowner

**Three Boston Way, LLC
231 Sutton Street, Suite 1B
North Andover, MA 01845**

(978) 687-6200 phone

(978) 682-69473 fax

October 23, 2019

Bonnie Sontag, Chairperson
Newburyport Planning Board
60 Pleasant Street
Newburyport, MA 01950

Dear Ms. Sontag:

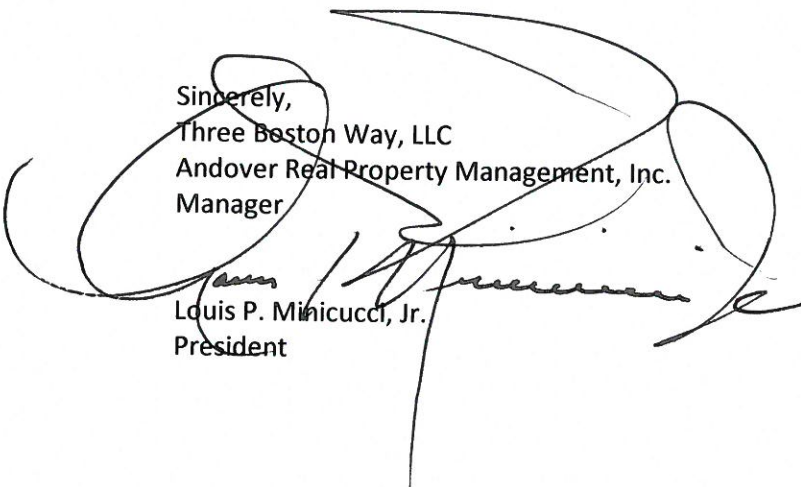
We are pleased to submit the attached Smart Growth application for 3 Boston Way in Newburyport, which is adjacent to the Newburyport MBTA station and our previously approved Smart Growth project at One Boston Way, currently under construction.

The following are attached or have been delivered under separate cover:

- Smart Growth District Plan Approval application, date stamped by the City Clerk;
- Zoning Administrator's Zoning Review form;
- A development summary;
- Certified list of abutters from the City Assessor;
- Building floor plans;
- Building elevation drawings;
- 3D perspective sketches and renderings;
- Existing conditions plan and civil engineering plan set;
- Landscaping and lighting plan;
- Drainage Report;
- Evidence that the project complies with the affordable housing requirements;
- A table of requested waivers or reductions from dimensional requirements, etc.;
- Recorded Order of Resource Area Delineation (ORAD) from Newburyport Conservation Commission;
- List of affordable units; and
- Three checks:
 - \$1,000.00 administrative fee;
 - \$400.00 hearing publication/abutters notification fee; and
 - \$5,000.00 peer review fee.

Thank you.

Sincerely,
Three Boston Way, LLC
Andover Real Property Management, Inc.
Manager


Louis P. Minicucci, Jr.
President

LPM/kp

Cc: Andrew Port, Planning Director

**Three Boston Way, LLC
231 Sutton Street, Suite 1B
North Andover, MA 01845**

(978) 687-6200 phone

(978) 682-69473 fax

October 23, 2019

Bonnie Sontag, Chairperson
Newburyport Planning Board
City of Newburyport
60 Pleasant Street
Newburyport, MA 01950

RE: One Boston Way Request for Submission Waiver

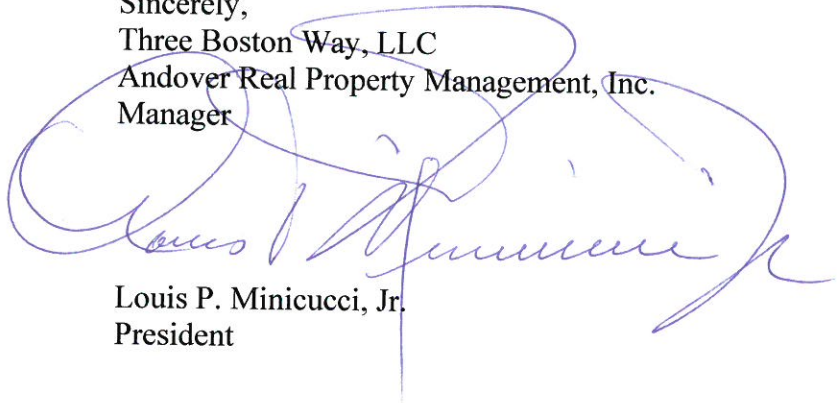
Dear Ms. Sontag:

For our filing of an application under the Smart Growth District Ordinance for the property at 3 Boston Way, we request submission waivers for the following items to be filed at a later date:

- Signage plan and details;
- CAD files; and
- Affordable Housing Restriction agreement.

Thank you. We appreciate your consideration in this matter.

Sincerely,
Three Boston Way, LLC
Andover Real Property Management, Inc.
Manager



Louis P. Minicucci, Jr.
President

LPM/kp

Cc: Andrew Port, Planning Director

**Three Boston Way, LLC
231 Sutton Street, Suite 1B
North Andover, MA 01845**

(978) 687-6200 phone

(978) 682-69473 fax

DEVELOPMENT SUMMARY

3 Boston Way, Newburyport
Smart Growth Application
October 23, 2019

Project Summary

- Location:** 3 Boston Way, Newburyport is located adjacent to the Newburyport MBTA station, south of Parker Street and west of the MBTA train line.
- Deed:** Essex South Registry of Deeds Book 37775 Page 478; Plan Book 241 Plan 30 Page 2 Lot 2.
- Lot Size:** 2.1 acres ±
- Frontage:** 391.6' ±
- Assessor's ID:** Map 78 Lot 1-I (see attached Assessor's Map).
- Use:** The proposed use is residential.
- Square Footage:** The total gross square footage is 83,258 sf ±.

Number of Housing Units:

	<u>Market</u>	<u>Affordable</u>	<u>Total</u>
Studio:	18	6	24
One Bedroom:	18	6	24
Two Bedroom:	18	6	24
Three Bedroom:	9	3	12
Total:	63	21	84

Live/Work Units: Of the 63 market rate units, three units on the first floor will be two bedroom "live/work" units facing the train station (east), where the second bedroom will have a separate pass door directly to the outside, so that it can be used as a home office.

Parking: 66 surface and 44 garage spaces; 110 total.

Description of Units: see attached plans.

Phasing: The project will be constructed in one phase.

Zoning Summary: See "3 Boston Way Site Layout Plan, Sheet C-3" prepared by The Morin-Cameron Group, Inc. on October 23, 2019.

Dimensional & Density Table for 3 Boston Way		
Smart Growth District: Subdistrict A		
Criteria	Requirement	Proposal
Maximum Density	40 Units/Acre	40 Units/Acre (84 Units in 2.1 Acres)
Lot Area	10,000 SF	91,489 SF (2.1 Acres)
Minimum Frontage	40 Feet	391.6'
Minimum Front Setback	No Requirement	20'
Maximum Front Setback	10 Feet (1)	32'
Minimum Side Setback	No Requirement	10'
Minimum Rear Setback	10 Feet	114'
Undeveloped Area	20% (2)	51%
Maximum Building Stories/Height	5 Stories / 60 Feet (3)	5 Stories / 60 Feet
Maximum Building Footprint	22,000 SF (4)	18,400 SF

Dimensional & Density Table Notes

1. Except where utility easements make this setback infeasible. Site is subject to an existing 20' wide drainage easement along the parcel frontage on Boston Way and a 50' electric easement across the entire property. Building is situated as close to the 20' drainage easement as possible with an orientation that is consistent with the established building street line on Boston Way (1 Boston Way).
2. At least 20% of the developable land shall be left undeveloped as public or semi-public common space or vegetated landscape and such areas shall not include buildings, structures, parking areas or internal landscaping in parking lots but may include wetlands, wetland buffer areas and flood plains.
3. Site is situated with 250' of the MBTA right of way.
4. Site is situated with 250' of the Commuter Rail Station.

Requested Waivers:

1. Section XXIX-F.2.a(v): Maximum front yard setback equals 10 feet. A waiver is requested to increase this to a range of 20 feet to 32 feet to accommodate an existing drainage easement and to maintain a consistent building street line along Boston Way (in line with 1 Boston Way).
2. Section XXIX-I-7.b(i): 60% of the front building façade must be at the front line. If not met, can allow up to maximum setback for pedestrian use. A waiver is requested to allow no façade at the front line on Boston Way due to the existing drainage easement and lot geometry. A new pedestrian sidewalk will be constructed along Boston Way for pedestrian use.

3. Section XXIX-I-7.b(i): A waiver is requested to allow changes in plane, color and materials to be less than 1 foot deep where a minimum of 1-foot is required and to occur at 38-foot spacing where 30 feet is required.
4. Section XXIX-I-8.c(iii): A waiver is requested to use cape cod style bituminous berm or no curbing in certain areas of the parking area where vertical granite curb or concrete curb is required. Bituminous berm or no curb is requested along the perimeter edges of the parking area to accommodate low-impact stormwater management measures and snow push areas.

Affordable Housing

Marketing plan:

An Affirmative Fair Housing Marketing Plan will be submitted at a later date and is subject to review and approval by DHCD. A submission waiver is requested.

Affordable housing requirements:

All affordable housing units will comply with the requirements of Section XXIX-G.

Affordable housing restriction:

Each project and unit of affordable housing therein shall be subject to an affordable housing restriction which is approved by DHCD. The model AHT provided by DHCD for One Boston Way is presently in negotiation with their counsel; the resulting model document will be used for Three Boston Way as well.

Term:

The term of the affordable housing restriction will be no less than 30 years.

Monitoring Agent:

The monitoring agent is MCO Housing Services, LLC. Their address is P.O. Box 372, Harvard, MA 01451.

CITY OF NEWBURYPORT, MA
ZONING DETERMINATION

APR# 2019-071

Name: Three Boston Way, LLC /Louis Minicucci

Address: 3 Boston Way Zoning District(s): I1B/SGOD

Request: Construct New 5 story multifamily residential building using the SGOD Zoning.

ZONING BOARD REVIEW REQUIRED

Variance

- Dimensional Controls (VI)
 - Lot Area
 - Lot Frontage
 - Lot Coverage
 - Parking (VII)
 - Modification
- Open Space
- Height
- Lot Width
- Front Yard
- Side Yard
- Rear Yard

Sign Variance

- Signs (VIII)
 - Type
 - Lighting
 - Size
 - Location

Other

Special Permit

- Table of Use Regulations (V.D) #: _____
- Spacing (VI.D)
- In-Law Apartment (XIIA)
- Bonus for Multifamily Developments (XVI)
- Personal Wireless Communication Services (XX)
- Demolition Control Overlay District (XXVIII)*
- Wind Energy Conversion Facilities (XXVI)
- Other _____

Special Permit for Non-Conformities

- Extension or Alteration (IX.B.2)
 - Parking
 - Upward Extension
 - Open Space
 - Height
 - Lot Area
 - Use
 - Rear Yard
 - Lot Coverage
 - Side Yard
 - Lot Frontage
 - Front Yard
- Over 500 sf. increase (IX.B.3.c)
- Plum Island Overlay District (XXI-G-3)
 - FAR
 - Lot Coverage
 - Height
 - Setbacks
 - Open Space

PLANNING BOARD REVIEW REQUIRED

Special Permit

- Table of Use Regulations (V-D) # _____
- One residential structure per lot (VI.C)
- Open Space Residential Development (XIV)
- Water Resource Protection District (XIX)
- Federal Street Overlay District (XXII)
- Courts and Lanes (XXIII)
- Waterfront West Overlay District (XXIV)
- Towle Complex Redev. Overlay District (XXV)
- Downtown Overlay District (XXVII)*
- Other _____

Special Permit for Non-Conformities

- Extension or Alteration (IX.B.2)
 - Parking
 - Upward Extension
 - Open Space
 - Height
 - Lot Area
 - Use
 - Rear Yard
 - Lot Coverage
 - Side Yard
 - Lot Frontage
 - Front Yard
- Over 500 sf. increase (IX.B.3.c)

Site Plan Review (XV)

- Major
- Minor

Smart Growth District (XXIX)

- Plan Approval

HISTORICAL COMMISSION REVIEW REQUIRED

- Demo. Delay
- *Advisory Review

CONSERVATION COMMISSION REVIEW REQUIRED

Note changes made to 1 Boston Way Parcel


Newburyport Zoning Administrator

10/21/2019
Date



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
**WPA Form 4B – Order of Resource Area
Delineation**

Provided by MassDEP:

051-1010

MassDEP File Number

eDEP Transaction Number

Newburyport

City/Town

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. General Information

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note: Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

From: Newburyport
1. Conservation Commission

2. This Issuance is for (check one):

- a. Order of Resource Area Delineation
b. Amended Order of Resource Area Delineation



3. Applicant:

Louis Minicucci
a. First Name b. Last Name
Three Boston Way, LLC
c. Organization
231 Sutton Street, Suite 1B
d. Mailing Address
North Andover MA 01845
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

Timothy Powers
a. First Name b. Last Name
Boston Way Realty Trust
c. Organization
38 Beach Club Drive
d. Mailing Address
Freedom NH 03836
e. City/Town f. State g. Zip Code

5. Project Location:

3 Boston Way Newburyport MA
a. Street Address b. City/Town c. Zip Code
78 1-1
d. Assessors Map/Plat Number e. Parcel/Lot Number
Latitude and Longitude (in degrees, minutes, seconds):
f. Latitude g. Longitude

6. Dates:

5/17/2019
a. Date ANRAD filed b. Date Public Hearing Closed c. Date of Issuance

7. Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

Plan to Accompany an Abbreviated Notice of Resource Area Delineation
in Newburyport, MA, 3 Boston Way 5/15/2019
b. Date
c. Title d. Date

MARGINAL REFERENCE REQUESTED
BOOK 16160 PAGE 577



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
**WPA Form 4B – Order of Resource Area
Delineation**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
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Newburyport
City/Town

B. Order of Delineation

1. The Conservation Commission has determined the following (check whichever is applicable):

a. **Accurate:** The boundaries described on the referenced plan(s) above and in the Abbreviated Notice of Resource Area Delineation are accurately drawn for the following resource area(s):

1. Bordering Vegetated Wetlands

2. Other resource area(s), specifically:

a. Bank, Land Subject to Coastal Storm Flowage

b. **Modified:** The boundaries described on the plan(s) referenced above, as modified by the Conservation Commission from the plans contained in the Abbreviated Notice of Resource Area Delineation, are accurately drawn from the following resource area(s):

1. Bordering Vegetated Wetlands

2. Other resource area(s), specifically:

a.

c. **Inaccurate:** The boundaries described on the referenced plan(s) and in the Abbreviated Notice of Resource Area Delineation were found to be inaccurate and cannot be confirmed for the following resource area(s):

1. Bordering Vegetated Wetlands

2. Other resource area(s), specifically:

3. The boundaries were determined to be inaccurate because:



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 4B – Order of Resource Area
Delineation**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

051-1010

MassDEP File Number

eDEP Transaction Number

Newburyport

City/Town

C. Findings

This Order of Resource Area Delineation determines that the boundaries of those resource areas noted above, have been delineated and approved by the Commission and are binding as to all decisions rendered pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c.131, § 40) and its regulations (310 CMR 10.00). This Order does not, however, determine the boundaries of any resource area or Buffer Zone to any resource area not specifically noted above, regardless of whether such boundaries are contained on the plans attached to this Order or to the Abbreviated Notice of Resource Area Delineation.

This Order must be signed by a majority of the Conservation Commission. The Order must be sent by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).

D. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate DEP Regional Office to issue a Superseding Order of Resource Area Delineation. When requested to issue a Superseding Order of Resource Area Delineation, the Department's review is limited to the objections to the resource area delineation(s) stated in the appeal request. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order of Resource Area Delineation will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order or Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act, (M.G.L. c. 131, § 40) and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal bylaw or ordinance, and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
**WPA Form 4B – Order of Resource Area
 Delineation**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

051-1010

MassDEP File Number

eDEP Transaction Number

Newburyport

City/Town

E. Signatures

Please indicate the number of members who will sign this form.

06/15/2019
 Date of Issuance

0 5

1. Number of Signers

[Signature]
 Signature of Conservation Commission Member

[Signature]
 Signature of Conservation Commission Member

[Signature]
 Signature of Conservation Commission Member

 Signature of Conservation Commission Member

[Signature]
 Signature of Conservation Commission Member

[Signature]
 Signature of Conservation Commission Member

 Signature of Conservation Commission Member

This Order is valid for three years from the date of issuance.

If this Order constitutes an Amended Order of Resource Area Delineation, this Order does not extend the issuance date of the original Final Order, which expires on _____ unless extended in writing by the issuing authority.

This Order is issued to the applicant and the property owner (if different) as follows:

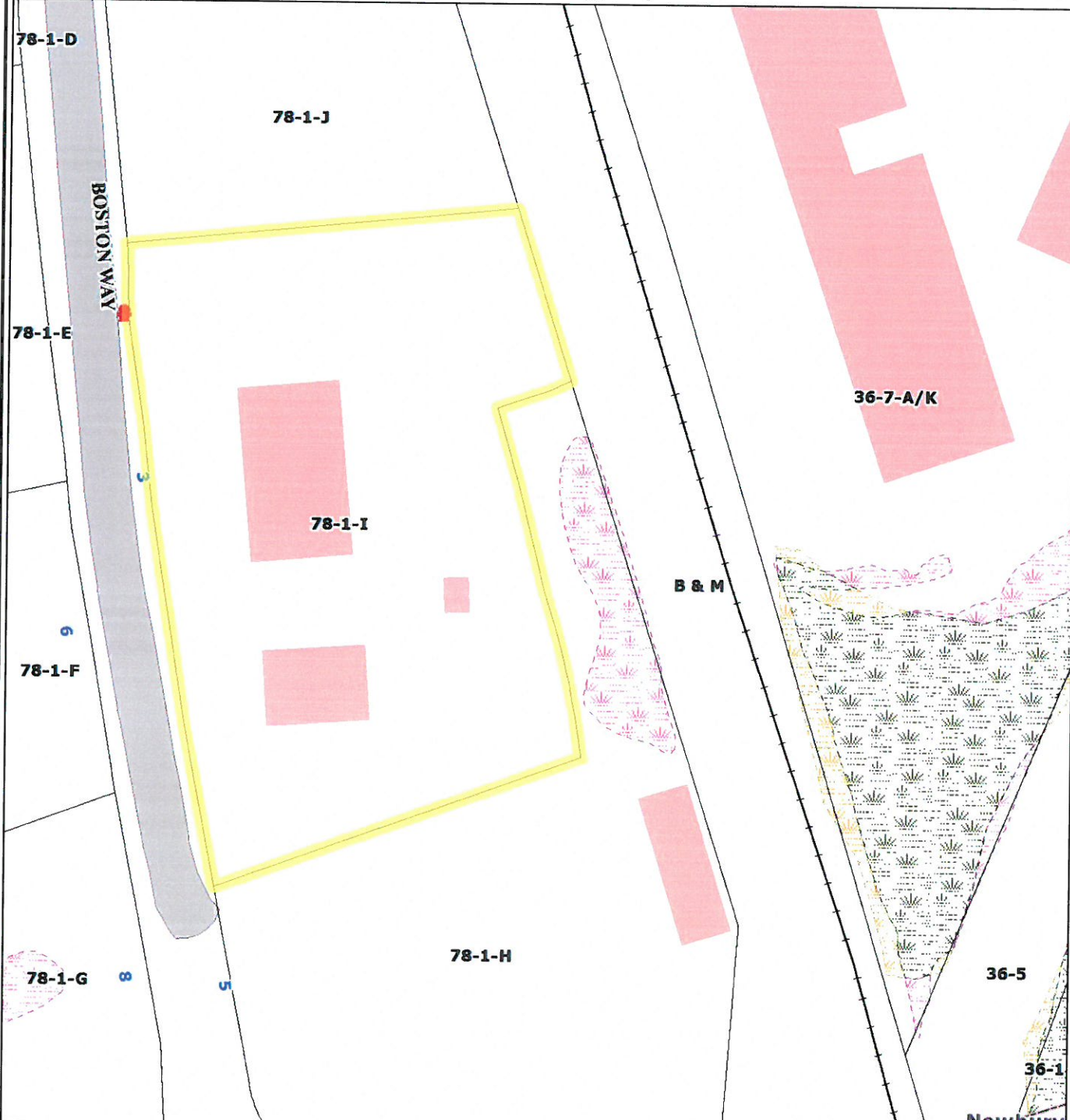
2. By hand delivery on _____

a. Date

3. By certified mail, return receipt requested on _____

a. Date

06/15/2019



Newbury

- | | |
|---|---|
| <ul style="list-style-type: none"> □ MVPC Bo □ Newburyport Boundary Trees ● Immediate Action Needed ● No Action Needed ● Unknown → Railroad □ Parcels - Sidewalks Water System ● Hydrant - Trails ■ Building Footprints □ Driveways ■ Easements | <ul style="list-style-type: none"> Road Right of Way ■ Paved □ Unpaved ■ Hydrographic Features — Stream - - - Intermittent Stream Wetlands ■ City ■ City and State ■ State ■ Exempt Lands ■ Recreation Areas |
|---|---|

1" = 88 ft



Horizontal Datum: MA Stateplane Coordinate System, Datum NAD83, Meters Data Sources: The data for this map was produced by Merrimack Valley Planning Commission (MVPC) using data provided by the City of Newburyport. Additional data provided by the Executive Office of Environmental Affairs/MassGIS. The information depicted on this map is for planning purposes only. It may not be adequate for legal boundary definition or regulatory interpretation. THE CITY OF NEWBURYPORT MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE CITY OF NEWBURYPORT DOES NOT ASSUME ANY LIABILITY ASSOCIATED WITH THE USE OR MISUSE OF THIS INFORMATION



SO.ESSEX #284 Bk:37775 Pg:478
 08/22/2019 12:23 PM DEED Pg 1/2
 eRecorded

MASSACHUSETTS EXCISE TAX
 Southern Essex District ROD
 Date: 08/22/2019 12:23 PM
 ID: 1311065 Doc# 20190822002840
 Fee: \$8,892.00 Cons: \$1,950,000.00

Property Address: 3 Boston Way, Newburyport, MA

MASSACHUSETTS QUITCLAIM DEED

Timothy F. Powers, Trustee of the Boston Way Realty Trust, u/d/t dated January 20, 2000, and recorded with the Essex South District Registry of Deeds in Book 16160, Page 572, of Freedom, New Hampshire (“Grantor”)

for consideration paid, and in full consideration paid of **One Million Nine Hundred Fifty Thousand and 00/100 (\$1,950,000.00) Dollars**

grants to **Three Boston Way, LLC, a limited liability company duly organized and validly existing under the laws of the Commonwealth of Massachusetts with a principal mailing address of 231 Sutton Street, Suite 1B, North Andover, MA 01845**

with QUITCLAIM COVENANTS

the land in Newburyport, Essex County, Massachusetts, being bounded and described as follows:

A certain parcel of land with the improvements now thereon, as described on a plan and known as Lot No. 2 according to said plan and containing 2.1 acres, more or less; said plan is entitled: “Plan of Land in Newburyport, Massachusetts, Subdivided for Burke Realty Trust III, Norbert A. Carey, Jr. & Richard B. Jones, Trustees”; said Plan dated December 1, 1987, Revised May 25, 1988, and is drawn by Pembroke Land-Survey Co., Box 491, Newburyport; said Plan contains (2) sheets and is recorded at Essex South District Registry of Deeds at Plan Book 241, Plan No. 30 on June 30, 1988.

Subject to and with the benefit of an easement for the purpose of drainage and as depicted on the above referenced Plan.

Subject also to a Taking of Easement by the Massachusetts Bay Transportation Authority dated June 27, 1996, recorded in said Registry of Deeds, Book 13678, Page 293.

The undersigned swears under the pains and penalties of perjury that the premises hereby conveyed constitute investment/commercial property, were never the residence of the Grantor, his spouse, if any, or any beneficiary of the Trust, no one else is entitled to any rights of homestead in the property and therefore never constituted homestead property for any of the foregoing.

Being the same premises conveyed to the Grantor by deed of Timothy F. Powers dated January 20, 2000, and recorded with Essex South District Registry of Deeds in Book 16160, Page 577.

Witness my hand and seal this 21st day of August, 2019.

Boston Way Realty Trust

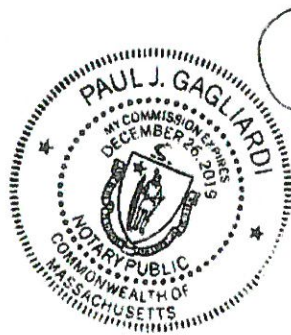
By: 


Timothy F. Powers, Trustee

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this 21st day of August 2019, before me, the undersigned notary public, personally appeared Timothy F. Powers, proved to me through satisfactory evidence of identification, which were driver's license, personally known to me or personally known to a 3rd party personally known to me, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose in his capacity as Trustee of the Boston Way Realty Trust and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief.

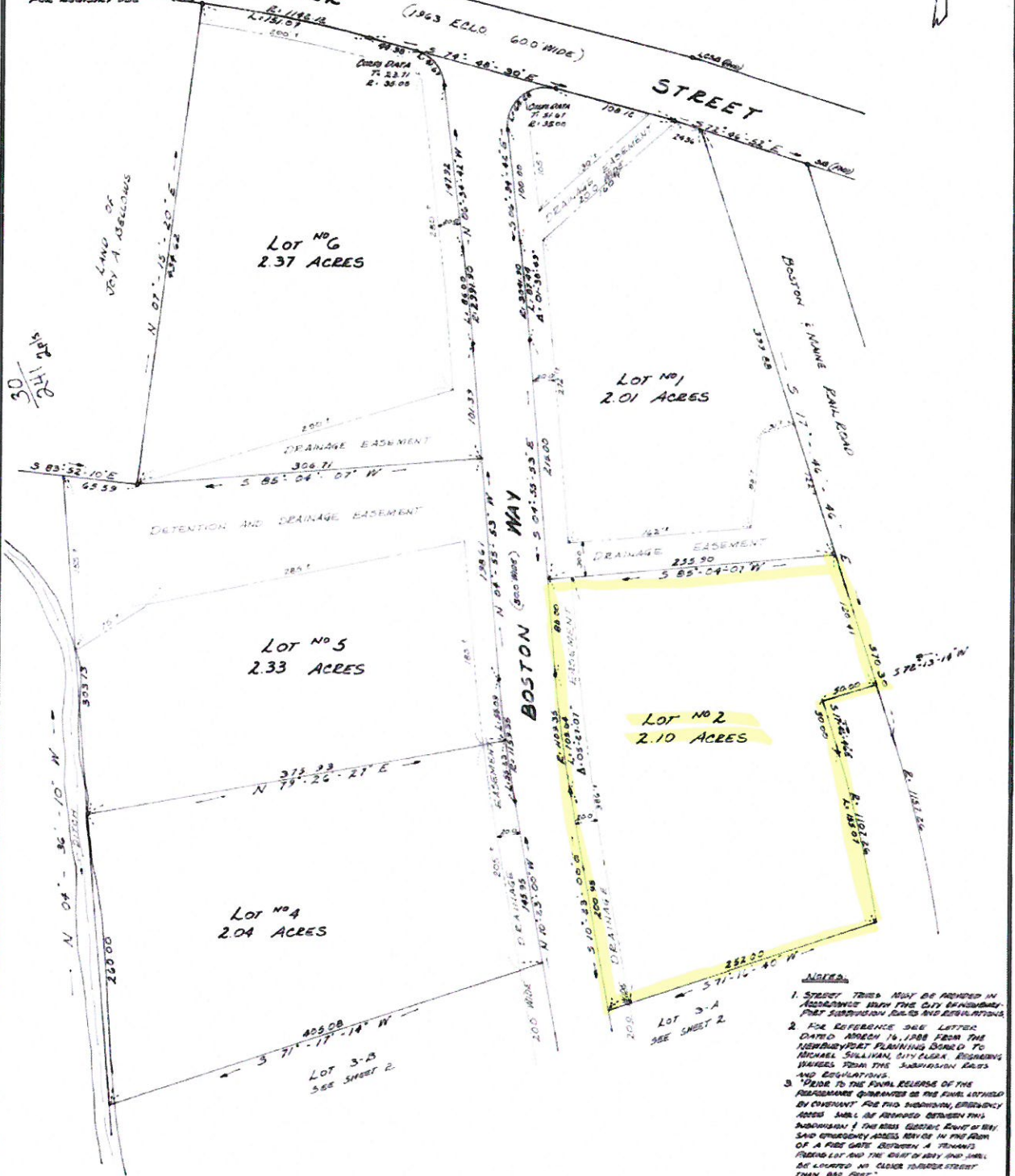




Notary Public: Paul J. Gagliardi
My Commission Expires: 12/26/19

PLAN BOOK 24 / PAGE 30
 Survey 30
 Burke Realty Trust
 Trust of Three, Richard B. Jones
 Trustee
 1987-1988
 2/15

I CERTIFY PURSUANT TO CHAPTER 41, SECTION
 E.V. OF MASSACHUSETTS GENERAL LAWS, AS AMENDED
 BY CHAPTER 80B OF ACTS OF 1975, THAT WITH
 REFERENCE TO THE METROPOLITAN PLANNING BOARD
 APPLICABLE LETTER DATED MARCH 14, 1988, A COPY OF
 WHICH IS ATTACHED HERETO, AND CLERK FOR THE
 METROPOLITAN OFFICE OF THE CITY CLERK ON
 MARCH 15, 1988, THAT 20 DAYS HAVE ELAPSED AND NO
 APPEAL HAS BEEN FILED.
 MAY 27, 1988
 Richard Sullivan
 City Clerk, Newburyport



APPROVAL UNDER THE SUBDIVISION
 CONTROL LAW IS REQUIRED.
 METROPOLITAN PLANNING BOARD
 Charles James, Chairman
 5/16/88
 5/16/88
 5-21-88
 5-21-88

I CERTIFY THAT I HAVE
 COMPARED THIS PLAN
 WITH THE ORIGINAL SURVEY
 AND THAT IT IS A TRUE
 AND CORRECT COPY.
 5/21/88

PLAN OF LAND IN
 NEWBURYPORT, MASSACHUSETTS
 SUBDIVIDED FOR
 BURKE REALTY TRUST III
 NORBERT A. CAREY, JR. & RICHARD B. JONES, TRUSTEES
 DECEMBER 1, 1987
 PEMBROKE LAND-SURVEY CO. BOX 441 - NEWBURYPORT

- NOTES:
1. STREET TIES MUST BE PROVIDED IN ACCORDANCE WITH THE CITY ORDINANCES PERTAINING TO SUBDIVISION MAPS AND REGULATIONS.
 2. FOR REFERENCE SEE LETTER DATED MARCH 14, 1988 FROM THE METROPOLITAN PLANNING BOARD TO MICHAEL SULLIVAN, CITY CLERK, REQUESTING WAIVERS FROM THE SUBDIVISION MAPS AND REGULATIONS.
 3. PRIOR TO THE FINAL RELEASE OF THE PERMITS GUARANTEED ON THE FINAL LOTFIELD BY CONTRACT FOR THIS SUBDIVISION, EMERGENCY ACCESS SHALL BE PROVIDED BETWEEN THIS SUBDIVISION & THE ADJACENT ESTATE OF BAY SAID EMERGENCY ACCESS SHALL BE IN THE FORM OF A FIVE GATE BETWEEN A TENANT'S FRONT LOT AND THE REST OF BAY AND SHALL BE LOCATED AS SHOWN TOWARD STREET FROM AND FROM.
 4. PRIOR TO THE FINAL RELEASE OF THE PERMITS GUARANTEED ON THE FINAL LOTFIELD BY CONTRACT FOR THIS SUBDIVISION, THAT THE DRIVE LANE SHALL BE LOCATED IN ACCORDANCE WITH THE ADJACENT CHURCHILL LOTS DATED 1/14/88 UNLESS FURTHER EVIDENCE TO THE CONTRARY IS SUBMITTED FROM THIS DIVISION FROM SAID ADJACENT SUBDIVISIONS.
 5. A SEWERAGE EASEMENT, SUITABLE FOR A FIVE FOOT BAY CHANNEL, SHALL BE PROVIDED ALONG THE ENTIRE LENGTH OF THE BAY CHANNEL BOUNDARY OF THE PROPOSED ROADWAY SAID EASEMENT TO BE LOCATED BY THE IDENTICAL BOUNDARY OF THE ADJACENT SEWERAGE EASEMENT.

RECORDED, MAY 25, 1988
 1. NOTES ADDED





CITY OF NEWBURYPORT

OFFICE OF THE
ASSESSOR

OCTOBER 17, 2019

JILL BRENNAN
CITY ASSESSOR

NEWBURYPORT CITY HALL

TO: PLANNING BOARD

60 PLEASANT STREET

FROM: BOARD OF ASSESSORS

NEWBURYPORT, MA 01950

RE: 3 BOSTON WAY

TEL: 978-465-4403

FAX: 978-462-8495

WWW.CITYOFNEWBURYPORT.COM

THE FOLLOWING AND THE ATTACHED ARE THE ABUTTERS OF THE ABOVE MENTIONED PROPERTY:

TOWN OF AMESBURY
PLANNING BOARD
TOWN HALL
AMESBURY MA 01913

TOWN OF WEST NEWBURY
PLANNING BOARD
TOWN HALL
WEST NEWBURY MA 01985

TOWN OF NEWBURY
PLANNING BOARD
TOWN HALL
NEWBURY MA 01951

TOWN OF SALISBURY
PLANNING BOARD
TOWN HALL
SALISBURY MA 01952

BY CERTIFYING THAT THE PERSONS LISTED IN THE FOREGOING LIST OF ABUTTERS ARE THE OWNERS OF RECORD OF THE FOREGOING PROPERTIES AS OF JANUARY 1ST, 2019, THE CITY ASSESSOR IS NOT CERTIFYING THAT THE PERSONS SO LISTED ARE THE PERSONS WHO ARE REQUIRED TO RECEIVE NOTIFICATION UNDER APPLICABLE LAW.

36/ 7/A / /
TRICKETT KENNETH B TR
K P K REALTY TRUST
PO BOX 1240
NEWBURYPORT, MA 01950

78/ 1/J / /
ONE BOSTON WAY LLC
231 SUTTON ST STE 1B
NORTH ANDOVER, MA 01845

36/ 7/B / /
16 DALTON LLC
C/O LOGAN
16 DOE RUN DR
NEWBURYPORT, MA 01950

36/ 7/C / /
LEPITO WILLIAM J TRS
PARKER & PARKER REALTY TRUST
2996 SPANISH MOSS WAY
THE VILLAGES, FL 32163

36/ 7/D / /
MOORE HARRINGTON & NANCY TRS
HARRINGTON MOORE REALTY TRUST
65 PARKER ST UNIT 4
NEWBURYPORT, MA 01950

36/ 7/E / /
JELISE LLC
18 BARTLETTS REACH
AMESBURY, MA 01913

36/ 7/F / /
EASTERN INSURANCE GROUP LLC
ATTN ACCTS PAYABLE
233 WEST CENTRAL STREET
NATICK, MA 01760

36/ 7/G / /
CASTAGNA RALPH C TRUSTEE
CCC REALTY TRUST
100 CONIFER HILL DR UNIT 507
DANVERS, MA 01923

36/ 7/K / /
TRIGLIONE ANTHONY
59 TURKEY HILL RD
WEST NEWBURY, MA 01985

78/ 1/H / /
M B T A
TEN PARK PLAZA
BOSTON, MA 02116

78/ 1/I / /
THREE BOSTON WAY LLC
231 SUTTON ST STE 1B
NORTH ANDOVER, MA 01845

Affordable Units
 3 Boston Way, Newburyport
 23-Oct-19

Subject to review and approval by DHCD

	Studio	1 Bdrm	2 Bdrm	3 Bdrm	Total
Unit Type	6	6	6	3	21

Floor	1st	2nd	3rd	4th	5th	Total	
Studio	1	1		2	2	1	7
1 Bdrm	1	1		1	1	1	5
2 Bdrm	1			2	2	1	6
3 Bdrm	1	1				1	3
Total	4	3		5	5	4	21

Floor	1st	2nd	3rd	4th	5th	Total	
Studio	#107	#207	#307, #310	#407, #410	#508	7	
1 Bdrm	#105	#202	#302	#402	#511	5	
2 Bdrm	#111		#311, #315	#411, #415	#514	6	
3 Bdrm	#103	#213			#512	3	
Total	4	3		5	5	4	21

Unit #	Bdrm	SqFt
103	3 bdrm	1195
105	1 bdrm	653
107	studio	518
111	2 bdrm	1099
202	1 bdrm	722
207	studio	477
213	3 bdrm	1062
302	1 bdrm	722
307	studio	477
310	studio	497
311	2 bdrm	1006
315	2 bdrm	1052
402	1 bdrm	722
407	studio	477
410	studio	497
411	2 bdrm	1006
415	2 bdrm	1052
508	studio	497
511	1 bdrm	729
512	3 bdrm	1062
514	2 bdrm	1052

Total 21