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CITY of BEVERLY PLANNING BOARD

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Mayor

*Michael P. Cahill
Planning Director
Aaron Clausen
Chairperson
John Thomson
Vice-Chair
Ellen Hutchinson*

Members

*Catherine Barrett
Edwin Barrett, III
Ellen Flannery
David Mack
James Matz
Wayne Miller
John Mullady*

November 25, 2014

Ms. Kathleen Connolly, City Clerk
City Hall, 191 Cabot Street
Beverly, MA 01915

RE: DEFINITIVE SUBDIVISION PLAN FOR 232 ESSEX STREET – DUC RESIDENTIAL LLC AND WALKER REALTY LLC

Dear Ms. Connolly:

The Planning Board (hereinafter referred to as the "Board") of the City of Beverly (hereinafter referred to as the "City") received the above-referenced Definitive Subdivision Plan from DUC Residential LLC & Walker Realty LLC (hereinafter collectively referred to as the "Applicant") relating to property known and numbered as 232 Essex Street and shown Assessors Map 44, Parcel 31 (hereinafter referred to as the "Property") on June 23, 2014. The application was submitted pursuant to the Massachusetts Subdivision Control Law and the Beverly Planning Board Rules and Regulations Governing the Subdivision of Land and the Board considered it at its regular meetings of July 15, 2014, September 16, 2014 and October 21, 2014. The Board conducted a site visit on October 18, 2014.

At each regular meeting, the following Board Members were present and voting: John Thomson, Ellen Hutchinson, Catherine Barrett, Ellen Flannery, James Matz, Wayne Miller and John Mullady. Board Members David Mack and Edwin Barrett were present for all regular meetings but July 15, 2014. Each participated in the final votes after certifying they reviewed the record of the one session missed pursuant to Massachusetts General Law Chapter 39, Section 23D. These certifications are attached hereto and incorporated herein by reference.

At the October 21, 2014 Members of the Board unanimously voted to approve the Definitive Subdivision Plan as shown on the plans entitled:

"OSRD Site & Index Plan Essex Crossing Beverly, Mass", (1 Sheet) Sheet 1 of 11, rev. 9/30/14, scale: 1"=100'; "OSRD Site & Definitive Plan", (2 Sheets) Sheets 2 & 3 of 11, rev. 9/30/14, scale: 1"=40'; "OSRD Site & Existing Conditions Plan", (2 Sheets) Sheets 4 & 5 of 11, rev. 9/30/14, scale: 1"=40'; "OSRD Site & Definitive Plan & Profile", (1 Sheet) Sheet 6 of 11, rev. 9/30/14, 1"=40' (hor.) & 4' (vert.); "OSRD Site & Topographic Sheet" (2 Sheets) Sheet 7 & 8 of 11, rev. 9/30/14, scale: 1"=40'; "OSRD Site & Utility Plan" (1 Sheet) Sheet 9 of 11, rev. 9/30/14, scale: 1"=40'; "OSRD Site & Detail Sheet" (2 Sheets) Sheets 10 and 11 of 11, rev. 9/30/14, various scales; all drawn by Hayes Engineering, Inc, 603 Salem Street, Wakefield, MA 01880 (herein referred to as the "OSRD Site Plan").

A copy of the plan is attached hereto and incorporated herein by reference.

In approving the plan, the Board granted all waivers of the City of Beverly Subdivision Rules and Regulations necessary in order to accomplish the same including the waivers as delineated on the document entitled "List of Waivers Requested From the City of Beverly Rules and Regulations", "Waiver Requested From the Open Space Residential Design (OSRD) Site Plan Ordinance", and List of Deviations/Relief allowed by the Open Space Residential Design", submitted by John Ogren, rev. 10/15/14, which is attached hereto and incorporated herein by reference.

The Board found that the conventional Definitive Plan with waivers granted, meets the purpose and intent of the Subdivision Control Law and the Board's Rules and Regulations Governing the Subdivision of Land, subject to compliance with the following terms and conditions:

- 1) That the statement, "The land shown on this plan is subject to Section 38-24.B: 'Open Space Residential Design (OSRD) Site Plan Ordinance' of the Beverly Zoning Ordinance, with the benefit of any waivers lawfully to be granted thereunder" shall be written on the plan and incorporated as a condition of this approval;
- 2) That the statement, "This approval is subject to the provisions of the decision on OSRD Site Plan Application #4-14 for 232 Essex Street, dated November 25, 2014 and filed with the City Clerk on November 25, 2014" shall be written on the plan and is incorporated as a condition of this approval (copy of November 25, 2014 letter without attachments is included for reference purposes); and
- 3) The Planning Board has made a determination that this Definitive Subdivision Plan substantially complies with the approved OSRD Site Plan #4-14 pursuant to Section 38-24.B.X.1 of the Open Space Residential Design Site Plan Ordinance.

November 25, 2014

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Appeals from the Board's decision must be made in accordance with the provisions of M.G.L. Chapter 41 within twenty (20) days of the filing of this decision with the City Clerk.

Sincerely,

John Thomson /lz

John Thomson
Chairperson

JT/lz

Encl.

Cc: Walker Realty LLC (registered mail)
DUC Residential LLC (registered mail)
Mr. Brian McGrail
Mr. John Ogren
Engineering
Building Department
Assessors
Planning Director
City Solicitor
File

Twenty days elapsed since this decision has been
filed with the City Clerk and no appeal has been taken.
A True Copy
Attest:

A TRUE COPY

ATTEST: *Kathleen P. Connolly*
City Clerk *J*