



Town Of Newbury

Office of
THE PLANNING BOARD
12 Kent Way
Byfield, MA 01922
978-465-0862, ext. 312

September 20, 2019

Newbury Board of Selectmen
Newbury Municipal Offices
12 Kent Way
Byfield, MA 01922

Re: Byfield Estates – 55 Pearson Drive
Project Eligibility/Site Approval Application
Applicant: Cricket Lane, LLC

Dear Members of the Board of Selectmen:

The Planning Board has reviewed the Project Eligibility/Site Approval Application submitted by Cricket Lane, LLC, Walter K. Eriksen, Manager, for the proposed “Byfield Estates” 40B development off of Pearson Drive. As Newbury’s recently completed Housing Production Plan 2018-2022 (HPP) demonstrates, the Town has an acute need for affordable housing, particularly housing that is affordable for young families and for our elder population. However, we have serious concerns about the appropriateness of a residential development of this size and density in the proposed location off of Pearson Drive. We note that Newbury’s HPP, which was approved by DHCD in 2018, identifies a number of sites in Town that we consider suitable for residential development, including multi-family housing and mixed-use structures in addition to single-family housing. These sites do not include the site proposed for the Byfield Estates project.

With respect to the Byfield Estates Project Eligibility/Site Approval Application, we offer the following comments:

1. Public Safety:

- a. The proposed development consists of 24 single-family detached dwellings on an 845’ long cul-de-sac off of Pearson Drive with two short dead-end spurs. We note that this cul-de-sac length exceeds the maximum length allowed under our Subdivision Rules and Regulations (500’) by 345’ and also that dead-ends of any length are not allowed. We note further that this cul-de-sac is proposed to be constructed at the end of an existing subdivision road which is itself a non-through road, with only one connection to another road, Orchard Street. The distance from Orchard Street to the beginning of the loop at the western half of Pearson Drive is approximately 1,500’. Total travel distance from Orchard Street to the beginning of the new cul-de-sac is approximately 3,100’ and from Orchard Street to the end of the proposed new cul-de-sac is approximately 3,945’, or $\frac{3}{4}$ of

mile. We see construction of this proposed development on a cul-de-sac to be built at the farthest end of this existing non-through road as a major potential safety issue, particularly in case of emergency. A significant amount of consideration went into development of the maximum road length under our Rules and Regulations. Of foremost consideration is the ability and speed with which first responders can reach the residents of a subdivision. The proposed road length absent an alternative means of access poses a serious threat to public safety and significantly lengthens the time for emergency response and poses potential issues for response to traffic incidents. The length of the roadway coupled with the potential for inadequate water pressure at hydrants (see below) poses a significant public safety risk to the residents of the Town.

- b. The Town's Subdivision Rules and Regulations require a minimum roadway width of 22' feet, per request of the Fire Department, to allow two fire trucks or other large emergency vehicles going in opposite directions to pass each other. The proposed 20' wide roadway will not provide this clearance. This is of particular concern given the density of the proposed development and the length of travel from Orchard Street along Pearson Drive to the new homes. We note that the short dead end branches off the cul-de-sac also pose access issues for fire apparatus. Both of these conditions impede first responders from accessing residents in the event of an emergency.
 - c. The length and the width of the roadway exacerbate the unsafe condition created by the proposed layout of the houses in the subdivision. We have serious concerns about the ability of fire apparatus to go between the buildings to access the rear of the units if needed, since the dwelling units are, on average, only 15' apart. Additionally, due to the design of the stormwater management system, many of the dwellings will not be accessible directly from the rear by fire apparatus. These conditions seriously impact the ability of first responders to properly protect the safety of the residents.
 - d. There are currently no sidewalks on Pearson Drive – all pedestrians and bicyclists must share the roadway with vehicular traffic. The Application states that parking for 48 cars will be provided as part of the development – two cars per dwelling unit, each of which will have a two-car garage. We note that the driveways associated with the dwellings are large enough to accommodate an additional two cars each, for a potential total of 96 cars associated with the development. The addition of up to 96 resident cars traveling the entire length of Pearson Drive to reach the new development, plus additional visitor vehicles, will exacerbate existing safety concerns for pedestrians and bicyclists. This is of particular concern for children from the new development who will need to walk the length of Pearson Drive to and from the school bus stop on Orchard Street.
 - e. The sight lines for cars exiting Pearson Drive on to Orchard Street are very poor, especially to the left (east). The addition of up to 96 resident cars and some number of visitor cars will increase the potential for accidents at that intersection. In addition, signage at the island at the entry to Pearson Drive will need to be improved to ensure that the entry and exit lanes are clearly marked. This condition must be addressed in any final application.
2. Project Design: While we commend the development team's intention to provide housing that is similar in size and scale to the existing homes on Pearson Drive, we find that the proposed design does not, in fact, accomplish this goal. The project is significantly denser than the Pearson Drive development, and currently provides only two house design options, one for a three-bedroom unit and one for a four-bedroom unit. This will result in a uniformity of design which is inconsistent with the surrounding neighborhood. The Applicant stated in a presentation made on September 10, 2019, that he is looking at a third design option. If the project is granted site approval, we

recommend that this additional design option, as well as the possibility of reducing the density of the development, be explored.

3. **Project Impact on the Parker River and Water Supply:** While we had significant rainfall this past spring, Newbury, like many of the surrounding communities, has experienced periods of drier than normal weather conditions in recent years and the Byfield Water District has frequently instituted mandatory water restrictions. Residents of Pearson Drive have commented on frequent low water pressure, especially at times of heavy use. Both the Parker River Clean Water Association and the PIE-Rivers Partnership have noted that the Parker River is considered one of the most highly stressed rivers in the Commonwealth (see attached letters). The Board is concerned that the water needs of an additional 24 single-family homes, with a total of 78 bedrooms, will further stress the Parker River and that water pressure will be further compromised, with a negative impact on pressure at the fire hydrants and for the residences. If the project receives approval to move forward, we encourage the Applicant to explore ways to conserve water, such as capturing and recycling rainwater and gray water and installation of low-flow plumbing fixtures. We further recommend that additional water pressure tests be conducted at the hydrant closest to the project site during periods of peak water demand.
4. **Priority Habitat:** The Project Site abuts the Martin Burns Wildlife Management Area, which contains Priority Habitat for state-listed rare species, as shown in the 14th Edition Natural Heritage Atlas, dated August 1, 2017. As an unimproved parcel, the proposed project site provides an important buffer between this Priority Habitat and the existing residential development on Pearson Drive. Further, two vernal pools have been identified on the site. One of these pools, which is adjacent to the proposed septic system, has been certified; further hydraulic studies are needed for the other pool before it can be certified.
5. **Transportation:** The Application states that the project site is within walking distance of public transportation, and references the Council on Aging van, the Merrimack Valley Regional Transportation Authority (MVRTA) Ring and Ride Program, and the Northern Essex Elder Transport (NEET) Program. It should be noted, however, that none of these services constitutes regularly scheduled public transportation and all have limited hours of operation. These services are therefore not, in fact, available public transportation. It will be very difficult for anyone living in the proposed development to access necessary services and amenities without a car.
6. **Unit and Bedroom Mix:** Our understanding is that the affordable units are required to be substantially equivalent to the market rate units. We note, however, that while the market rate units are a mix of 3- and 4-bedroom units, all of the affordable units have only 3 bedrooms. Further, while the 3-bedroom market rate units have 2.5 baths, the affordable 3-bedroom units have only 1.5 baths. The Applicant should be required to provide four bedroom affordable units and construct all units with the same number of bathrooms.
7. **Accessibility:** The Application states that none of the units will be Handicapped Accessible (ADA/AAB compliant). While accessibility may not be required by law, strong consideration should be given to incorporating Universal Design principles into both the affordable and the market rate units and to making some percentage fully accessible, especially given that Newbury's population is aging, as shown by data gathered for both the HPP and the current Master Plan update.
8. **Parking Spaces:** The previous Byfield Estates application stated that 4 parking spaces per dwelling, for a total of 96 cars, would be provided. However, this application states that two

parking spaces per dwelling, for a total of 48 cars, will be provided. We note that each dwelling will be provided with a two-car garage as well as a driveway which can accommodate additional resident parking. Confirmation of total number of cars associated with the development is needed. (See related traffic safety concerns noted in #1d. above.)

9. Site Design:

- a. Layout: The Application includes two different versions of drawing CS1001 "Layout and Materials Plan," one prepared by TTI Environmental, Inc., and one prepared by Ranger Engineering & Design, LLC, showing different layouts for the roadway, the units, and the soil absorption areas. The Applicant should confirm which layout is being proposed and which firm is the engineer on the Project Team. The Applicant must submit only one design so the Town understands what it is reviewing.
- b. Stormwater Management: While Newbury's Subdivision Rules and Regulations call for use of low-impact development (LID) techniques for stormwater management, the design drawings show curbing, catch basins, and other hard structures. The stormwater management design should be reviewed to see what opportunities there are for LID.
- c. Waivers: The required tabular zoning analysis has not been provided and there is no list of requested waivers from Newbury's Zoning By-Law and Subdivision Rules and Regulations.
- d. Open Space: We note that there is no open space within the developed area set aside as a park or for other passive or active recreational use (see related comments below). The proposed development is clearly one meant for families with children. The Applicant should be required to provide area for recreational activities for children, particularly in light of the lack of sidewalks in the area of Pearson Drive. The Applicant should show an area of the plan which includes active recreational opportunities such as a playground.

10. Project Description - Narrative:

- a. Bedroom Mix: The description of the dwelling units in Section 3.3 states that eight of the dwellings will contain four bedrooms. However, the table on page 9 under Section 3: Project Information, states that six of the dwellings – all market rate – will have four bedrooms. The Applicant should clarify what the mix of three and four bedroom units will be.
- b. Decks: The description states that each dwelling will have an outside deck area as private space. However, the renderings and the floor plans of the typical units do not show any private deck area other than small porches at the front entries.
- c. Neighborhood: The narrative states that the design approach of the development is to "maintain a consistent massing, scale and building typology to the surrounding residential neighborhood." While we appreciate the fact that the Applicant is proposing detached single-family dwellings of reasonable size, we note that the density of the proposed development and the close spacing between the dwelling units is not consistent with the development pattern along Pearson Drive, which has minimum lot sizes of 20,000 s.f. and required front yard setbacks of 40'.
- d. Proximity to Services: We note that the distances given in this description between the proposed development and the nearest services are not correct. The distances shown in Section 1.3 on page 6 are more accurate.
- e. Compliance with Commonwealth's *Sustainable Development Principles* (pp. 29 ff.):
 - i. Concentrate Development and Mix Uses: Through its Open Space Residential Development (OSRD) By-Law, the Town encourages cluster development to promote preservation of open space and associated habitat (both upland and wetland), agricultural land, etc. However, we note that the design of the

proposed Byfield Estates uses virtually all the developable upland on the site. The remaining “open space,” other than a grassed area over the common septic system, is comprised almost entirely of wetlands – open space that must be preserved in any case. Further, we note that while the proposed development may have sidewalks and therefore be considered “pedestrian-friendly,” Pearson Drive itself has no sidewalks, nor does Orchard Street, to which Pearson Drive connects, nor do most of the roadways in Newbury.

- ii. Advance Equity and Make Efficient Decisions: As stated above, we note that the project does not incorporate any Universal Design principles and none of the units is designed to be handicapped accessible. Given the aging population of the town and therefore the age of those who may be interested in these units, we encourage the Applicant to design the units to Universal Design standards and develop some units to meet ADA/AAB requirements. Further, while we agree that the development will provide a few much-needed affordable units, it is unclear to us how a development of the proposed density will “improve the neighborhood,” which is well-established and well-maintained.
- iii. Protect Land and Ecosystems: Again, the Applicant states that clustering the 24 single family homes will allow a “significant portion of the site [to be] left as open space.” As noted above, virtually all the upland on the parcel is being developed – the majority of the open space, other than what is over the shared septic system, will consist of wetlands. The project, rather than protecting habitat, will be removing important wildlife habitat which is adjacent to the Martin Burns Wildlife Management Area and area that has been identified by Natural Heritage as Priority Habitat for Endangered and Threatened Species.
- iv. Use Natural Resources Wisely: From the Applicant’s explanation, it is not clear to what degree alternative technologies and LID or other “innovative” techniques are being used to conserve natural resources. As previously noted, the project site contains significant wetland resources and is located in a stressed watershed. The proposed stormwater system appears to rely heavily on conventional stormwater management strategies, such as curbing, catch basins, and other hard structures, rather than on LID techniques. Further, there is no mention in the Application of potential alternative technologies for wastewater management and water conservation measures, such as recycling of gray water and rain water, use of low flow plumbing fixtures, etc.
- v. Expand Housing Opportunities: We note that the project site is not near any employer of any size, other than Triton and the Governor’s Academy, or near any regularly scheduled public transit. While the Applicant has stated that the affordable units will be priced to be affordable to households earning 80% of the median income for the area, we note that none will be priced to be affordable to low income households.
- vi. Provide Transportation Choice: As noted above in #5, the proposed development is not walkable to any regularly scheduled public transportation. Further, it is not walkable to local amenities, which are, on average, at least 1.5 miles away and accessible only by rural roads with no sidewalks. Travel to and from the proposed development will require, rather than reduce, dependence on private automobiles, and the development will not increase or promote bicycle and pedestrian access. This will be an automobile-dependent neighborhood.
- vii. Increase Job and Business Opportunities: We would like an explanation of how the project “Re-uses or recycles materials from a local or regional industry’s waste stream,” how it will “support manufacture of resource-efficient materials,

- such as recycled or low-toxicity materials,” and how it will “support businesses that utilize locally produced resources such as locally harvested wood or agricultural products.” Adequate explanation is not included in the Application.
- viii. Promote Clean Energy: More explanation is needed on how the project will maximize energy efficiency and renewable energy opportunities. The homes could, for example, be built to meet the Stretch Energy Code, not just Energy Star standards, and/or could incorporate renewable energy systems. During the Applicant’s September 10 presentation, he noted that solar panels will be mounted on the roofs of the dwelling units, but that is not mentioned in the Application itself.
 - ix. Plan Regionally: We note again that while Newbury’s Housing Production Plan 2018-2022 identifies a serious need in Town for affordable housing, the site of the proposed project is not one that is identified in the HPP as appropriate for residential development of this density.

11. Purchase and Sale Agreements:

- a. We note that the current owner of the property, Byfield Estates, LLC, is managed by Mr. Haralambos Katsikis, who signed the Purchase and Sale Agreements on behalf of Byfield Estates, LLC. The Project Eligibility Letter for the previous Byfield Estates Application was rescinded in March 2018 due to Mr. Katsikis’ failure to disclose the fact that he had been the subject of several felony indictments, as well as several misdemeanor charges. The Town would like assurances that Mr. Katsikis will not be involved in the proposed project in any way or at any time other than as the Seller of the property.
- b. We question the Applicant’s assertion that the subject property, identified as “55 Rear Pearson Drive” in the Project Eligibility/Site Approval Application, is in fact a separate buildable lot. The Application identifies the area to be developed as a 15.08 acre parcel of land at 55 Rear Pearson Drive. However, referencing an ANR Plan that was endorsed by the Planning Board on December 21, 2005, and recorded at the Southern Essex District Registry of Deeds on February 21, 2006 (Plan Book 396, Plan 5), the “affected” parcel is not a standalone parcel, but was created and merged with 55 Pearson Drive through that ANR Plan. What the Applicant calls 55 Rear Pearson Drive is identified on this Plan as Parcel B, and is described thus: “Parcel B is not a buildable parcel by itself, but is to be combined with Map R-20, Lot 75, to form one continuous parcel containing 16.36 +/- acres.” Our Assessors database contains only 55 Pearson Drive, with an area of 16.36 acres. It does not contain any parcel identified as 55 Rear Pearson Drive.

12. Applicant Team Qualifications:

- a. We note that TTI Environmental, Inc., is listed as the Development Consultant for Architecture and Engineering. However, the site design drawings contained in the Application include drawings by both TTI Environmental, Inc., and by Ranger Engineering & Design, LLC. Our understanding is that Benjamin Osgood, who was introduced as the Applicant’s engineer at the site walk and at the September 10 presentation, is now working for Ranger Engineering & Design, LLC, and not TTI Environmental. Clarification is needed on which firm is, in fact, the engineer for the project.
- b. We note that the “3D Architectural Renderings” of the two proposed house designs have been prepared, signed, and stamped by Ronald Henri Albert, AIA, of Lunenburg, MA; Mr. Henri is identified as the Architect for the project in the list of Development Team members. However, the floor plans for the units were prepared by KDK Design of Wilmington, MA, which, according to its website, is a “residential design business

serving homeowners, builders and realtors.” Clarification is needed on the relationship between Mr. Albert and KDK Design and on which entity will be responsible for the architectural design of the project.

Thank you for your consideration of these comments and observations with regard to the proposed development. Should you have any questions, please contact me or Martha Taylor, Newbury Town Planner.

Sincerely,

Peter Paicos, Chair
Newbury Planning Board

Attachments: 55 Pearson Drive, Property Record Card
55 Pearson Drive, Parcel Map
Approval Not Required Plan, Plan Book 396, Plan 5, Sheets 1 through 3 of 3
Priority Habitat Map, Martin Burns WMA

cc: Lisa Mead, Mead, Talerman & Costa, LLC
Adam Costa, Mead, Talerman & Costa, LLC
Tracy Blais, Town Administrator