

27.5 and 29 Clarks Road, Amesbury
East End Smart Growth Overlay District Application
November 14, 2025

Waivers Requested and Proposed Conditions of Approval

Waivers Requested

Eagles Crossing LLC, the applicant for the project proposed at 27.5 and 29 Clarks Road, respectfully requests the following waivers from provisions of the East End Smart Growth District (EESGOD) which are needed, or potentially are needed depending on the interpretation of the EESGOD, in order to allow the project as presented to be approved.

5.2.1.c to allow accessory uses related to both the 2-3 Family buildings and the Multi-Family building to be located in the 2-3 Family zone.

The 2-3 Family zone was incorporated into the EESGOD district specifically to encourage the type of residential-scale streetscape this project is providing. The amenity building continues this residential scale while serving all residents of the development.

5.2.2.a To build one building containing 146 units, where “no more than forty-eight (48) units per building” are allowed, “provided that the minimum allowable as-of-right density requirements for residential use specified in Section 7.1 shall apply”.

(Note: The applicable section for the EESGOD is 7.2.2, not 7.1)

The stated intent of the project from the beginning has always been to concentrate the allowable development on the approximately 4 acres of upland, leaving the remainder of the site as conservation land. That goal is incompatible with a limitation of 48 units per building.

7.2.1 to build two three family buildings each 10' from the front property line, where 20' is required

Moving the buildings closer to Clarks Road, suggested by OCED, allows for a more historically appropriate streetscape and better screening for the multifamily building and parking.

10.5.b.1 To allow 1.33 parking spaces per unit where 1.5 spaces are required

With approximately 65% of the units planned to be studios or one bedroom, the applicant's experience with similarly located projects of similar unit breakdown, and the Institute of

Traffic Engineers 6th edition parking generation manual, which suggests .88 spaces per bedroom, which would suggest 194 spaces needed, the applicant believes our 203 spaces proposed are more than adequate for the needs of residents and guests.

Section 10.5.b.1 notes the minimum and maximum parking “Unless otherwise approved by the PAA”.

Section 10.5.b.3 Reduction in Parking Requirements notes the PAA may consider “d. Age or other occupancy restrictions that are likely to result in a lower level of auto usage.” and “f. Such other factors as may be considered by the PAA”.

10.5.b.4.d To allow for 16 compact spaces of 8.5’ width by 18’ length

Eight indoor and eight outdoor spaces which are 6” smaller than standard are a small encouragement of more fuel-efficient vehicles and allow for retention of at least one parking space more than if all spaces were standard size.

10.5.c..1 Landscape Buffers to provide a 10’ buffer strip along Clarks Road where 20’ is required

Moving the buildings closer to Clarks Road, suggested by OCED, allows for a more historically appropriate streetscape and better screening for the multifamily building and parking. The project will comply with the remaining provisions of 10.5.c.1.

10.5.c.2 Retaining Walls greater than 6’

At the ramp to access the garage parking, a retaining wall of approximately 11’ will be necessary. This wall will be finished in decorative brick or stone veneer and fenced at the top for safety.

10.5.c.3 to allow for stockade fences and chain link fence

Stockade fencing is proposed as a visual buffer to adjacent properties. Black chain link fencing is proposed around dog run and play areas, chosen for its limited visual impact, allowing for better views of surrounding nature.

10.5.e.2.b To disturb slopes over 25%

While the building has been oriented to follow the contour of the slope in order to reduce impact to the sloped area, in order to concentrate development out of the wetland and conserved area, some slope exceeding 25% is expected to be impacted.

The language in the zoning is “shall be avoided”.

10.5.e.1.c To permit a four story building approximately 90’ from an abutting building 3 stories or less.

This is due to the signed ordinance failing to capture the change approved by the planning board from 150' to 75'. (scrivener's error- The below highlighted language should read seventy five (75) feet.)

- c. Any portions of new buildings within 200 feet of existing residential buildings three (3) stories or less, shall not exceed three (3) stories. The PAA may waive the two hundred (200) feet to no less than **one hundred and fifty (150)** feet provided a landscape buffer is provided along the closest property line(s) consisting of a combination of solid wooden fencing at least 6 feet high and a 20 feet wide vegetative buffer consisting of evergreen trees no less than 4" in caliper and other evergreen flowering shrubs as approved by the PAA. See Style Guide.

10.5.o To construct a building which "cast(s) a shadow on any residential structure in existence at the time of Preliminary Plan Submission between 9am and 3pm from February 21 to October 21."

Applicant anticipates that a small portion of a shed located at 31 Clarks Road, in an area currently shadowed by a large evergreen tree, may be impacted. No other shadow impacts as defined in this section are anticipated.

Proposed Conditions of Approval

In keeping with the goal of streamlined permitting under the East End Smart Growth Overlay District, Applicant respectfully requests that the Planning Board approve the proposed project with the following conditions:

6.3.2, 6.3.4 Related to project plans, and "location, quantity and unit size" of units accessible to the disabled

As exact unit sizes and which units will be designated as affordable, and which will be built as accessible, are under development, the applicant proposes to provide the required information in coordination with city staff and the Massachusetts Executive Office of Housing and Livable Communities as a condition of approval.

6.3.3 and 6.6 Affordable Housing Restriction

While some information required in section 6.6 has been submitted and applicant will comply with all provisions of these two sections, at this time applicant proposes to submit for approval the remaining documentation required therein to both the city and the Massachusetts Executive Office of Housing and Livable Communities as a condition of approval.

10.3.h and 10.4.e.4 related to site and building signage

Applicant proposes to locate and design signage and coordinate with city staff as a condition of approval. Alternatively, the condition could require Applicant return to the Board for approval of signage as a minor modification.

10.4.f related to deeds and easements

Applicant proposes to negotiate and finalize the necessary deed(s) and easement(s) with the City related to the open space and access to it with city staff as a condition of approval.

10.5.d.4 related to copies of formation of approved entity to maintain open space

Applicant is willing to maintain the trail on the open space parcel for a period of five years and proposes to finalize the details of such maintenance with city staff as a condition of approval.

10.5.m.2 Related to demonstrating project is consistent with the City's Planned Infrastructure Report and Capital Improvement Plan

Applicant proposes to work with the DPW and other city staff to update the information necessary to demonstrate this compliance, and requests the Board include such demonstration, as approved by city staff, as a condition of approval.