

PLANNING BOARD

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AMESBURY CITY CLERK

CERTIFICATE OF APPROVAL

Property Ownership: **City of Amesbury, 62 Friend Street, Amesbury, MA 01913**

Applicant: **Fafard Real Estate and Development Corporation, 120 Quarry Drive, Milford, MA 01757**

Application Type: **SITE PLAN REVIEW**

Project: **Multi – Family Residential Development along Bailey’s Pond on Summit Ave and Route 150 in Amesbury, MA**

Date: **November 04, 2013**

A. GENERAL

On or about 03-19-2012, the Planning Board of Amesbury (the “Board”) received an application for Site Plan Review for a proposed Multi – Family Residential Development consisting of thirty four (34) four unit structures for a total of 136 residential units (“Project”) along Bailey’s Pond at the corner of Summit Avenue and Route 150 in Amesbury MA. The application was submitted along with a Site Plan (the “Plan”) drawn by Oak Consulting Group, P.O. Box 1123, Newburyport, MA 01950 on and last revised on. The application and supporting documents were submitted by Shaun Melone P.E. on behalf of Richard Terrill of Fafard Real Estate and Development Corporation, 120 Quarry Drive, Milford, MA 01757 (the “Applicant”). The set of plans includes twenty two (22) sheets.

The Board also received supplemental plans and documents pertaining to stormwater and drainage, erosion control, water and sewer, elevations and landscaping plans for review (see Sheets 1 - 22). The Application also includes the following documents, plans, or reports:

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CLERK

- Exhibit 1 - Plan Set
- Exhibit 2 – Additional Plans for Riverfront Area
- Exhibit 3 – Comments from Massachusetts Department of Environmental Protection (DEP) on the Environmental Notification Form (ENF)

Brief Permitting History:

On or about April 16, 2010, an application for Site Plan Review (SPR) on behalf of the Applicant was submitted to the Planning Board by Oak Engineers LLC. The public hearing was held on May 24, 2010. The hearing was continued to August 9, 2010. At this hearing, the Board raised several concerns, including but not limited to, access to the site, roadway widths, public safety, non-compliance with performance and design standards, the number and height of retaining walls, the clearing cutting of the site, lack of water views from proposed buildings and no recreational amenities for a residential development of 178 units. The Applicant requests continuation of the public hearing at each subsequent monthly Board meeting through May 2011 to review the comments and submit revised plans. Revised conceptual site plans were presented to the Board on June 13, 2011 and to get additional input before revised plans were submitted for engineering review. More revisions were presented at the July 25, 2011 Planning Board meeting. At this meeting, the Applicant presented a revised plan reducing the total number of residential units to a total of 136 units. The Board was still concerned with the lack of community outdoor recreational space or other amenities, the “cookie cutter” layout of buildings not in keeping with the small neighborhood character, as well as, the more than forty (40) feet of a series of continuous retaining walls in the smaller development pod.

A new site layout plan set was submitted with revised technical documents on October 7, 2011. At their meeting on Oct 24, 2011, the Board required that a peer review consultant be brought on to review the revised site plan. The Applicant was aggrieved by the total expenses for review services and via letter dated Nov 23, 2011 requested that other consultants be contacted for potential review services and to continue the hearing to Jan 24, 2012. The

Conservation Commission requested that the Planning Board seek consultants that would have the expertise to review the environmental permits filed before the Conservation Commission for this project as well. The Board required that only consulting firms that have the professional staff to provide comprehensive technical expertise, including, engineering, stormwater management and environmental services be solicited for bids. At its Mar 12, 2012 meeting, the Board selected two consultants, pending final selection based on Conservation Commission's decision. Upon ConCom's approval, BSC Group was selected as the peer review consultant for both the Planning Board and the Conservation Commission.

Upon Applicant's request, the consultant did not start the review until late summer 2012. The applicant was waiting for the final wetland resource delineation to be completed before start of peer review. The initial peer review comments were provided to the Applicant in Sep 2012. Upon the Applicant's request, the public hearing was continued to respond to review comments. Revised plans were submitted to the Board in response to the peer review comments. These documents were further reviewed and the peer review consultant issued another set of comments in January 2013. The last set of revisions and supplemental information was provided for review in February 2013.

A new public hearing was opened on 06-10-2013 as there was a lack of quorum on the prior continued hearing. The new hearing was continued to 07-08-2013, 07-22-2013, 08-26-2013, 09-23-2013 and 10-28-2013. The public hearing was closed on 10-28-2013 and the Board rendered its decision on 11-04-2013.

This is the Certificate of Approval with Conditions from the Board ("Decision").

B. FINDINGS:**a. The Board made the following findings:**

1. **Project Site and Permits required under Amesbury Zoning Bylaw:** The Project is proposed on a 24.51+/- acre property currently owned by the City of Amesbury. The subject property (“Property”) is located in the Planned Unit Development (PUD) Zoning District and identified as Map 87 Lot 1, & Map 88, Lot 50 on the City’s Assessor’s Map. The Project requires a Site Plan Review under Section XI.C and an Earth Filling Special Permit under Section XI.B2 under the Amesbury Zoning Bylaw. The Project also requires a filing of the Notice of Intent under the Wetlands Protection Act and the Amesbury Wetlands Ordinance and Bylaw;
2. **Existing Conditions and Neighborhood Context:** The site is currently undeveloped and vacant. Although there are remnants of a gravel operation on the site, mature evergreen vegetative buffers remain along Route 150 and some portions of Summit Avenue. The site generally slopes southeast to the edge of Bailey’s Pond. The slopes along the perimeter are in excess of 25% with small portions in the range of 15% - 25%. These sloped areas are forested with a mix of mature trees, second growth of soft and hard woods and some scrub growth understory. The center of the site is relatively flat and then the land slopes down at 10 – 15% to the edge of the Pond. The site has approximately 1,650 feet of frontage along Bailey’s Pond. The Pond edge is well vegetated but offers a few select views to the Pond. Portions of the Pond are lined by Bordering Vegetative Wetlands (BVWs). The Site is divided into two portions by a perennial stream. The Project Site is located in a predominantly single family residential neighborhood where the minimum lot size is 20,000 square feet;
3. **Project Description and Proposed Uses:** A multi-family residential development consisting of 34 buildings and a total of 136 units is proposed on the property;
4. **Site Layout and Building Location:** See attached site plan set;

5. **Site Access, Traffic and Vehicular Circulation:** There are two major development areas on the site. The smaller development pod consists of nine buildings for a total of 36 units between the Bailey's Pond and Summit Avenue. Access for this location will be from Summit Avenue about 900 feet north of the intersection with Route 150. The larger development pod consists of twenty five (25) buildings for a total of 100 units is proposed southeast of the Pond, north of Route 150 and east of Summit Avenue. The main access for this part of the Site is from Route 150 and is about 600 feet east of the Summit Avenue intersection. An emergency access is proposed to this area from Beacon Street. A Traffic Impact and Access Study, prepared by TEPP LLC, Inc. was submitted with the application. The Project also requires a Massachusetts Department of Transportation (MassDOT) curb-cut permit for access from Route 150. Access to the site from Route 150 requires turning left and may require turning lanes. If so, it is not clear from the information presented if Route 150 could be widened to accommodate additional travel lanes. The existing guardrail along the paved portion of Route 150 on the easterly side provides a safety barrier as the right of way slopes steeply towards the site beyond the guardrail. Proximity of on and off ramps to Route 495 may further necessitate other improvements along Route 150. Similar situation exists along Summit Avenue, where the paved portion of Summit Avenue along the westerly edge of the property is protected by a guard rail due to steep slopes. In the Board's opinion, there are too many variables and unknown at this time to determine what improvements may be needed along Route 150 and how those may impact the access to the site. The Board also finds that the curb cut approval from MassDOT is therefore critical in determining whether the proposed access, traffic circulation, site layout, grading is going to function properly and as per standards or not. Further analysis would be required on the Applicant's behalf to demonstrate that no changes would be needed to the proposed Site Plan due to any requirements of the curb cut permit;
6. **Off-street Parking, Visitor Parking and Loading spaces:** Off- street parking for each residential unit is provided as tandem parking spaces within drive under garages or surface parking spots adjacent to the building. The proposed floor plans show a two car garage for each unit where two cars may be parked in tandem. The minimum length

required to park one car is 18 feet and the proposed garages are less than 34 feet in length. The Board only accounted for one car space in the garage. The surface parking for two cars is shown in front of the garage door for each unit. The driveways leading to the garages from the main access way were modified to be a minimum of 18 feet in width. The Board is concerned about the proposed parking layout for several reasons. First, the proposed parking layout for each unit renders the garage space non-usable if two cars as shown are blocking the garage door. Second, the car closest to the end of the driveway in many areas will not be able to turn around because no turning area has been proposed or because the distance between the two parking spots across from one another is less than 24 feet to be able to turn around. The proposed layout would have to be modified to be able to allow all surface parking spots to meet transportation standards for minimum turning radii and circulation. There are no additional car spaces provided for any visitors or additional vehicles on the site. The Applicant states that visitor parking is proposed on the main access way. The Board's concern is that the proposed roadway is only 22 feet and the Applicant has requested a waiver from the 24 feet wide requirement. On-street parking would create unsafe conditions with reduced width for travel lanes. Further, during winter when snow accumulates on the access way, it would further reduce any possibility for street parking. In the Board's opinion, the scale and size of the Project necessitates adequate parking for both residents within the development and visitors alike. The Board finds that the proposed arrangement of parking needs to be further improved to meet the needs of future homeowners and for safe access and vehicular circulation within the development;

7. **Natural Resources and Environmental Impact Assessment:** The Site borders along the Bailey's Pond on the easterly property line. A perennial stream traverses the site from west to east and sub-divides the developable portion on the site into two parts. There are existing pedestrian trails along the water's edge in the 100 feet Buffer Zone Area. The following findings were made by the peer review consultant for the Conservation Commission;

1) With the exception of some limited portions of trails, the Riverfront Area in the Project site is not degraded, within the meaning of the DEP Regulations for Riverfront Area. The Project Site would be subject to the performance standards of 310 CMR 10.58(4), and not the standards for redevelopment of a degraded area under 310 CMR 10.58(5) and, therefore, the project site is not a previously developed Riverfront Area. In this regard, most of the project site is characterized by pervious, well vegetated land containing topsoil that provides Riverfront Area function. Some limited locations within trail footprints exhibit an absence of topsoil and are un-vegetated. These specific locations within the trail footprint qualify as degraded, but do not confer degraded status upon the entire site. Additionally, the site is not paved, and is neither a junk yard nor abandoned dumping grounds, and therefore does not qualify as degraded under these provisions.

2) The Amesbury Conservation Commission determined that the current project design and proposed mitigation do not meet the mitigation requirements of 310 CMR 10.58(5) and, further, that the proposed mitigation does not offset the adverse impacts caused by creation of impervious surfaces and the development of forested land, including the impairment of wildlife habitat.

3) The Amesbury Conservation Commission determined that the applicant has not provided an adequate alternatives analysis, as required by 310 CMR 10.58(4), to show that there are no practicable and substantially equivalent economic alternatives to the work proposed within the Riverfront Area, with less adverse effects on interests protected by the Massachusetts Wetlands Protection Act and the Amesbury Wetlands Ordinance. The applicant did not document any reason showing that it is necessary to locate proposed activities, including stormwater structures, within the Riverfront Area. Further, the Applicant disagreed to eliminate buildings or any other disturbance within the Riverfront Area;

8. **Storm water Management:** The most significant concern raised by abutters was regarding the drainage outlet from Bailey's Pond. The drainage outlet from the Bailey's Pond is currently at maximum capacity to handle the existing stormwater runoff discharging into the Pond and cannot function properly during significant rainfall events. During major storm events, this has led to washouts on Beacon Street and requires the closing of Merrimack Street. The rising water elevations flood the properties along the Bailey's Pond to dangerous levels as observed by those property owners. The Applicant has stated that the proposed Project will not add more stormwater to the Pond and therefore not change the existing conditions and therefore it is not required upon them to fix the outlet problem. The proposed drainage system on the site includes both a closed pipe system as well as Low Impact Drainage (LID) system that includes surface recharge, rain gardens and infiltration systems. The proposed design reduces the flow and volume of water from existing conditions thereby reducing some peak flows into abutting wetland areas. Pre-treatment has been added prior to discharge into the Pond. The peer review finds that the proposed stormwater system as designed would meet the DEP regulations provided the Operation and Maintenance (O & M) Plan is implemented to ensure proper functioning of all the components of the system. The Board finds that although the drainage system meets the regulatory standards, there is a potential risk that flooding situations on Beacon Street may increase if stormwater discharge during peak flow rates exceeds design assumptions;

9. **Trash Removal:** The Project is proposed as a Residential Condominium development. The Applicant has stated that since this is a private development, trash will be picked up by private service providers and that the City will not be required to provide trash removal, recycling or snow removal services. No common areas were identified on the site for common dumpsters. The Applicant states that the individual homeowners will have to bring the trash bins to the roadside for pickup as per schedule of the service provider. The Condominium Association will set the appropriate fee for such services. No information was provided for re-cycling services;

10. **Community Character and Building Design:** The Applicant has proposed two types of building styles called out as Coach and the Galleria. There are about 27 Coach style and 7 Galleria style buildings in the Project. All buildings have four (4) units in each structure. Floor plans and building elevation drawings for the two building styles were presented. These drawings were not specific to this site but used to build other projects by the Applicant. The Board's concerns with the proposed building designs are that the buildings are not residentially scaled and not designed using traditional building principles. Further they are inconsistent with the historic character of the neighborhood. The Board discussed specific improvements related to building materials, color and design elements for each building type. The Board finds that that Project and building design, as presented, are not in harmony with the vernacular architecture of the town or the residential scale and density of neighborhood;

11. **Pedestrian Access:** The Plans show a sidewalk along one side of the main access roadway and walkways to the roadway from some of the buildings. No pedestrian connections have been proposed to the streets in the neighborhood. Given the total number of proposed residential units, the scale of the Project and proximity to the Merrimack River, the Board asked for a pedestrian sidewalk along Summit Avenue and Route 150 that abut the Site. The revised Plans do not provide any pedestrian connections other than a walking trail along the edge of the Pond accessible to the public;

12. **Landscaping:** The landscaping plan shows street trees along the main access roadways and a general template for plantings around individual buildings. A boulevard entrance with a landscape island has been proposed at the entrance. The limit of work shows that the site would be clear cut with some existing tree buffer along the Pond to be preserved as well as along Route 150. The grading plan shows retaining walls in several locations. Photographs of other projects show that retaining walls were built with natural stone boulders and face cut stone. All walls over six (6) feet would have to be engineered. No details for those walls were provided. There is

also a 1:1 slope proposed in the smaller pod that is over 45 feet in height. The Board has several concerns, including lack of any engineering design and details, maintenance and proximity to proposed residential structures. The slope would require significant cut into a slope that currently has mature vegetative growth and is very stable. The Board finds that proposed site plan layout and other improvements do not fully satisfy the criteria related to preserving the natural resources and requiring minimum disturbance on site;

13. **Site Amenities:** No on-site recreational amenities are being proposed. There is a gazebo in one location proposed on the plan connected by the walking trail. There are no other neighborhood parks accessible or other public play areas within walking distance of the project site. The Board had suggested that some common areas for recreational purposes and play areas be included in the Site Plan to allow the future residents with outdoor opportunities. The proposed units are laid out in such a manner that individual units do not have any private yards or dedicated private outdoor space to install swing sets or other amenities. In the Board's opinion, these outdoor playgrounds or recreation areas are desirable and are also indicated as design standards under subdivision rules and regulations where an area equal to one lot in a twenty (20) lot subdivision should be set aside for such recreational purpose. The lack of such recreational opportunities in the plan should be reconsidered by the Applicant to increase the quality of life within this development;

14. **Construction Time-frame:** The proposed Project requires significant earth filling and re-grading of existing topography prior to installation of utilities, stormwater management systems and access roadways. The Board asked for a project timeline for construction and completion of project. The Applicant did not present a project timeline but instead presented a phasing plan and has stated that site preparation and construction of individual buildings will take place over an extended period of time. Projects built by the Applicant in other cities and town in Massachusetts indicate that such large projects have taken several years sometimes more than ten (10) years to be

completely built out. The neighborhood and the Board are concerned that this project may result in the area become a construction zone for several years.

15. **Lighting:** The proposed lighting plan shows different light fixtures depending on location; and
16. **Signage:** No signage for the Project has been proposed;

b.1 The purpose of the Site Plan Review is to promote attractive multi-family development projects that allow for the preservation of open space, protection of environmentally sensitive areas, protect the character, aesthetic visual qualities and property values in Town and to the extent feasible, allow development that is integrated into the existing landscape, minimizes vegetation and soil removal and grade changes, minimizes traffic and safety impacts of the proposed development on adjacent highways or roads and maximizes the convenience and safety of vehicular and pedestrian movement within the site.

b.2 In reviewing and evaluating the Site Plan, and in making a final determination regarding Site Plan approval, the Planning Board has considered criteria outlined in XI.C, including compliance with the Development and Performance Standards contained in Section XI.C.8. As evident from the proposed engineered 1:1 slope and approximately 114,000 cubic yard of earth fill to achieve proposed grades, the Board finds that the proposed Plan substantially modifies the existing landscape, requires extensive grade changes and earth filling and does not provide for usable common space for use by future residents in the development. The Project is contingent upon getting approval from MassDOT approves for a curb cut along Route 150. This is not a customary permit and the close proximity of the on and off ramps to Route 495 may necessitate some off-site traffic mitigation, which may further impact the proposed site access for safe vehicular movement. The Applicant has had extensive time to present the proposed Plan to State agencies to get initial feedback and an indication if the proposed access is generally acceptable or if any off-site traffic mitigation may be required. The size, shape and location of the structures in relation to the land upon

which the buildings are located are such that there are no private outdoor spaces and the architectural designs for the proposed structures are not generally in harmony with the vernacular architecture of the Town and do not complement the aesthetic visual qualities of the neighboring residential districts. Based on the findings noted in 1 through 16 above, the Board finds that in approving the Site Plan Application, the Board will approve the Project with conditions and design performance necessary to ensure health, safety and welfare of the community.

C. WAIVERS

The Applicant provided the Board with a list of waivers from specific provisions of Amesbury's Subdivision Rules and Regulations and the Zoning Bylaw via letter dated 09-18-2013 (see list below in Table 1). The Board has endeavored to grant waivers as stated below and only to the extent necessary, where the waivers are consistent with the purpose and intent of the regulations and would not threaten public health, safety or welfare and to minimize harm and disruption to the locus and real property abutting the locus. Notwithstanding that the Site Plan Review application is approved, no other waiver(s), except as listed below, is being granted from the provisions of the Amesbury's Subdivision Rules and Regulations or the Zoning Bylaw. In the event that further waivers are required, the Applicant shall submit a written request to the Board for such waiver(s) from specific provisions and the Board may grant or deny such additional waivers in accordance with applicable rules and regulations in effect at that time. The following action was taken on the requested waivers:

TABLE 1:

Performance Standard/ Requirement	Requested Waiver	Decision of the Board
Zoning Bylaw - Sec. VIII.G. 6	To not require granite curb along roadway	Granite curbing is waived along the interior side of the roadway where the 4 foot "pedestrian shoulder" is proposed and along the driveways off the main roadway leading to the surface parking areas.
Zoning Bylaw - Sec. VIII.G. 9	To increase the width of boulevard entrance from Rt. 150 at the street line greater than 24 feet	The entrance from Rt. 150 may be greater than 24 feet to the extent shown on the approved Site Plan subject to final approval as to location and engineering details by Massachusetts Department of Transportation
Subdivision Rules and Regulations - Sec. 7.09. H	Requesting sidewalk only on one side and vehicle travel lanes of 11 feet	A raised concrete sidewalk at least 4 feet wide on one side of the roadway shall be allowed provided it connects each of the entrances from Summit Avenue and Rt. 150 with a pedestrian sidewalk. The vehicle travel lane may be reduced to 11 feet provided the 4 feet pedestrian shoulder is not used for visitor or resident parking and shall not be used for snow storage.

<p>Subdivision Rules and Regulations - Sec. 7.09. D.7</p>	<p>Use of centerline radii less than 200 feet.</p>	<p>The waiver is granted to the extent as shown at the entrances to the development and subject to the approval of the curb cut from Massachusetts Department of Transportation</p>

D. APPROVAL OF THE SITE PLAN APPLICATION AND CONDITIONS THERETO

After public hearing, upon notice in accordance with the statute (General Laws, Chapter 40A, section 11) and the Amesbury Zoning Bylaw, and after full consideration of the evidence presented, and upon the findings made by the Board and hereinafter set forth, the Site Plan Review application, as amended, for the Planned Unit Development known as the Village at Bailey's Pond is approved for the premises described in the application, further upon the conditions that follow:

I. COMPLIANCE WITH LOCAL, STATE AND FEDERAL REQUIREMENTS:

The Project and all construction, utilities, roads, drainage, earth removal and filling and all related appurtenances with respect to the proposed Project, shall comply with all applicable local, state and federal regulations except as waived specifically by this Decision. The Applicant shall be responsible for acquiring all other local, state and federal permits and approvals as necessary to construct the Project as approved by the Board. Final action on all other state and federal permits shall be submitted to the Board for record. The Board notes that the following are some of the permits needed for this Project prior to start of any construction activity:

1. Earth Filling Special Permit from the Amesbury Planning Board;
2. Curb-cut permit from Massachusetts Department of Transportation (MassDOT);
3. Compliance with the Massachusetts Wetlands Protection Act and related regulations, G. L. c. 131, § 40-40A, and the Amesbury Wetlands Bylaw and Regulations;
4. Compliance with Massachusetts Department of Environmental Protection (MassDEP) Stormwater Regulations, as needed; and
5. NPDES permit from Environmental Protection Agency.

II. GENERAL CONDITIONS

1. **Application for Earth Filling and MassDOT curb-cut Permit:** Within ninety days (90) days of this Approval, the Applicant shall i) submit a copy of the application with supporting documentation to be made to MassDOT for curb-cut permit, and b) file Special Permit application(s) with the Board along with all required information for review under Section XI.B of the Zoning Bylaw for review;
2. **Total number of units and Allowed Uses;** No more than thirty four (34) four unit principle residential structures shall be allowed as shown on the approved Plan. Two development pods shall be allowed. The northern pod shall consist of no more than nine (9) structures and the southern pod shall have no more than 25 structures. Any changes to their location, size or design shall require further review and approval by the Board;
3. **Time-frame for Completion of infrastructure improvements** – All improvements shall be completed within three (3) years from the issuance of this Approval. The improvements in the two development pods may be started separately, but together shall be fully complete within these three years. However, any portion of the drainage or utility infrastructure that is required to be built for any of the pods shall be required to be completed in the initial phase.
4. **Engineered Slope in the northern pod** – The Board shall not approve the alteration of site slope in the northern pod along Summit Avenue as presented in the schematic engineering design. The applicant may submit an alternate layout for the access road and residential structures such that it requires minimal disturbance of the slope and significantly less removal of earth. Retaining walls, if any, shall be no more than a total of 6 feet in height from the bottom to the highest point of any retaining wall. Tiered walls may be used but shall not exceed a total combined height of six (6) feet.
5. **Parking Layout for individual structures** – The parking layout shows tandem parking for individual units. The Board shall only allow parking spaces that are not blocked by

any other proposed parking space. The Applicant shall submit a final parking layout plan to demonstrate that parking spaces are laid out such that any car may be driven in or out of a space without requiring any other parked vehicle to be relocated;

6. **Inspections** - The Board shall require the inspection of the following: 1) roadway, stormwater and drainage infrastructure, utilities; 2) earth filling, site grading and stabilization; 3) landscaping and environmental mitigation; and 4) other improvements on the site as per Final Plans. This inspection shall be done to ensure that the work is carried out in accordance with the Final Plans and to ensure that all improvements are in compliance with the conditions stated in this Approval. The Board shall require the establishment of a construction observation account and the Applicant shall provide the funds necessary for inspection by the Board's consultant prior to start of any construction activity. To the extent feasible, the Board will coordinate with the Commission to retain the same consultant;
7. **Environmental Compliance**: The Applicant shall submit a copy of the recorded CoC as issued by the Commission;
8. **Ways and Easements** - The Applicant or its assignees shall retain all title to the ways and utility infrastructure easements in the Project. The ways and driveways shall remain private in perpetuity and all associated utility and stormwater infrastructure shall be maintained by the Applicant, its assignees or the Condominium Association;
9. **Emergency Access**: The access from Beacon Street shall be allowed for emergency purposes only. It shall be the responsibility of the Condominium Association that at no time shall the emergency access be blocked by snow or parked vehicles;
10. **Sidewalks and Pedestrian walkways**: All pedestrian sidewalks, cross-walks and walkways shall be handicap accessible and shall be designed accordingly, including across driveways and roadways;

11. **Affordable Units**: The Project is required to provide affordable units are per Section V.F. The Board did not receive any information on the allocation of affordable units in the Project. Pursuant to Section V.F of the Amesbury zoning Bylaw, the Applicant shall be required to satisfy the following conditions:
- a) The allocation of affordable units in individual structures shall be reviewed and approved by the monitoring agent. For the purposes of this project, Office of Community and Economic Development (OCED) in the City of Amesbury shall be the monitoring agent. OCED shall ensure that the units are distributed uniformly in the development and are not considerably different from the market rate units in total floor area, finishes, amenities and location within the individual buildings. At least one market rate unit shall always be provided in any residential structure in which an affordable unit is proposed. No more than two affordable units shall be allowed in any multi-family structure without the approval of the monitoring agent. The applicant may submit necessary documents, not limited to specifications, architectural drawings and floor plans for review by OCED and approval from the Board at any-time prior to issue of occupancy permit for any unit in the proposed development; and
 - b) Prior to issue of occupancy permit for any unit, the documents for the affordable units, including the Affordable Unit Deed Restriction, Master Deed and the condominium association documents shall require review and approval, both, by the OCED and the Board. The above referenced documents as approved by the Board shall then be recorded at the Essex Registry of Deeds and two (2) copies of the recorded documents shall be provided to the Board. Any change to these recorded documents at any time would require approval from the board;
12. **Condominium Trust and Annual Operating Funds** - Prior to sale of first residential unit in the project, the condominium trust shall be formed and the copy of the recorded legal document shall be provided to the Board. Prior to the start of construction of the second residential structure, the developer shall be required to demonstrate by submission of financial statement that there are sufficient liquid reserve funds in the Condominium Trust account for annual maintenance of infrastructure, utilities and stormwater system. The developer shall be required to submit this information until

such time as the ownership of 80% of the units has been transferred to individual homeowners.

13. **Submission of Maintenance Records** - The detailed stormwater management system and other infrastructure maintenance records shall be provided to the Board on a quarterly basis to demonstrate that the requirements of the O & M plan are being met. These reporting requirements shall be required until 75% of the units have been sold.
14. **As-Built Plans and Repairs** - To ensure compliance with the terms and conditions of this Decision and any approval or order by any federal, state-agency, the Applicant shall submit plans with a certification from a Professional Engineer or Architect registered in the Commonwealth of Massachusetts that the Project "As-Built Plan" complies in all substantive respects with this Decision and any other approval or order by any federal, state or local agency. Any damage to public roads and walkways shall be repaired and/or replaced to the satisfaction of the DPW Director and City Engineer;
15. **Issuance of Building Permits for individual Buildings:** No applications for Building Permits shall be made for any proposed multi-family structures until all utilities, sewer pump station and associated environmental mitigation, roadway infrastructure and stormwater management systems have been completed. A Final As-built and a certification from the Applicant's Engineer shall be submitted showing the completion of work along with a request to release the individual buildings for construction. The Board shall review and approve the final As-built and require the Consultant to the Board to issue a letter indicating that all completed work shown on the As-built has been done as per approved plans and in compliance with all local, state and federal permits.
16. **Release of Covenant for Building (Project Phasing):** A Project Phasing Plan shall be submitted to the Board identifying when the individual buildings be constructed. The Board shall release individual buildings from the covenant to apply for building permits in four (4) batches no less than eight (8) buildings at a time, such structures being

adjacent to each other on the site. At least 90% of the buildings in one batch must be under construction before the next batch of buildings shall be released for construction.

17. **Wetland Permitting** – In order to effectively coordinate and integrate the required observation and inspection reports for this project, the Board recognizes that the Plan(s) shown under the Notice of Intent Application (as revised) and the Order of Conditions, issued by the Amesbury Conservation Commission, shall also be carried out to the satisfaction of the Commission or its agents. Also,
- a. Except as waived by this Decision or a decision of the Commission, the construction of this project shall comply with the Amesbury Wetlands Bylaw and Amesbury Conservation Commission Regulations in effect at the time any Building Permit is sought for the Project or for any jurisdiction for roadway-associated construction, and with all rules, regulations, filing and permit requirements and certifications of the Commission with respect to natural resource protection, construction of storm water management structures within the Buffer zone and their disposal, construction of other structures including retaining walls within the Buffer Zone, and wastewater disposal;
 - b. Any request for alteration to the Order of Conditions made by the Applicant to the Commission (or to Massachusetts Department of Environmental Protection (Mass DEP), upon appeal) shall be simultaneously provided to the Board. The proposed work shall comply with the “Order of Conditions” issued by the Commission upon the said premises;
 - c. The Order of Conditions from the Commission shall be carried out to the satisfaction of the Commission. Any violation of the Order of Conditions issued by the Commission shall be deemed to be a violation of this Approval, with all remedies to the City of Amesbury as provided by law;
18. **Pre-Construction Conference** - At least forty-eight (48) hours prior to any initial site work, a Pre-Construction conference shall be held with the Applicant, Applicant’s

contractor, a representative of the Board, its consulting engineer, and representatives of the City Departments having an interest in the Plan. Said meeting shall be for the purpose of familiarization with the project, the conditions of approval, and the project's construction sequence and timetable. This meeting may be in conjunction with the pre-construction meeting required by the Amesbury Conservation Commission as per its Order of Conditions;

19. **Stockpiles** - All earth stockpiles shall be established in locations greater than fifty (50') feet from the wetlands as approved by the Board or its designee. Earth material stockpiles shall not be allowed immediately adjacent to perimeter siltation barriers or drain inlets. Long term stockpiles over thirty (30) days shall be shaped stabilized and circled by siltation fence and haybales and shall be stabilized by temporary seeding, sheeting or netting;
20. **Utility Trenches** - Utility trenches within the public Right of Way shall be saw-cut prior to excavation. Open trenches shall be backfilled with bank gravel and compacted to 95%. Trenches shall be paved with asphalt binder to a minimum depth of three (3) inches and overlaid curb to curb on Summit Avenue to a minimum depth of one and half (1.5) inches. Water service trenches shall be infrared joint paved. The DPW Director and the City Engineer shall have the final signoff on the right of way improvements and any change to these standards or those shown on approved plans shall be subject to their review and approval;
21. **Sedimentation and Erosion Control Bond** – The Applicant shall be required to post Surety with the Board for Sedimentation and Erosion to ensure that all drainage and erosion control measures are carried out on site, including both the proposed roadways, drainage system, and grading plan as per the Final Plan and other engineering drawings. Prior to release of any Surety, the Board shall verify with its construction observation Consultant and the Commission that the soils and slopes have stabilized and that there is evidence of healthy mature grass and/or landscaping on the site;

22. **Performance Bond:** The Applicant shall be required to post a surety with the Board for site improvements, including the roadway construction, sewer pump station, landscaping within the right of way, utilities, sidewalks and pedestrian walkway, retaining walls and all components of the stormwater management systems as shown on the Final Plans. The form of the Performance Guarantee, adequacy and or amount shall be reviewed and approved by the Board ;
23. **Final Release of the Performance Bond** - Final release of performance bond shall be made when all the following conditions have been met: a) Upon completion of work as shown on the Final Plans, the Applicant shall furnish a report from the Board's construction observation consultant indicating that all work has been completed as per the Board's Decision and as shown on the Final Plans; b) A recorded copy of the Certificate of Compliance (CoC) from the Commission shall be provided to the Board along with a final As-Built plan; c) there are no other outstanding violations of any permits granted by other local or state agencies; and d) upon completion of all improvements and stormwater management system, the Applicant shall submit an "As-Built Plan" to the Board along with a written confirmation from a Registered Professional Engineer, indicating that construction complies with the approved site plans and conditions of approval, including drainage and utility plans;
24. **Stormwater Management Operation and Maintenance:** The final O&M plan and accompanying document shall be revised as follows: The proposed Stormwater System Inspection Report shall be submitted to the ACC and the Board every year no later than the last day of October of each year. Such reports shall be submitted by the Applicant or their successors until such time as a final CoC has been recorded at the Registry of Deeds or the last building has been issued a Certificate of Occupancy, whichever is later.
25. **Lighting:** All exterior light fixtures proposed along the roadway and exterior building mounted fixtures shall be dark sky compliant luminaires and fixtures.

26. **Signage** – Any signage proposed for this project shall be restricted to only one free standing ground sign. The proposed sign shall not exceed twenty (20) square feet in area and six (6) feet in height and shall be made of wood or similar materials. Only indirect lighting shall be allowed. The applicant shall submit a sign package showing materials, colors, size, location and method of mounting for ground sign. The sign package shall be reviewed by the Board for consistency with this Decision and shall render its findings and decision on the signage at that time;
27. **Site and Building Design** - The dwelling units and structures (fences, walls, and similar structures) shall meet the criteria set forth and outlined below. This condition shall also be noted in the pertinent legal documents, including Master Deed and Condominium Association Declaration of Trust. The Site and Building Design Standards are as follows:
- **Building Design**- A minimum of four (4) building designs shall be submitted to the Board for review and approval.
 - **Exterior Siding** - Only wood shingles, wood lap siding, or masonry shall be used. Fiber-cement siding materials such as HardiPlank or CertainTeed's Weatherboards may be substituted. Vinyl, aluminum and steel siding are specifically prohibited;
 - **Roofing Materials** - Only "architectural" or slateline" asphalt, real red cedar, slate, or rubber slate will be permitted. Porches may incorporate copper or metal as long as it does not represent more than 20% of the total roofing area. Plumbing vent pipes shall not be located on any front-facing surface of the roof and shall have a color that will blend in with the color of the roofing material. For the purpose of these standards, the front yard shall be considered the area along the face of the building parallel to the main access way. The face directly opposite of the front face shall be considered the rear of the building. Roof dormers shall not occupy more than 33% of a roof surface and shed dormers shall not be permitted along the front roof surface located along the main access way;
 - **Windows** – All windows shall be double hung and six (6) over six (6) sashes. All windows at the same floor level shall be of equal height. If shutters are proposed, then all windows shall have shutters. Window caps or crowns may be capped with

copper, lead and metal. Windows on the façade and sides of all structures shall have grilles installed between and outside the window or be “true divided light”, and shall fit the architectural style of each home. Alternatively, simulated true divided light may be acceptable but snap on grilles will not be allowed. Blank walls shall not be allowed. Large palatian windows on the second floor above the main entrance shall not be allowed. Double ganged windows shall be allowed only when facing the rear yards;

- Doors and Entrances - Following traditional entrance design, the door surrounds, moldings, steps, entablatures, transoms, pediments, door casings, projections, porticos, and door canopies and columns should all follow the principles of the *Orders* for traditional buildings.
- Chimneys - All chimneys shall be made of brick or stone masonry work, or be of cultured stone veneer. Wooden “chases” are not permitted; however, direct vent are permitted provided they do not exit through the front wall;
- Exterior Trim/Porches - Articulated trim details for the windows, fascia, rakes, corner boards and porches shall be in keeping with the architectural style of each home. Porches will use upgraded decking and balustrade materials such as edge grain fir, mahogany, teak, redwood, or cedar. Trex decking or the like will not be permitted on front porches, but may be used for rear decks. Pressure treated wood may be used for framing, but shall not be left exposed;
- Rear Decks/Patios - As with front porches, upgraded trim details will be incorporated, and no exposed pressure treated wood will be allowed. With the exception of patios beneath, spaces below deck areas will be landscaped and enclosed with lattice work which will finished with stain or paint or be of low-maintenance vinyl. Patios will be made from brick, stone, or unit pavers. Unfinished concrete patios will not be permitted;
- Landscaping - Landscaping shall be consistent with the Landscape Plan(s);
- Retaining walls - Retaining walls shall be made from stone or brick and shall not be made from interlocking concrete block (which have a commercial appearance),

unless they are of the “tumbled” or stressed” type (which resemble cobblestone or granite);

- Foundations - Foundations in poured concrete shall be limited to maximum of eighteen (18) inches of exposed concrete in the front yard and to twenty four (24) inches of exposed concrete in the rear and side yards for grading and drainage purposes only. Exposed foundation walls shall be screened with landscaping. All other foundations shall be faced with brick, stone veneer or better;
- Fences - To maintain consistency in the development, any fences along the exclusive use areas shall be either an open post and rail style or decorative metal or wooden fence, no higher than 42 inches in height. Chain link and stockade fences are not permitted;
- Garages - Two bay garages shall have individual doors for each bay. Garage doors shall have transom light.
- Screening for HVAC Units - All HVAC units located at grade shall each be screened with three evergreens initially at 3 feet in height from approved grade and located to the side or rear of the structures to be built;

28. **Traffic Data and Analysis** – This Approval is based on several underlying assumptions and traffic analysis presented in the Traffic Study by TECC dated April 15, 2010. Unless construction on the Project starts within six (6) years from the date of this Approval, the Applicant shall be required to demonstrate through written testimony that there has been no significant change in the traffic analysis used as a basis for this Project. The Board shall review the information presented and determine if any revisions are required to the traffic analysis at that time and if any off-site traffic improvements are required to address changes in traffic data and analysis.

29. **Validity of the Site Plan:** The Site Plan shall become Final only upon the issuance of all local and state permits and final action on any appeals of such permits. The Site Plan Approval shall be no longer valid upon the expiry of any other state permit, environmental permit issued by ACC or alternatively by DEP, and other special permit(s) issued by the Planning Board allowing specific activities and uses on the site.

30. **Additional Waiver Requests:** The Applicant shall file a written request for additional waiver requests for review and approval of the Board prior to making any changes to the approved Site Plan or other construction details;
31. **Conditions of Approval:** The Applicant may request changes to the conditions of Site Plan Approval. The request for changes or modifications to the conditions shall be submitted in writing to the Board for review and approval. The Board shall review the request similar to review of request for Site Plan modifications;
32. **Site Plan Modifications:** Prior to any addition of building structures, changes to the plan layout, infrastructure and utilities, landscaping or alteration of uses allowed by this Approval, the Applicant shall provide detailed information and plans along with a formal written request for modification to the approved Site Plan for determination of minor or major modification and approval by the Board. Any substantial modifications to the approved Site Plan or changes that impact the Performance Standards under XI.C.8 or conditions of approval of this Decision shall be subject to review and approval of the Board. The Board shall, if it so determines, require the applicant to submit a new application for modification to the approved Site Plan and hold a new public hearing for review of the requested modifications;

III. PRIOR TO START OF ANY CONSTRUCTION ACTIVITY ON SITE

The Applicant shall file with the Board and all other relevant public agencies for review and approval, consistent with this Decision, any documents and shall have completed the following actions. Within sixty (60) days of receipt of all necessary documents and supporting information, the Board shall complete its review and submit comments if necessary. No activity shall commence until the Board has issued final approval of all documents submitted for the Board's review:

1. **Legal Documents:** The following documents shall be submitted for record or review and approval, as necessary:

- a) Recorded Documents: a) Planning Board Decision and Plan Set - A copy of this Decision and Final Plan Set as recorded at the Essex Registry of Deeds shall be submitted to the Board to the Building Inspector; b) MADOT – A copy of the curb-cut approval shall be submitted to the Board and any changes necessitated to the Site Plan by said permit shall require review and approval by the Board; and c) Copy of the Order of Conditions issued by ACC or alternatively, a Superceding Order of Conditions issued by MA DEP; d) Copy of the recorded Covenant as required by this Decision;
 - b) Easements - A copy of legal documents and plans describing all easements affecting the use of the subject property shall be submitted to the Board for review and approval, said easements to be shown on the Plan to be recorded, and restrictions to be noted on such plan. The Applicant also shall submit to the Board any written or recorded instruments granting or agreeing to such easements and/or covenants;
 - c) Public Access Easements: A plan and description shall be submitted for public access easement over the proposed public trail along Bailey's Pond;
 - d) Covenant: The Board shall require a covenant on the Project that restricts the ability to request a building permit for any building(s) shown on the Final Plan, until all infrastructure improvements, site grading and stabilization, stormwater management systems, roadways are complete and the Board's observation consultant has approved the final As-built pertaining to the completion of these site improvements. The applicant shall present the covenant to the Board for review and approval and request endorsement prior to the commencement of any site clearing or other re-grading activities on the site;
2. **Final Special Permit Approval for Earth Filling**: The Applicant shall have received a special permit approval under Section XI.B of the Amesbury Zoning Bylaw to allow

earth filling on the Project Site. The applicant shall submit to the Board a copy of the recorded Special Permit Decision;

3. **CAD Drawings** - Three copies of all drawings and site plans as approved by Board shall be provided as Computer Assisted Drawings (CAD) on Compact Disks to the Board;
4. **Submission of Architectural Drawings and construction details:** A copy of the complete set of detailed architectural drawings for proposed buildings pursuant to building design standards stated in this Approval shall be submitted to the Board for review and approval prior to making application for a building permit. Construction details and description of materials for all retaining walls shall be submitted to the Board for review and approval prior to submission of application for a building permit;
5. **Final plans for pump station:** The Applicant shall submit detailed engineering drawings and details for the proposed pump station for review and approval by the Board. The Board may require the information submitted to be reviewed by its Consultant for compliance with approved Plans;
6. **Final Roadway and construction details:** The Applicant shall submit detailed engineering drawings for roadway design, including cross-section details and other construction details, including but not limited to, sidewalk construction, pedestrian shoulder, retaining walls and slopes greater than 2:1 slope, guard rails, ADA compliant handicap ramps, mounting details for street lighting fixtures, entrance boulevard, and tree planting. Roadway cross-sections including sidewalks and pedestrian shoulders shall be included along the two entrance roadways, along Summit Avenue and Rte 150, typical roadway loops and the emergency access from Beacon Street. Final details showing the grading of the full bio detention areas with planting list and quantities of each plant type for the bio-retention areas shall be submitted to the Board. The Board shall review and approve these details prior to start of any construction activity on site.

7. **Emergency Access details:** Details for the location and type of emergency access gate at the entrance from Beacon Street shall be provided for review and approval by Police and Fire Departments. A copy of the written approval from these departments shall be submitted to the Board for record;

IV. PRIOR TO MAKING BUILDING PERMIT APPLICATION

1. **Infrastructure Improvements** - All infrastructure improvements including those required under state and federal permits, roadway and access, pump station, on-site stormwater drainage system shall be completed as per Final Plans. The Applicant shall submit a letter from the Board's construction observation consultant that these improvements have been completed in accordance with the Final Site Plan and engineering designs and details as approved by the Board. The developer shall request written confirmation from the Fire Department that the fire hydrants are installed per approved plans and to the satisfaction of the Fire Department. The City Engineer and DPW Director shall also be requested by the developer to sign off on the installation and proper functioning of the pump station as per approved engineering drawings.

V. PRIOR TO MAKING REQUEST FOR ANY OCCUPANCY PERMIT (1st Residential structure)

The Applicant shall file with the Board and all other relevant public agencies for review and for consistency with this Decision any documents and shall have completed the following actions:

1. **Site Stabilization and Environmental Mitigation:** All required site stabilization, and environmental mitigation shall be substantially prior to making application for the occupancy permit first residential structure;
2. **Certification of Improvements** - The Applicant shall submit a letter to the Building Inspector from the Planning Board verifying that conditions of approval have been met and that construction to date is per the approved plans;

3. **Condominium Escrow Account**: The Applicant shall submit documentation to the Board to establish that there are sufficient funds in the Condominium Annual maintenance account to carry out all the maintenance responsibilities and obligations under the Condominium Association management documents and as well as approval requirements for maintaining the stormwater management system, landscaping, snow plowing and removal, trash pickup and payment of property taxes and other financial obligations.
4. **Submission of Legal Documents** – Pursuant to conditions of this Approval, recorded copies of the Affordable Unit Deed Restrictions as approved by the Board and accompanying documents shall be provided to the Board;
5. **As-Built Plans and Repairs** - To ensure compliance with the terms and conditions of this Decision and any approval or order by any federal, state-agency, the Applicant shall submit plans with a certification from a Professional Engineer or Architect registered in the Commonwealth of Massachusetts that the Project "As-Built Plan" complies in all substantive respects with this Decision and any other approval or order by any federal, state or local agency. Any damage to public roads and walkways shall be repaired and/or replaced to the satisfaction of the DPW Director and City Engineer;

Chair, Amesbury Planning Board

EXHIBITS:

Sheet number	Description
C-001A	Existing Conditions Plan
C-001B	Existing Conditions Plan
C-001C	Existing Conditions Plan
C-002A	Site Plan
C-002B	Site Plan
C-002C	Site Plan
C-003A	Grading Drainage & Erosion Control Plan
C-003B	Grading Drainage & Erosion Control Plan
C-003C	Grading Drainage & Erosion Control Plan
C-004A	Landscape Plan
C-004B	Landscape Plan
C-004C	Landscape Plan
C-005A	Site Utilities Plan
C-005B	Site Utilities Plan
C-005C	Site Utilities Plan
C-006	Erosion Control Notes and Details Plan
C-007	Site Details Plan
C-008	Site Details Plan
C-009	Site Details Plan
C-010	Site Details Plan
C-011	Typical Building Landscape & Grading
C-012A	Photometrics Plan
C-012B	Photometrics Plan
C-012C	Photometrics Plan
C-013	Riverfront Area Impact Plan
C-013A	Degraded Riverfront Area Historic Aerial Plan
C-013B	Riverfront Area Impact & Restoration Plan
C-013C	Riverfront Area Degraded Area Plan
C-013D	Riverfront Area Restoration Plan
C-014	Site Details Plan

TO:

Richard Terrill

Fafard Real Estate and Development Corporation

120 Quarry Drive

Milford, MA 01757

PLANNING BOARD VOTE:

On Nov 04, 2013 the Amesbury Planning Board voted to approve the application for the proposed Planned Unit residential development, as amended, along Summit Avenue and Route 150 in Amesbury MA subject to the findings, waivers and conditions noted in this Decision.

The following members of the Amesbury Planning Board voted on this Decision:

Howard Dalton

Karen Solstad

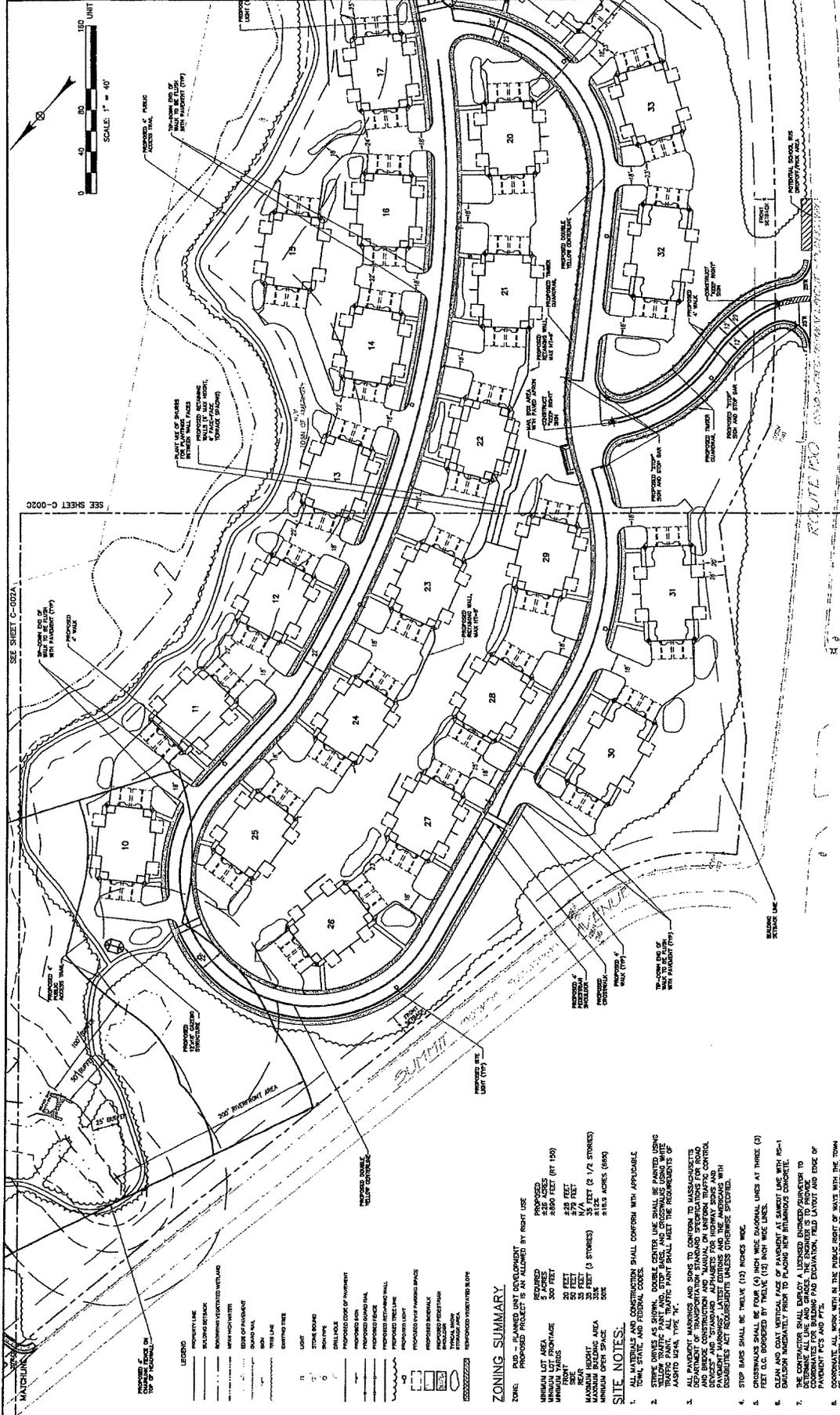
[Signature]
[Signature]

Asa Searf

Stephen J. Duford

Filed with the City Clerk on NOV 18, 2013

Bonnyo Kitchen
City Clerk



THE VILLAGE AT BAILEYS POND
 Route 150 and Massena Avenue
 Amesbury, MA 01923

OCG
 OCG Consulting Group
 P.O. Box 11234
 Amesbury, MA 01923
 Phone: 978.538.8258

SITE PLAN

DATE	BY	SCALE	AS NOTED	SPN	DATE
11/19/07	OCG	AS NOTED	AS NOTED	SPN	12/03
02/14/08	OCG	AS NOTED	AS NOTED	SPN	02/14
07/27/07	OCG	AS NOTED	AS NOTED	SPN	07/27/07

PROJECT: 02013
 SHEET: C-0028

ZONING SUMMARY

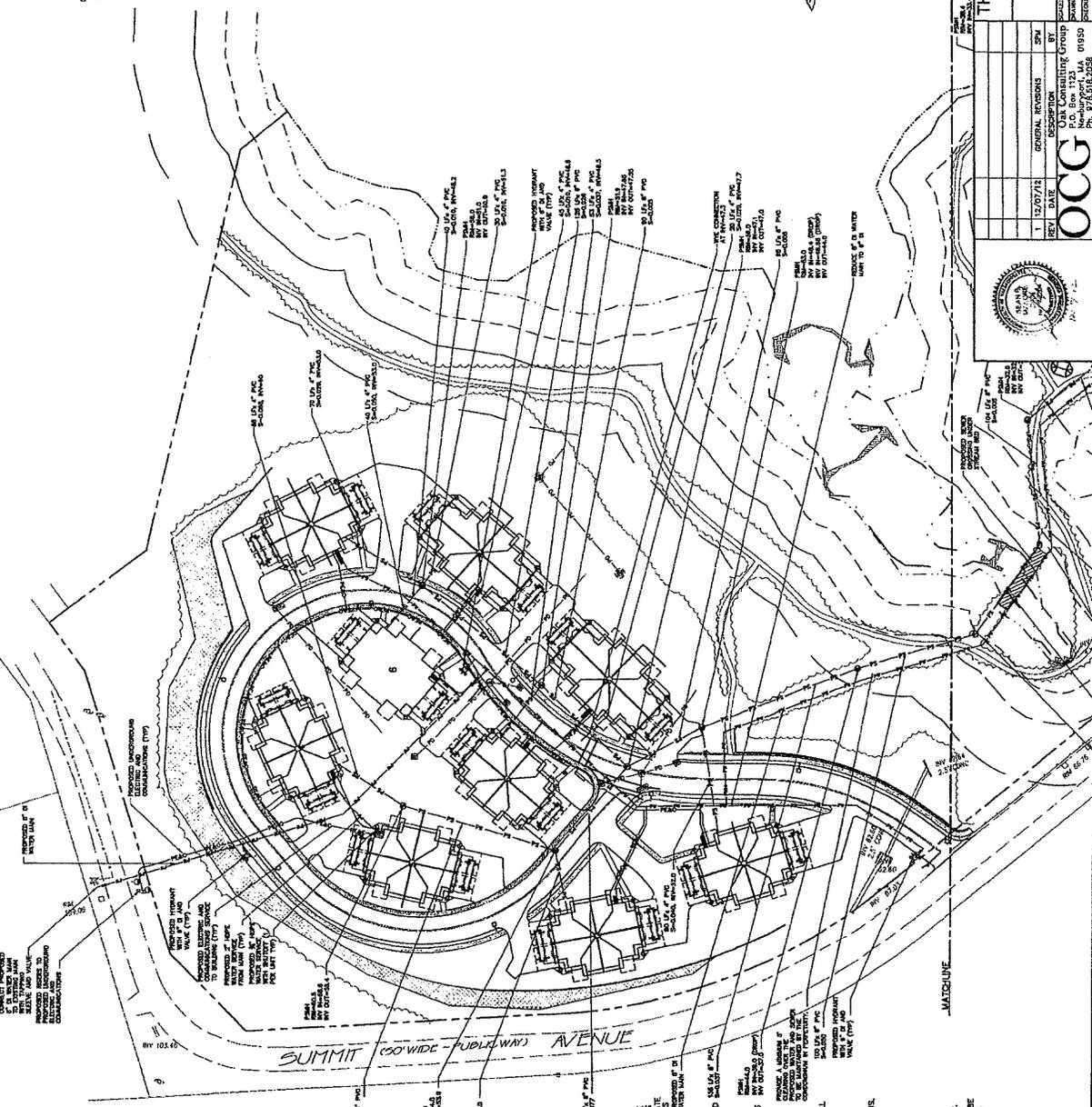
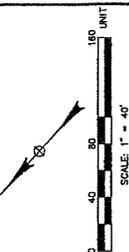
ZONE: PUB - PLANNED UNIT DEVELOPMENT
 PROPOSED PROJECT IS AN ALLOWED BY RIGHT USE

MINIMUM LOT AREA	PROPOSED
MINIMUM FRONT YARD SETBACK	435 FEET
MINIMUM SIDE YARD SETBACK	5 FEET
MINIMUM REAR YARD SETBACK	500 FEET (RT 150)
MINIMUM FRONT SETBACK	50 FEET
MINIMUM SIDE SETBACK	5 FEET
MINIMUM REAR SETBACK	5 FEET
MINIMUM OPEN SPACE	1/4 FEET (2 1/2 STORIES)
MINIMUM BUILDING AREA	30 FEET
MINIMUM OPEN SPACE	30 FEET
MINIMUM BUILDING AREA	30 FEET
MINIMUM OPEN SPACE	30 FEET
MINIMUM BUILDING AREA	30 FEET
MINIMUM OPEN SPACE	30 FEET

SITE NOTES:

- ALL MATERIALS AND CONSTRUCTION SHALL CONFORM WITH APPLICABLE TOWN, STATE AND FEDERAL CODES.
- ALL TRAFFIC LIGHTS SHALL BE PAINTED WITH YELLOW TRAFFIC PAINT AND OTHER BASES AND SIGNALS SHALL BE PAINTED WITH YELLOW TRAFFIC PAINT. ALL TRAFFIC LIGHTS SHALL MEET THE REQUIREMENTS OF MASSACHUSETTS REGULATIONS.
- ALL PARKING MARKINGS AND SIGNS TO CONFORM TO MASSACHUSETTS DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION. ALL SIGNAGE SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MASSACHUSETTS DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION. ALL SIGNAGE SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MASSACHUSETTS DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION.
- STOP SIGNS SHALL BE TWELVE (12) INCHES WIDE.
- CONCRETE SHALL BE FOUR (4) INCH MINUS DIAGONAL LINES AT THREE (3) INCHES ON CENTER.
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- CONCRETE SHALL BE FOUR (4) INCH MINUS DIAGONAL LINES AT THREE (3) INCHES ON CENTER.

SEE SHEET C-0026
 SEE SHEET C-0020



LEGEND

---	PROPOSED ONE
---	PROPOSED TWO
---	PROPOSED THREE
---	PROPOSED FOUR
---	PROPOSED FIVE
---	PROPOSED SIX
---	PROPOSED SEVEN
---	PROPOSED EIGHT
---	PROPOSED NINE
---	PROPOSED TEN
---	PROPOSED ELEVEN
---	PROPOSED TWELVE
---	PROPOSED THIRTEEN
---	PROPOSED FOURTEEN
---	PROPOSED FIFTEEN
---	PROPOSED SIXTEEN
---	PROPOSED SEVENTEEN
---	PROPOSED EIGHTEEN
---	PROPOSED NINETEEN
---	PROPOSED TWENTY
---	PROPOSED TWENTY ONE
---	PROPOSED TWENTY TWO
---	PROPOSED TWENTY THREE
---	PROPOSED TWENTY FOUR
---	PROPOSED TWENTY FIVE
---	PROPOSED TWENTY SIX
---	PROPOSED TWENTY SEVEN
---	PROPOSED TWENTY EIGHT
---	PROPOSED TWENTY NINE
---	PROPOSED THIRTY
---	PROPOSED THIRTY ONE
---	PROPOSED THIRTY TWO
---	PROPOSED THIRTY THREE
---	PROPOSED THIRTY FOUR
---	PROPOSED THIRTY FIVE
---	PROPOSED THIRTY SIX
---	PROPOSED THIRTY SEVEN
---	PROPOSED THIRTY EIGHT
---	PROPOSED THIRTY NINE
---	PROPOSED FORTY
---	PROPOSED FORTY ONE
---	PROPOSED FORTY TWO
---	PROPOSED FORTY THREE
---	PROPOSED FORTY FOUR
---	PROPOSED FORTY FIVE
---	PROPOSED FORTY SIX
---	PROPOSED FORTY SEVEN
---	PROPOSED FORTY EIGHT
---	PROPOSED FORTY NINE
---	PROPOSED FIFTY

UTILITIES NOTES:

1. THE CONTRACTOR SHALL CONTACT "WISNET" 72 HOURS PRIOR TO THE START OF WORK TO OBTAIN THE "WISNET" NUMBER ON-SITE AT ALL TIMES.
2. THE LOCATION OF UNDERGROUND UTILITIES ARE APPROXIMATE AND THE LOCATION IS NOT GUARANTEED BY THE OWNER OR THE ENGINEER. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION OF ALL UTILITIES. CONTRACTORS REMOVE EXISTING UTILITIES AND RELOCATE EXISTING UTILITIES TO COMPLETE THE WORK.
3. ALL UTILITIES SHALL BE CONSTRUCTED TO CONFORM WITH APPLICABLE CITY AND STATE CODES.
4. WATER MAINS SHALL BE OF CLASS B OR CLASS C DUCTILE IRON AND SHALL HAVE A MINIMUM OF 8" COVER.
5. ALL WATER VALVES TO OPEN LEFT.
6. FINAL NUMBER, SIZE AND LOCATION OF FLOORS AND COMMUNICATIONS CONDUITS TO BE DETERMINED BY UTILITY COMPANY.
7. SEE EXISTING CONDITIONS PLANS FOR BENCHMARK INFORMATION.
8. SEE GRADING, DRAINAGE AND EROSION CONTROL PLAN FOR PROPOSED GRADING, DRAINAGE STRUCTURES, AND EROSION CONTROL MEASURES.
9. UNDERGROUND ELECTRICAL CONDUIT MATERIAL AND INSTALLATION SHALL CONFORM TO THE COMPANY STANDARD.
10. FACULTY PULLING CONDUITS SHALL HAVE INFLATE FULL ROPES TO MAINTAIN TENSION.
11. CONSTRUCT A MINIMUM OF 6" CURBED STONE UNDER ALL CATCHBASINS, MANHOLES, TANKS, ETC.
12. PROPOSED FIRE HYDRANTS SHALL HAVE A MINIMUM SPACING OF 400' INDIVIDUALLY METERS WITH EXTERIOR SHUTOFF.
13. PROPOSED BUILDING WATER SERVICES SHALL BE 4-3/4" HOPE.
14. THE CITY OF ANDOVER WATER AND SEWER DEPARTMENTS SHALL BE CONTACTED TO CITY UTILITIES SHALL BE COORDINATED WITH THE CITY.
15. CONSTRUCTION OF THE SEWER CROSSING THE EXISTING CREEK SHALL BE UPON COMPLETION OF THE SEWER AND SANITATION DEPARTMENTS. STREAM CHANNEL OF 5' SET-THEORY AND CONSTRUCTION DEPARTMENTS SHALL BE RECONSTRUCTED TO ITS ORIGINAL SHAPE AND ALL BUILDINGS SHALL HAVE SPRINKLER SYSTEMS.

BAILLEY'S POND

SEE SHEET C-005A

THE VILLAGE AT BAILLEY'S POND
Route 150 and Summit Avenue
Andover, Massachusetts

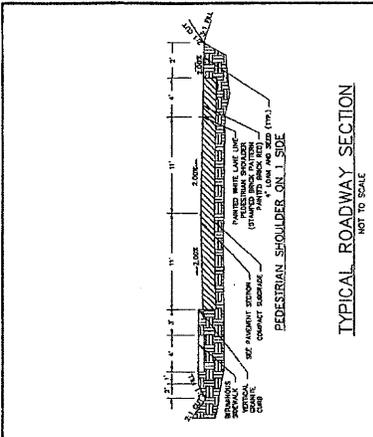
SITE UTILITIES PLAN

REV	DATE	DESCRIPTION	BY	SPN
1	12/07/18	GENERAL REVISIONS	SPN	

DATE: 12/07/18
DRAWN BY: SPN
CHECKED BY: SPN
SCALE: AS SHOWN
PROJECT: 0950
SHEET NO.: 005A

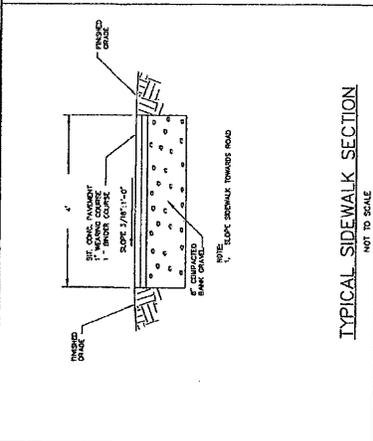
OCG
OFFICE OF COMMUNITY DEVELOPMENT
100 STATE STREET, SUITE 200
NEWTON, MA 02459
TEL: 781.552.3333

OCG
OFFICE OF COMMUNITY DEVELOPMENT
100 STATE STREET, SUITE 200
NEWTON, MA 02459
TEL: 781.552.3333



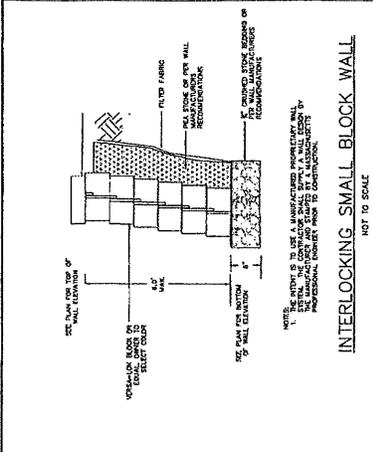
TYPICAL PAVEMENT SECTION
NOT TO SCALE

1. SEE SITE PLAN FOR PAVEMENT WIDTH AND LOCATION.
2. SEE GRANITE, GRANULIC AND DRAINAGE CONTROL PLAN FOR PAVEMENT SLOPE AND CROSS-SLOPE.



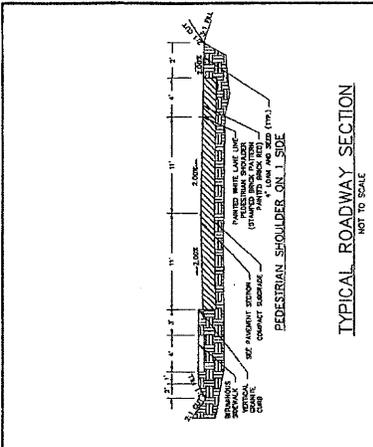
TYPICAL SIDEWALK SECTION
NOT TO SCALE

1. SEE CHAIN LINK FENCE PLAN FOR PAVEMENT WIDTH AND LOCATION.
2. SEE GRANITE, GRANULIC AND DRAINAGE CONTROL PLAN FOR PAVEMENT SLOPE AND CROSS-SLOPE.



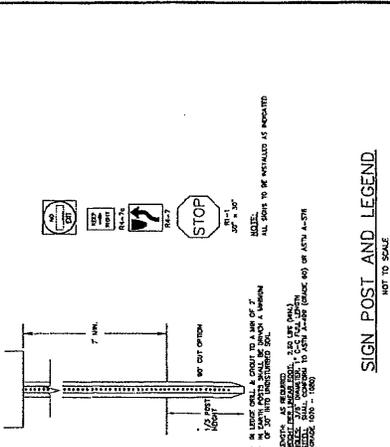
INTERLOCKING SMALL BLOCK WALL
NOT TO SCALE

1. SEE CHAIN LINK FENCE PLAN FOR PAVEMENT WIDTH AND LOCATION.
2. SEE GRANITE, GRANULIC AND DRAINAGE CONTROL PLAN FOR PAVEMENT SLOPE AND CROSS-SLOPE.



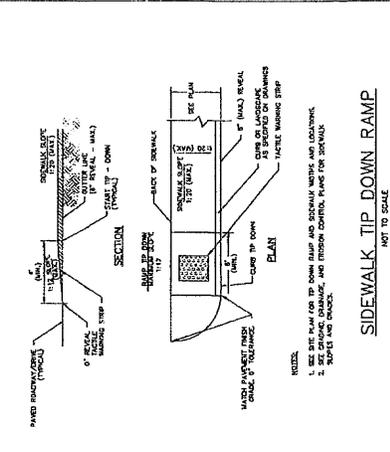
TYPICAL ROADWAY SECTION
NOT TO SCALE

1. SEE CHAIN LINK FENCE PLAN FOR PAVEMENT WIDTH AND LOCATION.
2. SEE GRANITE, GRANULIC AND DRAINAGE CONTROL PLAN FOR PAVEMENT SLOPE AND CROSS-SLOPE.



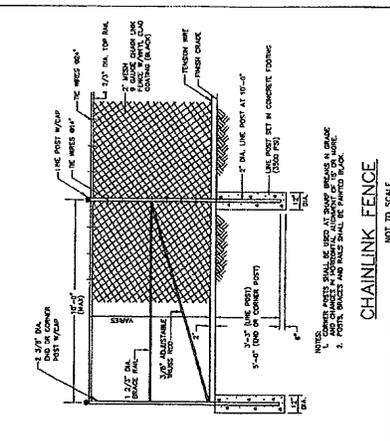
SIGN POST AND LEGEND
NOT TO SCALE

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2. SEE GRANITE, GRANULIC AND DRAINAGE CONTROL PLAN FOR PAVEMENT SLOPE AND CROSS-SLOPE.



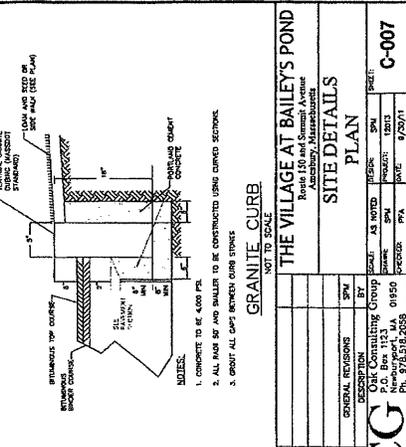
SIDEWALK TIP DOWN RAMP
NOT TO SCALE

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2. SEE GRANITE, GRANULIC AND DRAINAGE CONTROL PLAN FOR PAVEMENT SLOPE AND CROSS-SLOPE.



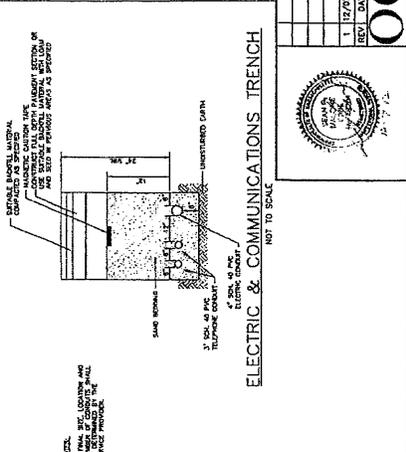
CHAINLINK FENCE
NOT TO SCALE

1. SEE CHAIN LINK FENCE PLAN FOR PAVEMENT WIDTH AND LOCATION.
2. SEE GRANITE, GRANULIC AND DRAINAGE CONTROL PLAN FOR PAVEMENT SLOPE AND CROSS-SLOPE.



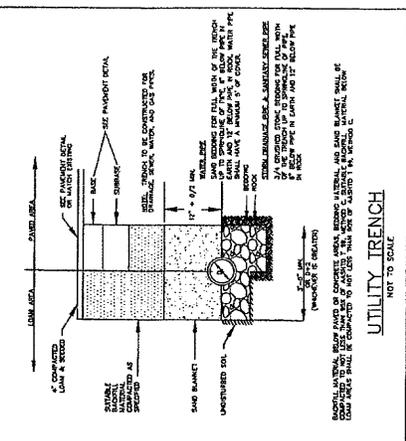
GRANITE CURB
NOT TO SCALE

1. SEE CHAIN LINK FENCE PLAN FOR PAVEMENT WIDTH AND LOCATION.
2. SEE GRANITE, GRANULIC AND DRAINAGE CONTROL PLAN FOR PAVEMENT SLOPE AND CROSS-SLOPE.



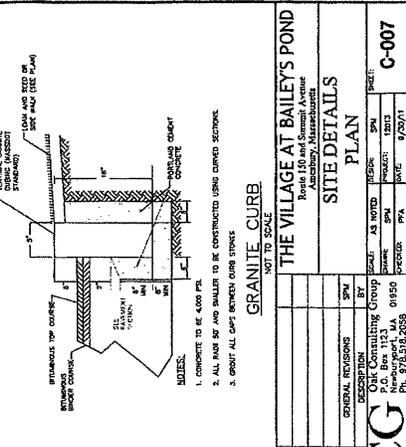
ELECTRIC & COMMUNICATIONS TRENCH
NOT TO SCALE

1. SEE CHAIN LINK FENCE PLAN FOR PAVEMENT WIDTH AND LOCATION.
2. SEE GRANITE, GRANULIC AND DRAINAGE CONTROL PLAN FOR PAVEMENT SLOPE AND CROSS-SLOPE.



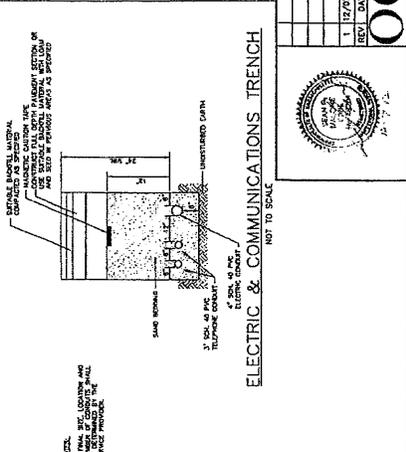
UTILITY TRENCH
NOT TO SCALE

1. SEE CHAIN LINK FENCE PLAN FOR PAVEMENT WIDTH AND LOCATION.
2. SEE GRANITE, GRANULIC AND DRAINAGE CONTROL PLAN FOR PAVEMENT SLOPE AND CROSS-SLOPE.



HANDICAP RAMP
NOT TO SCALE

1. SEE CHAIN LINK FENCE PLAN FOR PAVEMENT WIDTH AND LOCATION.
2. SEE GRANITE, GRANULIC AND DRAINAGE CONTROL PLAN FOR PAVEMENT SLOPE AND CROSS-SLOPE.



TRENCH PATCH
NOT TO SCALE

1. SEE CHAIN LINK FENCE PLAN FOR PAVEMENT WIDTH AND LOCATION.
2. SEE GRANITE, GRANULIC AND DRAINAGE CONTROL PLAN FOR PAVEMENT SLOPE AND CROSS-SLOPE.

THE VILLAGE AT BAILEY'S POND
Route 110 and Summit Avenue
Acushnet, Massachusetts

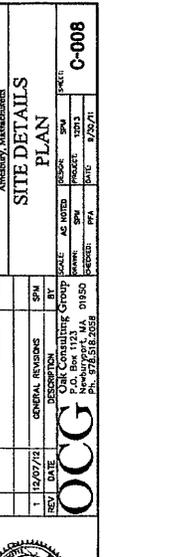
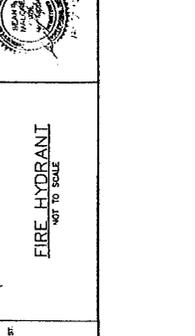
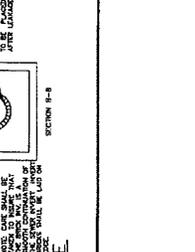
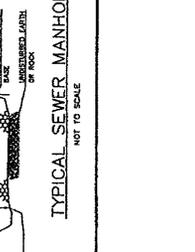
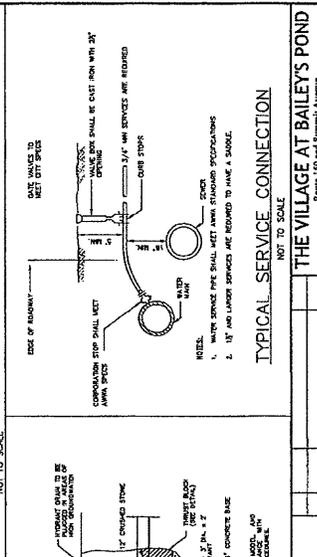
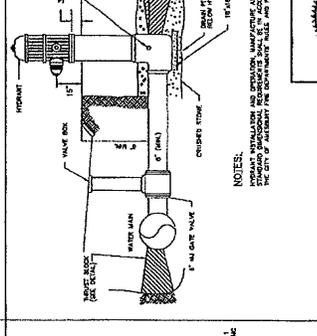
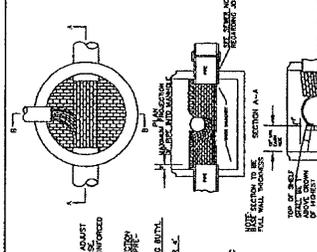
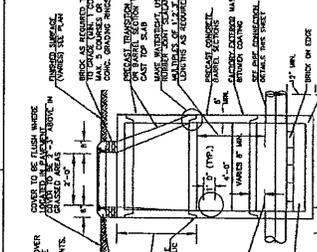
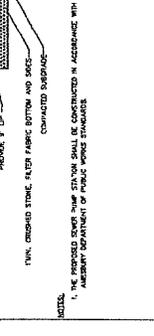
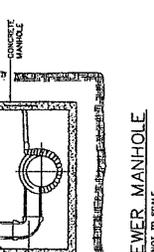
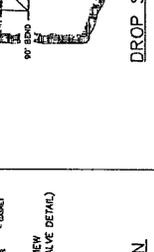
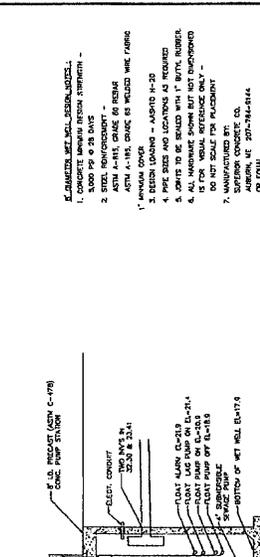
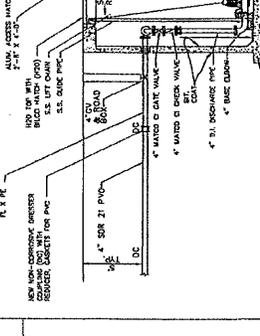
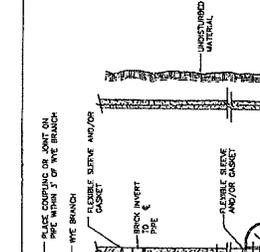
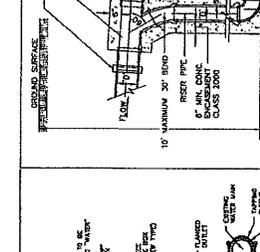
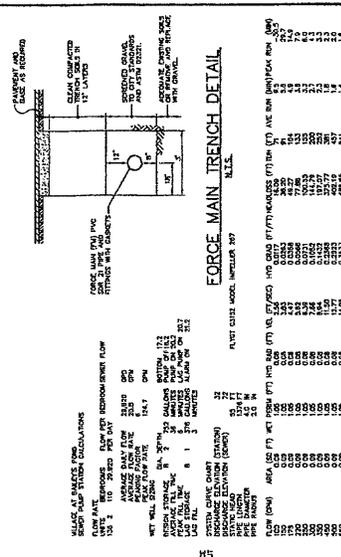
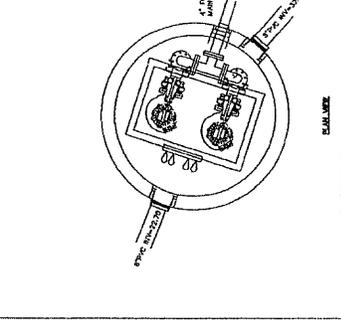
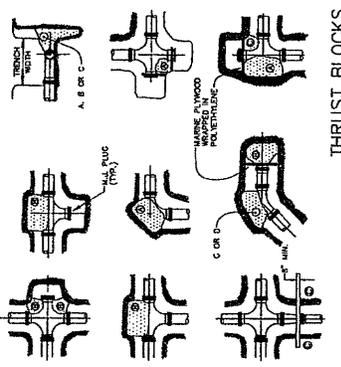
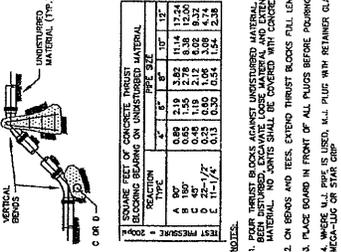
SITE DETAILS PLAN

REVISIONS	BY	DATE
1	12/27/12	

OCG
CONSTRUCTION GROUP
201 Main Street
Newburyport, MA 01850
PH: 978.352.2855

SCALE	AS NOTED
DATE	12/27/12
PROJECT	SPN
NO.	1133
ISSUE	01850
PRICE	\$7201

C-007



THE VILLAGE AT BAILEYS POND
Phase 150 and Summit Avenue
Andover, Massachusetts

SITE DETAILS

OCG

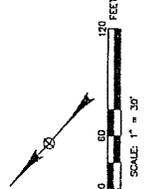
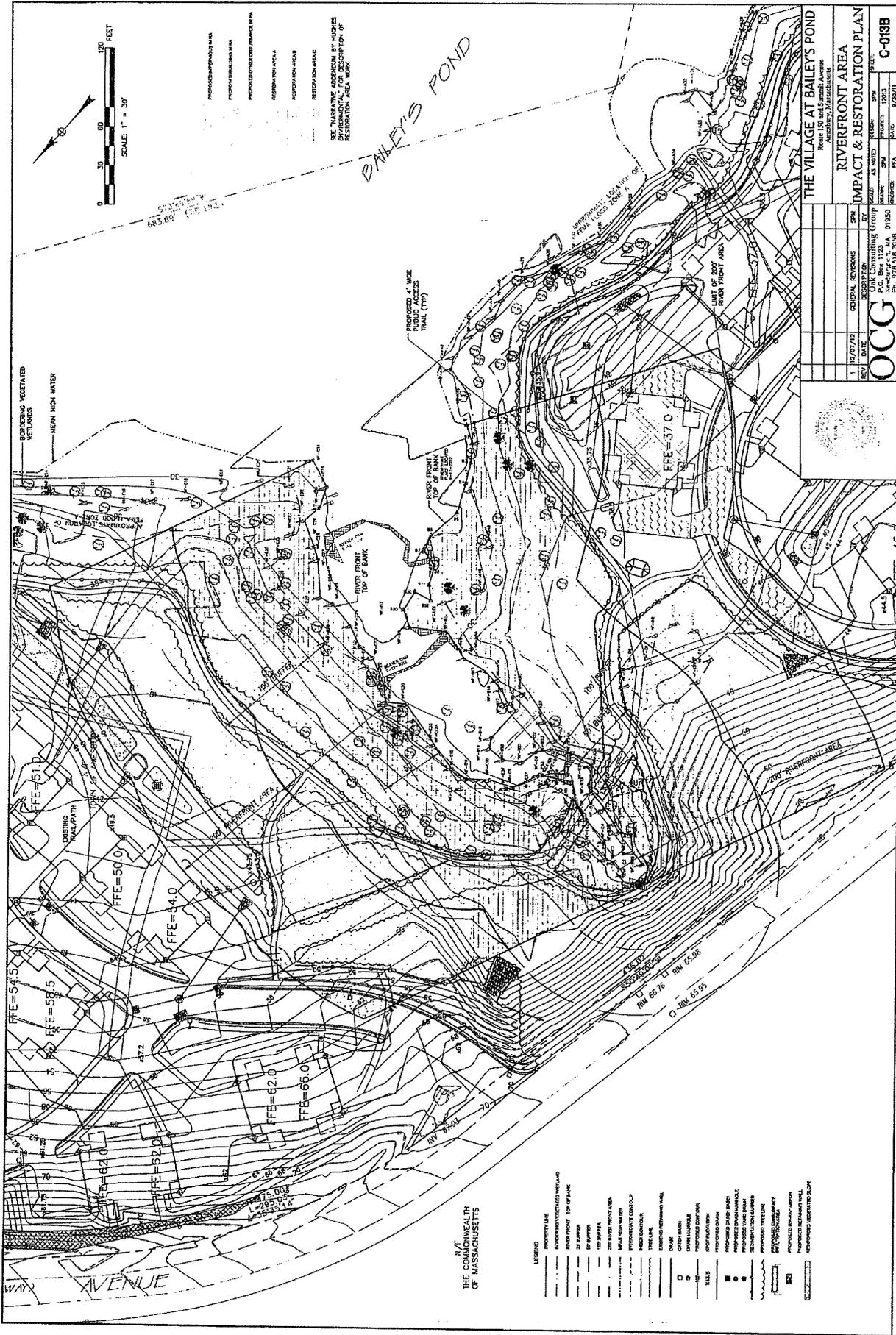
FIRE HYDRANT
NOT TO SCALE

TYPICAL SERVICE CONNECTION
NOT TO SCALE

REV	DATE	GENERAL REVISIONS	SPN
1	12/07/12		

DESCRIPTION: FIRE HYDRANT GROUP
P.O. Box 1133
New Bedford, MA 01950
PHONE: 508/458-1234
FAX: 508/458-1234

SCALE: AS SHOWN
PROJECT: 3003
DATE: 8/20/11
C-008



- PROPOSED IMPROVEMENTS IN WA
- PROPOSED IMPROVEMENTS IN VA
- PROPOSED SPECIAL INTERESTS IN VA
- ADJACENT OPEN SPACE
- RESTORATION AREA A
- RESTORATION AREA B
- RESTORATION AREA C

SEE TABLES ASSOCIATED BY NUMBER
 SYMBOLICALLY FOR DESCRIPTION OF
 RESTORATION AREA WORK

BAILEY'S POND

THE VILLAGE AT BAILEY'S POND
 Route 150 and Samsell Avenue
 Amherst, Massachusetts

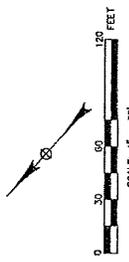
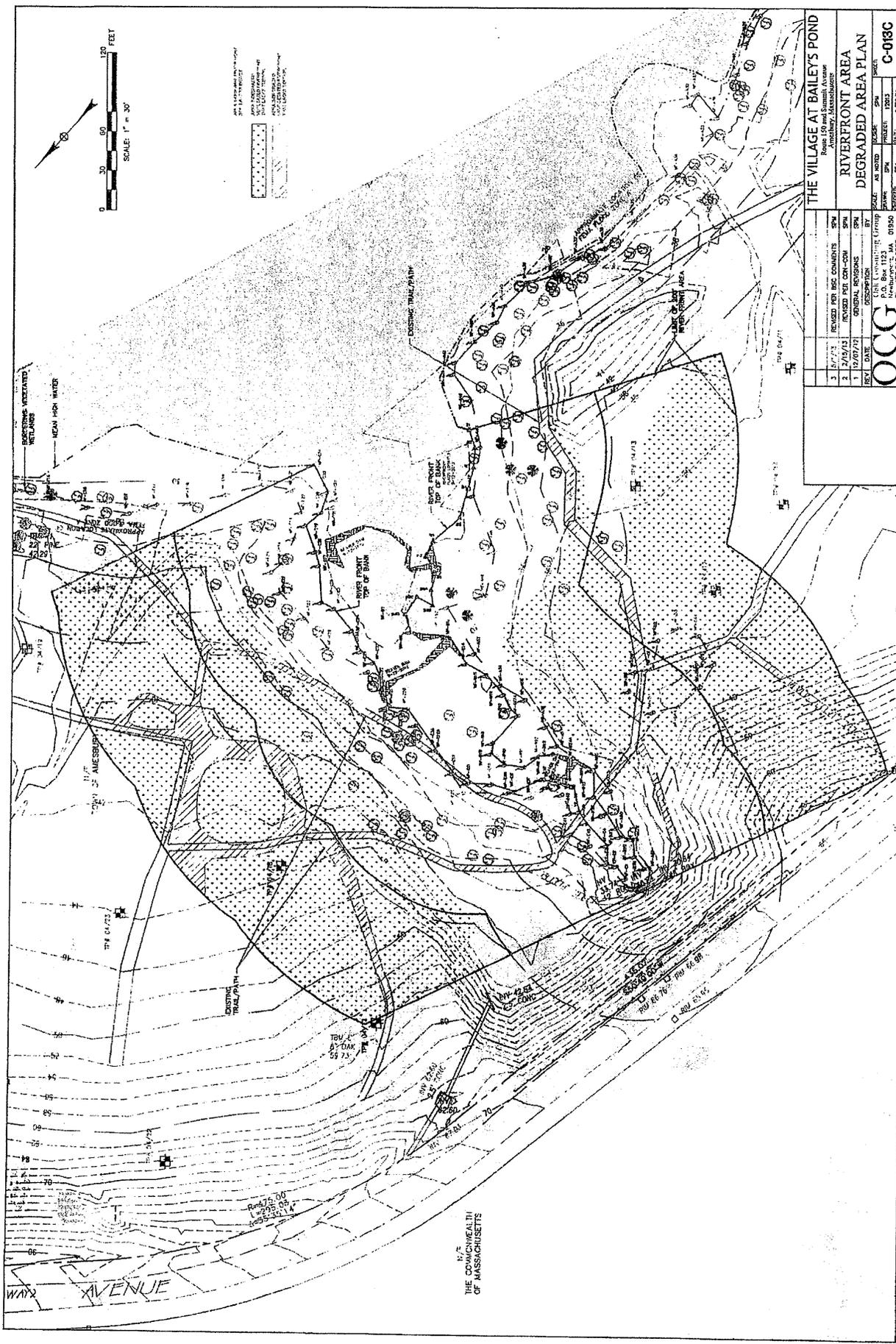
RIVERFRONT AREA
IMPACT & RESTORATION PLAN

DATE	1/17/07/12	BY	OGG
DESCRIPTION	OGG	PROJECT	OGG
SCALE	AS NOTED	PROJECT	OGG
DATE	01/17/07	PROJECT	OGG
DATE	01/17/07	PROJECT	OGG

OGG
 OFFICE OF GEOGRAPHIC ORIENTATION
 100 State Street, 11th Floor
 Boston, MA 02109
 Tel: 617-552-3333

- LEGEND**
- PROPOSED IMPROVEMENTS IN WA
 - PROPOSED IMPROVEMENTS IN VA
 - PROPOSED SPECIAL INTERESTS IN VA
 - ADJACENT OPEN SPACE
 - RESTORATION AREA A
 - RESTORATION AREA B
 - RESTORATION AREA C
 - PROPOSED TRAIL (TYP)
 - PROPOSED 4 INCH DRAINAGE TRAIL (TYP)
 - PROPOSED 200' RIVER FRONT WAD
 - PROPOSED CLONING BLANK
 - PROPOSED OPEN SPACE
 - PROPOSED SPECIAL INTERESTS
 - PROPOSED TREE LINE
 - PROPOSED SPECIAL INTERESTS
 - PROPOSED SPECIAL INTERESTS
 - PROPOSED SPECIAL INTERESTS
 - PROPOSED SPECIAL INTERESTS

N/T
 THE COMMONWEALTH
 OF MASSACHUSETTS



AREA Hatched with 1/8\"/>

AREA Hatched with 1/16\"/>

AREA Hatched with 1/32\"/>

AREA Hatched with 1/64\"/>

THE VILLAGE AT BAILEY'S POND
 Route 109 and Summit Avenue
 Zonahary, Massachusetts

RIVERFRONT AREA
DEGRADED AREA PLAN

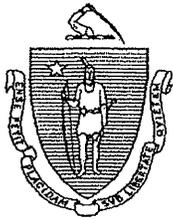
REV. NO.	DATE	DESCRIPTION	BY
3	2/7/73	REVISED PER REC COMMENTS	SPW
2	2/15/73	REVISED PER CON-COM	SPW
1	12/27/72	ORIGINAL REVISIONS	SPW

DESIGNER: OCG
 SCALE: AS SHOWN
 P.O. Box 1123
 Southwick, MA 01550

PROJECT NO.: 01550
 SHEET NO.: 01550-1123-001
 DATE: 1/20/71

OCG

14.7
 THE COMMONWEALTH
 OF MASSACHUSETTS



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NORTHEAST REGIONAL OFFICE

205B Lowell Street, Wilmington, MA 01887 • (978) 694-3200

DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

IAN A. BOWLES
Secretary

LAURIE BURT
Commissioner

June 14, 2010

Ian A. Bowles, Secretary
Executive Office of
Energy & Environmental Affairs
100 Cambridge Street
Boston MA, 02114

RE: Amesbury
Village at Bailey's Pond
150 and Summit Avenue
EEA # 14596

Attn: MEPA Unit

Dear Secretary Bowles:

The Massachusetts Department of Environmental Protection Northeast Regional Office (MassDEP-NERO) has reviewed the Environmental Notification Form (ENF) submitted by Fafard Real Estate and Development Corp. to construct 148 housing units, 592 parking spaces, and infrastructure on a 24.51 acre site abutting Bailey's Pond in Amesbury (EEA #14596). The Department provides the following comments.

Wetlands

The ENF indicates that the project would alter 30 lf of bank, 120 sf of bordering vegetated wetlands, 187 sf of land under water, 307 sf of bordering and subject to flooding, and 14,159 sf of Riverfront Area. According to the ENF, these wetlands impacts are unavoidable for the proposed sewer line, and will be temporary with all resource areas restored resources. However, it appears that the sewer line could be rerouted within Summit Avenue to avoid any alteration of wetland resources.

As proposed, the buildings and roadways for the project would maintain a minimum, 25 foot buffer from Bailey's pond associated wetlands. However, seven of 37 buildings proposed would be sited with associated parking areas and infrastructure within the 100 foot buffer for Bailey's Pond.

The information in the ENF is insufficient to confirm that the project conforms to the performance standards in the wetlands regulations, particularly for impacts to the Riverfront Area. An alternatives analysis is needed to demonstrate that there are no practicable and substantially equivalent economic alternatives with less adverse impact, pursuant to 310 CMR 10.58 (4) (c). It also has not been demonstrated that the project would have no significant impact in conformance

with the provisions in 310 CMR 10.58 (4) (d). At the MEPA consultation session, the proponent's representatives indicated that more than 14,000 sf of Riverfront Area would be impacted including about 2,500 sf of imperviousness. Given the small amount of imperviousness, which appears to be associated with a driveway access from a cul-de-sac, it would be possible to eliminate this alteration altogether, potentially by reducing the width of the driveway and shifting the layout of two buildings and their associated driveways.

Stormwater

Although the ENF indicates that the project would utilize a combination of best management practices, including bioretention basins, Stormceptor units, and subsurface detention, there is insufficient information in the ENF to evaluate the stormwater management system for compliance with the wetlands regulations.

As described at the MEPA consultation session, it was reported that the culvert conveying the pond's discharge to the Merrimack River is undersized for certain storm events. This appears to be confirmed by erosion observed in the vicinity of the pipe that resulted from the March 2010 rainfall events, according to neighbors. Since the proposed project would increase imperviousness by almost 34 percent, the volume of runoff to the pond will be increasing, which in turn will contribute to an increase in the outflow from the pond. In addition, a study released this month by the US Geological Survey found that there is no 'safe zone' in terms of watershed development. At minimal increases of less than 10 percent imperviousness, the study found that aquatic life in streams was affected negatively. In particular, it was found that pollution sensitive organisms declined by as much as one third in urban and suburban streams when compared with forested watershed areas.

The extent to which the volume would be increased and contribute to the flooding problem is unclear. To some extent onsite infiltration and underground detention would reduce the increase in runoff volume. However, this has not been considered in the ENF, and since the stormwater management standards require control of only the peak rate of runoff, the impact of runoff volume would not be addressed in the wetlands Notice of Intent and permitting. The MEPA review, however, presents an opportunity to consider this issue and potential mitigation options.

The use of low impact development techniques, such as bioretention basins would be appropriate for treating stormwater at the project site. Bioretention basins treat stormwater runoff effectively; according to the Stormwater Management Handbook, (Volume 2, Chapter 2, page 23) bioretention basins designed as described remove an estimated 90 percent of total suspended solids with adequate pretreatment, and 30 percent or more of total nitrogen and total phosphorus, in addition to removing metals.

Recognizing the conservation commissioner's concern¹ that maintenance of the bioretention basins in residential areas is a problem in the Town of Amesbury, MassDEP advises the proponent to establish binding conditions on the proponent and/or condominium association to maintain the basins as stormwater systems in accordance with a maintenance plan that conforms to the planting, design, and maintenance guidance in the *Stormwater Management Handbook*,

¹ At the MEPA consultation session on June 9, 2010, maintenance of bioretention basins was identified as a concern by a member of the Amesbury Conservation Commission.

(Volume 2, Chapter 2, page 27-28). Inclusion of permanent markings on or near the basins with information linking the basins to the maintenance requirements also would serve as a reminder to residents that these planted areas provide a stormwater control function.

At the consultation session, the proponent's representatives indicated that the stormwater management system is designed to capture and treat one inch of runoff because the soils on site have sufficiently high infiltration rates that runoff contaminants may not have adequate residence time in the soils for treatment. The proposed treatment volume is consistent with the requirements in the *Stormwater Management Handbook*, Volume 1, page 9 for soils with high infiltration rates.

Compliance with Stormwater Management Standard 8 for erosion and sedimentation control is extremely important at this site, which is comprised of steep slopes with a 30 – 40 foot drop in elevation from Route 150 and Summit Avenue, which apparently have been created as a result of former gravel operations. In addition to carefully designed erosion controls, the project construction should be phased to expose small areas soils for construction before disturbing other portions of the site to more easily control sediment runoff. The proposed controls will need to be elaborated in the Stormwater Pollution Plan, a requirement for an NPDES Construction General Permit.

Wastewater

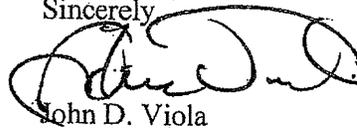
The project will require a sewer extension permit from MassDEP. If an EIR is required, MassDEP requests that the proponent describe, and show on readable plans, the proposed sewer system and pump station and local sewer service to the site. Any established requirements for infiltration and inflow removal in the Town also should be considered.

Greenhouse Gas Emissions and Sustainability Issues

The ENF has not addressed greenhouse gas emissions, energy and water conservation, and other sustainability issues, such as solid waste recycling.

The MassDEP Northeast Regional Office appreciates the opportunity to comment on this proposed project. Please contact Kevin.Brande@state.ma.us, at (978) 694-3236 for assistance with wastewater issues, and Michael.Abell@state.ma.us at (978) 694-3257 for further information on the wetland issues. If you have any general questions regarding these comments, please contact Nancy.Baker@state.ma.us, MEPA Review Coordinator at (978) 694-3338.

Sincerely



John D. Viola
Deputy Regional Director

cc: Brona Simon, Massachusetts Historical Commission
Kevin Brander, Jill Provencal, Mike Abell, MassDEP-NERO
Katherine Glenn, MCZM
Town of Amesbury Conservation Commission