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**AMESBURY PLANNING BOARD**  
**Council On Aging Great Room, 68 Elm Street**  
**Monday, June 10, 2013**

**Meeting called to order at 7:08 P.M.**

**PRESENT: Howard Dalton (Chair), Stephen Dunford, David Frick, Ted Semesnyei, Karen Solstad, Ara Sanentz.**

**ABSENT: David Dragonas**

**ALSO PRESENT: Nipun Jain, City Planner, Paul Bibaud, Recording Secretary.**

**MINUTES:**

**March 25, 2013:**       *continued to June 24*

**April 22, 2013:**

**May 13, 2013:**

**FORM A #1354-13-3 37 & 41 POWOW STREET (Smedstad)**

**Nipun Jain:** The lot lines and frontage or access are not changing, and it will not become a subdivision.

*Motion by Ted Semesnyei to accept the FORM A for 37 & 41 Powow Street. Motion is seconded by Karen Solstad. Vote was 5 in favor with Ara Sanentz abstaining,*

**SIGN APPLICATION:**

**RTN Federal Credit Union - Carriagetown Marketplace:**

**Joe Connors, VP of Marketing for RTN Federal Credit Union, along with Gary Cunningham from Sunshine Signs.**

**Nipun Jain:** It appears the representatives were provided the allowed square footage guidelines for this building for individual storefronts by the property owner. When this Stop and Shop plaza was approved, it had certain sign square footage area requirement guidelines as approved by the Planning Board. Originally, the signs were all supposed to be channel letters, with the letters all being the color of the building. All signs were to follow the red color scheme that exists for the tenants. The Planning Board recently allowed signs to have the logos be the corporate colors, but all other lettering to be the red. The letter height is limited to certain square footages. Those requirements are in the hands of the property manager, but we can locate that and give it to you as well. Would it be possible for you to return on June 24 meeting with the revised sign plans? Applicant replied affirmatively. The pile-on sign is ok. Only the square footage of the building sign might be off what was approved.

*Motion by Ted Semesnyei to continue this to the June 24, 2013 meeting. Motion is seconded by Stephen Dunford. Vote was unanimous.*

**Friend Street Book Store – 15 Friend Street:**

**Nipun Jain:** No representatives are present for this meeting. The applicant has a double sided hanging sign off the front of the building and a wall mounted sign on the back of the building. According to the applicants, there are existing spotlights on the building, but it appears on the

plan that there is only one spotlight on the front of the building, which would not serve to illuminate a two-sided sign properly. The applicant needs to follow the criteria for a reasonable submission so no one has to guess. They need to return with the information the Planning Board needs to make a ruling.

***Motion by Karen Solstad to continue this sign application for 15 Friend Street to the June 24 meeting, and request the planning office to contact the applicant to apprise her of how a complete submittal is comprised. Motion is seconded by Stephen Dunford. Vote was unanimous.***

## **PUBLIC HEARINGS:**

### **Site Plan Review – 277 Elm Street – Amesbury Animal Hospital**

**Nipun Jain** read the legal notice. Request for approval for a site plan review.

**Fred Ford, Cammett Engineering** gave brief overview of the project for construction of this new facility on a 2 ½ acre lot for the animal hospital, 7000square foot story and a half, with access off of Elm Street on the southerly side of the site, aligned with the recently approved retail site across Elm Street. There will be 34 parking spaces for the project. A small fenced in area on the north side of the building will be utilized for walking the animals, but not to house animals outdoors or leave them to run loose outside. There will be public water and sewer. The site is graded towards the south side of the site, so that drainage will follow a grass swale and lead into an infiltration basin.

Also there will be a grass swale on the northerly part of the site that grades back and around into the infiltration basin, designed to infiltrate up to a 100 year storm, so no storm water will ever discharge off of the site. However, we do plan to install an emergency outlet or a sub-drain to drain it down to whatever maintenance they have to do then close the sub-drain up by using a valve that opens and closes. That would discharge over to the north, only under emergency or maintenance required. Along the back end of the parking lot, we've maintained a fairly open area to be utilized for snow storage in winter. A detailed landscaping plan prepared by Hugh Collins Associates. Along the northerly boundary will be a row of trees of 7 to 8 feet in height for screening along this property line. There will be smaller trees / shrubs located around the building at various locations. Additional maple trees will be planted around the property line, and additional spruce trees will be planted out in the back. The building is one and a half stories, just under 24 feet to the highest point, the west elevation facing Elm Street would have the Amesbury Animal Hospital on the building façade. The rear elevation will have a garage entry to access the building. The north elevation has two access doors, one accessing the fenced in animal walking area. The other door would be for bringing materials / product into the building by hand. The south elevation along the main parking and entryway: the main access would be near the front of the building. Also there is an access door to the right corner of the facility. Regarding lighting, there will be 3 light poles on the site, then on the building itself, there will be two in one location, another one off the garage, two in the front, two in the entry, and two more for a wall mounted fixture (Colonial style lamps on the building). At the front sign, there will be ground level lights shining to illuminate that sign. The sign design hasn't been finalized as yet. There will also be another ground light shining on the front of the building. Traffic analysis was done by Bayside Engineering. The average weekday vehicle trips equals 127 vehicles in and 127 out. On trip distribution, there would be 21% coming from north into the site and 79% coming from the south into the site. Peak morning traffic (7:45 to 8:45 AM) would be 21 entering, 8 exiting.

Peak evening weekday would be 13 entering and 20 exiting. So roughly 29 to 33 trips during peak hours here. Generally, hours of operation are from M-F 8AM to 6 or 7 PM, depending on the day. On Saturdays the hours are from 9 AM to 3 PM. I will get the percentage of pervious to impervious, but the building area is 7 % and the open space area, minimum, is almost 72 %. We're looking at about 28 %.

**Nipun Jain:** Conservation Commission has BSC retained as the peer review consultant. It is suggested the Planning Board hire **BSC** also. The review will be roughly \$6900 for a standard site plan review.

**Abutters James and Robin Deveau from 275 Elm Street (direct abutters):** Concern for children in the neighborhood. Would like to see fencing, so no animals would escape between the row of trees on the border boundary, or go right through shrubs or whatever. Also abutter concerns of storm water run-off. Both issues addressed satisfactorily by Fred Ford.

*Motion by David Frick to continue this public hearing to the meeting on July 8, 2013.*

*Motion is seconded by Ted Semesnyei. Ted also suggested the board form a subcommittee to work on this. Two members minimum are needed, with three being maximum. Ted is willing to take part, Karen also on Thursday evenings after 6:30 or 7 PM. Stephen Dunford is also possible for the subcommittee. That will be worked out among these board members. The vote on the motion to continue was unanimous.*

**Site Plan Review – 24 Pond View and Summit Avenue- Baileys Pond:  
Sean Malone, Oak Consultant Engineering.**

**Nipun Jain:** The project was continued at the last hearing because there was a lack of quorum of board members that could hear the on-going public hearing on this project. The Planning Board then directed the staff to post the legal notice for a new public hearing that would then bring all of the sitting Planning Board members to be able to hear the project and review the submitted information to date, then render its opinion and decision on the application. The goal of the planning office was to give the new Planning Board members that were not involved in previous hearings to get an overview of the project since the application was filed and activities that have taken place in the permitting process to date as well as to understand what has been provided by the applicant in terms of revisions / modifications on various aspects of the project and to take it to the next level. I'll give an overview of the project based on the site plans for the project submitted. The applicant's engineer and representative here to answer questions based on the information you will receive tonight.

The Village at Bailey's Pond is a planned residential development proposed at Pond View and Summit Avenue. This plan was submitted in 2010. At that time, the Planning Board and community raised concerns about the site layout and site design. In consideration of those concerns, the applicant had asked for time to consider those site plans in relation to site design and layout and worked on plan revisions through 2011. What was also happening at that time was, given the large nature of the project and complexities involved on the site, the project design was reviewed and membership changed on the Planning Board, so we had to continue to work with the existing membership. In 2012, we again didn't have enough members, so we were forced to have a new public hearing. At that time, after several informal discussions, the site plan was revised to this current layout, which was formally moved forward for peer review by the board's consultant in Sept. of 2012. During that time, Conservation Commission was examining the environmental impact of the project, the Amesbury local ordinance, as well as the Wetlands Protection Act. Sean will now quickly summarize how many units were proposed in 2010 plan,

and what you've done to modify this plan. What aspects changed from the 2010 to the current plan?

**Sean Malone, Oak Consulting Group (civil engineers):** The 2010 plan had 37 buildings, 148 units. One aspect of this plan different from now was: this plan had several dead end streets on both sides. We were asked to go back and look at trying to provide better circulation around the site for both safety and convenience. This new plan we developed brought that circulation to be. We eliminated the longer dead end streets, creating a loop road. The secondary access onto Beacon Street remains on the new plan, however it is limited to emergency access only. It will be gated. The main entrance has been enhanced to provide more of a boulevard entry, with landscaping trees in the center and both sides. We have sidewalks throughout the development: four foot travel way, a 3 foot grassed area, roadway on one side and on the alternate side, is a pedestrian way integrated into the roadway, defined by a different stamped material to define the pedestrian way. This allows us to reduce the amount of pavement required in the travel way, which will help keep speeds slower, but it does add additional width if necessary for use of emergency vehicles. On the northern pod, we added a full loop circulation to eliminate dead ends. Initially there was a series of 6 foot high retaining walls that were tiered very close to the property line. With the new layout, we took the buildings further inward and also decided to go with something different from the original design. We'll be using We now have a single retaining wall, 6 feet high, with an engineered slope behind it...a 1:1 slope, a proprietary engineered system of geotextiles to hold the mass together to prevent failure. We also took the 70 small infiltration bio-retention areas spread throughout the development. We want to use infiltration, being a gravel pit and very pervious. The most logical thing to protect the pond and downstream from the pond is to take storm water as much as we can that falls on the site and put it into the ground. So rather than 70 small infiltration basins, we reduced it to 7 larger basins at more strategic locations to ensure better function through easier maintenance. Also, the new design has 34 buildings instead of 37, and 136 units and 12 units from the original proposal. The site was reviewed for Conservation Commission by BSC Group, traffic and engineering, so all the revisions have been incorporated from their review and they have signed off on the plan. At this point, we're in position to ask for the PLANNING BOARD to move the project forward. There was a very linear nature to the building layout originally, and we redesigned that in order to stagger buildings and reducing by three buildings, to create more room between each building and create better sight lines of the pond for more units. As for recreational spots, open space, school bus, etc.: There wasn't much continuous open space in the original plan. This new design provides more continuous open spaces, pedestrian walkways were enhanced, the loop provides for a public walkway all around the pond and perimeter, all open to the public. We have a gazebo area for congregation along a nicer area of the riverfront and woods.

Regarding bus drop off areas, the school board determines bus stop locations and routes until there are children here requiring bus service. We have the provision for drop off areas at the end of driveways. We discussed mailbox locations with the post office and they designated two specific sites for their placement. These mailbox areas are designed to allow cars to pull off the road to access the boxes. The area is 8 feet wide by 20 foot long paved area in front of the mailboxes designated for usage obtaining mail. A bench and shelter option at these two locations is not an option at this time. It is a city right-of-way. That is to be determined by the school board, it is not something we are proposing.

As for parking in front of each particular building, the Planning Board had concerns about that. As far as backing in and out of the parking areas, in and around the structures, all of the off street

parking areas were re-designed to make sure that they meet the 9 X 18 parking space aisle width, as well as the driveways themselves, leading off of the main driveway or private way. Driveways are 18 feet and the distance between the parking spaces themselves is 22 feet. That was another change from the original plan.

**Ted Semesnyei** suggested it would be helpful to try to incorporate all the multitude of items involved with this project from the beginning, even before his 4 years on the Planning Board, into one document. He asked if the planning office could put together a summary of findings, more or less a technical report to help lay out some of the discussion points we've had. Maybe start with overviews of major discussions to hit some minor discussions we've had at times over the course of this lengthy project. So a project, performance and site plan review and how this project hits those various performance standards in a summarized manner. This would be helpful by breaking down this massive project into manageable pieces. To that end:

***Ted Semesnyei makes a MOTION that the Planning Board requests that the planning staff put together a technical report that summarizes the findings of the consultant and peer review, and all the issues we've had throughout the journey of this project. Motion is seconded by Ara Sanentz. Vote was unanimous.***

**Floor was opened to the public to speak on this project.**

**David Hathaway, 9 Swetts Hill, abutter.** Looking at that plan, nobody here knows what that looks like. The topo in that area is 60 degrees, 45 degree slopes. We just heard Mr. Malone, a civil engineer, say he doesn't have cross sections. As an engineer, that is embarrassing. Why have you not demanded 3 dimensional characterization of this so we can see what this project looks like. This display is not showing us what this project looks like. This is basically a cliff dwelling, hidden by the fact that you are looking at only 2D drawings. There is no cross section available. Is there a plan of action by the city planner to obtain 3D renderings? Hire a high school kid to do them. In this day and age of computers, it's certainly do-able. This area up here (north pod) has 45 to 60 degree slopes. Scratch this off. This is impractical and impossible, and has every aspect of a civil engineering and housing disaster in the making. This is a rural area with no high density housing in the area. The only high density housing is the Hat Shop. When the Hat Shop was put in, the mayor (Hildt) didn't have a deal there. The town demanded that it be only 55 and older, because they felt the Hat Shop would be too much of a strain on the schools. (**Howard Dalton corrected Mr. Hathaway, saying it wasn't the town, but the builder who wanted that.**) Hathaway continued: if kids want to go from this project to the town or school, the way they would go would be to take route 150. Route 150 is a state highway. A friend was stopped by the Amesbury police walking on Route 110 to work, because it is against the law to walk on route 110. No pedestrian traffic allowed. What would people do with 136 units? How are you going to get back and forth to town?

When you ask about the school buses, you ask what the steepest slope a bus can navigate. I guess no one knows. (**Nipun injected that the school dept. makes those determinations, and that buses would not go onto the site.**) Hathaway: winds up his time. Next up is his wife:

**Barbara Hathaway, 9 Sweets Hill:** At the Conservation Commission's last meeting, there was talk about the soil being more than 50% and they were going to have to re-do. I didn't know if you've heard back, because Conservation Commission felt they had to go back and do a better remediation of the soil?

**Nipun Jain:** Conservation Commission had rendered a decision on this project and as part of their Order of Conditions, they have limited the development within the riverfront area. But that

is not reflected in these plans. They will have to modify these plans if they wish to move forward under the Conservation Commission. If the Planning Board chooses to move forward with the plan that the Conservation Commission has approved, then a similar condition would be put in place. The applicant will provide final plans if they wish to move forward with the approval, or if the Planning Board approves the project or not.

**Barbara Hathaway:** Regarding the slope, we know there is a 40 foot slope from Summit Avenue side. Since it's gravel, previous plans that addressed that retaining wall seemed to be quite high. Now its only 4 feet. I'm not an engineer, but how is Summit Avenue going to curve without flipping? The road is very close there. What is going to hold that road in? How much money to bring in proper soil is being brought in? If so, where are they bringing it? When I was on the board of health, regarding the St. Joseph's cemetery landfill, using demolition waste only, one day they asked us," let's bring some fill in." I asked where it was from, and they said "Don't worry. It's uniformly neutralized." So I went out and dug my own sample. Come to find out, the fill was from the W. I. Grace Company in Cambridge, and it had naphthaline in it. So be sure to ask who is bringing the fill in and where it comes from. I am a nurse practitioner, and have a masters in occupational toxicology. Naphthaline is a carcinogen and doesn't belong in our backyard.

**Sean Malone:** This is a cross section done previously and submitted to the board of that area you speak of next to Summit. The edge of the roadway is about 15 feet from the property line. The dash line is the existing sand/gravel area. With this 1:1 engineered slope, we will be approximately 30 feet from the property line. Originally, we were within 5 to 10 feet with the retaining wall system. So it is 30 plus 15 feet, so we'll be 35 feet from the edge of the road. The property will have town water and sewer.

**B. Hathaway:** So when will Fafard buy the land? Once they get their permits?

**Nipun Jain:** If you have a P+S ( purchase and sale), if the property owner gives consent to a potential buyer, with a signed P+S, and signs the application on behalf of the potential buyer, they can present the application.

**B. Hathaway:** How long is that application good for?

**Nipun Jain:** As long as the property owner consents.

**Tom Cusick, abutter, 3 Beacon Street::** The town owns the land, they are coming to you (city planner) to get their plan approved so they can buy the land that they don't own yet, isn't there a conflict of interest there?

**Nipun Jain:** Any of those aspects that you are talking about, as far as land transactions; that is not within the power of this board. You might have questions, but they are not for this board. They might be for the town council or the mayor's office.

**Tom Cusick:** Has anyone looked into how many additional units are going in the Hat Factory, because that project is not completed, right?

**Terry Cusick, 7 Beacon Street:** Now the original owner has passed away, and it said in the paper that it will be put up for bid again. So more tenants may be coming anytime.

**Nipun Jain:** The Hat Factory had been approved for Phase 1 and Phase 2 when this project was filed in 2010, when the traffic study was prepared. The full build out for the Hat Factory was accounted for in the traffic study.

**Jerry Cabana, 17 Beacon Street, abutter:** Regarding traffic, now that Hines Bridge is re-opened and Amesbury Park being so active in the summer, many weekends we get penned in where you have to plan to get out. I'd be interested in making sure that any traffic study is done,

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especially in summer months. Merrimack Street is so narrow, if you're walking on the side of the road, the cars are inches away from you.

**Tony Stuart, 20 Beacon Street:** The emergency access road is right across the street from my driveway, which falls in between Beacon auto and the Cronins. I wanted to ask, you said it was emergency access only for your access road, how is that going to be managed?

**Nipun Jain:** It is locked, and the keys are with the fire department.

**Laurie Irwin, 6 Swetts Hill abutter:** Ten years later, very different plan but very much the same. The bus does not go up Summit Avenue or Swetts Hill. There are no sidewalks on Summit Avenue. Ten years ago, we heard there would be no children there. Now that is not the case. If children have to get the bus, it's on route 150. There are sidewalks on 150. So, we have 22 acres and we are trying to shoehorn a development in there that doesn't make sense. If you have to compromise the environment with six foot retaining walls on a 40 foot slope, it makes no sense. This whole area doesn't make sense for this project, with the slope, the proximity to other neighbors, the runoff to the pond, altering the area so completely to get 34 buildings in there is not common sense. Turning radius was a big deal 10 years ago. Safety and environmental issues are huge. We once heard of a guardrail, but haven't seen or heard anything about that since. We haven't seen a cross section. Every time we come here to look at this same plan with no common sense doesn't make sense. I think the Conservation Commission has to really pay attention to buffer zones, wildlife, beaver dams, all that is important.

*Motion by Ara Sanentz to continue this hearing to the July 8, 2013 meeting. Motion is seconded by David Frick. Vote was unanimous.*

#### **CONTINUED PUBLIC HEARINGS:**

##### **Planned Production Strategy:**

*Motion by Ted Semesnyei to approve the Planned Production Strategy. Motion is seconded Ara Sanentz. Vote was 5 in favor, with Stephen Dunford abstaining.*

#### **ADMINISTRATIVE:**

##### **206 Lions Mouth Road - Final Release**

**Nipun Jain:** Basically, we will not sign off on the release of the final lot (lot 9) until all departments in the city have no more issues to resolve.

##### **95 Haverhill Road - Bonds**

*Motion by Ara Sanentz to approve paying the bonds. Motion is seconded by Stephen Dunford. Vote was unanimous.*

*Motion by Ara Sanentz to cancel the scheduled Aug. 26, 2013 PLANNING BOARD meeting. Motion is seconded by Howard Dalton. Vote was unanimous.*

**MOTION** to adjourn by Ara Sanentz. Second by ????

**Meeting was adjourned at 9:55 P.M.**