

**AMESBURY PLANNING BOARD
CITY HALL AUDITORIUM, 62 FRIEND STREET
MONDAY, SEPTEMBER 22, 2014 @ 7:00 P.M.
MEETING CALLED TO ORDER AT 7:07 P.M.**

Present: Robert Laplante, Howard Dalton, Lars Johannessen, Ted Semesnyei, Karen Solstad.

Absent: David Frick and Scott Mandeville.

Also Present: Nipun Jain, City Planner; Paul Bibaud, Recording Secretary.

MINUTES:

Aug. 25, 2014: Robert Laplant approves, with a few minor typos. Lars Johannessen seconds.
AIF

Sept. 8, 2014: Continued to Oct. 27 meeting.

SIGN APPLICATIONS:

Burger King

Lars Johannessen: No one is here, and we've not heard anything back from Burger King. They have talked to the Planning office but have not submitted anything on paper as yet.

Nipun Jain: We've only had a phone conversation with the sign maker when I explained to them that their application as presented is not in compliance. The total number of signs exceeds what is allowed. They had verbally indicated they would reduce the total number of signage to two, but I have not received any revised graphics. So my suggestion would be, instead of dragging this out, if the board wants to recommend that the applicant whether withdraws the application or submit the revised graphics indicating the correct number of signs that are allowed under the zoning bylaw before the next meeting on Oct. 27. We need to close the loop, so this is probably the best way to do it.

Motion to request that revised information be submitted in the next two weeks, pursuant to the Amesbury Zoning Bylaw and the sign regulations, or that the applicant may withdraw the application until such time that it is revised to comply with the regulations was made by Lars Johannessen. Motion was seconded by Robert Laplante. AIF.

Nipun Jain: There was one more sign that was not on the agenda but was continued RE: Dr. Cheney's dental sign on Sparhawk Street. The reason why it was taken off the agenda is because they have made application to the ZBA, because they are seeking a variance in order to permit a larger sign. Since the board had received that application, the subcommittee had reviewed the sign and had suggested some options on that sign, where they could still incorporate the various elements of their proposed sign. The proposed sign is the name of the business identifying the name of the business and the doctors. Our suggestion was that they keep the same square footage with the name of the business and to install the name of the doctors on the main façade of the building. Part of the reason why the subcommittee was not supportive of the proposed signage is, the assign is already located very close to the street. It is a non-conforming sign and any more increase in the non-conformity would not be in the best interest of the residential neighborhood. The allowed footage in a residential neighborhood is 2 square feet. The existing sign is 6 square feet, or 200 times more than what is allowed. What they are proposing is a 12 square foot sign, and it does not increase visibility, per se. The sign is already on the street. It can't get any closer.

This area of Sparhawk Street, the speed limit, with the day care center across the street, is 15-20 MPH with the intersection close by, we don't expect speeds to be high. Plus, it is not a drive by business. It is more of a destination. This is also a free standing sign, which is not allowed in a residential area. With all of those facts, the subcommittee recommended that the applicant revise the application, which they chose not to do, so in light of that, I think we should send a letter to the ZBA explaining the findings of our subcommittee, in relation to the application that was filed, so that there is some background from the city's side on the application.

Ted Semesnyei: Makes sense. I think they'd appreciate getting information from our subcommittee on the subject.

Motion was made by Lars Johannessen that the planning office sends the subcommittee's recommendations to the ZBA so that they are aware of what our concerns are. Motion was seconded by Howard Griffin. Vote was unanimous.

APPLICATION CONFERENCE

3 Laurel Place

Nipun Jain: This was continued pending a site visit. I sent the board an e-mail last week, saying that the site has been staked, the center line has been staked, and if you wish to visit the site, please do so. I didn't want to post a meeting, given that this was not a big project and it is conveniently located so that members can go see. We were supposed to offer recommendations to the applicant. If sufficient members have not been able to do a site visit, I'm presuming it is still staked, so you can go see it. Just an update, we don't have to continue this pre-application conference any further. I can either set up a group site visit or you can go individually to view the site. How about Ted and I will walk it, and if Bob is available, he can join us.

PUBLIC HEARING:

39 AND 39A Water Street, 33 Oakland Street (Lot B) Site Plan Review and 3 Special Permits; Removal of earth materials, Earth Filling, Wetlands and Floodplains Protection (National Grid)

Applicant requested continuance to the Oct. 27 meeting.

Nipun Jain: The planning office administrative staff has alerted me that this public hearing has been continued for a very extended period of time, and that the plans that were submitted for the board's consideration for tonight's hearing are different from the plans that were originally advertised in the legal ad. Given those two pertinent issues, and the board's policy of not continuing the initial public hearing for such an extended period of time, that the board vote to require the applicant to pay for a new legal ad for the initial public hearing and the expenses associated with abutter notification with the revised plan information.

Motion of "so moved" was made by Howard Dalton. Motion was seconded by Lars Johannessen. Vote was unanimous.

ADMINISTRATIVE:

Performance Bond and Erosion Bond approval and authorization of inspection services at 241 – 243 Main Street, Cumberland Farms.

Nipun Jain: The PLB's consultant, Horsley-Witten Group, has reviewed the proposed bond amounts and has made recommendations to that effect. I believe your packages include that information, although it is probably just for services. So you have two items: The erosion control bond of \$235,094 and the total performance bond of \$337,522. Of that amount, the applicant had

originally deposited ~~\$9,900~~ \$9,950 as they were looking to start the demolition on the site. We would recommend that the erosion control bond amount that has been recommended by Horsley-Witten Group be reduced by that original bond amount submitted.

Motion by Howard Dalton to request the erosion control bond of \$235,094 minus the deposit that has already been submitted of ~~\$9,900~~ **\$9,950** plus a performance bond of \$337,522. Motion was seconded by Lars Johannessen. All in favor.

Lot Release Request for 99-101 Friend Street

Nipun Jain: This pertains to the three lot subdivision that was approved for Mark Wojcicki Development. The developer requests the release of all lots as they had provided information. The staff, through the board, had indicated to the developer that there were still outstanding issues that need to be resolved before the lots can be released. Since the last meeting, the developer has provided the information except the house plans for lot one, and have also presented a performance bond of \$10,000 upon the request of the planning office. They have received sign-off from DPW on the outstanding storm water related technical information, so the staff recommends that the board to release lots 2 and 3, but lot one lot plans still need to be reviewed. So release lots 2 and 3, but withhold release of lot one.

Motion of “so moved” by Lars Johannessen. Motion was seconded by Robert Laplante. AIF.

37 Middle Road – Inspection Report – Violation

Nipun Jain: We have no further update on 37 Middle Road at this time. Some information was provided by the developer, pertaining to the construction schedule, but I’ve not received any erosion control bond, so work continues to be on hold on that subdivision.

Country Club Estates, 22 Woodwell Circl (formerly Nancy drive) – Lot 10

Nipun Jain: This matter was submitted I believe Sept. 11 is the first time attorney Jim Sears contacted us. You had received info in your packages. Essentially, this is one of the lots that was created as part of the Nancy Drive / Woodwell Circle subdivision. The developer at that time, John Thompson, had included this lot in the covenant. The attorney representing the property owner has stated in his request stating that all work pertaining to the subdivision has been complete and they request the release of this lot 10. Pursuant to the request or after the request was received at the planning office, it was forwarded to DPW, engineering, ConCom inspections for review of the request. We received comments from DPW engineering and at this time, they have some concerns with regards to the work that was done by the developer on some of the lots after street acceptance. They have requested that the board keep that in mind before releasing this lot. We’ve also not been able to complete the full review of the board’s decision pertaining to this subdivision to asses if all the conditions have been met or not. Since the street and open space have been accepted, I assume it was, but have not had a chance to view that yet, regarding sidewalk and driveway aprons. We’d received some complaints from current residents there as to how the work recently done on some of these lots has resulted in damaged sidewalks, created runoff into catch basins, and the DPW director indicated these issues as well in his response to this review. The work of developer John Thompson has created damage to Woodwell Circle / Nancy Drive, and has created a situation that affects residents of this subdivision.

Motion was made by Howard Dalton to extend this to Oct. 27 meeting, and in the interim, our request from the DPW director would be to provide a punch list of items that need to be fixed,

repaired or whatever by the developer, and that the planning office review the decisions, to make sure all the conditions have been met from the approval. Motion was seconded by Lars Johannessen. Vote was unanimous.

CONTINUED PUBLIC HEARING:

Site Plan Special Permit – 31 South Hunt Road (Clipper City Gymnastics)

Draft Decision (Nipun Jain, City Planner) (all members of PLB present at 9-8-14 meeting).

Nipun Jain: I had forwarded an e-mail to the PLB members from Glenn Shepherd in response to the request from the board to get comments from police and fire. To summarize the findings of the board and the discussion at the initial public hearing: this is an existing facility at 31 South Hunt Road. No changes are being proposed to the parking layout, circulation, building footprint. The building will be in compliance with all the building codes as needed for the proposed use as an indoor recreational facility. The applicant seeks a special permit site plan approval of this existing facility for that use. Part of the discussion at that time, there were some questions about circulation as it relates to emergency egress / access, and for the change over in classes. It was presented that class size is not high, so not too many cars would be overlapping...some but not too much. The board asked that the fire and police take a closer look at the facility to determine if there needs to be any aspect of the existing facility and the proposed use that the board should be mindful of in their final decision. So, coming back to the e-mail, you can see that police and fire expressed some comments to that affect, which talk about a partial fire lane to be installed near the building, from the beginning of the parking lot to the 3 parking spaces at the end of the building, and that this fire lane to be used as a drop off spot and also to allow for the turning of the vehicles out of the lot so that vehicles do not have to back out onto South Hunt Road. They also recommended that no parking on the left side of the lot be allowed. It would restrict traffic flow and turning. Also, the rear of the lot behind the building be used for parking for either staff or parents that are visiting the facility. The third recommendation is that no parking should be allowed on South Hunt Road as this is extremely hazardous due to site line issues. There are no sidewalks, and the road is only 24 feet wide. With the requirement of a ten foot travel lane for traffic in one direction, it doesn't leave enough room. No parking signs should be erected to enforce this issue. Those are the recommendation. They don't impact the proposal, they are more conditions of the approval that can be incorporated into the existing approval of the site plan for the existing facility at this location.

Howard Dalton: Personally, I think this is onerous on the business. The guy has been downtown right now, with no worry about a fire lane or anything else. Now we take him and put him in a building that has been there for 7 years, functions perfectly. Just because there'll be little children in there doesn't make it any more dangerous in terms of fire. It's a sprinkled building. I think they are over engineering this thing.

Robert Laplante: Well, they have the professional responsibility for making that determination. I'd be very uncomfortable over-riding their recommendation of the fire department.

Howard Dalton: I think we can do like Nipun said, to have those as temporary parking spaces. We can't eliminate spaces there. The fire dept should have come up with this stuff back when the building was built, but they never responded. Now they pick this time to respond, and they are tucking it to a business that is trying to get into a building and get going.

Jeff Smith, owner: I have not seen the e-mail but I understand what they are trying to do. We basically lose two spots with the re-design. Originally, we had 3 drop off spots straight ahead, and that would give us 5 additional on that side of the building. Now it'll be down to 3. I think the plan shows 8 spots behind the building, but really I believe there are 10-11 spots back there. A fire lane would bring us to 14 parking spots, I'm guessing.

Nipun Jain: The building requires 15 spaces on the plan. They show 15. But it appears on the site, there might actually be 18 or 19, depending on current conditions. Another suggestion that might help resolve this matter is: that you A. stripe the parking lot to clearly show parking spaces of 9 X 18 feet. Mark them in such a manner that you have proper turning areas. B. to post the first five spaces to be only drop off spaces and not actual parking spaces. If you still come up with 15, I think you should be ok. In case you do not or you need more spaces, then you can have overflow parking to the left of the driveway as you enter, since there is no curbing at the grass area.

Ted Semesnyei: So it is a two part process for the applicant. 1. Draw out on paper the parking layout and circulate it to all required parties, and 2. meet with onsite visits for whoever needs to visit to verify things.

Nipun Jain: We can arrange a site visit between the applicant and the fire department to make sure that plan is satisfactory. That plan would be submitted to this board for review and get feedback.

Motion was made by Howard Dalton to go ahead to go ahead with the recommendations laid out by Nipun to approve, with the understanding that there will be within the 3 week appeal period, that there would be a drawn out plan as well as a site visit with the required personnel to verify that the required spaces can be met.

Motion was seconded by Robert Laplante. Vote was unanimous.

Motion to close the public hearing was made by Lars Johannessen. Motion was seconded by Howard Dalton. Vote was unanimous.

ADMINISTRATIVE:

Hatters Point – Endorsement of Peer Review Inspection Services Contract

Robert Laplante recuses himself.

Nipun Jain: The contract for peer review needs an endorsement to approve the contract submitted pursuant to the board's directive by Horsley – Witten Group to start a peer review of the information material that has been submitted, pending a formal application by the developers for Hatters Point, Phase II. The peer review proposal submitted by Horsley-Witten Group dated Sept. 12, 2014 was to request a total fee of \$ 6100 for the four tasks which include two reviews and two planning board meetings.

Motion was made by Howard Dalton that the board requests review fees in the amount of \$6100 and the acceptance of the contract as presented by Horsley-Witten Group. Motion was seconded by Lars Johannessen. Vote was unanimous.

CONTINUED PUBLIC HEARING:

Municipal Council Referral – Zoning Amendment (Bill # 2014-098) PUD Zoning Districts

Nipun Jain: Given the extensive feedback from the board to have a revised document, which has the revisions to the original zoning amendment shown in a different color on the documents. I'll go through those in depth, but wanted to frame the discussion and summarize the comments that had been made during the prior public hearings. The board had directed staff to really look at the overall PUD district as a combination of 3 different and unique sub-districts. The PUD contains 3 areas: post office parcel on Main and Noel Streets, the properties on Summit Avenue and Route 150 (Baileys Pond city owned parcel), and the properties along Merrimack Street and along Merrimack River. The uniqueness of each of these sub-districts and the potential for redevelopment or development is independent of each of these sub-districts. There would be different design standards and different concerns to each of these sub areas. The original proposal did not necessarily separate those areas and identify those as uniquely as we have provided in the revision. The proposed revisions contemplate creating three separate sub-districts within the PUD zoning area. Those would be the PUD Village Center, the PUD waterfront, and the PUD Gateway. By defining the three sub-districts makes it easier for us to then address issues specific to those sub-districts. The second revision is to the Dimensional and Density regulations. It was expressed that all of these areas have different characteristics. Village Center PUD has a different scale, different neighborhood character, more attuned to the village center of mixed uses with commercial and residential areas. The waterfront PUD areas have historic mill buildings and existing buildings, some developed but primarily residential. The Gateway, which is more of a transportation oriented but undeveloped land. The majority of Baileys Pond is owned by the owners of the marina. So very little of Baileys Pond itself actually belongs to the property that Fafard was trying to develop. What we've done is that all the density and dimensional regulations that are required in section 6 would apply. However, in PUD waterfront sub-district, we would maintain what we originally proposed, which is that by special permit, the setback and height requirements for existing historic buildings would be or could be reduced, if the board was to grant a special permit. It would also allow the minimum lot area calculations to be made differently, as described here, if a special permit was granted, then only in the PUD Gateway sub-district, based on extensive feedback by the board during the Baileys Pond development proposal hearings. What I did was to model it around the cluster development provisions of the zoning bylaw. The premise is that in this sub-district, in order to calculate the allowable density, you would be allowed to create a U plan, based on a minimum lot size of 15,000 square feet. The abutting residential zoning district is R-20, which is 20,000 square feet. Why did I choose 15,000? Most of the properties in R-20 district here are old existing properties which do not necessarily conform to the 20,000 square foot lot size. Some bigger...some smaller. So I took the average and decided on going with 15,000 square feet. So the base yield plan would be created or prepared with using a 15,000 square foot lot. So you'd have R20, R40, etc. and use that to calculate the yield, based on the applicable standards of a subdivision. However, you have to leave 50% open space, and of that 50% open space, no more than 25 % can be environmental resources, such as isolated wetlands, perennial streams, intermittent streams. Most of the time, we find that the so called open space is the remnant of these resource areas or the buffers to these areas, and doesn't allow any usable open space. So one of the requirements would be that you'd have to leave 50% open space, then by granting a special permit, a cluster residential plan (CRP) with the following density bonuses would be allowed: A. if the proposed open space as required, then the permitted maximum density allowed shall be the number of conventional lots using 15,000 as a base, times 130 %, which really guesses to what we had looked at as one of the proposals by the board's consultant when we started looking at

the Baileys Pond conceptual designs. So it would result in somewhere between 60 – 70 units, which can be laid out as single family or as multi family. The next density bonus, building on the same concept of the cluster, if you leave 60% open space, then you can go to 140, increasing the 10 % from the density bonus, and if you go to 70 % open space, then you can go to 150, roughly being 20 acres or 120 units, depending on unit size. Smaller footprints of 1200 square feet or 1300 square feet, you'd be able to get the 70 % open space, of which no more than 25 % are environmental resource areas. It would depend on the footprint. This was the only way to really parse the various zones or different areas in the PUD. Applying this sort of density bonus to the waterfront or village center didn't make any sense. It was already existing units, commercial or residential developments. We had to somehow create a different mechanism for calculating the density and dimensional regulations for each of these sub-districts. That's how we have recommended that the PUD sub-districts be looked at. Parking: no changes to parking requirements, other than that parking for visitors shall be provided at a minimum of ten percent of the parking required. For the residential uses for visitors, in addition to that requirement in section 7. So if a certain multi family residential planned neighborhood development requires 50 car spaces, then an additional 10 %, meaning 5 car spaces, would have to be provided for visitors. The reason we chose 10 % is, we do not want to provide too much parking, so by providing one in every ten spaces for visitors, we think that is a reasonable amount. It provides parking for visitors without creating more parking demand.

Usable Open Space: the only change we added was to include a specific area for a neighborhood public park or outdoor recreational purpose that may be set aside in these developments. We did exclude and made no change to that, except projects that only propose alteration, extension or expansion of existing mill buildings. Essentially, projects that are in the village center sub-district or in the gateway sub-district would be required to set aside this area. We know that in the waterfront sub-district, there isn't enough room to set aside 5000 square feet. The other reason why we didn't require it in that sub-district is when you are on the waterfront, you are required to set aside land or area under Chapter 91 for public access. So the premise for having an area for the public to either walk, sit or congregate already exists in the waterfront sub-district. So that is the reason why it is excluded in that sub-district.

No changes were made in the number of dwelling units. We did add a subsection E, Chapter 91, Commonwealth and Zoning Requirements: This is modeled on what was required in the Lower Millyard Overlay district and follows the requirements of the riverfront act and talks about what areas of the waterfront can be used and how public accessible open space shall be provided.

Design and Performance Standards: Originally, we only had one requirement, to meet the criteria listed under Section 11 C and 10 J. We have added the proposed building design and lay out in the planned neighborhood development within the PUD village center sub-district shall be subject to the provisions of Section 11 H.2.8.2 which is the Lower Millyard Overlay District, to the extent that they do not conflict with the requirements of the Table of Dimensional and Density Regulations. In the LMY Overlay District, building heights exceeded 45 feet or up to 45 feet. In the PUD district, they are only 40 feet, which is what is allowed in the PUD district right now. So that is the intent of that.

Further, we added that the proposed multi family residential forum, how we are defining multi family in this sub-section, within the PUD Gateway Sub-district, shall be subject to the provisions of Section 11 Q.10.5 which is the 40R Gateway Village A through E of the bylaw. In case of conflict, shall override provisions elsewhere in this bylaw. The premise is that we take the various graphical cross-sections as well as the descriptive language of the building design

standards that were adopted for that district be included here. We also say that all of the residential neighborhood developments in this Gateway Sub-district shall comply with the provisions of Section 11D 6.7.8.9, which is the cluster residential district. Essentially, those section 6, 7, 8, 9 allow the PLB to grant a special permit to either allow single family or multi family structures, but on the basis of existing and successful regulations in the cluster bylaw. Any and all signs now are allowed across the PUD district. A one directory sign of 30 square feet, no less than 10 feet from the lot line along the public way and no more than 6 feet in height should be allowed. A free standing sign for a multi family residential development shall be no more than 24 feet in square feet, no more than 6 feet in height, and it shall be landscaped in a planter. Those are all taken from existing regulations...no changes there. The third thing is, if it is a mixed use BND, then they would follow the design standards for the CBD, which is 15 square feet wall mounted. Nothing based on the frontage of the building. The last two sections are the PLAN APPROVAL CRITERIA, this is in addition to the existing criterias for site plan review, section 11 C. Nothing in those sections prevent the board from reviewing the project, pursuant to these new criterias, A through I.

We're not saying that this has addressed all of the board's concerns but does address most of the issues that were raised. Our goal is to bring this to the council meeting on October 14. My goal for tonight was to bring to the board a revision that incorporates or demonstrates that a lot of the comments and feedback from the board. 2. To know that if there are more concerns that the board has, we'd like to request the board to meet in 7-10 days time in a special meeting to discuss any minor modifications the board wishes to make before this can go to City Council.

Ted Semesnyei: We have one so far, which is Lars' suggestion for Chapter 91 to add the village in the back part of the village.

Nipun Jain: Right, but this would apply across the board, because we did not separate it by sub-districts. Chapter 91 would not apply in the Gateway Village, since there is no Chapter 91 that applies for that district. So without saying it, it would only apply for the waterfront and to the Village Center.

Nipun Jain: So lets set a night next week to meet and finalize these points in time to bring this to council on Oct. 14. Does Monday Sept. 29 work for people? Apparently, Monday the 29th is best for all at 7:00 P.M.

Motion was made by Lars Johannessen to continue this to Monday, Sept. 29 or a date TBD. Motion was seconded by Howard Dalton. AIF.

Motion to adjourn was made by Lars Johannessen. Motion was seconded by Howard Dalton. Vote was unanimous.

Meeting was adjourned at 9:00 p.m.