

APPROVED

**PLANNING BOARD MEETING
JULY 27, 2015 - CITY HALL AUDITORIUM
62 Friend Street, Amesbury, MA
Meeting called to order at 7:08 PM.**

Present: Robert Laplante, David Frick, Lars Johannessen, Karen Solstad, Ted Semesnyi at 7:10, Howard Dalton at 7:25 PM.

Absent: Scott Mandeville

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

MINUTES: None in Hand to Review

CONTINUED PUBLIC HEARINGS:

13 Lake Shore Drive, Amesbury- Special Permit, Water Resource Protection District- Section XII

Representative: W.C. Cammett Engineering

Continued to September 28th meeting.

Motion by Lars Johannessen to continue to Sept. 28. Seconded by Robert Laplante. AIF

13 Lake Shore Drive – Special permit- Wetlands and Floodplain District Overlay

Representative: Cammett Engineering; Applicant: Andrew Greenfield.

Continued to Sept. 28th meeting.

Motion by Lars Johannessen to continue to Sept. 28. Seconded by Robert Laplante. AIF

47 ½ - 57 Kimball Road - Definitive Subdivision Plan Approval with 3 Special Permits (Cluster Residential, Common Access Driveway and Water Protection Resource District. Applicant: BC Realty Trust

Continued to Sept. 28th meeting.

Motion by Lars Johannessen to continue to Sept. 28. Seconded by Robert Laplante. AIF.

Motion by Lars Johannessen to take PRE-APP Conference for 35 Water Street, Bartley Machine. Motion was seconded by Ted Semesnyi. AIF.

Pre Application Conference, 35 Water Street – Bartley Machine

Rick Bartley, owner: The parcel is 8.5 acres, sitting at the confluence of the Back and Powow Rivers. We are proposing a 192 unit development of rental properties, along with 295 parking spaces. There are four buildings with 192 units. This will serve as the bookend to downtown and the upper milliard, providing the critical mass and foot traffic to make the downtown more viable than it already is. The property is currently valued at \$4M. The project has 110 rating on a scale of 100 for smart growth. We plan to improve public access along the river walk by adding benches and interpretive features to improve the experience for river walk users. There will be a coffee shop, a common meeting area

A P P R O V E D

for the benefit of residents, and a fitness center as well as residential units. It will be a friendly, attractive and inviting place for people to live in downtown Amesbury. The river walk, the setbacks for the Powow River, and the gas line easement that comes across the property were all constraints for this plan. All of these affected the location and configuration of the buildings on the site. The project, as proposed, adheres to all the requirements of the Lower Milliard Overlay District, as well as all the state laws, with two exceptions. One is the maximum coverage area for an area greater than 100 feet from the river, and the height requirement. So we'll likely be filing for a variance to increase the height allowance from 40 feet to 50 feet. This will allow the units to have high ceilings and large windows to take advantage of the views and improve the interior lighting of the units. We're also requesting a variance for the maximum coverage area, 50% for areas greater than 100 feet from the Powow River. We can get by without this variance if we eliminate the turning circle, but the circle creates a nice transformation from Water Street up over the bridge and into the site. Aesthetically, we'd like to keep that turning circle in place. With the circle included, we have 51.5% coverage, instead of 50%. Currently, the buildings there cover 80% of lot coverage, so we'd be significantly improving the lot coverage.

Woody Cammett, Cammett Engineering: The existing situation, with the Quonset hut, the old brick buildings to the front and the rear, and what we call the 1984 building along the river, with all the parking and the river walk, currently has a developed area of the total area of 69.1%. The new development reduces that to 42%. The open space for the total site is currently just under 31%. The new development would be just over 57%. In the lower milliard overlay district, there is a requirement that the building coverage and open space 100 feet inward from the Powow River, be only 50% open space and 50% developed. The current developed portion within that zone is 82.6% developed. We're proposing 51.6%, which is 48.4% open space instead of 50%. That's why we need a variance from the ZBA. With those criteria, everything is increasing to the good. Some of the physical constraints we face, there is a nine inch heavy duty gas main right through the middle of the property and owned by National Grid Gas, which is the abutting property right here. That feed comes in right up the middle of the road. One of the issues we have is being able to place a new building near it. The soil conditions are such that when the 1984 building was built, along the Powow, this area below the gas main, is filled property. So those two buildings here will be required to have a pile structure underneath them. Just from the vibratory nature of the piles, the final design, we need to stay a distance away from that gas main. That also impacted the location of this building. We cannot bring that any closer to the gas main. Right now, we're about 20 feet off it. We figure with large spread footings on that building at best, we're going to be close enough to that gas main to stay away from it. The ability to move that gas main is not cost effective. So we're dealing with that and leaving it alone. The overall site here is leaving and re-doing a lot of the river walk and keeping it in place, besides adding features to it. What we're suggesting is that, currently there is an old boat shed. That will be removed in our project. So we fit everything in, it works, but what we really need to do here is going through section VI of the Site Plan Review, which is the additional information required. We know there's a traffic study required. This is a crucial area for development. So we'd like to propose is that we ask for the selection of a select subcommittee from the PLB to work with us and the planning staff and dept. heads to

A P P R O V E D

come up with the criteria that we need to talk about, as far as section VI, design issues, site issues, permitting issues, etc. We've given you the drawings. So far, they are pretty well along. We've shown all of the setbacks required under the state, local, etc. and zoning. So we want input from all parties. We'd like to try to set something up within the next week or ten days, if available. We'd like to get this moving along. We'd like to select our own traffic engineer and bring them to a meeting so we can define what the scope of that is. We've got lots of traffic counts and field work before we can even begin to assess the impacts from this development and from neighboring sites.

Lars Johannessen: Besides the residential units, other than the coffee shop and fitness center, is there also anything else mixed use in the proposal?

Rick Bartley: As far as mixed use, we've done a lot of research within the market for rental properties. One thing that is important for this development is to get as close to the 200 unit count as possible. With mixed use, you take away from the number of units that would be in the development and you start to lose the interest within the development community of the type of developer who would like to come in and take on a project of this size. So the quality of the developer that we'd be teaming up with would not be as strong and make it more difficult for the project to move forward. So we're trying to keep the count as close to 200 as possible at 192 units. They will likely be one and two bedroom units. I doubt there would be 3 bedroom units. There is a requirement within the overlay district to have 15% of the units affordable, so we've got that figured into the calculations. But there may be discussions with the city for possible buy outs for that. We don't have a developer right now. We're working with people in the business and will put forth a plan that is most likely to work in the marketplace.

Karen Solstad: So this is proposed as rental units. You've made it this big and dense because you think that's what a developer wants to see to get involved with a project?

Rick Bartley: Yes. We've done quite a lot of research and worked with groups of people in that community who have developed such projects in Ma. and there is a feeling if you are much below 200 units, it is very difficult a quality developer. We want a high quality developer who has the horse power to see it through, and make it managed properly after it is constructed. We want a developer and managing company all in one.

Karen Solstad: Can you explain to me how the open space is calculated?

Woody Cammett: We're talking less than 5000 square feet to meet the criteria, regarding the roundabout. Bill Scott and Nipun wanted to carry the character of the new Water Street reconstruction well into the site. We showed that by bringing in a circle, rather than squares and rectangles. What that does is it shows of f the green area that we have behind that, which is like an interior park, so if we eliminated it, we'd meet the criteria under Zoning.

Karen Solstad: What is the distance between building four and building two, the open space?

Woody Cammett: It is just under 130 feet.

Karen Solstad: I know it is conceptual, I like the idea, but it seems to be falling flat. I don't see anything compelling about this, as a renter to come into Amesbury.

Woody Cammett: You've got the river walk, Heritage Park and the downtown. This is meant to bring people into the downtown. These would be full time residences brining people into the downtown to do business. But this is what conceptual meetings is all about, and why we ask for a subcommittee...to iron these issues out.

David Frick: Mr. Planner, could you remind us what this area is zoned for?

Nipun Jain: The lower milliard overlay district allows either conversion of existing buildings into residential, and then requires the first floors, along public ways, to be commercial. That is what is required of a developer in the overlay district. So it requires commercial along the public ways.

David Frick: I guess that meeting would have to decide whether or not this meets that requirement of the overlay district, or if it needs a zoning change for this. That's a pretty important thing to look at.

Robert Laplante: You say all of these units are going to be housing. Is it all new construction? (answer = yes).

Karen Solstad: What is the price point looking like, for one – two bedrooms as you envision?

Rick Bartley: The rentals look to be between \$1000-\$1300 monthly, including utilities.

Motion was made by Howard Dalton to set up a subcommittee for this and that the subcommittee meet with the engineer and owner, talk over issues, make a list of things we agree on, don't agree on, compromise on what we can and report back to the board. Motion was seconded by Robert Laplante. AIF (possible subcommittee members appear to be Lars Johannessen, Scott Mandeville, Robert Laplante).

219 Lions Mouth Road – Site Plan / Special Permit

Representative: Amesbury Soccer Association for Woodsom Farm (McCarthy)

Paul Avery, Oak Consulting Group, along with Chris Holmes, president of the Amesbury Soccer Association.

Paul Avery: When here last, we reviewed the project and talked over many different topics. We were continued for a peer review. We received a comment letter on the peer review this morning and we responded to it. I sent it electronically to Mr. Jain this morning. The comments were very simple. There were really three items: 1. they want to see a long term storm water management plan to include procedures for the infiltration basin...we provided that. Also they requested that we revise the fertilizing program to do it as needed but not more than 5 times a year and only during dry weather, and we made those changes; then there was one small plan change that they recommended that we install clean outs where the drain pipes come together in Ts, not including the underdrains themselves. We have 6 locations where that occurs, and we put Ts in all of those. We felt the comments were minor in nature and responded to all of them. Haven't heard anymore feedback on it, but from our perspective, I think we've addressed it and ready to move forward.

Lars Johannessen: Re: earth fill, I understand that there is a large amount of topsoil that will be removed from this, then more other substance will be brought in...gravel or whatever. Doesn't that require it's own earth permit?

Paul Avery: Yes, that's part of the application.

Howard Dalton: You'll be scraping and digging on more than just the footprint, and will have trucks driving over town land.

Paul Avery: We submitted a logistics plan and we proposed that the project be constructed basically in 3 phases, and in the process of that, we designated some soil stockpile areas, staging and other materials, etc.

A P P R O V E D

Howard Dalton: But you're still going to disturb outside of the area. You can't just grade up and stop at a line. You're going to be out into the town property. We'd need some type of plan as to how you are going remedy that and fix it so that we see it restored back to what it was before.

Paul Avery: We have a limit of work here, showing a dashed line that goes around the project.

Howard Dalton: That's theoretical.

Lars Johannessen: How do you get the trucks there?

Paul Avery: You're talking wear and tear on the driveway entrance on Lions Mouth Road?

Howard Dalton: Yes. What about the neighbors, dust control, how many trucks, we'd need a construction plan or a maintenance plan, because the minute the dust starts flying, the trucks going through the neighborhoods, we would have to have some type of plan.

Nipun Jain: Is that covered in your SWIP usually?

Paul Avery: Yes, its part of the SWIP. So there is a Storm Water Pollution Prevention Plan usually prepared by the general contractor. But because a lot of dirt is moving and its part of the Special Permit, you may want to provide a summarized version of it, not the full SWIP, so that the PLB concerns might at least address the primary issues, but not the full SWIP, which is pretty detailed.

Howard Dalton: Can we get an outline or abbreviated SWIP so we know what's going on, before everything gets approved?

Paul Avery: What we've included in our drawings under erosion control notes, a lot of that is already covered, which talk about construction. We can consolidate that, to answer your question.

Howard Dalton: We'll need something like that, because we're responsible to the neighborhood, the public, public safety, so before we approve this, we've got to have some idea of what the impact will be on the neighborhood.

Nipun Jain: I think once we get an outline to work with other depts. Who have more experience on public safety and monitoring under the construction phase, we can come up with something and distribute it to police, fire, DPW, etc.

Howard Dalton: How will the irrigation system work?

Paul Avery: We'll have an onsite well, and the pop up sprinkler heads that will be programmed to run only in dry periods, like morning and evening, and only during dry periods. They'll have sensors for that.

Nipun Jain: Remember that the peer review that was done was limited to storm water. They did not review the application for the aspects that the PLB is discussing, because they were not instructed to do so. Traffic was reviewed separately by city officials. Based on the concerns that were raised, we have received no feedback from police or fire in that regard.

Motion was made by Ted Semesnyei to require a document summarizing the earth removal. Motion was seconded by Robert Laplante. AIF.

Motion by Howard Dalton to continue this hearing to Aug. 24th. Motion seconded by Ted Semesnyei. AIF.

29 South Hunt Road - Arc Technologies, Inc.

Representative: Cammett Engineering, Woody Cammett

Woody Cammett, Cammett Engineering: Current condition is Arc Technologies has moved to this site, is operating out of this site, and they are on 37 South Hunt Road, a 6 acre site that currently has 199 parking spaces and an existing building footprint of slightly over 69000 square feet. The last few months, Dan Healy has acquired the adjoining property known as 29 South Hunt Road, to the east. That consists of 4.5 acres. Upon approval of the site plan, we will combine both properties under one ownership of 10.6 acre site. The proposal is to add a building on to the current building of nearly double the size or equal to the size we have right now...just under 69000 square feet for a total footprint of 138000 square feet. The open space of the two combined sites will be 44 %, which is 4% greater than the minimum. We've gone to a technical review meeting, as set up by the city planner. We've had comments back from the sewer connection for the new building. We also have dealt with the circumvential road around the building, obviously for parking safety and fire safety. All that pavement including walkways are proposed as pervious pavement. This is an extremely sandy site. There is no ground water whatsoever. It is a sandy soil, drains well. Current detention basin in the rear towards 495 is operating correctly, never sees an overflow in large storms, and we're designing a separate unit in this area, and the calculations on storm water show that we have no increase over the current situation. So we're infiltrating everything into the ground, the pre and post development will be provided in the storm water report to the PLB with the final design. The other issue we have is, currently the number of employees in the current facility is 85. The other current facility is still on Chestnut Street. That has 40 employees. When this building is expanded, those employees will be moving to the site, and it will then be 125 employees. There is currently 199 spaces. The current parking as it sits meets their needs by quite a bit. However, because of zoning issues, we have to provide more parking. What we're proposing is that we'd propose some parking around the right rear corner of the building, and we show the other proposed areas and would like to have an agreement with the PLB on the approval that those don't need to be paved or constructed until such time that they are needed. We're just trying to eliminate a lot of unnecessary pavement and maintenance, when the current parking lot is more than sufficient to accommodate more than the parking they will require. With that said, we'd like your input. I don't think with the recent improvements of Hunt Road that a traffic study would need to be required. That's the PLB decision, not mine. Storm water will meet all the criteria. It'll be done all onsite with no runoff off the site. We'll provide all the storm water data in the report. We'd like to get input tonight and proceed to final design.

Nipun Jain: So their design team presented these plans to our technical review group To go over the concept layout. The issue of parking was brought up. So if the applicant was required to provide the parking, they can. There is enough room and area to provide it. But they are requesting a waiver from physically building the parking. All other public safety requirements would have to be satisfied. They provided in their pre-conceptual submittal a maintenance plan for the pervious pavement. The will be on the plan so we you have it as part of the final decision.

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Howard Dalton: I agree with the proposed plan for parking. No sense building it if it isn't needed.

Woody Cammett: Thanks for your input.

103 Macy Street – Three-Way Realty, LLC - Amesbury Chevrolet

Representative: Cammett Engineering , D. Hamel

Woody Cammett, Cammett Engineering: The project we present to you today is actually PHASE II of the overall GMC Upgrade. The proposal is for a new maintenance facility. The current building is old, decrepit, and very tight to work in. It has 12 lifts, and they need more. We propose a brand new maintenance facility to the east end of the building. The old building in front, the old ESSO building, is currently being used for detailing, that will be torn down. They are adding one customer service bay, so three entrance customer service bays will operate. The rest of the building will be used for storage but mainly moving the detailing building into the facility. There will be no doors on the front of the building. There will be 24 service bays overall. They will move the 12 lifts in the old facility and move them to the new facility, then monitor how that works from the marketing and use standpoint. Then they will gradually add service bays as they need them. They will also modernize the parts dept one more time so that it will be on the first floor. We have obligations for landscaping as well along the side.

Nipun Jain: It would be helpful if there was at least one concept iteration of improvements that you are proposing as far as landscape improvements. Share that in advance of your final presentation. Also the concept building design.

1 South Hunt Road (Billboard)

Representative: - Bryan Fleming

Bryan Fleming: We are proposing a digital billboard to be placed on 1 South Hunt Road, a triangular lot by Route 495.

Lars Johannessen: The town does not allow billboards, it is nowhere in the city bylaw, let alone an electronic billboard. They simply are not allowed. Sorry.

CONTINUED: FINAL ACTION: ?

19 Evans Place – The Meadows At Point Shore. Plan acceptance and discussion of placement of home on Lot 13.

Rick Saba, contractor: We are looking for plan acceptance so we can move forward with development. I want to discuss the house placement for lot 13.

David Frick: Have you given us the erosion control bond estimate yet?

Mike Codson, with Unit Construction, doing the site work: I do have a square footage. I'll pass out these packets to each of you. One sheet has the square footage. I believe it is 42,168 square feet that I believe you're looking for, for the bond estimate.

Nipun Jain: Twenty five cents a square foot.

Rick Saba: We're here tonight to establish that bond.

Karen Solstad: On one sheet, you have a limit of work of 121,000 square feet. Then on another you have enclosed area of 42,168?

Mike Codson: The red and blue on the sheets is the limit of work, which is the roadway and the slopes to put the road in, and the ponds. To establish the bond, I think that would

be this sheet that is not colored in, which is the area between the 100 foot buffer zone and the erosion control.

Karen Solstad: Erosion control has to cover the whole property.

Howard Dalton: Because you're going to be disturbing house lots, disturbing roadway, it is to protect us from you going out and we've got a hill half carved out and nothing happens. And it's to prevent during construction against erosion going off the site into other people's property.

David Frick: Do we have a consulting firm that will be working with us on this project?

Nipun Jain: That's the usual procedure, for the PLB to get an estimate, give it to your consultant, they review it, make a recommendation along with the proper form that needs to be filled in for the erosion control bond, because the bond can be established in many ways: can be a bonding company, can be a bank, etc.

David Frick: Wouldn't it be best for them to submit that to our consultant and see if they agree? Who is it, BSC?

Nipun Jain: That's another thing we have to talk about. Unless you receive a request for setting up inspection services, we cannot recommend to the PLB what you need to do.

The issue I can see arising right away is, the interpretation of what they need to post as erosion control is very different from what the subdivision rules and regulations require.

Howard Dalton: They have to meet subdivision rules and regulations, and we also have to discuss, if they're going to start construction, then we need inspectional services, etc.

Motion was made by Howard Dalton that the developer come back with a proposed erosion control bond incorporating the whole site, and that ...

Nipun Jain: What is the form of the bond? I don't see a form here that would allow the PLB to determine, or do you want to ...

Howard Dalton: Well, they are going to have to submit some sort of form for how they are going to fund this.

Rick Saba: Are you talking about erosion control for the wetlands, or for the road bond, or for the whole thing? I'm confused here.

Howard Dalton: No, there's an erosion control bond for the whole site, then there is a road bond if you decide to get the road up to binder and then release house lots, and post a bond for the remainder of the work, plus a contingency, but the erosion control bond has to be in place before construction starts.

Rick Saba: OK. It was my understanding that we were coming to tonight's meeting to have you sign off on the plans that were already approved here.

Nipun Jain: The plans are all signed.

Howard Dalton: You have to read the rules and regulations. Signing off on the plans approves the concept, the bounds, etc. but now we've got to establish bond amounts, and you are required for an erosion control bond inspectional services, so we can get a consultant to inspect the site as work is being done. Then the road bond will come later, when you decide to post it.

Rick Saba: So my engineer, Ben Osgood, determined the square footage of 42,168 for the erosion control. So I'm confused? The site is 15 acres, using the whole site. Half or more than 60% of that is open space that we're not going to use.

Howard Dalton: We're talking only the limit of work, not including the lands around the outside of the whole subdivision. You need to get a consultant to put this together and come back with those numbers, and you have to propose what type of surety you're going

A P P R O V E D

to post: whether it's a bond, letter of credit, cash, etc. You have to propose inspectional services, then we get them and set it up, they give the initial amount, etc. So once you give us money for a consultant, we'll have the consultant set it up. Because we have to review it, discuss it, get the consultant to look at it.

Nipun Jain: Everything that you are talking about is spelled out, step by step, in your decision, what needs to be done.

Motion by Howard Dalton that we have the developer follow the process in our decision read the decision, meet the requirements, and present all the items to us that we need to proceed. The applicant needs to post surety with the PLB for sedimentation and erosion control pursuant to the subdivision rules and regulations. All drainage and control measure need to be ensured so that all are carried out on the site including proposed roadway drainage system, open space, and grading of the individual lots as per the final plan and other engineering drawings.

Motion was seconded by Ted Semesnyi. Vote was AIF.

Motion by Howard Dalton to continue this hearing to Aug. 24, providing the PLB gets the information needed from the applicant in order to move forward prior to Aug. 10. Motion was seconded by Ted Semesnyi. AIF.

Rick Saba: We would like to talk about lot 13. That was the one lot that we could start on right away.

David Frick: We originally approved it as facing Evans Place, correct?

Rick Saba: It was originally approved, but the house was on Evans Place, but the garage was on the new road, which is Morrill Farm Road. That's an awkward configuration and it doesn't do anything for the subdivision or the city. It looks horrible. We'd like to keep the garage and the house all facing Evans Place, ideally.

David Frick: Aesthetically, it's best for both the house and garage to face Evans Place like all the others will be. (Discussion ensued on options with 4-5 voices all chiming in at once, talking over one another).

Robert Laplante: Can we have an opinion from our city planner?

Nipun Jain: The reason why I'm not offering an opinion on this is because the PLB had a healthy discussion during your public hearing process, so you are aware of the issues and what the applicant is requesting. So if you have a plan that you can look at and say "it works or not works" then it is the PLB's call. That is the whole point of getting all these things before you. Everyone had a detailed discussion and a detailed decision written from it. It shouldn't be necessary to explain it all further, in depth, when everyone has all they need already.

(More discussion from developer and PLB members about house/garage placement. Again 4-5 voices all at once, so recording is unmanageable to comprehend).

Motion was made by Howard Dalton that we request from the developer that we submit a couple conceptual plans, one with the garage and house facing Evans Place, with entrance to the garage in the back, or a garage in the back attached to the house in some configuration that goes onto Morrill Farm Road. Then we can discuss it. But we're just spinning our wheels here. Motion seconded by Robert Laplante.

A P P R O V E D

Rick Saba: Question: can I also bring a third conceptual plan with the house and garage is facing Evans Place. I can have all the conceptualls by the next meeting. (PLB says fine).

Vote on the motion and second was AIF.

Nipun Jain: Just to clarify , what is being asked in a directive to the applicant on their request? Because they made three requests: 1. to accept erosion control bond in some fashion, 2. to turn the house around, 3. to start work on the subdivision road. What did the PLB ask the applicant to do on those three items? I know what you asked on the house.

Howard Dalton: We asked him to follow exactly sections 6.05 of the subdivision control law, and to submit to us what form of surety he's going to post, and he's also agreed to post \$5K for inspectional services. We can't do much until that is posted. We can accept information, but we're not going to be able to review it.

Nipun Jain: And as far as starting construction, did he say or indicate what he wants to do, because the construction schedule that he gave has no dates on it.

Howard Dalton: Well, he can't start until after the 24th. That's when we asked him to come back.

Nipun Jain: If the developer wishes to move forward sooner than that, he can post the \$5K initial inspection fees and, if he posts the erosion control for the work that he wishes to do as a cash, because he's not going to get too far within a month, between mobilization, pre construction meeting, and getting ConCom sign off, he may be able to at least mobilize. Otherwise, he has to wait until August 24 to even mobilize.

Howard Dalton also makes a motion that we allow him to bond immediately, first posting surety by cash or a passbook, for the limit of construction on the road and associated infrastructure. Motion was seconded by Ted Semesnyei.

Nipun Jain: So what that means is, instead of posting the erosion control for the overall limit of disturbance, the board is giving you an option to post it only for the roadwork and the drainage. Then when you request the release of the lots, you can post an erosion control bond for those lots.

Vote on the latest motion and second was AIF.

Lars Johannessen: Point of order, I make a motion to extend tonight's meeting to Past 10:00 P.M. Motion was seconded by Howard Dalton. AIF.

ADMINISTRATION :

99-101 Friend Street (2 Powow Villa) Lot 2 Release and Bond Release

Representative: Paul Gagliardi (Atty) and Mark Wojcicki, Developer

David Frick: We have not yet received the as-builts or the easement that shows the sewer line and other lines going over lot 1 to get to lot 2 and a little bit to lot 3 to get to lot 2. So until that is done, we have to hold off on releasing this.

Howard Dalton made a motion that the PLB incorporate those two points into a letter to the developer in writing so we have a time-date on it.

David Frick: There was also some issue with catch basin cleaning and proof of cleaning?

Nipun Jain: Yes, the PLB's decision required that DPW issue you a memorandum that confirms that the catch basin along Powow Way has been cleaned. The applicants engineer stated in his letter that he is not aware of the fact that that catch basin was

A P P R O V E D

cleaned, but he is aware of the fact that the developer's contractor checked it visually and did not find the need to clean.

David Frick: So we need to know if the DPW is going to sign off on that?

Nipun Jain: Yes, is DPW satisfied, yes or no? I don't know why it is so complicated.

Howard Dalton amends his original motion to include that. Motion was seconded by Lars Johannessen. AIF.

South Hunt Road Solar Project – Site Plan Application Review Letter Dated 6-30-2015 – Discussion Only

Nipun Jain: They were sent out a letter pursuant to the PLB action on the request that was included as a copy. They are okay with it. They have also submitted a package for PLB review in compliance with the PLB decision. I think it is a comprehensive package. I just need authorization from the PLB to send it to city officials and their consultants for final approval.

Howard Dalton made the motion of “so moved.” Motion was seconded by Lars Johannessen. AIF.

Fourth Street Subdivision – Project Close Out

Representative: Brad Kutcher, Developer

David Frick: PLB has not received a letter from DPW stating that as-builts and adequate improvements were done. I don't know how this got on the agenda?

Nipun Jain: It got on your agenda because, in April, we discussed as a matter of policy for the PLB, what do you want to do about projects that you here or have become aware of that have not complied with the boards decision. So it was the PLB determination that we should place on the board's agenda, every quarter, projects that are in the pipeline, are under construction, or are active, and to report a status.. Based on that, we have placed this item on the agenda with the understanding that the project has not been closed out by the developer. Lots have been sold and people are living there, yet there is still a covenant on each lot for no building permit to be issued.

David Frick: How do we proceed with this?

Howard Dalton made a motion to write a letter informing them, give them a certain amount of time to close it out, a month or whatever to close it out, time sensitive to Aug. 24th. Motion was seconded by Robert Laplante. AIF.

36 Haverhill Road, 40R - Amesbury Heights - Supplemental Review

Nipun Jain: We got a package from the applicant on or about towards the end of June. We were asking that that project be reviewed by the consultant, but there was some time issue conflicts for getting the review back. So we're working on hiring an inspectional engineer which, pursuant to the PLB that is what was discussed, in the past, that we have a bigger firm to inspect the project, given the scale and scope of the project. So in the spirit of making the process more efficient, it was discussed in the office that, because we are looking at only project compliance at this point, not project review, then the person or firm that will be doing the inspection services should also do the final compliance review of the plans. So we are representing to you contract later on for inspectional services on that project and we'll ask the board's endorsement to do the project compliance review as well with that consultant.

Howard Dalton made a motion of “so moved.” Motion was seconded by Lars Johannessen. Vote was AIF.

Howard Dalton: Nipun puts this stuff in front of us. It’s up to us to act on it. I propose we set up a 2-3 person subcommittee and that once a decision is made by the board, the subcommittee get together and draft these letters and get them out. It’s not an appropriate use of the planner’s time to be drafting these mini-letters all the time. I think we should always do everything in writing from now on. That way we have a time stamp, we have a request that we can refer to. If it just gets jumbled up in the minutes, we never get back to it. Conceptually, the idea being that we want to go digital with all this in the future, and that way, we can save these letters in a file folder, and then at the meeting, we open a folder and there is the letter. Where’s the reaction? Did we get a response or not? I make this as a motion.

Robert Laplante: When we make a motion and we make a recommendation, when we vote, it gets seconded and approved, I just assumed that staff would write the letter and send it to the applicant. What I’m hearing now is that the board is going to sit down and write the letters?

Howard Dalton: I think it’s important, because then it gets you into the loop from a point of view of getting involved in these things and will remember more of what we did and be more invested in it.

Nipun Jain: Let me clarify what Bob is stating. If the applicant is present at the meeting, it is the assumption of both the PLB and staff that they are aware of what they need to do because otherwise, it is the record of the minutes that state what the actions were. If there is a directive from the board that is asked of, which is different than action taken, then we do inform the applicant. I understand from what Howard is saying is, everything, whether the applicant is there or not there,” we should actually send out a memo stating all that was decided /asked for in the meeting just held.

Robert Laplante: I agree that things should always be in writing. The question I have right now is, I’m not sure if individual board members should be doing that work. A decision is made by the PLB as a whole.

Howard Dalton: All we’d be doing is putting it down on paper and getting it out, sent out from Nipun’s office. It goes through Barbara, but we keep copies of it, so we know. She will CC all the board members.

Nipun Jain: Since the last meeting, we have prepared a template, and Barbara makes a note of the board’s required action. So we’ll make it more standard procedure that the chair, vice chair or the whole board be aware of what is being sent out.

Howard Dalton: I volunteer to be one of the sub committee members for this.

Howard Dalton’s motion was seconded by Robert Laplante. Vote was AIF.

37 Middle Road – Eastern Lights

Owner: Tom Anderson

David Frick: Prior to tonight we did not get the Horsley-Witten inspection reports.

Nipun Jain: I believe the packets were received by the planning office last Thursday from the consultant. It shows that the project is moving forward, albeit slowly. We do have Kris Houle of Horsley-Witten here to answer any questions. But to recap, at the last meeting, the PLB was concerned that this project started construction last year. There were some violations for which the project was shut down. There were some

A P P R O V E D

environmental violations which the ConCom required the project be shut down. It is my understanding that the ConCom has lifted the STOP WORK order, because the applicant submitted the necessary paperwork, and as far as PLB decision goes, the applicant is still working to provide the performance bond numbers for the board's review and acceptance. So there is still work going on on the subdivision., correct, Kris?

David Frick: We got a letter from the applicant regarding erosion control, etc. and he talks about how he can't figure out what the amount has to be because he doesn't have the "quantities and unit costs" for each item. Kris, could you explain that to us?

Kris Houle, Horsley-Witten consultant: The memo that was circulated in terms of a bond review , I think the item you are referring to was an erosion control bond, which could be done from a square footage cost. The remaining part of the bond application had just a few items that were listed, with just a price assigned to it. Normally for us to check and review something like that, we would need either a unit cost or a quantity. We're talking construction performance bond. So the materials submitted to us were insufficient for that. We had also requested updated CAD drawings, due to some design revisions having been done since. The applicant did not submit them. As a back up, if we have CAD plans, we can do our own estimate and go off of their numbers, but we didn't get either the CAD or the supplementary information for their performance estimate. But we did provide our initial comments on what items were lacking.

Nipun Jain: Can you update the board on the status of the work that was not inspected at the last construction season, and that they were supposed to provide documentation to Horsley-Witten?

Kris Houle: We've done several inspections in the last month or two. Work is slow going, they've installed sewer and water service, as well as drainage service or partial drainage service, I should say. That's in the ground, but in terms of earth work, they are in preliminary stages for earth work.

David Frick: Wasn't some of that work completed without proper inspection? Was that finally redone and re-inspected?

Kris Houle: Yes. They had submitted invert elevations which, we confirmed were adequate for our purposes. I don't have the report number, but I believe it was done in May. I had requested that the applicant perform pressure testing on the water service, which they confirmed was not done previously and they confirmed that it would be done this year, but I have not been given a scheduled date.

Nipun Jain: These are issues we come up against. The consultant for the PLB is not informed. DPW assumes the consultant for the PLB is overlooking all of these aspects. When it comes time for accepting the street, DPW says "this is not per the PLB standards."

Howard Dalton: It's normally apropos for the developer to submit a construction schedule. Then we can work with the consultant. This way, the consultant is aware of when certain things are going to be done. Road work you can inspect afterwards. Underground utilities, infiltration, drainage and such need inspecting as it happens. You can't do it easily once it is covered up.

Kris Houle: I've requested a construction schedule on a regular basis on this project since it started a year and a half ago. I've yet to receive one. They were done verbally and as written requests.

Nipun Jain: So the inspection reports from Horsley-Witten, numbered 1 through 7, I think there are at least 3 reports in which we've asked the applicant to provide that schedule, which, by the way, is copied to the developer's contractor. So they cannot claim they were not aware of that request.

Karen Solstad: It's standard procedure these days for developers and people on site to be working through the process. They know there is an inspectional person, and that this person can't spend his days trying to figure out if they have done anything else that required inspection. That is incumbent on the developer to notify the inspector when things are being done.

Howard Dalton: This is why we need to put it in writing from the PLB that we need a construction schedule, and that the developer provide a bond request with a unit quantity so we can review it, and the pressure tests that have been requested.

Nipun Jain: If the PLB is going to send a letter to the developer at this stage, I would recommend that you ask him to respond to all of the outstanding comments and recommended actions on all of the inspection reports to date, because it catches a lot more things than just the construction schedule. We can discuss the next steps taken with our legal team if the developer fails to comply.

Robert Laplante makes a motion of "so moved", to be done within the next two weeks, and Howard Dalton seconds the motion. Vote is AIF.

20 Cedar Street- Final Inspection / Request for Performance Bond Release.

Representative: Chinburg Properties (Matt Assia)

Matt Assia Chinberg Properties, along with colleague Mike Wincoop: Mike handed out materials that were our response to concerns that were made at our last hearing. There were three requests that were made: 1. was to provide a letter from DPW evidencing their satisfaction with the development. 2. Provide documentation of the affordable housing regulations and if they were complied with. 3. An open item regarding the recording or not recording of documents that were registered. As you recall, this property is under registered land, so it is in land court. I have in front of you is the as-built plan to satisfy DPW. They have signed off on that plan. Then the other items are all related to the affordable housing.

Motion by Howard Dalton that, due to the late hour, I recommend we take time to each review this packet when we have time and discuss it on Aug. 10.

David Frick added that in looking through this ahead of time and working with Mr. Jain, we went through and figured out what we think needs to be done. We came up with a recommendation that we release \$45,146.90, and that would keep us \$15K to complete items addressing storm water control , survival of landscape materials through the next growing season, skip the sign off on the final as-builts by the city engineer, issue of the Certificate of Compliance by ACC and compliance with regulatory agreement is certified units to be released by certified agreement. We thought that'd be adequate for that purpose.

Howard Dalton made a motion of "so moved." Motion was seconded by Ted Semesnyei.

Robert Laplante: I just leafed through this quickly and saw one item on the DPW review of ... and I just saw your response, I haven't read this, and the icing in the wintertime on the roof. I'd question that, but I don't want to spend time here. I live

in a condominium and we spend thousands of dollars on treating icing from storms, I would question that.

Vote on the motion was all in favor except for Robert Laplante who abstains.

Matt Assia: I have a second request. The performance guarantee was secured with two forms of security. One was a \$60K letter of credit from the bank. The other was a cash deposit of \$10K. I don't know if any action can be taken on that tonight, I don't think \$25K is necessary to hold.

Nipun Jain: Because all of the paperwork to look over, it would be easier for us to track it if there was an account number that was set up that you're aware of. If it's a cash one, and for what purpose, and when did you send it. Because I can't get my staff to find out where it is. We would need some kind of form to be signed by the board. So we still need that.

Matt Assia: Do you have a form...

Nipun Jain: It is there, but it needs to be filled in. Provide me with a copy of the original letter of credit, and then we will take action on it as necessary. The agency holding the money for the board will not sign off until they see an actual written authorization. The action of the PLB tonight is not enough to release any money until you give us the paperwork that needs to be signed by the board.

Motion by Lars Johannessen to continue this meeting for another 15 minutes. Motion seconded by Howard Dalton. AIF.

Main Street – CVS, Performance Bond Road Request

Representative: Tropic Star Development, James Mitchell

David Frick: We need to write a letter to the developer asking them to replace the landscaping that has not survived two growing seasons or has not be completed as per approved plans., as well as to handle the dumpster issue and to put in the dumpster racks that have been removed by the tenant.

Lars Johannessen made a motion of “so moved.” Motion was seconded by Howard Dalton. AIF except for Robert Laplante who abstains.

56-58 South Hampton – Locke Hill, Erosion Control Bond, Foundation Permits for Lots 5 and 13.

Buzz Couillard, developer: Thanks for releasing the release of the foundations permits. But in that process afterwards, we discovered that we had a little issue with the erosion control bond also. And it is in this way. I have a \$30K cash bond there. All of this work has been completed. Not paved yet. So talking to Nipun, he asked me to get a letter together for my engineer to come up with a number that is left to do, which is basically the lots. You come up with that number and it comes out to \$2775. I have \$30K there. I'm not asking for anything back. I'm just want to leave it there and keep working.

David Frick: But you haven't finished that other stuff yet. Its not eroding now, but until its all done, I don't know how we can release an erosion control bond.

Buzz Couillard: Well, it's not just about the stabilization, its for constructing all of these wetlands and ponds. I have six ponds here and one wetland. The wetland is 10K square feet that is completely built and vegetated, all the ponds are built, seeded, and loomed. So

A P P R O V E D

yes, there could be some erosion, but there all built. The road is completely constructed down to the subgrade.

Howard Dalton: The procedure of the PLB has been in the past use of a binder, for the roads and drainage and curbing, whatever, and the drains are all installed and working and the ponds are growing great with grass and that they are working. So we need the difference to go ahead... another \$27K or whatever your engineer comes up with.

60 Merrimac Street – Hatters Point

Request for PLB Action.

Robert Laplante recuses himself.

David Frick: What happened is, they requested a subcommittee meeting , which has been accepted by the subcommittee meeting to meet this Thursday at 6:30 P.M. They gave us all the information needed to do so.

Nipun Jain: Also: we need to set up inspectional services for any project right after the approval of the board, so that if there is some information for compliance with the board’s decision, it can be shipped right away to the inspectional engineers so that there is no delay.

BILL PAYMENTS:

Horsley – Witten Group – Invoice #36699 Re: Cumberland Farms

Representative: Ellie Baker or Kris Houle. \$750.00

Nipun Jain: As the board requested, if the specific inspectional contract is coming to an end, that the board have the ability to speak with the consultant with regard to the project and the services. So as you can note, Cumberland Farms and Amesbury Animal hospital projects are done and inspection reports have been issued. So these are the last bills on these projects as far as inspection goes. If the PLB wants to retain the consultant for inspectional services review of the wall, which we don’t know when or how it will be built, then yes. But as of today, the inspection reports indicate all work on the site has been done as per approved plan.

Motion by Howard Dalton to release \$750 on invoice 36699. Motion was seconded by Robert Laplante. AIF.

Karen Solstad: I make a motion that we retain Horsley-Witten for Cumberland Farms until we have the slope and retaining wall and completion at the back of the property and the project is complete. Motion is seconded by Robert Laplante. AIF.

Horsley – Witten Group – Invoice #36886, Re: Cumberland Farms

Representative: Ellie Baker or Kris Houle \$625.00

Balance after payment: \$2813.38

Howard Dalton made a motion that the board release \$625.00 on invoice 36886. motion seconded by Robert Laplante. AIF.

A P P R O V E D

Nipun Jain: The board had a few questions on some of the items that were completed on the site, such as the fence and landscaping. Are these items something you want to ask Kris about now?

Karen Solstad: Since winter, the fence has had an interesting shape.

Kris Houle: In regards to landscaping, the landscaping along the back of the slope is yet to be done. My understanding is that they are in the midst of a revised plan for that. There was a modification to moving some of the plants from the planter boxes in front of the store to some of the perimeter areas, essentially the applicant thought that they were overcrowded, so as to equal match along the perimeter of the site. That was one item. In terms of the fence, I have not noticed the leaning you refer to, on the side fence off of Main Street south side along the residential.

Motion by Lars Johannessen to extend this meeting to 10:20 P.M. Motion was seconded by Howard Dalton. AIF.

Horsley-Witten group- Invoice #36697, Re: Amesbury Animal Hospital , \$342.00 Representative: Ellie Baker or Kris Houle

Motion was made by Howard Dalton to pay \$342.00. Motion was seconded by Ted Semesnyei. AIF.

Lars Johannessen: This project is not complete, regarding landscaping, the grass in the front and back (crab grass or lack of grass). There are lots of dead plants that need to be replaced...

David Frick: We still can release payment to Horsley-Witten. Then we can say we need more work to be done.

Kris Houle: There is no more money left in that contract for me to go inspect more things. That was the final inspection. We were informed that the project was complete. We did our final inspection and identified a number of deficiencies and documented on report number 9 from May 12. Some of the plants had died, some of the seeding was insufficient, they did remove one of the dead trees out front though. There is dead landscaping in the new landscaping that was damaged during the winter. Dead bushes in the front also.

Motion made by Howard Dalton to request that the developer submit money for further inspections, putting it on record that we want money for \$1K for additional inspection services. Motion is seconded by Karen Solstad. (no board vote taken).

Motion to adjourn was made by Lars Johannessen. Motion was seconded by Ted Semesnyei. AIF.

Meeting adjourned at 10:22 P.M.