

A P P R O V E D

**PLANNING BOARD MEETING
OCTOBER 26, 2015 AT 7:00 P.M.
CITY HALL AUDITORIUM, 62 FRIEND STREET
AMESBURY, MA - MEETING CALLED TO ORDER AT 7:04 P.M.**

**Present: Robert Laplante, Howard Dalton, Lars Johannessen, David Frick, Ted Semesnyei.
Absent: Scott Mandeville, Karen Solstad.
Also Present: Nipun Jain, Planner; Paul Bibaud, Recording Secretary.**

MINUTES:

PLB MEETNG – September 28, 2015: Motion by Robert Laplante to accept minutes as presented. Motion was seconded by Lars Johannessen. AIF.

EXECUTIVE SESSION – September 28, 2015: Motion by Robert Laplante to accept minutes as presented. Motion was seconded by Lars Johannessen. AIF.

FORM A PLANS: 86 POWOW STREET - (NOMINEE TRUST – MICHAEL J. UMANO, TRUSTEE) ANR# 1373-15-3

Nipun Jain: The representative is here to give a brief explanation of what they plan to do.

Rich Vosey, Industrial Tower Wireless: They are the trustees of the property that is owned. We plan on cutting the property in half to create two buildable lots, instead of a vacant lot up on Powow Hill. Both lots would have 105 feet of frontage and be fairly rectangular in shape. The sides would be about 300 feet. The back of the lots would be 58 feet and 75 feet. The minimum rear frontage does not meet required size.

Nipun Jain: The setback is not the key, it is the minimum rear property line distance, in an R8. It's in our definitions. Minimum frontage in the front is 80 feet and 30 feet in the back. You can still get two legitimate lots out of it. It just depends on where you cut the line. Right now, the line needs to be moved. The minimum lot width in all properties in all districts is (front property line to rear setback line shall be equal to or greater than the frontage required for the zoning district, in this case it is 80 feet. So as presented, it does not meet requirements. They would have to submit a modified plan to show that it meets requirements.

Motion was made by Howard Dalton to allow the applicant to withdraw without prejudice. Motion was seconded by Lars Johannessen. AIF.

PREAPPLICATION MEETING:

**77 ELM STREET – PRELIMINARY SITE PLAN – PARKING LOT
APPLICANT: DAVID MARTIN**

This agenda item is not to be heard tonight and the rescheduling is uncertain at this time, per applicant who was not present for the hearing tonight.

CONTINUED PUBLIC HEARING(S):

13 LAKE SHORE DRIVE, AMESBURY – CONTINUED.

Special Permit: Water Resource Protection District – Section XII

Representative: W. C. Cammett Engineering

Motion was made by Lars Johannessen to continue this hearing to November 23, 2015.

Motion was seconded by Howard Dalton. AIF.

13 LAKE SHORE DRIVE, AMESBURY - CONTINUED.

Special Permit: Water Resource Protection District Overlay

Representative: W. C. Cammett Engineering and Applicant: Andrew Greenfield

Motion was made by Lars Johannessen to continue to November 23, 2015.

Motion was seconded by Howard Dalton. AIF.

47 ½ - 57 KIMBALL ROAD – Continued.

Definitive Subdivision Plan Approval with (3) Special Permits

(Cluster Residential, Common Access Driveway, and Water Protection Resource District)

Applicant: BC Realty Trust

Nipun Jain: No new information. After the board's peer review submitted their initial review comments, a technical assistance meeting was set up for the applicant's engineer to discuss the comments from the board's peer review on Oct. 16. As of today, we have not received any revised plans or new information. So the same issue comes up: since we've not received any new information to date, moving the meeting to Nov. 9 is not going to meet PLB's deadlines and requirements, and we've also not received the peer review fees from the applicant to pay your consultants.

Motion was made by Robert Laplante to continue this to November 23. Motion was seconded by Lars Johannessen. AIF.

79 ELM STREET, AMESBURY - Site Plan Review – Coffee Roastery

Applicant: Mr. Wolfgang Herbel

Wolfgang Herbel: Since the last meeting, I met with Mr. Jain in regards to the coffee roastery and the plan. We had a discussion about the exhaust system. Mr. Jain mentioned some concerns in terms of the property line, so I discussed after that meeting the situation with Mr. Sandler, owner of the building, and we decided to move, as suggested by Mr. Jain, the exhaust system to the front of the building. We also talked to Mr. Nadeau, building inspector, and based on the temperature requirements, we are good with a vent pipe. So if for any reason the smoke would be too much, we'd be willing to build instead of a stainless steel chimney, we'd build a masonry chimney that would go along with the building itself.

Nipun Jain: This is ready for approval by the board. I have made some suggested conditions of approval. One of the things we're also talking about was the parking striping, so that it is clear to potential visitors and for loading purposes that it is clearly marked. That is a small thing that I'm sure can be done anytime. With that, you should have a set of recommended 5 conditions for approval of the requested use at 79 Elm Street location.

Motion was made by Robert Laplante to approve this project with the (5) conditions for approval put forth by Nipun Jain. The use is only for the area of lease indicated in the application, and only for manufacturing purposes. Any changes to the building façade,

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additional retail sales on premises would be a major modification and require a new application and hearing, parking for use by this tenant and loading zones shall be clearly marked on the site. The proposed exterior steel chimney which if needs to be replaced shall be removed within 30 days of expiring lease or discontinuation of its use at the site, if it is so, and no signage shall be installed on the building or on the site without PLB approval, meaning a sign application would have to be submitted, and any future signage for its use shall not exceed more than 6 square feet in total sign area, which is what is allowed in the downtown area. Motion was seconded by Lars Johannessen. AIF with Howard Dalton abstaining.

60 MERRIMAC STREET, AMESBURY – Marina Office Building – Site Plan/Special Permit - Continued to Nov. 23, 2015

Applicant: Hat Factory Marina, LLC

Robert Laplante recuses himself from this agenda item.

Motion was made by Lars Johannessen to continue this to November 23, 2015 meeting.

Motion was seconded by Ted Semesnyei. AIF with Mr. Laplante recused.

Nipun Jain: If you recall your discussion at the last meeting, the applicant had promised to submit revised plans two weeks from the date of the initial hearing. I have not received anything. You had suggested to the applicant that they either withdraw their application and revise it, then we'd hold the public hearing. The applicant indicated that they were working on revised plans and that they would submit. That is one aspect. We have not received anything, and neither has the ConCom received anything to that affect. Secondly, you would not have been able to hold the Special Permit hearing, because you only have four members. That is another reason for you to consider how you will manage this permit, so keep that in mind when you are making a decision on when you want to continue this to. Mr. Dalton is not going to be available after December.

4 NOEL STREET, AMESBURY – Site Plan Review - Sparhawk School Building Addition WITHDREW ON OCTOBER 1, 2015

Applicant: Sparhawk Endeavor, LLC

Motion was made by Lars Johannessen to allow the applicant to withdraw. Motion was seconded by Howard Dalton. AIF.

29 AND 37 SOUTH HUNT ROAD, AMESBURY – Site Plan Review - Arc Technologies Continued to Nov. 9, 2015

Applicant: W.C. Cammett Engineering

Motion to continue this hearing to November 9, 2015 was made by Ted Semesnyei. Motion was seconded by Lars Johannessen. AIF.

PUBLIC HEARING(S):

94 SOUTH HAMPTON ROAD – Special Permit – Cluster Residential Application

Applicant: Millenium Engineering

Nipun Jain: Millenium Engineering has submitted a Special Permit Cluster

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Residential application to the PLB to allow one additional single family home on the property as required under the Amesbury Zoning bylaw, section 5 paragraph B. The proposed project is located at 94 South Hampton Road.

Taylor Turbide, Millenium Engineering: I represent the owner / applicant, Tom and Ashley Evangelista. The property is located at 94 South Hampton Road. There is currently an existing house on the property, as well as a barn located in the southeast corner of the property. There is 256 feet of frontage currently. It's about 4.86 acres. This is located in an RC district, so it has some interesting zoning requirements to it, in that the minimum acreage to develop the property is 10 acre zoning, so for each lot, we were required to ten acres per lot. However, there is a provision allowed in it which allows the cluster subdivision process to be filed by right vs. a special permit, in which case if that is done, a yield plan can be produced with lots at 80,000 square feet for a yield density demonstration on the lot. We used a traditional subdivision plan which gives us two lots. We created a large roadway which conforms to the PLB requirements for road construction, which creates frontage along each side of the road and a lot on each side in excess of 80,000 square feet. Unlike most cluster subdivisions which usually come in with multiple lots, road construction, etc. This is being done like a glorified A+R plan. Rather than build any road or new access, what we've done is we've decided to use existing curb cuts, existing driveways, and existing frontage on the road. We are proposing two new lots. Lot 1 has 152 153 feet of frontage, with a minimum requirement of 100 feet per cluster regulations in this requirement, unless PLB was so inclined to reduce this, which is your right. Lot 2 has 103 feet of frontage. We're not requesting any reduction of frontage per requirements. The existing driveway is here, and the existing house remains. The owners will sell it. This access road will remain for that house. The other curb cut will service a proposed new house. At this time, we do not have proposed architectural plans to submit to you. That would be pending whoever the buyer might be of the lot. So we've laid out a conservatively sized dwelling, to demonstrate the size that can be developed on the site in conformance with zoning. I showed Nipun Jain a plan that showed the house and got a few comments back from him prior to filing. In putting the house where we plan, we actually will be removing this barn located in the front corner. The existing driveway will remain. We're not adding anything to the driveway. In fact, we'll be removing some of the driveway right here to take away the through portion of it. The existing driveway that will become the new driveway will access a garage here which is attached to the house. We've done septic testing out in the rear, to demonstrate that we can construct a septic system, pending approval of PLB. If you are so inclined, we will file with the board of health to design septic systems on site. In the rear, the remainder of the property is proposed to go to Open Space. It is required that we give 70 % of the property to open space. We meet that right on the nose at 70 %. Also, of that 70%, at least 50% has to be upland and not wetlands. Currently, as laid out, 49% of the property to be classified as open space is wetland, with 51 % being upland. So we conform with that regulation. We've laid this out in a manner that all new improvements will be done in the lawn area. The only thing leaving the site are a few random trees here and there, a total of 5 or six trees for the construction of the septic system and the house. The way it is designed, we will have a reduction of impervious area on site. Currently, the driveway is being reduced by about 560 square feet from the property, with no increase. About 323 square feet of walkway extending out into the backyard which we have no need for. Also by the removal of the barn, the actual square footage of house on the combination of two lots will decrease as well by approx. 151 square feet, so a total reduction of impervious on site is less than the existing conditions today by about 1034 square feet total. We have not yet submitted storm water calculations yet. We've asked for a waiver from that. In addition, DEP

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standards also do not require us to file storm water, because it's the creation of one new lot. In order to meet that trigger, with ConCom and DEP, it has to be a subdivision of four lots or greater. Because of that, the small nature and the reduction of impervious on site, we've asked for a waiver from that. In addition to that waiver, we've asked for some other waivers. Typically, we would have come before you with a Form A for a project like this, approval not required. Given the way zoning is, this is the process which we have to go through. A lot of these requirements, in our opinion, were meant for larger projects, to protect the public. I feel we laid this out in a manner that does that. We've asked for a waiver from the requirement of a landscape architect being involved in the delineation of primary and secondary resource areas. I think it is clear that what we've done is anything of value, resource wise, we've left in the open space for contribution to the town, including the wetlands, all the wooded areas, and the only area that we impact is existing lawn and pavement. We've asked for a waiver from the requirement that architectural plans be submitted. If PLB would like to see them, we have no objection to that being added as a condition of approval. This is a by right use, the cluster subdivision is by right. However, in the cluster regulations, the minimum lot size is 5 acres. Our lot is 4.86 acres. So we ask for a waiver on that. We request a waiver from submittal of DEP storm water calculations, as I mentioned. Any questions?

Lars Johannessen: Have you applied to the Historical Commission yet for the demolition of the barn? (No). Where the proposed dwelling is now, isn't the side yard setback 25 feet? And you have yours at 18 feet.

Taylor Turbide: I didn't notice that, I'm sorry. I'll look into that.

Lars Johannessen: Is there a reason other than the septic system that you have that little crook in the dividing piece between lots one and two, as to why it isn't a straight line?

Taylor Turbide: Honestly, what it is right now is that there is an existing planter right here, but it was just put in that way. We can certainly straighten the line out, if you wish. This is not an issue to fix by any means an issue whatsoever. We have plenty of area and frontage, so we can easily rotate this line over.

David Frick: I'm concerned about information that we've gotten. It seems this land was previously subdivided. A condition of that subdivision was that this lot would never be subdivided again. This was in 1986.

Taylor Turbide: Typically, those conditions are applicable for 20 years. But that is obviously a legal issue that I will have the attorney review and get it done.

David Frick: Then in 1999, it came before the ZBA and they wanted to subdivide it at that time and it was turned down.

Nipun Jain: The first approval that you referred to, David, what permit was that? Was it a variance?

David Frick: It says additional or limited variances was granted to Harnish and Sheehan, so it was a variance.

Nipun Jain: So it runs for the land, it doesn't expire in 20 years.

Taylor Turbide: Do you have a copy of that for me? I have the ANR plan, I don't have anything about that.

David Frick: They divided the lot at that time, the 6.73 acres into two lots, one lot having insufficient frontage. "This variance being granted with the stipulation that he remaining large lot will no longer have any development rights in regard to a subdivision."

Taylor Turbide: I will get that from Nipun.

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David Frick: I certainly would like to hear from the public, but with something like that staring us in the face, we'd have a hard time moving forward on this, I would think.

We have three requests to speak:

Ronald Marquis, 88 South Hampton Road, abutter: My only concern is I did go to the last meeting when they did try to subdivide it again, when the daughter of the woman who sold it to #96, her house, part of it burned down, and the stipulation was not to subdivide it. They denied it to her. If they denied it to her, they should deny it to everyone. I don't want my taxes going to any law suits. That's my concern.

Cathy and Wayne Forsyth, 90 South Hampton Road, abutters: This property would be right up against our house. This is a nice place to live. We've been there 20 years, nice and quiet, just on the other side of the driveway from the proposed house. If it was denied before, it should never go through now.

Donna McFadden, 96 South Hampton Road, abutter: I brought a copy of the notice of variance from Jan. 7, 1987 about not subdividing the property. We went through this in 2009 with the Sparhawk School trying to come in and subdivide it and build five buildings. It was denied then for the same reason. I also have a concern about the barn, because I believe it was deemed historic not that long ago. I can't see how now, a couple years later, they can tear it down. It was zoned RC for the ten acres. I don't know why this type of thing keeps coming up trying to change that. I assume that it was zoned that way because they don't want it re-developed or subdivided. That's all.

Motion was made by Robert Laplante to continue this to the November 23 meeting. Motion was seconded by Lars Johannessen. AIF.

Nipun Jain: *Before we move on, I just got an update that we are not going to have the pre-application discussion.*

ADMINISTRATIVE:

219 LIONS MOUTH ROAD – Amesbury Soccer Association

Request for Extension for Special Permit Application (Margaret McCarthy)

Nipun Jain: We have two things on that project: 1. a request for an extension for a Special Permit application, and we have not received any additional information that addresses the questions from the board, so if the PLB so chooses, they can accept that request for extension. The date is March 30, 2016.

Motion by Howard Dalton to accept the request for an extension of the Special Permit application to March 30, 2016. Motion was seconded by Lars Johannessen. AIF.

Nipun Jain: The second action is that the PLB had closed the public hearing on the site plan portion. I have some recommended conditions for the PLB to consider as part of the site plan approval. I've tied the approval to the approval of the Special Permits for removal and fill, if that is what they need for the project to move forward. So without Special Permit approvals, the site plan itself shall not be sufficient to allow the project to be built on the site. That is the main one, but there are other conditions that address the open ended concerns that PLB has identified during the public hearing about parking, access, traffic management, limit of work, additional fields if they are to be built, meaning change in programming, also that the applicant is a lessee and not property owner, and there were certain other things I suggested as conditions that I suggested for

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approval of the site plan. So if PLB so chooses to accept those conditions, then I will write a formal decision on behalf of the PLB.

Motion was made by Robert Laplante to accept the conditions outlined by Mr. Jain. Motion was seconded by Lars Johannessen. AIF.

37 MIDDLE ROAD – EASTERN LIGHTS SUBDIVISION – Performance Bond Acceptance Continued per the applicant, Mr. Thomas Anderson.

Nipun Jain: We did have a site visit with the developer and a new engineer who has been brought on board, with the technical team from the city, including all the dept. heads, and we impressed upon them the concerns of the PLB with regards to no activity and ongoing requests to come in and give us an update. At the meeting, the applicant wanted to get the project complete, but we asked them to give us a project schedule that shows that it can be completed in this growing season or construction season, to give us an interim as built, showing what work has been done and what is remaining, based on the approved plans and to finish the off site improvements as it relates to the replacing of an old pipe on Middle Road. The applicant agreed to all of those, in fact the engineer is working on the interim as-built to determine if there are any deviations on what is remaining to be done. So that should be coming in. We also asked them to give us a performance bond calculation for any work that may remain after the end of this construction season, so that we can then start looking at what is remaining. And the last thing was to identify what inspections that the project did not go through, and to identify what is the mechanism going forward to bring that portion of construction under compliance. So I've outlined a list of things that they need to provide to PLB. They were asked to come to the meeting tonight, with the as-built, with the project schedule, and with an estimated performance bond, but the engineer indicated that the developer has not provided anything. So we're concerned and advised the applicant that there is a three year time frame in which you have to complete all improvements from the date of approval. In this case, PLB has been very flexible, given when the project was approved and how the market (2007 it was approved, so it has been 8 years). It is required under subdivision control that within three years, you must do all the improvements including the right of way and off site improvements have to be complete, and the site has to be stabilized. Local rules and regulations also must be met, besides the fact that this is also a cluster residential, so that actually is more restrictive, because you have to keep the permit valid in case you do not complete the work in two years. So PLB has been recognizing the constraints of the external housing market, but now that the project has started, and it has been almost a year and a half since they started but it has not been completed, meaning the right of way improvements and off site improvements, it is a growing concern. If the roadway/right of way remains open and un-built, it leads to other issues with regards to the quality of the infrastructure, which if the city has to accept as part of a public way, it becomes questionable. So we have informed the applicant of what they are supposed to do, and hopefully they will show up on November 9. Otherwise, I think back in July the PLB was going to ask legal counsel an opinion on, if this doesn't move forward, what are our choices, one of them being assuming the approval, at this point. So as of now, we did get in touch with the developer, we have given them a deadline of when specific actions have to be taken, which happen to be Nov. 15 and some no later than November 30, 2015. If they do not, I believe PLB can take up the rescinding of the approval under subdivision control law, which is usually the last thing you want to do. We are holding erosion control bonds, but that is about it. There are six lots involved. So that is the update on Eastern Lights. So we should see them on November 9, 2015.

95 HAVERHILL ROAD, AMESBURY – SHAHEEN BROTHERS

Request to approve release of remaining funds in escrow.

Nipun Jain: I asked my office staff to give me the numbers, but I don't have the exact numbers. I am also waiting for ConCom to give me their recommendation, because there was an Order of Conditions, and there were some stipulations as part of their Order of Conditions, and I have not received any recommendation from them. So I recommend continuing.

Motion was made by Ted Semesnyei to continue to November 9, 2015. Motion was seconded by Lars Johannessen. AIF.

19 EVANS PLACE (AMANDA LANE) – Home Styles - Four Designs

Representative: Richard Saba

Nipun Jain: This is a project that needs a lot of hand holding, at this point, as far as the home styles go. We spent a lot of time working with the development team on meeting the building design standards, as part of the approval. The applicant had submitted three house designs, of which only one was acceptable and the other one was acceptable as a stand alone but variations of that were discussed at great care but we've not seen any house plans since that discussion. The last one that they presented was not at all acceptable, and they were going to submit a new design. I have not seen that either. So I don't know what PLB wishes to do. I find myself in a very awkward position where if they come to me to get a sign off, not that they will need one right now, because they have not yet built the road, so lots cannot be released, but I'm giving you a heads up that at some point, PLB needs to really think about this issue, in terms of its approval. We should at least have what we are getting now during the hearing process, because it is a lot of work for the subcommittee to try to work that as part of the conditions of approval.

Robert Laplante: Didn't we agree that the subcommittee would have the key position in making a determination?

Nipun Jain: I think it's a lot of work for the subcommittee when the developer does not take the initiative to perform what the subcommittee is asking them to do.

Robert Laplante: I'm just curious, because the developer came before us with discussions and presentation, and said that they would do anything that we wanted them to do if we would just approve something. This thing about the matrix, they would make individual designs, and I also understand that they need their financing. That is their reasoning. It's like, they don't know what the market is going to be, so they want us to... it seems reasonable to me.

Nipun Jain: And we did give them that framework, so don't get me wrong, they have done some of the work, but the subcommittee also said, within the context of that framework, what you're agreeing to, you have to show us.

Robert Laplante: The point, though, someplace where we as a board should not be designing houses.

Nipun Jain: True. It is not about designing the individual houses, but at the same time, when the developer accepts certain building standards, and what happens is, when you start looking at that aspect in isolation, it appears to be too heavy handed. But the whole point of that one aspect is it is part of the whole puzzle. When they are looking for waivers from setbacks, waivers for frontage, there is a certain impression on what the house would be so that it does not become too big for the site.

Ted Semesnyei: Certain locations are more important than others to get the housing design right. So obviously, this being such a historic neighborhood, from the beginning we talked about this being a very big concern for the PLB, the look of the houses.

Nipun Jain: Another thing is Merrimac Landing. When the developer first came, he did not present the houses that were actually built and indicated “well, these are going to be small homes, 1200 to 1500 square feet.” Well guess what? They were 3000 square feet, with three car garages. What happened is, the mass of that structure was not suitable for a lot that is for 1200-1500 square feet, because now, it almost sits right next to the one...

Robert Laplante: Now that you describe it, I can understand what your concern is. My question is, is there a way to facilitate the developer and our subcommittee sitting down and coming to an agreement on this so-called matrix, and discuss what is acceptable and what is not?

Nipun Jain: That has already been done.

Robert Laplante: How do we memorialize this in writing someplace and get a sign on?

Nipun Jain: Well, the PLB has actually already done that by authorizing the subcommittee to continue to work on this matter with the developer. What I’m telling you is more of an FYI that we did follow through with what the PLB asked the subcommittee to do, the developer performed partially, but they are still not fulfilling all of the things that they indicated to you.

David Frick: My question is real simple. That is, does it really matter? The guy is not ready to do houses yet. So does it matter if he gives them the designs this month or next month? They’re going to have to do the work at some point to look at it. But if he’s not ready, you can see it probably is not his priority at this point, he is going to work on getting the infrastructure started up there, then he comes back with the designs, does it really matter whether it’s now, Nov. Dec. or later?

Nipun Jain: From that point of view, it may not. But it starts to matter when they want to pull a building permit tomorrow, and they drop the information on your desk and say that they want a decision in 48 hours. I think that part of my bringing this matter to the PLB is, there may be times when we say “how far do we create a framework and then babysit it, and part two, part of it is, when we do have conditions of approval, where do we stop and say no, this is not going to be a condition of approval. You heard today on South Hampton Road, “everything can be waived, everything can be a condition of approval, just do it.” Well, half the things we don’t know, so how do we even make an informed condition of approval? So some of these matters may have to be refined, and one of the things that we have discussed with members is, maybe there needs to be a set of guidelines associated with things like this that is pre-defined. So when an applicant makes an application, they are well aware of what they will be subject to, rather than us have to repeat that. That’s all I have to say about it.

Howard Dalton: If this is a problem, I’d get it in writing to them. That makes it a record. It doesn’t have to be much, just a memo. Six months from now when they come in and say “we already built this and it’s being held up,” Then when the mayor is on our back, you have a paper trail. Whatever follow up action.

Robert Laplante: I agree that there is timing on this thing, as long as we get an ok. But I thought we were only talking about design, not volume. A 3000 square foot house put in instead of a 1200-1500 square foot house, that’s a whole different ballgame. I thought you were talking orientation of the building, where the garage went, etc. I still can’t believe they don’t have a marketing target here with a price range and a size range of houses.

Nipun Jain: They do have, but they don’t want to adhere to the framework that the PLB approved as part of the approval.

Robert Laplante: Then they don’t get it approved.

Nipun Jain: This has gone on for over an hour, so we’ll move on.

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36 HAVERHILL ROAD, AMESBURY – AMESBURY HEIGHTS – Bonds and Covenants
Applicant: Sean McReynolds

Nipun Jain: I do have the final covenant that the PLB can endorse. It is being reviewed by legal counsel. I do have the erosion control bond in the amount of \$160,627.50 and accepted by PLB and the form accepted by PLB legal counsel. So I only have originals, I don't have copies. So if the PLB wants to take a vote on...

David Frick: Was this all approved by Stantec?

Nipun Jain: Yes. Staff recommends you accept the amount presented by the applicant.

Motion was made by Robert Laplante to approve the bond of \$160, 627.50. Motion was seconded by Lars Johannessen. AIF.

Nipun Jain: The other thing I have is the covenant for the same project, as required by the PLB decision, which I have received two originals signed by the applicant and in a form acceptable by legal counsel, so I need a vote from the PLB to accept and endorse the covenant which stipulates that they cannot sell or convey any portion of the property and also they would not be able to place any building unless erosion control and sedimentation control is in place. There are other conditions too, but we recommend acceptance.

Motion was made by Ted Semesnyei to accept and endorse. Motion was seconded by Robert Laplante. AIF.

60 MERRIMAC STREET – HAT FACTORY – PHASE II
Bonds and Covenants

Applicant: Larry Smith

Nipun Jain: I don't have final recommendation on that to date, so we request continuation to November 9, 2015.

Robert Laplante recuses himself.

Motion to continue this to November 9th was made by Ted Semesnyei and seconded by Lars Johannessen. AIF with Robert recuses/abstaining.

BILL PAYMENTS:

Horsley- Witten Group – Cumberland Farms

For services rendered through 9-27-15

Representative: Ellie Baker/Horsley Witten

Review fee balance after payment of this Invoice: \$2,532.00

Motion made by Robert to pay \$136.00. Motion was seconded by Howard Dalton. AIF.

Stantec – Hatters Point Compliance Review (R.Laplante recuses himself)

Review fee after payment of this invoice: \$5,245.00

Motion was made by Howard Dalton to pay \$4,845.65. Motion was seconded by Lars Johannessen. Five in favor with R. Laplante recuses himself.

Stantec – Amesbury Heights Compliance Review

Review fee after payment of this invoice: \$14,221.70

Motion was made by Howard Dalton to pay \$2,791.00. Motion was seconded by Lars Johannessen. AIF.

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Stantec – 19 Evans Place Compliance Review

Review fee after payment of this invoice: \$7,814.07

Motion was made by Howard Dalton to pay \$700.00. Motion was seconded by Lars Johannessen. AIF.

Motion to adjourn was made by Lars Johannessen. Motion was seconded by Robert Laplante. Vote was unanimous.

Meeting was adjourned at 8:45 PM.