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PLANNING BOARD MEETING

November 23, 2015 – City Hall Auditorium

62 Friend Street, Amesbury

Meeting at 7:00 P.M. Called to order at 7:13 P.M.

Present: David Frick, Td Semesnyei, Karen Solstad, Lars Johannessen.

Absent: Scott Mandeville, Howard Dalton.

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

MINUTES: November 9, 2015: Robert Laplante found two minor errors or omissions to correct, but otherwise moved to accept the minutes once corrected. Motion was seconded by Lars Johannessen. AIF.

CONTINUED PUBLIC HEARINGS:

29 & 37 South Hunt Road – ARC Technologies – Site Plan

Applicant: W.C. Cammett Engineering

This agenda item has been continued to the Dec. 14, 2015 meeting.

Motion to continue this hearing until December 14th was made by Lars Johannessen and seconded by Ted Semesnyei. AIF.

13 Lake Shore Drive – Special Permit - Water Resource Protection District

Section XII - Representative: W.C. Cammett Engineering

Alan Roscoe, Cammett Engineering: This hand out is just a copy of the presentation plan with all elements on it. This project started out as an erosion preventative and restoration project. While talking with our client, he wanted to do some landscaping improvements and minor additions to a deck on the back of the existing house. We encouraged him to go for all of his permitting all in one shot, so that is what you see before you. To do the deck addition also required a Finding by the ZBA, which we have received. The entirety of the project site is located either in a wetlands buffer zone, wetlands overlay, so we are here before PLB to get Special Permits for both of those overlays. Last week, we received approval for the Order of Conditions from ConCom. So we have all our other permits in hand and we are here seeking approval of the Special Permits for the overlay district protection districts to allow the landscaping, deck improvements, and erosion protections.

David Frick: Now it is my understanding that the plans changed a bit, after meeting with ConCom? Is that correct?

Alan Roscoe: We added some shading to the drawing before you to highlight the upper and lower regions of the bank, which is a wetland resource area. So the substance of the drawing hasn't changed, other than just this coloring and does serve as the final plan, with the understanding that the gazebo will be eliminated. It was essentially approved as presented. The only element that is not going forward is that we've withdrawn the gazebo that was up against the shoreline. By agreement, we allowed it to be omitted from the approval. Even though it is on the plan, it is not happening. This just happened last week, so it wouldn't have got in on time for your review, but if we omit it, I would assume that there could be a stipulation in the decision, if one is forthcoming, that the gazebo be omitted from the plan. This project will still take place over 3 years, as allowed by the Order of Conditions. We don't want to have a lot of activity going on, because there

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would be a lot of disturbance of the property. So they want to choose their projects, pick away at it, etc. Number one is the erosion prevention and restoration of the bank along the shoreline. That is the first item on their agenda, perhaps in the spring of 2016. All of the other items will fall into place. I do have a construction schedule, if you'd like to see that and include as part of the record.

Nipun Jain: Housekeeping issues to go over: one was the timeline for improvements, and that there be a more descriptive (letter form or graphic form) when will the work be done? That was a PLB question that you had. You have received the narrative format. The second was the retaining wall along the water edge. There was some discussion with ConCom, and there may have been a plan submitted, but I don't think we have seen it. Third, which structures would be allowed, and you received the answer today. ConCom Agent told me that they are still waiting for amended plans. What I could infer was, the review by their consultant required certain other additional information from what is shown, which is minor and not significant. For this reason, the Order has not been finalized. It has been approved but not finalized. So typically the PLB, when you make a decision, you want to have some sort of plan or a letter which indicates what will be updated on the final plans. So either you can get a letter that the plan would be updated. I don't have a decision for this tonight. If you want to vote on it verbally, then I have to present that decision for you to endorse. So we can have a decision for the next meeting for the PLB to endorse and hopefully by then we'd also have the final plan. There are no outstanding issues as of right now. If ConCom has approved it, that was the biggest stumbling block at the last meeting.

Motion was made by Ted Semesnyei to request the City Planner to draft up a decision for next meeting on December 14. This would be for the special permit for the water resource protection district. Motion was seconded by Lars Johannessen. AIF.

Alan Roscoe said he will have the final plan by then, and it will just involve the elimination of the gazebo, and then there is the specification on the washed stone and stone dust to be used on some of the driveways. It is very minor.

Motion was made by Ted Semesnyei to request a decision on the wetlands piece for next time. Motion was seconded by Lars Johannessen. AIF.

**13 Lake Shore Drive - Special Permit – Wetlands and Floodplain Protection District Overlay Representative: W.C. Cammett Engineering.
Applicant: Andrew Greenfield
Continued.**

**60 Merrimac Street – Marina Office Building
Revised Site Plans, Dated November 10, 2015
Applicant: Hatters Point Marina Parking, LLC
(Paul Gagliardi) and (C. Rokos)
Continued to 12-14-15 Planning Board Meeting
Motion was made by Ted Semesnyei to continue this hearing to December 14th meeting.**

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Motion was seconded by Lars Johannessen. Robert Laplante recused himself, all others for continuance to December 14, 2015.

94 South Hampton Road – Special Permit – Cluster Residential Application

Applicant: Millenium Engineering – Mr. Taylor Turbide.

Continued to December 28, 2015 Meeting.

Motion was made by Robert Laplante to continue this to the December 28th meeting.

Motion was seconded by Lars Johannessen. AIF.

NEW PUBLIC HEARINGS:

103-107 Macy Street – Amesbury Chevrolet - Site Plan Review

Applicant: Brian Fecteau (Three Way Realty Trust) and W.C. Cammett Engineering

Nipun Jain: Brian Fecteau, trustee of Three Way Realty Trust, has submitted an application for site plan review for a proposed project consisting of constructing a 16,000 square foot addition to house a state of the art service department. The existing small building will be razed and the detailing operation will be moved to the existing service bay area. Interior modifications will also be implemented in the existing building.

Woody Cammett, W.C. Cammett Engineering: Amesbury Chevrolet has gone through Phase I of their renovation project, which was the reconstruction, enhancement and enlargement of the showroom and facilities for office space and the parts department. This is Phase II of a three phase project. Phase II is the construction of a new maintenance facility on the east end of the building. The current maintenance is on the west end. It is much smaller than is needed in today's mechanics world, using computers and multiple lifts for mechanics. So they will be tearing down the front building, which is currently used for detailing building for cars as they're being sold, or worked on and brought back to the customer. That building will be removed. Many of you will remember it as the old Esso Gas Station. That will be torn down, and the new facility will be built. The current maintenance facility on the west end will be renovated into a third common entrance for customers bringing their cars in for maintenance, will be used for the detailing operation, and will probably be used for warehousing. The new facility, which is much larger, will accommodate up to 24 service bays. There is no plan for this to be expanded in the number of employees at this time. The reason is the generation of how maintenance in facilities is done now. As we know, most cars are totally run by computerized operation. It is no longer take your spark plugs out, etc. It's all computerized. So a top notch maintenance person can run three lifts at a time. A really good mechanic can run two lifts at a time. So they are running multiple lifts, multiple operations on multiple cars going on while the computers are reacting to the read outs and working with multiple facilities at the same time. So the plans you have before you are for the construction of that building and the interior renovation of the maintenance Facility, and the tearing down of the old gas station. We have drainage plans that are being shown to you, to show that the run off from the new facility is actually being directed to the drainage in front of the building. Most is being kept away from the ditch in the rear. So we have a complete plan on that. Erosion control and sedimentation plans are shown. The lighting plan will be covered by Phase III, which I'll describe in a minute.

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We submitted today the detailed drawing of the wall pack that will be used on the new maintenance facility that we got from the electrical engineer and the contractor. I've included that in the package today, submitting it to the planning department today. Basically it is just a wall pack over the doorways, showing the lighting pattern, which comes nowhere near the property line, and is a detailed cut of what the new wall pack would look like, with a horizontal design with a down directed light, not the bulbs that used to shine out years ago. We are before the ConCom right now with a Notice of Intent. They have engaged Stantec to do the review of the storm water management system and the drainage and the plans, I believe that is being done in conjunction with the site plan review as well. The building will be constructed in about a period of 8-9 months, depending on orders and when they can start. It now appears a start would probably be delayed until spring time, due to the necessary appeals periods and time to write decisions, which is fine.

We'd hoped to get under construction earlier, but there were many decisions that had to be made through the GM Financing and things of that nature, and the circulation. In addition, what is happening inside the building, as we know, in the middle of the building, behind the showroom, the parts department is in three different areas on two different levels. That is inefficiency. So with this new expansion, they will be able to interior modernize the entire parts department, that will be on one level, the first level, and it will service the showroom, the detailing area, and the maintenance facility. Everything will be trafficked inside with all deliveries to the rear. We're proposing that the current entrance at the detailing building, right next to Burger king, will be used as an entrance only for deliveries. One issue we have to deal with is that, with the widening of route 110, there are no left turns allowed out of Amesbury Chevrolet. Everything has to turn right. So that is the circulation pattern we've dealt with, so we keep it going clockwise around the building. That avoids as many conflicts as possible. We're not increasing the percent of pervious at all. The current open space is non-conforming, and we're not making it any more non-conforming. We've added in a very detailed plan of landscaping between Burger King and the entrance site as requested by the PLB at the pre-application conference. So that is also included in the plans. The entrances that currently exist will now have their islands as shown under the first phase will be constructed under the third phase. To describe the third phase, we are right now preparing plans for repaving the entire site. This is a site constructed many years ago. With this kind of expense and modernization of the facility, Amesbury Chevrolet and GM would like to have the site completely redone. So we're not increasing the footprint. We're just going to grind in place, then repave the top course, which will come under site plan review under Phase III. What we're investigating now is the lighting. We are aware of the immense lighting that this site brings to Route 110 area. We're addressing that, and the Fecteau family is committed to going with LED lights with a modernized computer control system, they will be able to have as few lights on once they close the facility, based on what is needed for security and security only. So the brightness in the sky will be controlled much better than it has been in the past. So we will bring that under site plan review as well. That is a huge expense, but it is something that pays for itself, as you see the difference from the downtown lighting being so much more efficient, not as bright, and is a new system moving forward, providing a modern system and will keep safety where it has to be on this site. That is the presentation.

Ted Semesnyei: About the change in square footage from what you have now to what you are proposing, in total?

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Woody Cammett: The new building is about 68,000 square feet. The current building is about 800 square feet. But the percent coverage of the building is well within the zoning. An 800 square foot detailing center is not efficient at all, being an old gas station.

Lars Johannessen: So I understand that the building itself is just metal panels put together, or what is it on the new addition?

Woody Cammett: It is a new type of building wall construction. We have to present that to the Design Review Committee. We have the detailed plans from McHenry Architects.

David Frick: We'll have to have staff review the checklist to make sure you've met all the things we need for submission. It probably also makes sense to move to peer review, so that would move things along as quick as we can. I don't know if you've signed the contracts for that or made a deposit, but...

Woody Cammett: The contracts have been signed and the deposits have been made.

David Frick: Great. So we can probably move this to peer review, and are there any waiver requests in this, do you know?

Woody Cammett: No.

Karen Solstad: I have a question. You have the open space calculations as 25.1%. Does that include the area of the property that is in the R20 residential, that includes the whole area?

Woody Cammett: That is the whole area of the property, yes.

Karen Solstad: Does that also include the existing vehicle storage area that you have shown on your plans here?

Woody Cammett: That's not open space, so it is not included in the open space calculation.

Lars Johannessen: But are vehicles going to be allowed to be stored in the residential space? Do we know that?

Nipun Jain: I can confirm from the building inspector's interpretation.

Woody Cammett: I believe that was interpreted quite a while ago by the building inspector. I will contact him and ask him to put it in writing.

Nipun Jain: Woody, you said the contract has been signed. Is it the contract with the ConCom or is it the contract for the PLB?

Woody Cammett: The contract was addressed to ConCom.

Nipun Jain: Right. So there is a contract with Stantec and ConCom. I'm presuming that the PLB is looking at the review of the application as it pertains to the PLB, which would be a different contract...which is ready, and they can start work on that.

Woody Cammett: The only contract I received and I asked for was the one from ConCom. I thought it was going to be a joint effort.

Nipun Jain: It will be a joint, but the purview of the contract with ConCom, as you know, is only limited to their set of regulations, so we did have Stantec have its own independent contract with the PLB. I will forward that to you. It is \$4000 that has been requested by Stantec. So you already shipped them all the plans, so as soon as we get the review funds, we will authorize them to start work.

Woody Cammett: Well, I need a contract. I can't understand why it takes so long to get these contracts. It seems we just don't receive them and my client is ready to fund it.

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We thought it was a joint contract, even though it was listed to ConCom. But you're saying its not?

Nipun Jain: No. The consultant is the same, but it is not a joint contract. So I will send you the contract so you can get it funded.

Motion was made by Ted Semesnyei to approve peer review contract with Stantec and to continue this hearing to the January 11, 2016 meeting, as well as scheduling to meet with the design review committee on a Thursday to be determined. Motion was seconded by Lars Johannessen. AIF.

24 PondView, 0 Summit Avenue – Village At Baileys Pond (33:55 start)

Site Plan Review - (Modified project)

Applicant: Fafard Real Estate and Development Corporation

Nipun Jain: Jeffery Roelofs, counsel for Fafard, has submitted an application for site plan review modified project on behalf of Fafard Real Estate and Development Corp. for a revised project and modification of prior site plan approval relating to its proposed residential development known as the Village At Bailey's Pond, the project.

David Frick: We have a long history with this project, and I see we have several abutters interested in this in the audience. For that reason, we've asked the city attorney to attend tonight to lay out where we have been and where we appear to be going on this. We'd all like that.

John Goldrosen, counsel for the city with Kopelman and Paige law firm in Boston.

As you know, the applicant previously submitted a site plan to the PLB for its approval. The PLB issued an approval, but with conditions that the applicant objected to and felt that it would prevent them from constructing the project as it desired to do, so the applicant wanted to appeal that decision to court. The state zoning act is very clear about how you appeal a decision on a Special Permit or on a variance. The zoning act says how many days you have to appeal, which court you go to, what procedure you follow, who you notify and so forth. But the zoning act is silent about how to appeal a site plan decision. The courts have differed a bit as to how to handle it. So the applicant appealed to land court, but ultimately land court decided, without getting into the merits of the appeal or the merits of the decision, that the appeal was essentially premature, because a different administrative procedure had to be followed first. The applicant first had to go to the building inspector and apply for a building permit, and if that permit was denied, just like anyone else that wants to appeal the denial of a building permit, the applicant would have to go to the ZBA and appeal the building inspector's decision, and so that piece is going on. There is a hearing scheduled before the ZBA appealing the building inspector's decision, which was to deny the building permit for the project as originally presented to the PLB. So the applicant is pursuing its rights to appeal the PLB decision on the initial proposal. But in the meantime, the applicant has developed a modified proposal, a different proposal, and that is what is before the PLB tonight. That is why they are here and at the same time, a separate appeal process is going on that is going to go to ZBA on Dec. 3, 2015.

David Frick: And we are perfectly within our normal bounds to just take this as any other new application process and public hearing? (yes).

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Jeff Roelofs, counsel for the applicant: I will give a brief introduction to be sure all the residents here tonight are as familiar with the project as many board members must be. I'd like to give a brief introduction to the application and a quick rundown of the history leading us up to where we are now. I'll give a big picture presentation of the new project, then I'll turn it over to Sean Malone of Oak Consulting Group to present the details of the what is being proposed now.

I'll start with the application before you, primarily for the public, in case you haven't had a chance to come in and look at the application. But what we submitted to the PLB is an application for a site plan approval for a modified project for this property. The application included the application form, a letter with some exhibits, it included excerpts from the 2005 zoning bylaw, which is one of the legal issues that is before the PLB. It's really before the ZBA and the town as well as the land court, but we provided to the PLB excerpts from the 2005 zoning bylaw that we think still applies to this project. We think it complies with both sets of site plan regulations so that it is not a significant difference with respect to the site plan requirements and PUD requirements. We also included a binder of documents. This binder is something that I prepared in Feb. of 2015 in connection with the building permit application, so there are some documents in that binder that aren't really relevant to the review here, but I didn't want different sets of exhibits floating around between the boards. I thought it made sense to have the consistent set of documents, so I've submitted that to you. That's the bound set of exhibits #1 through 17, and it includes an overview of the zoning analysis that applies to the project, copies of the PLB 2013 site plan approval decision, a quick zoning analysis as to how we think we fit into the zoning bylaw, and some other documents going back to the Purchase and Sale agreement with the city of 2010 and other documents, as well as site plans, some architectural drawings related to the new building styles. So these materials are before the board and available to the public. Going into historical context, this figure is intended to show the boundaries of the project where the development is proposed. If you look at the town zoning bylaw, you'll see in town are two areas colored in brown. These are planned unit development districts. These are zoning districts where the City has been encouraging multi-family housing. There are only two areas in town, and one happens to be the Baileys Pond property that we're talking about here. The PUD district was adopted back in 2001 or earlier for this property. Prior to that, it was an industrially zoned property. This is a picture from 1966. It used to be a gravel mining operation there. At that time, they were just starting to develop the highway adjacent to it. In more current times, this photo shows it in 1991 Amesbury Master Plan document, and it shows is a document that reflects the goals of the town. Here it shows in pink and is described in the document as an area where there want to encourage multi family, high density residential development because it is in what the town considered a proper location for that sort of development. I'd like to go through the history, but there are a lot of issues associated with this issue that I really don't want to go into. But I do want people to understand, because I sense in reading the minutes and getting input from the town, was that there are a lot of people who don't understand why Fafard is proposing the type of development that it is proposing. So I wanted to go into some of the history that led up to Fafard's involvement here, because it is important to understand why they are proposing what they are proposing. Back in 2001, the city adopted a master plan developed by Alliance for Amesbury, or Amesbury Alliance, or whatever. They took the lead in trying to redevelop this area of Amesbury and surrounding areas. The city ultimately adopted the recommendations of that plan. It was called the Terrisphere Plan.

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The town, when it put this property out to the market through a request for proposals, held out the Terrisphere Plan as the development plan that they were looking for someone to take the lead on. What that Terrisphere Plan called for was a 200 unit, multi family condominium development on the Baileys Pond property. So the city went to the market and said they'd like to submit a proposal. We're looking for someone to take the lead in developing this 200 unit condo development on this property, and there were other components of the master plan that they wanted somebody to take the lead on also, across Route 150: the truck stop parcel. Ultimately, the only entity that bid on that RFP was Fafard, partly because there are a lot of risks and challenges with this property with respect to development activities. But when Fafard presented its proposal to the city, they proposed to come forward in the permitting with development plans that were consistent with the Terrisphere Plan. They actually presented architectural drawings of the buildings that this board has seen over and over again since 2004. The city reviewed the proposal, and they accepted it, and chose Fafard to be the developer, and signed a purchase and sale agreement. As part of that deal, the city at the time was having some problems with what is now the Sports Park parcel. There was an adult entertainment operation being proposed there. The city was in litigation. City officials when the P+S agreement was in negotiations said to Fafard " we have no control over that property, it is a private property, but we do not want a strip club on that property. If there is any way that you can buy it as part of this larger transaction and put a restriction on it to keep it away from us, that would be great. In the P+S agreement, Fafard obligated itself to do that. They signed the deal, they bought the Sports Park parcel for \$1.4M and then took control of the uses there, and restricted it so the adult entertainment use disappeared. Fafard also came into permitting with the PLB and ConCom, proposing either a 200 unit development right of way, or if it was 176 units. So they came in with a plan that they felt was consistent with that Terrisphere Plan. At that point, there was a lot of resistance to it. I understand that. I'm not going to get into the history of those proceedings, but I did want you to understand that they were presenting a plan that the city was asking it to present, and that they had already at least through city counsel, had already reviewed and decided it was an appropriate use of the property. I understand you disagree with that, but that is some of the background that went into it. Shortly after that, probably because of the neighborhood opposition to the project and some city solicitors supporting that resistance, the P+S agreement got scrutinized by the Attorney General's office, and it took a number of years to digest the issues, get the lawyers involved, and to work through it. It took until 2010 for a new P+S agreement to be signed. That new P+S agreement was negotiated and was reviewed by city counsel, was adopted and it is still referenced as one of the objectives of the agreement, the development of this property in a manner consistent with the Terrisphere Plan. I'm not saying the agreement does not say you have to propose 200 units. But it wanted something still in 2010 that was consistent with the dense residential development that the Zoning Master Plan calls for and the P+S agreement. So going into 2010, the project was started with another revised version of the project, same building types, 148 units and was dropped to 136 units during the course of that review process, approximately three years before the ConCom and PLB, and as you know, the PLB approved it but in the approval required some major revisions to the project prior to anything happening. We appealed that, and attorney Goldrosen has given you the overview of that procedural posture. So we are now trying to follow what the master plan said in 2004 that this property is suitable for a 200 unit condo development. But not many were pleased with it, so we're now proposing something different. This plan, I'm calling

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it the 2012 project, I think the plan is dated that way and was subject to the PLB 2013 decision. So this is the last version of the project. I wanted to get this up before you, so that you can be reminded as to the configuration of the project and then focus in on the revisions to it now, but one of the areas of primary concern is up on that small pod at the top, we refer to that as Phase II because it would be the second part of the build out, in terms of phasing this project. The lower portion would be built out first, then Phase II smaller pod would be built out second. We understood that there were significant concerns there, primarily as related to the amount of earth disturbance and all the slopes that would have to be managed there. So we've attempted to come up with a design that alleviates some of those issues. This plan is the 2015 plan where we are proposing tonight. Sean will give you more details on it. But you can see some of the changes. There are a number of things that have been changed in response to the various concerns articulated by the PLB and the residents in the previous process. This is an image that shows the two side by side. I'd hoped this would give you a better way to compare the two. It does, roughly. But you can see that the buildings have been pulled away from that slope. There are 6 buildings in that Phase II area being proposed, rather than 9 buildings. The total number of units here have been dropped from 136 to 100. Building numbers has gone from 34 to 26, so we've basically dropped a bunch of the units, we got rid of the loop roadway, so we tried to minimize the amount of roadway that was needed to serve the buildings. The roadway was sort of driving us closer to that bank, requiring more grading and management type work over there. With respect to the Phase II area, this is the image of just that portion of it, and the change between the previous proposal and the current proposal. We'll get to some cross sections that I'll leave for Sean to review, but you'll see that the slopes proposed now are significantly gentler than what was proposed before. We've added sidewalks along Summit Avenue to increase pedestrian ability to get from one place to another. There will be significantly less impervious area here, partly due to fewer buildings and fewer roadways. We've improved the parking configuration at the property, with more open space, and we've pulled all buildings out of the riverfront area. This project will need to go back before ConCom, as well. In terms of architectural designs, the top images here are sketches of the previous building configurations, which my sense was that no one was real pleased with. Fafard has constructed thousands of these buildings in different towns in Massachusetts. I know you don't like them, but a lot of towns welcome them, because you get four units in one building. They tend to attract families that don't have kids, usually first time home buyers, young professionals who come in, buy a condo unit that they can afford, they had units within each of the four corners of the building. No one was very pleased with that in Amesbury, so we're trying to do something different here. The images on the bottom are sort of typical designs of what we are now currently proposing as part of this application. We did submit with the application some sketches of these buildings, as well as the floor plans associated with them. PLB has that. We brought extra copies for the public, if they so wish. You can see that the buildings we are proposing now have a lot more flavor to them in terms of variety, roof lines, architectural designs, we know they're not perfect. We try to get these garages on the sides of these buildings. We aren't able to do it here, with the configurations that we're proposing. But what you do have, in the building designs now, are units that go front to back. It is mostly four units per building. The garages, although they are in the front, they have a room built on top of them. So they don't project completely out in front of the house, they project a little bit, but the roof comes over them because of the room that is built on top of most of the garage.

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So we think they are a lot more in keeping with the types of architectural designs that you see in other developments in the area. These are the cross cut plans. I'll come back to that, Sean, since this has to do with the slopes and grading.

This plan isn't going to tell you much because it is hard to see, but it basically the footprint of the roadway designs and the building on top of an aerial photograph, so you can see how it kind of jives with the neighborhood, and depending on where you live, how close it might be to where your particular house is. Sean, can you present to us the difference in the slopes and how you are managing it there?

Sean Malone, Oak Engineering: This will be a general overview, because it's hard to see and the resolution isn't very good. This first section, section A, this is through a steep part of the slope, just after Summit Avenue takes that sort of 90 degree turn. There is two residents here, so this is kind of the limit on the residential development on Summit Avenue. What we are showing on the top here was the approved plan of 2012 approved plan, and what that showed was about 30 feet from the edge of Summit Avenue would be left untouched, and then a steep slope, an engineered 1:1 cut slope would be constructed in order to accommodate the driveway that circulated the site that Jeff had mentioned, and then the buildings. The current proposal is a significant departure from that. We're reducing the number of buildings on that side from 9 to 6. With that, we've also been able to reduce the amount of roadway, and also move the closest building in this area much further back from Summit Avenue. What we're showing here from this edge of Summit Avenue, this is the existing slope to remain untouched, with the existing vegetation, then about 94 feet from the edge of Summit Avenue is where we will tie in to our site. This is simply a 2:1 slope that then gradually reduces down to a 4:1 slope, with some plantings of evergreens and deciduous plantings on there. The overall result is gaining another 60 feet of area buffer from the project to Summit Avenue. The second section is further down Summit Avenue, moving away from the residents. So the approved plan had about 24 feet from the edge of Summit Avenue to the top of the slope, again it's a 1:1 engineered slope cut in to get down to the grade of the site. What we're currently proposing is that now we would have 54 feet from the edge of Summit Avenue, then use a series of four stepped retaining walls, with each wall would be 6 feet or less, then in between the retaining walls, we'd have plantings, to help mask that. As one of the hand outs that we gave to the PLB in your packets and also to the residents, there are also some examples of what those wall systems look like. So, let me begin at the main entrance of the site. This is the same entrance location as the previous plan. We'll have a center island that is landscaped to create more of a boulevard type entrance. Then the roadway will come down the slope here, with a maximum slope of about 8% here and then it flattens out when you get to the bottom. As everyone knows, this was gravel pit with a lot of steep slopes, so there is not a lot that can be done to get from point A to point B. By creating this kind of curved linear road here, we were really able to absorb the grade to get down to the lower portion. This area here is the flattest portion of the site, which we tried to focus the development on. Down on this side, we have sidewalks on both sides of the road. Coming down the road here, we have sidewalks on one side, with a pedestrian way on one side of the road. What that will do is allow us to minimize the road width but having the four foot pedestrian way also adds extra area for emergency vehicles, things like that, should it become necessary. In the north side, it has the same point of access as the previous plan, but this road is now more of a conventional

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cul-de-sac. We've gotten rid of the road that looped around. So this is more of a curve-linear cul-de-sac coming into the lower portion of the site. One thing we've added, I believe it was a comment from the PLB, we added a sidewalk from this entrance down to Route 150 to provide greater pedestrian circulation. We also have the nature trail proposed throughout the site, from one end to the other, with various connection points into the walkway system on the site. This will be for the public, passive recreation on. These buildings have been designed as more of a conventional townhouse style. So each building has two surface parking spaces, as well as a garage space. The majority of the buildings will have two garage spaces. Some building styles will have just one garage space. Each building will have at least 3 parking spaces associated with it. The buildings provide a lot better flexibility and variation in the styles and how they are put together. With respect to storm water management, this project reduces the amount of impervious area proposed by I think about 1.6 acres, vs. the approved plan. The reduction in impervious area can be attributed to the removal of some of the buildings, as well as the less roadway. This plan eliminates about 1500 linear feet of roadway, almost a quarter of a mile. With this plan, we're using kind of a country drainage system. We do have some catch basins and pipe system, but we also attempt to manage things with swales and surface retention. Once we collect the storm water, we have several shallow basins located throughout the site. What that will do is, the water will collect there, with about a maximum of two feet deep, there might be one three feet deep. The water will collect there and seep into the ground. Using this kind of shallow pond system also allows these areas to be used when they are not in a rain storm situation as a more usable open space. The net effect with this storm water management system proposed is a reduction in the rate and volume of runoff to the pond. We'll also be picking up the several drain outlets that come from offsite that drain onto the site, which has created a significant amount of erosion. So we'll be intercepting those outlets, controlling that runoff, to take care of some of those old erosion problems. With respect to utilities, the project will connect to the municipal water and sewer system. It will loop through the main portion of the site. The site is below the existing grades, so all of the sanitary sewage will run down to this low point here, then be pumped up to the existing municipal line over on Beacon Street. Over on the north side, we're going to connect to the existing water main up here on Summit Avenue. Currently it is just a dead end main, so we're going to take that main and run it through the site, then cross it and connect it here to the main portion. So we'll be creating a complete water loop for that area, which should be a benefit for the Summit Avenue area. The sewer system again will be collected via gravity in the northern portion, then cross with that water line crossing and connect into the pump station and get pumped out of the site. So just in summary, the proposed project reduces the units by 36, reducing the amount of proposed roadway by nearly 1500 linear feet, we're reducing the overall proposed impervious area by 1.6 acres, we removed all the buildings from the riverfront area, we've eliminated the back to back garages that was a concern for some people, we've added a sidewalk along Summit Avenue, and varying the building styles with a more traditional, kind of townhouse style. We'll answer board or public questions now.

David Frick: I can see that several things that we talked about previously were addressed and I just wanted to thank you. There were two things that were among our conditions of approval. One was for a Special Permit for the cut and fill. I think you were going to bring in about 100,000 cubic yards or so before. Do you know what the calculation is on this?

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Sean Malone: We haven't done the calculation on that yet, but this will still require an import.

David Frick: The second thing was you needed a permit to enter onto the state road Route 150. I presume that isn't a problem?

Jeff Roelofs: That permit we actually already have. We got that about a year ago.

David Frick: We haven't gotten to see the details on that plan and how it was approved. We'd love to see that, I think.

Nipun Jain: It was approved and in the application, you'll also see an extension of that approval that they received subsequently from MaDOT. So not only was it approved, but they have that permit approval for at least a year... I guess it's until next August.

Lars Johannessen: It needs to go to design review. Other than that, as far as the drawings of the buildings themselves, when you come to design review, if you could take the buildings that you have, not just typical, but you have the units that you specify what you want in each one, if you could do what they actually look like? Because what we've seen so far are just buildings that don't coordinate with other parts of the building. The side view doesn't necessarily coordinate with the front view.

Jeff Roelofs: I appreciate that. You're right. We have not yet done the architectural plans for these buildings completely yet, partly because it is a pretty significant effort. We wanted to make sure that PLB had some receptiveness to this design over the other designs. If there is a general receptiveness to them, we need to get the architectural plans up to date, get to the design review committee, and get into those details.

Lars Johannessen: I would say the receptiveness, as far as what we want to look at, is at least what you're showing from the side view, that the front view be more sympathetic to what you are showing in the side view. How you are characterizing them. You have shutters on the front, but nothing on the side views.

Karen Solstad: I just have a question, with no loop there, walk me through... I know that emergency vehicles will have a key to access and get out of there up Beacon Street. But say big moving vans or big commercial trucks are moving someone in or out. How will they negotiate that whole section of roadway. Are they going to be backing up the whole length of it?

Sean Malone: We envision the use of driveways to help with that. If they came in, they may have to drive all the way through the complex the length of the neighborhood to get out, or perhaps back up.

Ted Semesnyei: Following up on that theme, I'm curious as to how many road layouts were considered? I'd say in your latest plan right here tonight.

Sean Malone: We were working with different concepts for a year or so. We probably had 4-5 different ideas / plans.

Jeff Roelofs: There are possibilities for adding more roadways. One of our objectives was to try to minimize the amount of impervious surface and maximize the open space, etc. That would probably be an option, but it would also involve shifting of buildings and squeezing them together more.

David Frick: How about a circle up by the emergency exit. Is that possible and would that help? Maybe in front of that last building?

Sean Malone: That is something we should look at. That may make sense to do that right there.

Robert Laplante: Are there no community standards for roads? We certainly have a lot of roads that 18 wheelers couldn't turn around in.

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Nipun Jain: So, to answer that question, the performance standards and site plan review require that roads meet subdivision rules and regulations to the extent required, based on vehicular traffic that is generated from the proposed development. So yes, there will be standards that the project will be subject to, in terms of widths, slopes, size, length...

Robert Laplante: So the developer should address those concerns.

Nipun Jain: Yes, and as a way of point of reference, that was all discussed in the prior iteration when the PLB approved that plan, in terms of dead end roads vs. the longest distance that is required for public safety issues. So any iteration of the plan would still have to satisfy those criterias.

Jeff Roelofs: There are some waiver requests to be included in the application. It's in my transmittal letter on page 13. So we have reviewed the standards, and with the exception of those that were requested waivers from the weekend, peer review will follow up on those.

David Frick: One of the things that strikes me is on page 4 at the top under "previously submitted materials". It says "because this application is a modification of a project previously reviewed, it requests that the materials previously compiled by the PLB be included in review record for this application." I guess so much stuff was submitted, I think it might be helpful to have the documents you want included with this be specifically put together for this, so that we know which ones are and which ones aren't part of this proposal. I'm not saying you have to re-do things, but to have them re-complied and know which ones are part of this would be really helpful.

Jeff Roelofs: Yes, that's fair. I did identify the two specifically that I wanted: the traffic study. I'm happy to submit additional copies if it is easier for the PLB to get those in front of you. With respect to the other documents, the reason I made that general request was only so that we could access them if there were questions that they pertain to. So, for our original presentation, we don't need any of those other documents. Most of it is historical and related to an old design, but if there is a question that comes up, such as why we are proposing a 24 foot paved width instead of thirty, there is some dialogue on that issue that I would bring it back to you. But I think from the out go, I'd say you do not have to go through all the old documents for our application. The only ones we need are the two traffic documents that I referenced. If, along the way, we want to pull up some previous ones, I will identify them and get them to the PLB.

David Frick: I would ask staff to review the things that we need from you for the plan And move into peer review so that we can looking at the plan and getting comments back, and you can provide answers/changes back if need be, then getting in front of design review.

Jeff Roelofs: And we'd like to do all three of those ASAP.

David Frick: I'm trying to think. Is there anything else that we should be thinking of?

Nipun Jain: In the time since the current approval on the project, the PLB has streamlined the process of hiring peer review consultants. You have one on sort of staff, Stantec, and once the plans are sent to them, they send us a proposal within a week to ten days. Typically, we get an amount at that time, or the board can elect as in the past to get an initial deposit of \$5000 to at least get the work started. So that is the option, and if the applicant agrees with that, the PLB can vote on it tonight and it is done.

Jeff Roelofs: I think we should get a peer review ASAP. I do think we should probably discuss what you want the peer review consultant to do. I don't know what the PLB typically does, but there has been peer review on traffic, drainage, and probably just general roadway standards and subdivision roadway compliance.

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Nipun Jain: So the PLB typically requires when a site plan is submitted to go through the performance standards, Section 11 C8. In case where you are including the prior traffic study, they would still confirm the relevance of the data in that traffic study, as it pertains to the modified site plan, and make their findings. So the information that you are submitting in the application and as it relates to the performance standards in Section 11 C8 will be reviewed, which is drainage, erosion controls, storm water, soil stability, soil tests, that kind of data.

David Frick: I have one question that bothered me since the last approval. If you are going to be bringing in hundreds of thousands of cubic yards of new earth or fill, how do we know how the drainage is going to work on that if we don't know what is going to be brought in? How do they conduct a study in that regard, or do you kind of call out in advance the type of material that you would allow in there?

Jeff Roelofs: You do, and you are going to review that before we do it through the earth filling special permit process, but I'll let Sean answer that.

David Frick: But I guess that has to be part of the peer review that they would have to get into it with you at some point, and review that that is accurate.

Sean Malone: Generally, yes, I would say that is an accurate statement. More specifically, we'd really want to control the type of fill, make sure it is gravelly pervious material, particularly in the areas of the retention basins. Some areas further away, where its just a general fill, could be a more loamy material. Of course it is all going to have to be specified as clean material, etc. Yes, you will be getting more information on that.

Nipun Jain: Allow me to expand on that: When we get the information on the fill that will be brought in under this special permit, there are specific areas where it is critical. So where the roadways are being proposed, what is the compaction, what is the kind of soil, those matters will come into play. The areas where drainages, as Mr. Malone alluded to, will be up again. There will be very specific requirements based on what the applicant is including in the drainage calculations. Any areas where there are structural elements, such as retaining walls, in and around that. If there are areas of the slopes that may be modified and have to be geotech for slope stabilization, then that would be. In areas where building footprints are going, that is covered under building code, so those areas may be subject to review, but will be more extensively documented and further verified during the building code analysis for footings and what not. So yes, that information is what the PLB was looking for in this Special Permit and hopefully, as the applicant's team alluded to, it will be included and will be required. To the point that the chairman was making, if the peer review starts to do the drainage calculations, keep in mind that that comment might come back. So if you are going to address that issue with regards to soil conditions, then you may want to think about how you wish to address the two things where they overlap in terms of new fill, in terms of soil that is being modified on the site.

Jeff Roelofs: That makes sense. There was a full drainage peer review done previously. Was this information...

Nipun Jain: Well, it did not contemplate on how the fill issue would be addressed. How will you tie the assumptions and the design being used for the drainage part in the

proposed site plan? How is that going to tie back to the fill? And where would that be incorporated into the requirements of the fill being brought in?

Jeff Roelofs: To make the peer review more productive also, and this is sometimes up to the PLB and sometimes up to the consultant, but my preferred avenue for the peer review is that if they are doing their review and there is information they don't have, rather than them just dropping that comment of an omission or wishing I had more data into their letter, then we see it two weeks later, I would prefer the PLB authorize the peer review consultant to contact Sean Malone and say "do you have this data?" because if you did, it would help my peer review. Let's keep the process moving.

Nipun Jain: That is part of what we have done in streamlining the process where once the peer review has completed an initial review and they are ready to shoot their first draft, we actually set up a conference with them, with the applicant's engineer, to go over what may be coming out and talk about where they are coming from, as far as the comments being made, so if they can be easily addressed by the applicant's team by either providing additional information or clarification, it is done before the first set of comments. So we have made some changes in this process.

David Frick: Anything else, Mr. Jain, that you can think of, that we can use to move things along?

Nipun Jain: I think there are three things. You covered a few. One is in the application and letter from attorney Roelofs. There is one request to waive the filing fee, so the PLB has to act on that. We did talk about the waivers, so it has been made clear that the waivers are what they have stated. We addressed the peer review aspect and timing, so other than that, I just want to also point out to the applicant that we have a 5 member board right now. This is what will go forward. So keep in mind that was part of the issue in the last go round, that we had changes in membership, we didn't have members that could meet the requirements of the public hearings, so if the need arises, we may have to post a public hearing notice to get the full or more members.

Jeff Roelofs: Has this city adopted the regulation to allow the two that missed tonight to become qualified by reviewing the ...

Nipun Jain: The Mullin Rule is if those members have already attended the initial hearing. It is not for the fact that if they missed the initial hearing. They have to have attended the initial hearing, which is not the case tonight.

Jeff Roelofs: So we have five members, I hear you.

David Frick: One of those, by the way, is not going to be here any longer and will be off by the end of January.

Nipun Jain: So before we go too far, if you believe that is in your interest to early on start the process, then keep that in mind.

Robert Laplante: I have a question on the technical communications process, watching what's happening or trying to see what's happened by your documentation: is Sean the technical contact point for this organization, and you are an engineer?

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Sean Malone: Yes, I am.

Jeff Roelofs: I'm the attorney and I am actually new to this permitting process here, but I am happy to be a liaison, and I would love the communication in this process be better than what it has been historically. If I can help that, I will do anything I can to make this a productive process. My hope, and I'm probably more optimistic than most people involved in this project, is that we are going to be able to work through to a decision where we don't need to go through this crazy appeal process, and we get a decision where people are comfortable with on all sides.

Nipun Jain: My last comment is, as you mentioned, this will require a new filing with ConCom. Do you have a certain time frame of when you would be making that, and the reason why I ask that is, with our streamlined review process we like to have the same consultant start the review simultaneously on the environmental permitting as well, otherwise we are playing tag team, creating a lot of back and forth. So you may want to think about that aspect as well, so that we can start this review simultaneously, if possible.

Jeff Roelofs: We hope to get that in soon. We've got an appeal in court. We need to sort that out and get it into a posture where it is cleanly presented to ConCom. But I would expect to be doing that within the next 6 weeks. I would think these would be going in tandem. I should add, also, that with the changes that we've made, we expect ConCom process to be way cleaner than the last one. The biggest use there were the building within the riverfront area. There were a few other issues tied to the riverfront area, but by pulling out the building in the riverfront area, just from a regulatory perspective and the protection of the habitat and the riverfront interests, we expect that process to go much more smoothly. That is why we wanted to start here.

David Frick: Do you want us to start the peer review process with Stantec, or hold off...

Jeff Roelofs: I want to start that.

David Frick: And design review as soon as possible?

Jeff Roelofs: What I'd like to do is coordinate with Nipun on that. I do think Lars' comment about getting more details to the committee before that meeting might make the meeting more productive. We can meet and talk based upon the sketches. What is your reaction to that? What in your mind would be most productive?

Nipun Jain: It would be more helpful for the design review to see what you are showing on the plan and how it relates to the graphics. That is where the primary comment was, that you have concepts that are fine, but if you can show how it ties back to the plan and the arrangement of different units, so if you are showing a group of buildings on the concept visual, can you point to any one block on the plan that it may be representative of?

Jeff Roelofs: I think that is actually already done. I think we had about three different building or unit designs?

Sean Malone: There were four different floor plans.

Jeff Roelofs: So I will get back to Nipun because it is going to be driven by when we can get that information together.

David Frick: And some of the floor plans don't show windows when they are used both interior and exterior as units, so just how that would lay out when it is used as an exterior. Sometimes one is an interior, and sometimes one is an exterior unit, so it would be nice to know how that would change in those environments. We'll let you work with him on that then. Continue this, do you think, to that first meeting in January, at least, and see if that

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works? We've gotten through peer review enough by then, and gotten your comments back at that Jan. 11 meeting. Does that sound about right?

Jeff Roelofs: Sounds great. I assume you're going to hear from the neighbors tonight. But yes, that timing makes sense to me.

Nipun Jain: So we now actually have a public hearing continuation form, so if that is the date that you'd like the PLB to continue to, then if you can just fill that in. We're talking about the second Monday in January, being Jan. 11.

David Frick: We don't have any formal made out as speaker requests. Do we have anybody in the audience that would like to speak in the audience? **1:43:58**

Terry Kusik, 7 Beacon Street, abutter: He was talking about the traffic study? I was wondering the date on that, and I'm pretty sure it didn't take into account the 240 units going in at Amesbury Heights. I think that should be considered, because I know in the summertime, Route 110 already backs up, and I'm sure a lot of those people are going to be cutting down Beacon Street and into the neighborhoods to avoid that traffic.

David Frick: OK, these studies were done, the traffic impact and access study for the proposed Village At Baileys Pond was dated April 15, 2010. The response to traffic comments proposed village at Baileys Pond was dated Nov. 9, 2012. The project at that time had been approved, but the 40B... was that part of the study, or no?

Jeff Roelofs: I think that project has been in the works for a long time. I'm pretty sure that it was taken into account. Whether it took into account the number that we're talking about right now is the question I have. Give me one minute.

David Frick: Anyone else in the audience wish to speak, while we're waiting?

Laurie Irwin, 6 Swetts Hill, abutter: I have a question about how you referenced Phase II, that upper pod? You said that is a secondary phase. Would that property be razed and ready for development and what is the time frame?

Jeff Roelofs: We have not presented a phasing plan to the PLB yet. That is a document that we are planning to submit to PLB. So with respect to the timing, we know the PLB is going to want to know the sequence of development, it'll be done through phases, we can try to put projections on the estimated construction times, a lot of it is market driven, so I don't have an answer to the question, but we will be providing the PLB and we'll have copies available to you that will give us a basis for discussing the time frames, what will the state of construction be at a certain period of Phasing, but just generally, all I can say right now is that we'll get that information to you, and that upper area will be, for the most part, left untouched other than what will be needed to get some of those utilities in while they are building out the bigger area on the other side of the riverfront. Then Phase II will come towards the tail end. So it might not be completely sequential. They might not wait to sell the last unit in the first larger pod area, but they will be building out those buildings first, and probably as they are working on the last few buildings, then they will mobilize and start working on that Phase II. If they start it tomorrow, that could be 2-3 years down the road or longer. This is a long project. But we will get you more details.

Laurie Irwin: The concern on that time frame is flattening and razing the property, and have it be a dust bowl. The other question was, the conditions that are being appealed right now, depending on how the judge rules on that, how does the PLB go forward if those conditions were shot down?

Jeff Roelofs: I may not be able to answer it completely, but attorney Goldrosen can chime in on this. So what happens with the appeal issues is going to be dictated largely by what happens here. So the appeal, we really have three appeals going on right now, we have a wetlands appeal, which we are expecting to be completely mute because we are

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going to restart with ConCom with this new project. We have an appeal related to the site plan approval decision and the conditions that we've challenged that are outlined in that big table. If this project version gets approved, or gets denied but we're way further down the road and the issues are more narrow, chances are what will happen is that appeal would just get dropped, and we will be pursuing whatever remedies we need to, with respect to the decision that comes out of this process. So, it is going to end up being one or the other. We just aren't there yet. If I came here tonight and this PLB said "we're not interested in this, we're sticking to our last decision, "then we'd just be chasing that previous appeal down the road. But I'm not hearing that. It sounds like the PLB is receptive to conducting a meaningful review of this project. So if we get into this process and it's productive, I'm expecting that we will never have to litigate the other appeal that is pending. We probably will go forward with the ZBA hearing that is coming up on Dec. 3, trying to protect our rights with respect to that appeal right now. But if we gain traction in this process, that appeal would just die on the vine. Some of the issues and objections to those conditions will have to be discussed here. We didn't talk about it tonight because it is premature, but if we get to a point where we are trying to figure out what conditions should be imposed in the decision, then at that point, I am hoping we can address a lot of those objections just by drafting things a little bit differently. So again, those issues will be addressed here, not in court, hopefully.

Laurie Irwin: Then the one last point, to bring up Terry Kusik's point, the 210 units of Amesbury Heights, the additions to the Hat Factory, the neighborhood that is going in at the front of Main Street near the bridges, when do we hit saturation point? I know you can't answer that, but it is something to consider. Thank you.

Michael Shields, 5 Beacon Street, abutter: Looking at the units, there are a number of bedrooms. I noticed on the floor plans, some had three bedrooms, maybe four bedrooms. So there would be a number of young people living on this site. Will there be any recreation areas for them, on the site?

Jeff Roelofs: The recreation that we are proposing now is really the open space trail network associated with the wetland areas, the trail goes all along the pond from one of these development areas to the other, then it connects to the roadways. We're not looking to construct a sort of central playground or tennis courts or anything along those lines. Mostly it is just the trail network.

Michael Shields: I can recall in the past, the question came up about school buses? Where they would be picking the children up? I'm guessing a large number of them would be going to Amesbury public schools.

Jeff Roelofs: Sean, I'm looking at you. That was an issue discussed in the last process, and the sidewalk that we are proposing now hopefully going to address some part of that.

Sean Malone: So that was discussed at length previously, and it was talked about that the school buses wouldn't go into the property. So what we had was a school bus stop down at the main entrance to the main pod, and then previously, we had one up near the northern pod entrance. With this project, there was a comment from PLB suggesting that this would be difficult for school buses if they had to navigate Sweets Hill, so we added this sidewalk for kids to come down to Route 150. All the bus pick up would be down here on Route 150, as planned.

Laurie Irwin question from the audience, so Sean Malone repeated it for the sake of the recording: The question was whether or not state approval was necessary for a school bus stop on a state highway? I'm not sure that it is required for a school bus stop. But we will take a look at that.

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David Frick: It is kind of a crazy road there on 150 between Summit Avenue and the proposed access / exit. I wonder if there would be any issues with continuing that sidewalk down to where that road would come in there? Just so the kids wouldn't have to be on Route 150?

Karen Solstad: There would have to be. We couldn't have school children walking on a state road.

David Frick: A suggestion would be to have a sidewalk between the bottom of Summit Avenue, where you currently have the sidewalk ends, and to where the exit out of the Phase I is?

Jeff Reolofs spoke but away from the podium so it was not picked up by the microphone.

Ted Semesnyei: We talked about this before, having a development of this size having some sort of recreational facility. I know there is a walking trail, but I suspect that issue will come up again. I defer to the gentleman who wishes to speak.

Tom Kusik, 3 Beacon Street, abutter: First, I like the fact that it is obviously downsized. I walk there every day, so I'm familiar with the area. A couple comments and questions: Back to when the project all started and talked about the master plan and whether or not it all kind of goes with the master plan: now that we're talking about a 40B, we're talking about this project, my question is, is this a net gain? Is it a net gain as far as tax revenue versus services? Is this fitting with the master plan?

David Frick: Well, it's a PUD area and so it fits within the master plan and it is what it is zoned for.

Tom Kusik: But the other PUD area is Hatters point, so that doesn't impact schools, right?

David Frick: Right. What was the other PUD area on the map that they showed, Nipun?

Nipun Jain: To make it even more interesting, the zoning map and the zoning bylaw that this project is subject to is not the one we currently have. The zoning map hasn't changed substantially, from what was approved in 2005 versus what we have currently. This parcel and the Hat Factory are PUD, just like the PUD along Main Street where we have the Dollar Store and the Post Office. They are all zoned for multi family, and density which is comparable to what they are proposing now. If you are making comparisons with the Hat Factory, that is by choice of the developer restricted to 55 and over, but no zoning regulations require that restriction in the PUD district.

Tom Kusik: So we're going to assume that the city took that into account when they said this should be planned for PUD and that our schools can support the extra kids? That's my point that if it does and it's a net gain, then I'm all for it. If not, then...

David Frick: From my point of view, if something is zoned for something, we can't deny it because we think it is either a net gain or a net loss. It's not in our purview. We have to go by what we have as our rules for allowing or not allowing something. If we didn't allow it for that reason, that is something they could very well appeal on. The types of things that have come back to us on, the fact that we wanted them to have a permit for access onto Route 150. We wanted them to have a fill special permit for the earth they wanted to bring in, parking issues, slope issues, those are things we can address, and I think they are addressing those and they are things we can look at. I can't make a decision because "I think there's going to be 40 more kids in the school system. Should we allow this?" That is not appropriate and we cannot do that.

Tom Kusik: Well, you can still scale the project back to maybe ...

David Frick: We can make someone scale it back within what the zoning allows. We can't tell someone we don't want this because it's going to impact our schools negatively.

Nipun Jain: There are two parts to that response. One is, at a certain point, a tipping point to site plan review has certain provisions that the board can at least determine what is that impact. Two: what you are talking about is a build out analysis community wide. Communities change all the time, more growth, less growth. That impacts the capital improvements that have to be made, whether it's to infrastructure, like water, sewer, schools, fire, police, etc. So periodically, which is not very frequent, but when you update master plans, you create a capital improvement plan with a general understanding of what is the potential growth or the trends. Believe it or not, Amesbury, on a regional basis, is supposed to be losing population, not gaining population. These developments might seem that there will be an explosion and lead to a substantial strain on the infrastructure. But when you have these blips that do not necessarily follow a linear progression, they are sort of toned down as to what is the capital impact. Not saying that this project may or may not tip the scale or any other project. But that is generally how we do planning in terms of "what is the capital need of the city in terms of schools or infrastructure. It is hard to do that with just one specific project. You have to do an overall either neighborhood scale or city wide scale to look at the total impact. Believe it or not, the 240 unit development, the project was required to prepare a school impact. It came out to twelve children. There the number of bedrooms is fairly much higher because of their unit count, but even a three bedroom is more than what is being proposed in this plan. That is the brief answer.

Tom Kusik: So leading into that, Phase II - maybe look at that, because that seems to be the portion that is trickier to develop. Maybe you should look at that as more of an open space. I know the applicant won't like that due to losing revenue, but I'm throwing it out there. It's a tougher place to develop. Do you really need that portion? Also, my other concern would be lighting. I live across the pond, so right now I like the buffer I have. But are we talking about lighting that is going to be more direct? Is it going to light up the whole sky?

David Frick: It'll be dark sky. We wouldn't allow it otherwise. But to finish up, I'd like to hear the rest of the recreational area discussion.

Tom Kusik: I just think it's a good area to do that with. It is a great area for kids. We all use it every day. It'd be nice to be able to still have that area that the kids can use.

Nipun Jain: The trail is a public access easement starting at the marina parking lot and goes around to this property, and then hooks back. So it is a public access from a public way.

Tom Kusik went on a while discussing this topic, personal anecdotes without anything new to highlight in these minutes.

Lars Johannessen: I would say that if you look at something like Bartlett's Reach where they have two and three bedroom houses there, mostly three, some have made four into them, however they don't have many kids there at all. But they do have amenities, they have the tennis, pool, clubhouse, and whatever else. And the average age there, when we first started discussing this project, the average age was 70.

Jeff Roelofs: Are the kind of amenities that you would like to see public amenities or amenities for people who buy these units, because there is a big difference.

Lars Johannessen: For the people who buy these units. They need a place to grill, picnic, pocket park, pool or tennis courts, etc.

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Nipun Jain: I think an extension of that, it has become more common to see that in any development of a certain scale, when we look at multi family development. We've seen at least three different proposals which are multi family in terms of number of units and 4 or more, not necessarily this model, but even then, the key selling feature whether it is rental or condos is the amenities for the residents.

Lars Johannessen: I make a motion to extend this meeting for 15 minutes, or how much of this can we have wait? I motion the meeting goes to 9:50 PM.

David Frick: I think we can get through the rest in 20-25 minutes maximum. Extend until 9:50 PM?

Robert Laplante: I would like to make a suggestion. We are getting into minute detail here. It would be more appropriately discussed in the technical review committee. We're talking size of units, amenities, etc. We've talked about this many times, and I think at 9:30 that we're really ...

David Frick: We have a motion here that we have to do. We can't go past 9:30 without a...

Karen Solstad: I second the motion. Continue to 9:50 PM. AIF.

Karen Solstad: A question I have for our consultant is, in such a dense project, how country drainage works on the steep slopes, and with the sidewalks, snow being piled up along the road, So I'm looking at it, and I'm not a hydrologist, but we don't have a lot of experience with country drainage on a really dense development like this. That is a huge concern for me. So I would like Stantec to explain to me how country drainage would work on this, and what would be impediments to it working, and what type of arrangements and restrictions and covenants we'd have to put on it to guarantee that country drainage works, through winters with snow piled up, etc.

Jeff Roelofs: So I'll fill this form out, get it to Nipun, we'll continue it to Jan.11, 2016, we need to work on timing for architectural details, I'll be in touch with Nipun so we can try to get to design review committee before that meeting, and work with Nipun on the contract for peer review, ASAP, and we'll see where we're at. We'll try to be prepared to have a productive meeting on Jan. 11. If we're not quite there yet, we'll submit a request to continue that. The public should feel free to communicate with me or Nipun.

Motion to continue this public hearing to January 11, 2016 was made by Robert Laplante and seconded by Lars Johannessen . AIF.

ADMINISTRATIVE:

20 Cedar Street – Request for Final LOC Release of \$15,000.00

Applicant: M.Wynkoop/Chinburg properties

Nipun Jain: The applicant had requested this item be placed on the agenda. There was a couple outstanding issues, one was the drainage connection on Cedar Street and the other was landscaping. City engineer has not recommended the sign off on the drainage, so this matter is still pending. So I recommend we deny the request again until all matters are satisfactory.

So moved by Lars Johannessen to deny this request. Seconded motion was by Ted Semesnyei. AIF.

37 Middle Road – Eastern Lights – Performance Bond Acceptance

Applicant: Tom Anderson/Millenium Engineering (Eric Botterman)

Taylor Turbide, Millenium Engineering: The applicant asked me to come here to give you an update. The applicant apologizes for your frustrations with this. I can tell you that we have been brought onboard, recently we have done as-builts of it, to confirm that everything to date has been installed correctly with the design plans. We've gone through that, everything looks good. We are in the process of aiding them and getting a bond so we can move this project forward. Literally, three days ago we started looking at the bond with them.

David Frick: Can this be stabilized before winter? Neighbors are worried about erosion, and the general condition, etc. I haven't looked at it.

Taylor Turbide: Yes, we brought that up to them. We gave them recommendations. We're working to see what can be moved forward, quickly, versus stabilizing it, if we can just get it in there.

Nipun Jain: I had circulated an e-mail to the PLB which was basically the e-mail that I sent out to concerned abutters who had raised issues. In that, there was an e-mail that I had sent after the site visit with the developer, who had agreed to certain deadlines. It stipulated 8 items on it. One is what Taylor just brought to your attention that they would do an as-built, they would determine what is not working properly and needs attention to fix right away. What is the construction schedule to finish the right of way? What is the schedule for finishing the off site improvements? We still had a window of opportunity when we met, because I believe prior to the Oct. 26 meeting of the PLB. The applicant was supposed to come in and discuss that schedule. In spite of repeated requests, we have not seen at least a clear path of what is going forward, and it has nothing to do with Taylor, per se, because as he said, they have been brought on just in the last 3-4 weeks, so it was important for the PLB to know why it is not being done when this project was approved 7 years ago, the construction started last year, and there is no progress. So that was the reason why the board wanted the applicant to come in and explain. I don't see the answer being provided in any form, whether written or otherwise, to explain that. Now that we are at the end of November, and I don't have a copy of the letter, I don't know what can be done?

Robert Laplante: Well, you can add this meeting to the second page of that letter, and we're still at the same point. What Nipun is saying is, he's brought this thing up to the PLB several times, he was directed at the last meeting to write a letter, which he did. He listed all the times that they had requested and that they were supposed to come here and they didn't come. Now this gentleman has come at their request. It would appear that we are just another checklist to put us off. Why are we wasting our time?

Taylor Turbide: I can tell you that we have done an as-built, we just got involved in this, and I apologize, I don't know the applicant, but my boss, Eric Botterman, knows him and meets with him. But now that we are involved, we will be on top of him to keep this process moving forward.

Robert Laplante: My suggestion is that we ask you, Taylor Turbide, to go back to your boss and tell them about this meeting with the PLB, tell him what the PLB wants, and that he and the client show up at our next meeting. If they don't then it is importantly charged upon us to come up with some kind of decision.

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Taylor Turbide: At this next meeting, do you want any plans at this point, or just a letter certifying that everything that has gone on to date is within reason to the design? Sounds like you want a bond, as well.

Nipun Jain: What was discussed at the site, and it is unfortunate, Eric knows about this. What was discussed is we will have an as-built that would be submitted to the city's inspectional engineering group and to DPW, and the city engineer, to verify and to have a list of where the deviations are, and what is the plan of action from the development team?

Taylor Turbide: I can get you that within a day or two.

Nipun Jain: Please do that, because it's been a long time. Once it is submitted and we know what needs to be done, and if the plans need to be modified because of current conditions, then that would have to be approved by PLB so that you can make those modifications on site. Bond: it is very straight forward, just list what is the remaining work, which would be after this first step. Then bond that. The list is already there. If you can complete all of it, and give us the answers on that list and documents on that list, by Monday, within 7 days, then we can have at least some productive discussion at the meeting on Dec. 14.

Robert Laplante: Let me suggest something further than that: After 7 years, I would not be satisfied with a letter telling us what they intend to do. I want some commitments and some work done. I want it in writing.

David Frick: At this point too, it would be nice to have a performance bond. We don't have that. Nipun, can you provide Taylor with a copy of that letter, so he knows what he needs?

Taylor Turbide: I know what he needs. I've done this enough.

284 Elm Street – Hampton inn Hotel Site (as built of retaining wall)

Applicant: Jim Babbitt / W.C. Cammett Engineering

David Frick: Cammett Engineering provided us with the details, our peer reviewer looked at it and agreed that it was as per. This is just an FYI.

Macy Street, CVS – Performance Bond Release

Applicant: Jim Mitchell / Tropic Star Development

Nipun Jain: I spoke with the developer for CVS, told him about the PLB reservation on releasing anything. So nothing has been done. Applicant understands why PLB is not going to release and what they need to do. So it still stands where it is.

BILL PAYMENTS:

Horsley-Witten - Eastern Lights Subdivision – Amount = \$114.00

Review File and discuss next steps with City Planner

Review Fee after payment of invoice # 37534 = \$4195.95.00

David Frick recommends PLB authorize me to sign and pay these bills.

Motion by Lars Johannessen of so moved. Seconded motion by Robert Laplante. AIF.

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**Horsley-Witten Group – Amesbury Cumberland Farms
Punch List Inspection and final follow up on 10/26/15 and inspection report.
Review Fee after payment of invoice #37535 = \$2,125.64.00
Motion by Lars Johannessen of so moved. Seconded motion by Robert Laplante.
AIF.**

**Motion to adjourn was made by Lars Johannessen and seconded by Robert
Laplante. AIF.**

Meeting was adjourned at 9:45 P.M.