

APPROVED

PLANNING BOARD MEETING

May 23, 2016

62 FRIEND STREET, Amesbury, MA

Meeting called to order at 7:00 PM

**PRESENT: Scott Mandeville, Robert Laplante, Ted Semesnyei, David Frick,
Lars Johannessen, Lorri Krebs.**

ABSENT: Karen Solstad.

**ALSO PRESENT: Nipun Jain, Planner, Barbara Foley, Recording Secretary,
transcription by Paul Bibaud.**

**MINUTES: March 13,2016: Motion to approve by Robert Laplante, seconded by
Lars Johannessen. AIF**

**April 11, 2016: Motion too approve with two minor corrections by Robert
Laplante, seconded by Ted Semesnyei. AIF.**

**May 2, 2016: Special Meeting: Motion to approve by Robert Laplante, seconded by
Lorri Krebs. AIF.**

FORM A – 23 CARPENTER STREET-THOMAS AND COURTNEY MACLACHLAN #1378-16-3 - (R8 Map 64 Lot 1.1)

**Michel Ashkar, president of Ashkar Engineering, representative to Mr. Jonathan
Sherwood.** Mr. Sherwood wanted to purchase a small parcel which is shown on the plan
as Parcel A. It has 2471.5 square feet from Mr. MacLachlan, which is on assessors map
#64 lot 121 and has 20,255.4 square feet. This falls under zoning district R8, and the
required area is 8,000 square feet, requiring frontage 80 feet, required setback of 25 side
and rear 30 feet. So it is not going to affect the MacLachlan lot and meets zoning
requirements. The lot to purchase would fold into the Sherwood lot that already exists.
We come before the board for “approval not required.”

Motion to approve made by Lars Johannessen, seconded by Scott Mandeville. AIF.

FORM A - 49 BIRCHMEADOW ROAD - TRACY HARRIS #1377-16-2

Matt Steinell, Millenium Engineering, representing applicant Tracy Harris. Tracy
owns property on Birchmeadow Road, and has property to the rear of hers that is in the
family. The intention of this plan is to take her existing parcel and add to it what is now
shown as Parcel 2 on the plan. So the original parcel is getting larger and conforms
currently and has the frontage there needed for the normal lot, then the remaining piece
that this parcel is being carved off of is 100 acres, a large piece of land in her family.
That parcel is well within the requirements for zoning. The intention is to combine parcel
2 with what you see down here as parcel 1.

**Motion to approve made by Lars Johannessen, seconded by Scott Mandeville. AIF.
R20 front portion, R80 rear portion.**

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NEW PUBLIC HEARING(S):

**28 Lake Attitash Road - Special Permit Application
Wetlands and Flood Plain
CONTINUED TO JUNE 13 MEETING.**

Motion by Lars Johannessen of “so moved.” Motion was seconded by Scott Mandeville. AIF.

CONTINUED PUBLIC HEARING(S):

**28 Lake Attitash Road - Special Permit Application
Water Resources Protection District - George and Kelly Norwood.**

CONTINUED TO JUNE 13 MEETING.

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

**23 SOUTH MARTIN ROAD/HUNT ROAD - SITE PLAN APPLICATION
REVIEW - TITCOMB LANDFILL - SOLAR FACILITY
Applicant: SunEdison LLC - Representative: TRC, LLC**

CONTINUED TO JUNE 27 MEETING

Nipun Jain: We are waiting for them to complete some state permitting that would be required because of the landfill on the property. Because our project is contingent upon them getting those approvals, the applicant has decided to get some feedback from the state agencies before they come to us. So I'd say 30 days is what you should continue to, which means continuing to the June 27 meeting.

Motion by Ted Semesnyei to continue this hearing to the June 27 meeting, and was seconded by Lorri Krebs. AIF.

**60 MERRIMAC STREET – HATTER’S POINT - MARINA
Revised Site Development Plans/Special Permit - Rec. 3-28-16
Applicant: Hatters Point Marina Parking, LLC
Representative: Paul Gagliardi and Chris Rokos
(Robert Laplante recuses himself)**

David Frick: We had extensive response to the Stantec consulting services dated May 19, 2016.

Nipun Jain: Just to clarify some procedural matters for this hearing. Given the absence of Karen Solstad, I want to make it clear that Lorri would have to sign a Mullin Rule

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filing as well, so we can have 5 members sitting on the hearing. I believe she missed one of the hearings. The applicant is advised of that and is ok with it at this time.

Chris Rokos with Meridian Associates: We've worked with Stantec over the last several months to address all the comments in their letters and we submitted multiple revisions to the plans. A couple of the remaining issues that were just submitted and shown on the plans was we added the parking across the street, which is for the marina building, and we meet parking requirements for boat slips, etc. We are also working on the easement plan that shows the marina building has access to be situated on that property. For utilities and access to the marina building, drop off zone, access down the driveway, etc. (photos were sent around for the board to view).

Nipun Jain: Mr. Rokos had a meeting with Stantec and those were the two primary issues that came about with regards to the parking plan and the easement plan. That had been addressed. One other thing also submitted by the applicant is the agreement between the parties that established the relationship between the applicant and the property owners, so that issue is also being addressed. Stantec has indicated that pending a formal letter, most if not all the issues have been adequately addressed.

Motion was made by Scott Mandeville to direct staff to write up a draft decision for final review and approval by the PLB at the June 13 meeting. Motion was seconded by Ted Semesnyi. AIF.

ADMINISTRATIVE:

Water Street – Former Manufacturing Gas Plant - Remediation Project Request for Determination Of A Modification to Approved Site Plan.

Nipun Jain: The reason why it is being slated for a determination is per the PLB decision, which is an approved project by special permit, which there were 3, and the decision of the board, any modifications to the approved plans or activity would require a determination by PLB for any major or minor modification. The applicant submitted a letter and plans indicating the proposed modification to plans and to activity, and they are here to discuss that tonight.

Michael S. Giaimo, Robinson and Cole, LLP, representing National Grid. This is a minor modification to the plan you approved for the remediation project off of Water Street about a year ago. There is no change in the remedy, none of the environmental remedy is changing, what is changing is the construction sequencing and approach. They've developed a more efficient approach that includes a site reduction in the amount of wetland impacts. This has already been reviewed and approved by ConCom. They issued an amended OoC last year. We're hoping to do this project starting this fall. We've got all the permits from state and federal agencies that are required, except for a recertification that is in progress. Remaining state permits have been issued previously, and we've started the process of preparing to start the work to comply with the pre-construction haul road, and return to pre-construction conditions. We've included police and fire in discussions that they have say into. So we'd like a determination that this is a minor modification and hopefully it'll be a simple decision amending the site plan to approve that.

Geoff Shwartz, from GZA working with National Grid: We prepared the modified drawing set that you have before you. As far as modifications go, they are for

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construction related purposes. You'll see some temporary roads that lead to our area of work to allow for access to the equipment. So what you'll see is roughly a 600 cubic yard road that is soil placed on fabric and is a temporary condition. Once all the work has been completed, the soil and fabric will be removed and the conditions will be back to its pre-existing conditions. The other modification is an earthen berm, also a temporary condition that is smaller than the haul road. This protects the area to prevent water from rising up onto the site. The third modification is a reduction of the elevation and sheeting before the top of the sheeting is added to the top of the sheeting was at about elevation 11.8 which is roughly in some areas 6 or so feet higher than grade. The modification would reduce it from 11.8 to 8.5, so a reduction of 3.3 feet, which is still protective of the 50 year storm. We also reduced the size of the sheeting.

Nipun Jain: Provided they address a few of these things, I believe the PLB can approve this as a minor modification.

Motion was made by Robert Laplante that the PLB approves this as a minor modification. Motion was seconded by Scott Mandeville. More discussion followed, with David Frick mentioning he is not aware of how the original plan looked as compared to this one, and what areas are being disturbed vs. not. If certain land is being disturbed now that previously was not being disturbed, I want to make sure there is restoration takes place and different fences are going to be removed and restoration takes place, if pavement is getting disturbed like on the trail, that restoration takes place there.

Nipun Jain: Upon review of the minor changes, it appears now there may be more activity in the area of the river walk, because of temporary access roads coming up to that point. That means that there will be more construction activity in that area. So we recommend that the section not just be restored but be reviewed for compaction on the river walk more closely, and if it needs to be repaved, we recommend that be included in the approval of the modification for that section that fronts along the temporary construction area of the river walk. (Applicant has no issue with that). This is more of a pre-construction discussion. We possibly will be discussing this more in detail at the pre-construction stage. If there are changes from what the PLB expects to happen, we want the flexibility to discuss that with the PLB depending on the conditions in the field.

Robert Laplante makes a motion that the board determines this to be a minor modification and to instruct the staff to draft a set of stipulations approving the modification in draft form for the meeting of June 13, 2016. Motion was seconded by Scott Mandeville. AIF.

60 MERRIMAC STREET, HAT FACTORY SITE PLAN, PHASE II Performance Bond, Covenant

Robert Laplante recuses himself.

David Frick: We had submitted from Larry Smith, Hatters Point, a Form H City of Amesbury covenant, which he has signed. I spoke to Nipun. My concern about this, I'm used to where we take money, and this is a covenant. It was to be no later than Dec. 31, 2017 for request for occupancy of the first unit in phase II, whichever is earlier. I thought we should maybe push it up a little bit, so he would have to come back to us if it isn't

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moving along as quickly as we think. I wonder if it was June 30, 2017, that gives them more than a year?

Nipun Jain: Based on the decision, they were able to start the site work before they could work on the foundation without any requirements other than a bond. A covenant was required, but knowing how many moving parts and pieces to this getting the site prepared, we did not ask the applicant to submit a formal covenant. Now that foundations are in or finishing them, then looking for building permits, the issue of a covenant vs. bond comes in. The PLB decision allowed the choice to the developer to do either one. They have elected at this time to post a covenant. So this is really a follow through from their decision. The chairman just stated he'd like to change the date. I believe this falls into the realm of when you do covenants, it is typically a short term ... a year or on or about, so it may not be ill advised and you can always extend the date on the covenant and submit a modified covenant.

David Frick: It seems to me there may be some wording missing in #2. Seems like there may be a phrase missing.

Nipun Jain: I can maybe phrase it differently. I see what you are saying. No later than Dec. 31, 2017, the undersigned shall provide the PLB with a performance guarantee for any unfinished site improvements on the premises. The caveat is ... or request an occupancy permit for the first unit in Phase II. The intent is either this or that, whichever is earlier. Whatever is earlier would trigger the "shall provide the PLB with a performance guarantee" or "the date of request."

David Frick: So does the PLB want to make a motion to move the date up to a year, making it June 30, 2017?

Nipun Jain: How about somewhere in the middle, like Aug. 31, 2017, which gets them all the way through summer, as well? So someone needs to make a motion to modify the covenant presented, paragraph two, to change" no later than Aug. 31, 2017, or when a request for occupancy permit.

Motion of "so moved" by Ted Semesnyei to change the wording in paragraph two to say "no later than Aug. 31, 2017 or when a request for occupancy permit for the first unit in Phase II whichever is earlier." Motion was seconded by Lars Johannessen. With Robert recusing himself, all others voted in favor...5-0 with Robert recused and Karen not here.

Nipun Jain: And one last thing, on that you said it's a performance bond, it is actually erosion control bond, so the bond itself has been submitted by the applicant by way of deposit of a check, however the form that accompanies that needs to be properly endorsed by the PLB so it can go on record. I have a copy. So if I can just ask the PLB to accept the original amount that was approved and accepted by the board but to also endorse the erosion control bond form so that it can be properly put on record. So to be part of the minutes, someone has to state that the erosion control bond form is being endorsed.

Scott Mandeville stated that the erosion control bond is being endorsed tonight.

103-107 MACY STREET, AMESBURY CHEVROLET
No additional documents received for 103-107 Macy Street.

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Motion was made by Lars Johannessen to close the meeting. Motion was seconded by Scott Mandeville. AIF.

Meeting adjourned at 8:15 PM