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**AMESBURY PLANNING BOARD
CITY HALL, 62 FRIEND STREET, AMESBURY, MA
JULY 11, 2016**

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

ABSENT: None.

ALSO PRESENT: Nipun Jain, Planner, Barbara Foley, Recording Secretary, transcription by Joan Baptiste.

Meeting called to order at 7:09 PM

MINUTES: June 27, 2016 – two corrections page 2 Nipun 3rd paragraph, second line “expedicious” and page 6 bottom David Frick motion made all agreed including Robert and page 9 Karen we were waiting.

Motion by Robert Laplante to approve with edits, second by Lars Johannessen. AIF

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FORM A: #1380-16-5 for: 53 Highland Street, Lot Line Adjustment Owners: The 2007 Bennett Family Nominee Trust

Nipun Jain there is a parcel of land currently identified as A1, B1, and C. That is based on a plan signed in 1985 by the Planning Board. There is no new lot being created. This is a lot line adjustment. No issue of frontage or access.

Motion by Robert Laplante to approve the plan under Subdivision Rule not required, second by Lorri Krebs. AIF

CON’T PUBLIC HEARING(S):

68 Haverhill Road – Site Plan – Stepping Stones Preschool Occupational Therapy, Speech Therapy – Owners: Mike and Stephanie Lysik

Nipun Jain the board had directed the applicant to meet with the subcommittee to go over the issues and concerns that the board had at the last meeting. The revised plan was submitted today. Sign will remain in current location.

Motion by Robert Laplante refer to DRC and staff for review continue to July 25 meeting, second by Lars Johannessen. AIF

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28 Lake Attitash Road – Special Permit Appl. – Water Resources Protec. Dist. Applicant: George and Kelly Norwood – Applicant requests to continue to July 25, 2016.

Motion by Scott Mandeville to continue to July 25, 2016, second by Lars Johannessen. AIF

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NEW PUBLIC HEARING: 28 Lake Attitash Road – Special Permit Appl. – Wetlands and Flood Plain Applicant: George and Kelly Norwood – applicant request to continue to July 25, 2016

Motion by Scott Mandeville to continue to July 25, 2016, second by Lars Johannessen. AIF

David Frick quick update – they are cutting back the size of the building and other surfaces so that they are in line with total square footage of impervious area.

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ADMINISTRATIVE: Endorsement of Plan: Mill 77 – 77 Elm Street Applicant: David Martin/Martin Development, LLC

Nipun Jain the project is moving along. They are required to record the site plan and the applicant has submitted the mylars to be endorsed by the Planning Board.

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36 Haverhill Road – Amesbury Heights – Erosion Control, Inspectional Reports and Off-Site Improvements

Representative: Sean McReynolds

Sean McReynolds joined by Wayne Amico from VHB

Nipun Jain as a follow up on any project the bigger issue at the time was regarding the bond for the erosion control. The applicant has confirmed that the bonding agency has been re-licensed. The bond is valid through the agency but the term will expire in September. That is still something they need to keep track of. The second issue was related to the amendment that was discussed at the June 27th meeting. I indicated to Sean the procedure for making application for an amendment to the board. Sean is here to discuss off-site improvements and the proposed amendment.

Sean McReynolds We will make sure to submit the required forms to extend our bond beyond September. As far as con com issues, we are working with Stantec to comply. In regards to Planning Board amendment, Wayne Amico from VHB has been working with DOT on our permits.

Wayne Amico, VHB engineer and project manager – DOT has agreed to the left turn lane, they don't think it is needed however they will allow it to be integrated into the design. We are getting ready to file final plans and we should receive a permit any where from a month to two months. One of the issues is the city thought we could do it quicker, we can't. We submitted 75% plans a couple of months ago, and we have received comments. We will be submitting 100% plans in a couple of days and would anticipate a permit from them in one to two months I think the July 25th date that was originally referenced was a little too aggressive. We will get the permit as quickly as we possibly can and then further discussion of who will build what will go there.

There was some discussion in multiple email referenced to the easements – as part of the design there were two easements that were required outside of the limits of state highway. One was

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from the Gorman property, one was from the Animal Hospital. The Animal Hospital worked with us and had no problem. The Gorman property...they didn't want work on their property so we re-engineered the plans to keep the work off of it.

Sean McReynolds we had presented a proposal not to do the sidewalks but we have since determined it would make more sense for us to do the sidewalks work up to the intersection.

Wayne Amico if we could extend the timeframe for that work to the Spring 2017 it would be better.

Sean McReynolds we will assign over all the permits. As far as the left turn lane we would assign over the current design plans which are at 25% .

Wayne Amico they haven't been formally submitted other than at the concept level to DOT.

Nipun Jain so the four things you've talked about the process with DOT is lengthy, it was our understand what was presented in the public hearing during the review process that the plans were already at 75% design way back in 2014. You did get comments on that because there was a letter from DOT at that time in that application package on the 75% design plan. The only thing that you did submit 3 months ago actually in May was the 100% design plans.

David Frick – these are the plans without the left turn lane.

Nipun Jain correct. The second thing talked about was the easements. The reason I brought that up is regardless of who does the work the easements will be required. The third thing is the timing factor. What do you seek relief from is it the deadline or something else.

Sean McReynolds it would be the deadlines we would propose a formal request

Wayne Amico we're confident that Sean can construct the sidewalk from the roadway without infringing on the property.

Nipun Jain the left turning lane issue. Based upon the amount of time that everyone has spent on resolving the traffic and safety matters at the entrance driveway. The city supports the 25% design for the left turn lane, the board had indicated that they would like to see the 100% design plans and the permits for that. You are indicating that is something that would not be possible for you to do.

David Frick and that could take a year?

Wayne Amico it would be less than that because it doesn't involve a traffic signal.

Nipun Jain when we were discussing that option we did bring up the permitting issue. It would be our understanding that MassDOT does not have an opinion one way or the other. If the developer and the city both require or want to do that they would have no objection to it. It was also understood that it would not be a major modification or an amendment to the approval that they are seeking and hopefully will get in august. If that is the case we anticipated a time frame 3 – 6 months. Wayne has already spent time discussing the 25% design plans and there does not seem to be any design objection. There are other requirements the MassDOT has to review but as a concept they don't have objections. What the board is trying to accomplish is to get some assurance that the left turning lane would be permitted and ready to be built within the next year. If the city is to take on that and go for the permitting it's a totally different timeframe. The plans are being prepared for Jennison and not for the City. They have to be assigned or at least the city must be given the right to use those plans. In the spirit of keeping the timeframe tight if you can work out what you need with the grant administrators and the city it would be beneficial for both parties. It would make the transfer of permits and plans much easier and cleaner.

Can you give us some idea when you might do that

Sean McReynolds within the next week we will be formally submitting a request with our proposed terms

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Nipun Jain you wish to do the sidewalk in spring

Wayne Amico we just don't want the deadline of fall tied to the modified condition. I'd rather say June 2017. we're hoping to get it done this fall but if something happens and we can't we just want a little room to play with.

Sean McReynolds the traffic signals need a lot of lead time (4-6 months) to order.

Nipun Jain that's exactly the position we're in. we need the lead time.

Bob Laplante the question I have will this impact or delay the installation of the traffic signals?

Wayne Amico right now Sean is contractually obligated to build the sidewalk and the intersection improvements. He's just looking for relief from that condition because the city has secured a MassWorks grant to construct the same improvements

Bob Laplante so what's the...

David Frick I think what they're saying is they don't want to have to go to them when the city's going to do the job. Can we move forward with the grant if we can't meet the deadlines?

Nipun Jain if you look at one of the terms was the \$400,000 that was also included as one of the conditions of the amendment. The cost of the left turning lane was not part of the grant. If we grant the relief to the developer of the requirement of finishing the work prior to securing occupancy, what is the impact of the timing of the off site improvements and what does it do to the grant and what impact does it have on the actual installation of the improvements. The framework we created at the last meeting addressed all of those issues. If we have the plans and permits, whether we have it or they have it then it's assured that the work will be done within 12 months. Suggests to Wayne that a timetable be submitted with the request for modifications so that the board understands where those three components fit in and how they would happen regardless of who does it.

Sean McReynolds a modification to the way one of the items was written in the amendment re: July 25 deadline it may say "as soon as the applicant receives from Dept. of DOT within two weeks they will deliver final plans and electronic plans to the city for their use in advertising". Relative to MassWorks what would be the most efficient process would be as soon as we issue you the electronic plans the city could put that out to bid minus the sidewalk and the intersection improvements understanding that the side walk will be done and we can cut that out of the plan. An add alternate would be put in for the left turn lane in the conceptual state and tell bidders that a final set of plans will be submitted prior to a certain date.

Bob Laplante who is doing the traffic lights?

Sean McReynolds the city would be doing that with the MassWorks grant. The design for that would be turned over to the city.

Nipun Jain I would recommend that when you make the formal request for the amendment to the boards decision include answers to the questions that the board has raised today which would be a schedule on the three major items, who the permitting would happen, what do you anticipate the approximate timeframes for each of those and the entities that would be undertaking the work. We need additional funding for review.

Sean McReynolds please send me a request

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Point Shore Meadows - Lot Releases

Ben Osgood representing Rick Saba we are here to request lot release for Lots 5, 6, 10, and 11. We have submitted a cost estimate based on all the Mass Highway cost to do the work, I don't

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know where Stantec is in their review of that. The surveyor has been out there and picked up all the as built information. Today I have submitted a preliminary interim as built plan. The easements are being drafted by Mr. Saba's attorney and he will submit everything by Friday. Asking if the board would consider releasing those four lots conditioned upon everything being in office by Friday. There would still be 8 lots held to be used for collateral and then we would work out once the estimates are done the bond or tripartite the balance of construction.

David Frick we had four things (as-built, bond estimate, revised grading plan and final house plans).

Nipun Jain I asked Rick to make sure that he provides the board with the revised house plans. The boards decision stated that when you seek a lot release that you should submit the house plan and the set for that lot.

Scott Mandeville we don't have all four items.

Nipun Jain we got the interim as built, bond estimate

Scott Mandeville Not all the documentation is in. At the last meeting we voted to not release any further lots until the requested information was received.

Ben Osgood asking if the lot release can be approved subject to receipt of the information. We hope to get everything in by the end of the week.

Nipun Jain there are legal documents; easements, deeds. Then as built and bond estimate. (Stantec review) third issue final grading plan and stormwater drainage plan for affected lots.

David Frick do you think everything will get done?

Nipun Jain I can't speak for Stantec. It could take 2 – 3 days for them.

Scott Mandeville reasonable to release two more foundations – if we were to receive those documents.

Nipun Jain so you're saying if all the documents that the board is requesting are submitted by the applicant by the deadline (Friday) then the release for foundations for two lots could be in affect.

Robert Laplante we had a motion at the last meeting based on promises and now you're asking us to do it again. I can't see where the board should be doing that. You want a diploma, you haven't taken the exam yet, you haven't submitted the papers, you haven't done any of the course work, but you're gonna do it. Our good will has been more than demonstrated.

Motion by Scott Mandeville to release the foundations only for Lots 5 & 10 pending delivery of documents (as built, bond estimate, easement/deeds, revised grading and stormwater/drainage plans) to City Staff for Stantec for review, second by Ted Semesnyei.

Motion amended by Karen Solstad to release Lots 5 & 10 for foundation only provided the developer submits the documents listed: legal documents including easements and deeds, fully completed as built, bond estimates and the grading and drainage plan in acceptable form (reviewing parties accept the documents as submitted), second by Robert Laplante.

Scott Mandeville if we are going to add the requirement that it must be through Stantec for approval there isn't much point in releasing the lots now.

Nipun Jain Stantec is only one-third of the review

David Frick is I was going to offer an amendment that we not release anything and they can't even come in front of us until it's all approved.

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Vote on amendment – 2 in favor 5 against – motion fails

Original motion amended by Scott Mandeville to release for foundation only (and not framing of Lot 11) for Lots 5 & 10 when applicant submits designated information being the last thing they can ask for until all submitted and approved by appropriate people, second by Ted Semesnyi. 5 in favor, 2 against – motion carries.

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37 South Hunt Road – ARC Technologies Covenant Applicant: Jay McPartland
Nipun Jain – it is ready to be endorsed
Motion by Scott Mandeville to accept covenant for 37 South Hunt Road, second by Ted Semesnyi. AIF

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37 Middle Road – Eastern Lights - Attorney Charles Houghton/Representing Mr. Anderson
Recorded Definitive Subdivision – Page 4 Revision
Nipun Jain the applicant has requested a revision to sheet 4 of the approved subdivision plan. The board voted to approve the modification. You have received the bond estimate, the construction schedule and the signoff from DEP personnel saying that the work at the site had been done and is in compliance. Sheet 4 has been submitted and here for your signatures. Contract with the inspection engineer has expired and will require a new one and funding. We need to verify through the as built if the work has been done per the plans.

Attorney Charles Houghton – representing Mr. Anderson

We have received approval from DEP and established a bond estimate and construction schedule.

Nipun Jain the culvert has been a sticking issue. It's important for the board to review the decision. The culvert was supposed to be done before any work was done on site. The reason why the culvert was so important was because of the flooding along Middle Road. The board could take a vote to endorse the modified sheet #4 and that the plan be recorded provided that the documents that have been submitted are found to be in acceptable form as far as the bond estimate, the as-built that has been provided, the Conservation approval for the extension, and the recommendation from.. if there is going to be a requirement of the DEP with regards to the performance of the culvert work. If the applicant would submit funds for the review we can get going on that.

Matt Steinel, Millenium Engineering it takes six to eight weeks to engineer the culvert and order the materials.

Motion by Robert Laplante to conditionally approve the page 4 revision on the recorded definitive subdivision for 37 Middle Road, contingent upon the deposit of \$8,000 for review by consultant and the Conservation Commission's approval of extension, second by Lars Johannessen. AIF

Motion by Lars Johannessen that prior to any activity on the site the current or future developer/ property owner shall appear before the board to finalize the sequence of work to

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be performed as it relates to the board's decision and the approved subdivision plans including the culvert, second by Lorri Krebs. AIF

Motion by Robert Laplante to adjourn at 9:25 p.m., second by Ted Semesnyei. AIF