

PLANNING BOARD MEETING

Tuesday, Feb. 3, 2015 (rescheduled for blizzard from 1-26-15)
Amesbury City Hall Auditorium - 7:02 PM meeting was called to order.

Present: Robert Laplante, Scott Mandeville, David Frick, Ted Semesnyei, Lars Johannessen, Karen Solstad.

Absent: Howard Dalton.

Also present: Nipun Jain, City planner; Paul Bibaud, Recording Secretary.

MINUTES: Jan. 12, 2015: Motion by Robert Laplante to accept minutes as presented. Motion was seconded by Ted Semesnyei. AIF.
Motion by Robert Laplante to accept executive session minutes as presented. Motion was seconded by Scott Mandeville. AIF.

SIGN APPLICATIONS:

Geo's Roast Beef/Pizzeria, 143 Elm Street. Applicant: George Makrakis. Sign Contractor: Robert J. Thompson

Nipun Jain: There were some sign square footage, area and overall sign, so the applicant was informed, and they are looking at revisions to that sign.

HAIR COMPANY K, 134 Main Street. Applicant: Kerry Richard.

Nipun Jain: They were asked to revise the sign to be in compliance with the square footage allowable for that property. They have submitted the revised version via e-mail last week. That e-mail was forwarded to the PLB members. We do have hard copies of the sign and bracket to be used for mounting the sign. The proposed sign in the original application was for 15 square feet. The allowable square footage is 6 square feet for this property. The revised sign shows the allowable square footage. I had brief discussions with one of the design subcommittee members and they didn't have any objection to the sign design. I know the other member (Scott) is here tonight, so if you have comments, let the PLB know. Otherwise, I thought the sign was fine.

Scott Mandeville: I have no issues or concerns with it.

Motion was made by Scott Mandeville to approve the Hair Co. K sign as revised on 1-30-15. Motion was seconded by Robert Laplante. AIF.

AMESBURY ANIMAL HOSPITAL, 277 Elm Street. Kirk Smith.

Nipun Jain: There were some comments that the applicant is looking at. The number of signs exceeded the total allowable for the site. They will be getting back

to us with the options that they would like to propose. That was continued to Feb. 9 as well.

CONTINUED PUBLIC HEARINGS:

**HATTERS POINT SITE DEVELOPMENT PLAN, PHASE II
60 MERRIMACK STREET – PH 11/20/2014**

A N D

HATTER’S SPECIAL PERMITS (3)

60 Merrimack Street. Application for Special Permits (3) as stated in letter dated Nov. 7, 2014, items (i) through item (vii). PH 12/8/2014

Nipun Jain: Re: these two agenda items: We did get an e-mail this afternoon from the applicant requesting continuance for the Hatters point Phase II site plan and special permits to be continued to the Feb. 9 meeting.

Motion was made by Scott Mandeville to continue these two agenda items on Hatters Point to the Feb. 9 meeting. Motion was seconded by Ted Semesnyei. All in favor. Robert Laplante recused himself from the vote.

HUNT ROAD SOLAR, LLC, 56 SOUTH HUNT ROAD. Application for Site Plan Approval, Solar Photovoltaic Facility, Map 95, Lot #5, submitted by Tighe and Bond, Inc., PH: 12/8/2014

ADMINISTRATIVE:

9 West Whitehall Road, accompanying as-built plan of land as required by the Special Permit Approval of Sept. 12, 2011 . REQUEST FOR BOND RELEASE. Owners Richard and Diane Arciero, submitted by Cammett Engineering.

Nipun Jain: This was a special permit in the water source protection district for this subject property. The project has been completed as per the board’s decision. The city staff has reviewed it. There are no outstanding issues or comments at this time. The applicant requested release of the bond money that was kept for this project pertaining to the conditions. So staff recommends that the bond be released at this time.

Motion was made by Robert Laplante that the bond be released, as per the recommendation from staff. Motion was seconded by Ted Semesnyei. AIF.

**SHEA CONCRETE PRODUCTS- 87+89 HAVERHILL ROAD-
SITE PLAN / SPECIAL PERMIT, MAP 74, LOTS 8,7,9.
Ph = 10-27-2014. REQUEST CONTINUANCE TO FEB. 9, 2015 MEETING.**

CONTINUED PUBLIC HEARING:

HUNT ROAD SOLAR, LLC, 56 SOUTH HUNT ROAD. Application for Site Plan Approval, Solar Photovoltaic Facility, Map 95, Lot #5, submitted by Tighe and Bond, Inc. PH 12/8/2014

Ray Onunga, representing Hunt Road Solar, LLC: Since our last meeting on Jan. 12, we revised the plans based on the comments we received from the fire department. We submitted plans to the fire department, we heard back, and they approved it. Based on that approval, we revised the plans, re-did storm water calculations, and submitted them all of the final plans today to the PLB office. We've met all the criteria that had been laid out, and the feedback we received from the departments through the hearing process and meetings we had. So we would like to get approval for the project, if the PLB agrees that we have satisfied all your requirements.

David Frick: So the fire safety issues seem to be resolved. We were also waiting for DEP approval, is that still holding until we finish this?

Ray Onunga: DEP ...yes. Once you give the approval, we will revise the plans, because that is based on your approval, and submit it to DEP.

David Frick: (Lars and Karen of the board arrived now at 7:10 PM)

We received proposed conditions and what have you, but I agree. At this point, it seems to me that things are pretty much done with Hunt Road Solar. Perhaps we should ask staff to draft conditional approval and finalize it at our next meeting. Is that correct?

Nipun Jain: To summarize where we are, Ray mentioned the revised plans and the Operational and Maintenance plan that was submitted to the office today. I haven't reviewed those documents yet, but I'd assume that all the comments have been incorporated. The city staff has completed the review of the project pursuant to the performance standards in the Amesbury Zoning Bylaw. After discussions with the applicant's team, the proposal was revised, in terms of access ways, making sure the emergency response plan is satisfactory to the fire department. Also, the storm water management report was reviewed by the board's consultant and they have issued a memo that should be in your packets, showing that the storm water mitigation and other improvements being proposed are satisfactory as well. So looking at the project as a whole, the technical assistance group has made certain recommendations which were submitted to the PLB which take everything that is required by the Amesbury Zoning Bylaw and recommends that the project be approved, but subject to certain conditions, and I'll go over those. One was to

update the emergency response and access plan. There are some things that the applicant has committed to and including in the final plan, which would be the identification of the solar panels by numbering them. They will be doing that at the time of when they have the details plan and when they submit the as-built. We just wanted to make sure that that is captured in the board's approval. There are a few things in the storm water management that we would need to ensure: the illicit discharge compliance statement was not signed by the applicant or their representative, and should be signed. The storm water pollution prevention plan was not submitted. It is going to be prepared by the applicant's contractor when they have the final approval from DEP. So before they start any disturbance, we are recommending that it be submitted to the PLB for review and final approval. Likewise, they have not provided a long term pollution prevention plan, but have incorporated the requirements of that in the O+M plan, but we would like to make sure that there are certain aspects that should be included as well. Maybe they have done it in this most recent document, but we recommend that it be included as a condition, as well. The fire chief had asked a question about the snow removal for these access roads that are being created. Given the recent events of heavy snowstorms, they realized they should have adequate access. So /I quickly looked at their most recent submission on O+M plan, and there is a provision for keeping those access roads accessible, but I'd like the fire chief to be able to confirm that it is ok, so we still recommend that it be included as a condition. Other permits, as the applicant indicated in their submission: they had made application to DEP for a post closure use permit, for using this landfill for the proposed use, AKA solar facility. That is still awaiting, so we want to see final approval before any disturbance takes place. They would also require, because they are disturbing more than one acre, an NPDES permit, which is a permit issued by EPA. We recommend that the PLB require copies of all final approvals that are non-local in jurisdiction before any disturbance takes place. The national heritage endangered species program had made certain recommendations for this project and we recommend that their recommendations be included as conditions of approval as well. Then there are some housekeeping issues that probably come into play when they make application for a building permit, pertaining to the actual construction details and drawings for laying the utilities, laying the cables, and we expect that that will be provided at the time of application for a building permit. That is something that we are requiring as a condition that before there is any disturbance, the city staff has the ability to review that and ensure that it adequately satisfies. We also will be receiving an interconnection agreement with National Grid. I believe they have made application to National Grid, but the final agreement has not yet been endorsed. If it has, they should provide us a copy of that, to make sure that there are no unusual conditions that affect the city. These are ground mounted solar

panel arrays. Some details were provided in the application package, but we want to make sure that those drawings are stamped by the civil engineer as well as any specific details that they have to incorporate as a result of other agencies. We would like the city's building department is satisfied, as well, and also to ensure that there are no safety issues at a later date. That is being recommended as a condition prior to start of any construction activity or disturbance that those structural drawings be provided and reviewed by the city. Although the applicant has not requested any waivers at this time, if they wish to request any waivers, they would have to make so in writing. Otherwise, all the other terms of the Amesbury Zoning Bylaw would remain in full effect. If there are any deviations to those bylaws, the applicant would have to come back to request waivers or modification to the plan. Those are the special conditions that the technical assistance team has recommended. We have not yet drafted a decision formally for the board on this project, but if the PLB wishes to close the hearing and request us to draft a decision, we can do it very quickly in time for the Feb. 9 meeting next Monday **Motion was made by Scott Mandeville to have staff write up a draft condition of approval letter to give to us for final approval and close the open public hearing portion of this agenda item. Motion was seconded by Karen Solstad. Vote was unanimous.**

ADMINISTRATIVE:

Cumberland Farms – Main / Macy Street – Updates

Nipun Jain: The store is going to open this Thursday Feb. 5. there has been a great deal of activity between the board's consultant, Horsley-Witten, and you should have copies of all the reports that they produced. After meetings on a weekly basis, we created a punch list of items after doing a walk through on the site. There is information that might be in your packets tonight. One was the cost of the wall in the back between the store and the cemetery. I'd asked for a breakdown of the total cost. It was mistakenly noted as a chain link. I spoke with project manager Dominic Taverna for Cumberland Farms and he said no, it is going to be the fence that is around the patio. Packets should also include final wall design, because it did extend beyond their original proposal. If not, I can bring that and provide you with that. That is as far as that wall, which was a significant issue for the board, that is where that issue stands. The other issue that relates to the drainage swale, we had a discussion about how that is being finished. Given the time of the year, it was brought up that it would be very hard to shape it properly and to slope it properly. So one of the punch list items (there are 26 items on the punch list), but I'll talk about significant issues first. That drainage swale is going to be reshaped properly starting from the route 110 side draining properly towards the southerly side, then come out on Main Street, because right now, it is just a pile of rocks,

basically. It has not been shaped properly. So that is one of the big issues that we brought up. We also talked about the retaining wall that returns from the dumpster area and how it is not turning, so there will be erosion issues, so they will be fixing that. The solid fence on the residential side, from that point on, the slope on the finished grades was extensive, almost 1:1. They are changing that to 3:1 by doing a stone block landscape wall. When you walk on the sidewalk, it will be almost level. Another issue was the binder course on the paved areas was uneven and there was going to be settling. We asked them to shim it so that drainage takes place properly. Once settling takes place over the winter, then late summer or early fall, they can do that. The building was designed and built as the approved plan. They provided us with the posters for the patio area windows. It is what we talked about in conception but will remain an outstanding item until the PLB approves that. The fire code canisters that were supposed to be hidden by the canopy, they are working on a separate design that will enclose those canisters at the top of the canopy. Otherwise, there are just some punch list items and the project has been completed as per the PLB's approval. I request the board tonight to appoint two members that I can meet with tomorrow, and go through the punch list in detail, if they so desire, and authorize those members to sign off on that punch list. All the other items are either housekeeping or construction related details. But these are what I think are the most prominent issues that the PLB was most concerned about. The sidewalk along 110 is settling. We pointed out during construction that, the way they were building it, it would not survive. We take no ownership of the sidewalk until it is fixed properly. It has no asphalt base; they put it in sand on frozen ground. So it is continuously settling. We told them if this thing settles even one millimeter, then you have to come back and re-do the whole thing. So that is on the punch list too. I have two punch lists: one from Horsley-Witten and one from the applicant's side, which are almost the same, but we've added a few things on our side. I'll make a comprehensive list with what are the final outcomes, like landscaping, with an expected timeframe. I think the wall along the cemetery also has a temporary construction easement which has to be accepted by the city or granted by the city. That will be a separate process.

So the recommendation from staff is that the PLB require assurance of \$80K, which is the expected cost to be able to ensure that the stone wall as agreed upon by the PLB between the cemetery and this property be built in place. Also note that it is a decorative fence, not a chain link fence as agreed, and similar to the one along the patio. That is the recommendation.

Motion was made by Robert Laplante to accept the staff's recommendation as proposed. Motion was seconded by Lars Johannessen. Vote was all in favor.

Nipun Jain: The second vote is to authorize two board members to discuss tomorrow at lunch time to discuss the punch list and endorse it for the PLB.

Scott Mandeville: I can't be there at lunch, but I can review an e-mail and discuss it electronically and have a phone conversation.

Nipun Jain: I will talk to Scott at lunchtime, and if he is ok, I will talk to Lars later in the afternoon.

Motion was made by Scott Mandeville to have Nipun share a consolidated punch list with Lars and myself, have discussions about it, and seek final endorsement on behalf of the PLB. Motion was seconded by Karen Solstad. AIF.

Karen Solstad: I want to point out that the sidewalks at Cumberland Farms and at CVS are buried in snow and the school kids have no place to walk but in the busy street.

Nipun Jain: I will bring it to the attention of DPW.

Endorsement of Contracts – 20 Cedar Street / 4 Poplar Street, Map 40, Lots 208 + 209

Nipun Jain: I would like a little bit more time to review the final plans, because the PLB is endorsing and I want to make sure that they are the plans that have all of the revisions. I'll say we can endorse it on Feb. 9, since the project is already up and running and this won't hold anything up until then. The legal documents will also need endorsing.

(David Frick will not be present on Feb. 9).

Horsley-Witten – Re: Cumberland Farms- Endorsement of Contract – Horsley-Witten inspection services:

Nipun Jain: The original contract was for 5 or 6 inspections, based on activities and the unusual nature of some of the issues that came up, they had to do an extensive amount of inspections for which the contract was amended. The contract outlines not only those activities but also some future inspections as well. The applicant has already provided the requested funds, so they have no objection to this amendment.

Motion to endorse the new contract for inspection services for Cumberland Farms by Horsley-Witten was made by Lars Johannessen. Motion was seconded by Scott Mandeville. Vote was unanimous.

BILL PAYMENTS :

Horsley-Witten - Re: Eastern Lights subdivision, Site inspections, \$874.00

Nipun Jain: This has been reviewed by staff and deemed to be appropriate.

Motion was made to approve the payment to Horsley-Witten by Lars Johannessen and seconded by Robert Laplante. AIF.

Horsley-Witten Group, RE: Cumberland Farms inspections/reports, \$1,050.00.

Nipun Jain: All inspectional services are paid for by the applicant.

Motion to approve payment to Horsley-Witten was made by Lars Johannessen and seconded by Robert Laplante. AIF.

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

Meeting was adjourned at 8:00 P.M.