

APPROVED

**PLANNING BOARD MEETING  
SEPTEMBER 28, 2015  
CITY HALL AUDITORIUM - 62 FRIEND STREET  
AMESBURY, MA. 01913**

**Meeting called to order at 7:06 P.M.**

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

**Absent: Howard Dalton.**

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

**MINUTES:**

**9-14-15: Motion by Robert Laplante to accept minutes with a few typographical errors. Motion seconded by Ted Semesnyi. AIF**

**CONTINUED PUBLIC HEARINGS:**

**13 Lake Shore Drive - Continued to October 26, 2015**

**Special Permit, Water Resource Protection District – Section XII**

**Motion to continue to 10-26 by Lars Johannessen, then seconded by Scott Mandeville. AIF.**

**13 Lake Shore Drive - Continued to October 26, 2015**

**Motion to continue to Oct. 26 was made by Lars Johannessen and seconded by Scott Mandeville. AIF.**

**47 ½ - 57 Kimball Road - Continued to September 28, 2015**

**Applicant: BC Realty Trust Phil Harry and John Paulson.**

**Philip Harry, for the petitioner BC Realty Trust, along with John Paulson, Atlantic Engineering.** We did receive the peer review comments on Thursday morning. John and I have discussed them. Generally, most comments are detail oriented. They don't have any substantive issues of concerns with these. Due to the number of bullet points that were made, we did not have an opportunity to finish our response to Stantec of to PLB. I'd ask the board if you feel it would be productive if we went through this peer review letter,

**David Frick:** My personal opinion is that this is quite detailed, and that probably we'd recommend that, before the applicant prepares a formal response to this letter, to actually talk to Stantec as to how you wish to approach some of the comments and if you discuss your approach to addressing these comments, and they have a suggestion on that, then we wouldn't have to do it twice. We can arrange a discussion of these comments with the engineering team on your side, so we can actually talk about all the comments, then you can respond to it, so that Stantec is up to speed on how you are going to do that.

**Philip Harry:** We'd welcome that. Friday mornings would work best for us.

**Nipun Jain:** If you let me know a date and a time that works for you, if you give me two, would be even better, then I'll pass it along to Stantec, and if we can't meet, at least we can do a teleconference.

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**Motion to continue by Robert Laplante to October 26th, seconded by Lars Johannessen. AIF.**

**NEW PUBLIC HEARINGS:**

**79 Elm Street- Coffee Roastery - Site Plan/Special Permit Application**

**Applicant: Wolfgang Herbel**

**Nipun Jain:** This is an application for a site plan review for a proposed coffee roastery with a future option to expand for retail at 79 Elm Street, Amesbury.

**Wolfgang Herbel, owner / operator:** I am applying for coffee roastery. I am not planning to sell brewed coffee. I plan to receive green beans. I will roast those beans, then weighed and packaged, and then sold. It is a wholesale operation. That is the first phase of the project. After a year or two, once I have established the roastery, then I might add retail, but I'm not sure yet. I've been home roasting for about 4 years now. In 2013, I had a unique opportunity to take some time off, due to a synergy effect in my previous company. I took the time to explore what I really want to do. I decided to explore my hobby and translate it into a business. I did a lot of research, I went to the SCAA coffee convention in Seattle to explore the different roasters. I did lots of research on the different types of roasters, advantages, differences, etc. I familiarized myself with processes of coffee roasting, and now I bought a roaster, and the roaster needs a home. I looked at the impact of coffee roasting, environmentally. 96 % of emissions during the coffee roasting is related to particles. In order to handle those particles, I plan to use an electrostatic filter. This is the latest and greatest technology available. Based on the air sample report, it takes between 96-98 % of the pollution out of the emissions and the air is very clean. I went to the Netherlands where the roaster is manufactured, and I was sitting in front of the exhaust and just wanted to smell the air there. Is it really clean? I am still alive, so that is good news. It's a good system. I also looked at it from the perspective of the roasting side. When you roast coffee, there are different techniques and technologies available to you. The roaster I am using has a couple of advantages compared to other roasters. One advantage is that it is a double drum, double wall roaster. That means that when you heat chocolate, you do it in a water bath in order to eliminate scorching of the chocolate. The same is happening with coffee beans. The double drum prevents the beans from being burned. That helps improve the taste and the flavor of the coffee. A second aspect is when you roast coffee, depending on the batch size (this roaster can handle up to about 25 pounds), but when exploring and you don't yet know how to do it, you don't risk 25 pounds of coffee. You don't want to mess up and throw 25 pounds of coffee away. So you do smaller batches, and when the roaster is loaded with a very small amount, you have the rotation of the drum and the beans are not flying very high...whereas if the roaster is full, then the beans are flying high, the convection heat is normally on the top of the drum, so we need to make sure that the beans are flying high in order to catch the heat. This roaster has a possibility to adjust the drum speed, so when you roast a small batch, I can still get the beans up high to catch the heat, which helps to get an even roast.

**Lars Johannessen:** With the electrostatic air cleaner, will that eliminate the smell of the coffee being roasted as well, or not?

**Wolfgang Herbel:** When you roast coffee and you drop the beans out of the roaster, you will get the smell.

**David Frick:** What we should probably do is request a technical review of the application for completeness and compliance with performance standards, and continue this to the Oct. 26 meeting.

**Nipun Jain:** You just need to do that so the board can render a decision at that meeting. We don't anticipate this project to have any significant performance standard issues, necessarily. But in order for the board to be able to render a decision, that would be helpful to us, which is, by the way, the very next meeting after this. So it would not be an inconvenience to the applicant. So this would provide a complete record for the application and the criteria that you have to take into consideration and for the applicant to get the most expedient resolution to the application.

**David Frick:** I don't know if you saw this, but an e-mail from Jack Morris states that you'd be considered a food establishment, and as such, be required a full plan review and approval from the health department and an annual operating permit.

**Wolfgang Herbel:** It is not a food servicing establishment. That is what I replied to Mr. Morris. Basically, roasting coffee beans is considered light industrial manufacturing. I'm not selling brewed coffee. I'm receiving beans, roasting them, and selling them. What I need to do be able to roast legally, I have to apply for the wholesale license. I talked to the commonwealth in regards to that and already have the application. But the commonwealth strictly told me not apply yet until the roastery is ready, because what we want to see is: the entire equipment. They want to see the packaging and the labeling of the product, and that am I in compliance with everything environmentally. Also, I have to get the roaster registered, like all gas appliances in the commonwealth. I am working with the manufacturer to get the registration. If I do not get the registration in time, I would need to file for a variance with an engineer. But this is a process. I will be the only employee working there. As for changes inside the building, currently the building is in unused condition, so I am planning to put in floors, some structural wall separation because the space is about 1500 square feet, and I will occupy about 840 square feet, so we'll have a separation for that. There is also a plan to add a bathroom and sink, and electrical outlets.

**Scott Mandeville:** Nipun can explain it and set you up to do a technical review.

**Nipun Jain:** Your application has been received. There is a due process, which is the public hearing, which started today. All of the facts pertaining to your application will be reviewed and a final report with a set of recommendations will be provided to the board to render a decision at the next meeting. The board has no significant questions pertaining to your application, so we will finish the review and recommendations portion of the application and come back to the board at the next meeting.

**Motion was made by Lars Johannessen to continue this to the Oct. 26 meeting.**

**Motion was seconded by Lars Johannessen. AIF.**

**60 Merrimac Street – Marina Office Building Site Plan/ Special Permit  
Applicant: Hat Factory Marina, LLC**

**Robert Laplante:** As an abutter, I have to recuse myself.

**Nipun Jain:** The applicant has submitted a site plan / special permit request to construct a new building of 2077 square feet to house the marina office, bathrooms, and related services for use by the patrons of the marina at 60 Merrimac Street.

**Jay McPartland, one of the owners:** We would like to do one of two things: 1. open the meeting and have a continuance until the Oct. 26 meeting, or 2. withdraw without prejudice our application. We met with ConCom last Monday. They had some minor changes that require drawing new plans, going to a piling foundation instead of a concrete foundation, and also the design review committee had requested some renderings which we have not been able to complete yet. So I guess I'm looking for help from PLB as to whether the hearing should be opened and continued, or whether I should just withdraw and re-submit. I think we could submit the new plans within 5 to 7 working days. We're fine either way, I just don't want to stop the process if we don't have to.

**Nipun Jain:** So if there is a commitment from the applicant to submit any revisions to the plan set within the next 2 weeks, I think we can still move forward with that understanding.

**Motion was made by Ted Semesnyei to continue this to the Oct. 26 meeting until revised plans are submitted. Once revised plans are received, the PLB will start the review of the project. BSC is the consultant. Motion was seconded by Scott Mandeville. AIF.**

#### **4 Noel Street – Sparhawk School Building Addition - Site Plan Application**

**Applicant: Sparhawk Endeavor, LLC.**

**Nipun Jain:** W.C. Cammett Engineering has submitted an application for Site Plan Review on behalf of Sparhawk Endeavor, LLC for a proposed educational building addition of 1373 square feet.

**Woody Cammett, Cammett Engineering:** With me tonight is Emily Fredette, our project engineer on this project, and also Louis Stilphen, Headmaster, Sparhawk School, at the rear of the auditorium, who is the chief executive officer of this private school. The school would like to expand, placing the main entrance to the rear of the building, which is where it belongs, out of the parking area between them and the post office. They've engaged an architect to draw a building addition for one classroom and for the new main entrance. With the plan, they will be entering off of Noel Street, and the circulation would be around the building and back out. The overall plan in to make this a campus. We filed with ConCom and they approved the Notice of Intent a week ago Monday. So we are before PLB for Site Plan Review. The existing building is just over 20,000 square feet. We're adding one classroom at 891 square feet. The new entrance encompasses 482 square feet for what will be a total footprint of 21, 024 square feet. Since we're adding one classroom that requires 4 parking spaces, we are adding 8 parking spaces to the site. We meet all of the setbacks from ZBA. We meet all the coverage. They own the rest of the land down there all the way to the Powow River and along Noel Street. The increase in impervious for the new driveway and access into the school, we're adding approximately just under 2500 square feet of impervious surface. We're infiltrating that back into the ground on the easterly side of the roadway. We have a 7 inch deep

infiltration trench all along the entire roadway, which will take care of all additional water. We meet all the criteria under your guidelines.

**Motion was made by Robert Laplante to require peer review for completeness in compliance with performance standards, and authorize Stantec to request peer review funds to be submitted by the applicant. We'd like a copy of the ConCom paperwork. Subcommittee to meet on Oct. 8 at 6 P.M. and this information will be included at Oct. 26 meeting. Motion was seconded by Karen Solstad. AIF.**

### **29 and 37 South Hunt Road – ARC Technologies - Site Plan Application**

**Applicant; Woody Cammett, Cammett Engineering:**

**Nipun Jain:** Cammett Engineering has submitted this application for the construction of a 68,928 square foot addition for site plan review on behalf of ARC Technologies, LLC to the existing building, along with an access drive, additional parking, storm water management, water and sewer service, and other utilities.

**Woody Cammett, Cammett Engineering:** With me tonight is Emily Fredette, project engineer, Jay McPartland, the construction manager for the project. We have some additional pass-outs for you, what we call an art quick fax, which gives you an overall snapshot of the criteria for the expansion of the ARC Technologies building, and answer to all of the department comments that we have received to date, and a colored site plan of the addition. ARC Technologies is proposing, they are currently operating out of 37 South Hunt Road, a building constructed several years ago and has had two ownership changes since it was built. In addition, they're operation on Oakland Street / Elm Street is still functioning as ARC Technologies. This addition will allow the Oakland Street facility into the one building that will then be known as 37 South Hunt Road. So he'll have all of his staff under one roof. The current allowed building coverage is 50% by Zoning. The proposal with the addition is only 30%. The minimum open space required is 40%, and we exceed that at 44%. The total site is slightly more than ten acres of land. The building first floor currently has 69185 square feet with a proposed addition of approx. the same size, so we're doubling the floor space. The second floor in the existing building is 9408 square feet. The proposed new second floor space is not going to be required at this time, but we will have a 68928 square foot first floor addition, for a grand total of 147521 total square feet on the site. The parking required is one space per 500 square feet. Obviously, with the age of the zoning, this density is what is required when you have a lot of man power. This zoning in 1971 did not anticipate automatic manufacturing. We don't need this kind of parking. We currently have 191 total spaces. We don't even fill half of that with the current employees. With the expansion and consolidation of ARC Technologies, we only have 125 employees. So over time, we might add 30 employees in that addition, to bring it up to 155. So we're proposing to add 13 spaces for a total of 212, which is far more than we actually need, including visitation to the plant. We are proposing 83 additional spaces to be built in the future. That will be if the building was sold, and some other intense usage moved in, then they would have the ability to build the parking to meet the Zoning. So we're asking the PLB to waive that criteria for building that. We have the area and open space to do it, we can do it, but we don't feel it is necessary to pave another 83 spaces that are never going to get used. We are infiltrating all the storm water on site. There will be no runoff. So it's a very green

design. We've answered all the questions on the department review. We've added fire hydrants, at the request of the fire department in the southeast and northeast corners as shown on the new plans. One stipulation from the police department was that, during construction, we do not have trucks waiting in the roadway to be filled or to bring in pavement or anything like that. Our site is big enough so that we would ask that that be put into the decision. Staging areas for construction vehicles or equipment will be strictly on site. I'll answer any questions anyone may have.

**Lars Johannessen:** Scott, do you think we can do this on Oct. 8 for design review?

**Scott Mandeville:** Yes, I think so.

**Woody Cammett:** I'll ask Jay to have the architect along with Jay at that meeting.

**Nipun Jain:** Since we have Sparhawk at 6 PM, I think 6:30 would be an appropriate time for this.

**Woody Cammett:** Let's make it 7 PM, to give you an hour with Sparhawk, on October 8<sup>th</sup>, 2015.

**David Frick:** One of the things we need to do here is have the sign-off on peer review, then have staff determine how the completeness of submission is, to see it has all the things it needs to meet. At the same time, peer review will see how complete you are, from a technical standpoint, then review everything for adequacy, as well. We should continue this to the next public hearing on Oct. 26.

**Motion by Lars Johannessen to get peer reviewer confirmed and get the application checked for completeness and the peer review consultant review for technical completeness and adequacy, as well as continuing this hearing to Oct. 26. Motion was seconded by Scott Mandeville. AIF.**

**ADMINISTRATIVE:**

**37 Middle Road- Eastern Lights – Performance Bond Acceptance**

**Continued per Mr. Anderson to the October 26<sup>th</sup> meeting.**

**Nipun Jain:** This is an approved subdivision with an approved Special Permit for a cluster residential development. The project started last year around autumn, then work stopped because of the winter season, then supposedly it started for some time in spring, but the majority of the time since May, no major activity has taken place, according to the board's inspectional consultant, Horsley-Witten. There are reports that have been filed with the board indicating the lack of any activities. It was our understanding that the developer would like to get the lots released, because they have made progress in the right of way utility and infrastructure work, and that is what our understanding was in the planning office, that they are moving towards, in terms of getting the lots released, once they post the performance bond. That's where we have not seen any further response back from the applicant on why they are not able to either complete the right of way work, or to post a performance bond so that they can either continue to work on the right of way and also to work on the lots. In speaking with the board's inspectional engineer, they have not been contacted for any ongoing activity on the site, as it relates to completing the right of way improvements. We've also not heard back from DPW on being contacted for off site improvements. As we approach the close of the construction season, in about two months, if the board wants to require the applicant to do certain things, the planning office recommends that you ask the DPW to give you a list of what

items need to be completed from their point of view, in order to make sure that the site is stable for winter, and/or to finish the right of way improvements. That would help us understand if a performance bond is to be posted, to what degree would they want some security or assurity to make sure that the site continues to remain stable if the project does not start back either very soon or in the spring of next year, because there is not much that we can ask of the board's inspectional engineer, because they are there for inspection, not for other hypothetical scenarios where the developer may or may not perform. Since the public right of way is an asset that DPW may eventually own, it would be in the board's interest to ask DPW what would it take to complete the right of way, in case the developer does not, because then it becomes a city liability. Then we'd have to take necessary action, which you alluded to at the start of this discussion.

**David Frick:** Do we have any bonds on this now?

**Nipun Jain:** The only thing we have is an erosion control bond. Otherwise, there is a covenant on the lots from being released or built on. That was the objective of the developer in spring or early summer, to post a performance bond for the remaining work after binder. Typically, that is what is done. But they haven't even reached the binder milestone. That is the concern from the DPW, that if this does not get to binder, then it would start to impact the current rough grading, also having to be monitored more closely so that any impacts to the abutting properties can be minimized.

**David Frick:** I want to put some teeth into this, but I don't see how. Basically, we have to request DPW to give us comments on the work to be completed to get written up in the binder and to stabilize the site, then ask the staff to send a letter to the developer requesting an update in writing within 14 days on the work remaining within the right of way, on off site improvements, and an updated construction schedule. If we do this and don't hear anything, what is our recourse, because I think we've requested this already and this is what started their action, but now they just keep continuing for the last 2-3 months.

**Nipun Jain:** I think I will then send a copy of these requests to the city attorneys to ask what is the course of action. If the city is to try to at least stabilize the site, and what is the legal recourse at that point. So with these answers, we will get some future direction, if the project is not completed. Because there have been times where the developer is not able to do it and it becomes a liability for the city for public safety and health for the neighborhood or the abutting properties. There are wetland resources very close to the edge of the property as well. We had received complaints from the abutters over the last 6 years when the site was not at all being worked on and it had become a dust bowl, because they had taken down and cleared the site but not done any stabilization or any covering up of the soils that had been stockpiled. We don't want a repeat of that on our hands.

**Motion was made by Robert Laplante to contact DPW, send the letter, and then make a decision when we get a response from at least one of them. Motion was seconded by Ted Semesnyei. AIF.**

**19 Evans Place – Amanda Lane – House Plans and Designs For All Lots And Matrix.**

**Applicant: Richard Saba – Kevin Saba**

**Nipun Jain:** I just passed around to the board a letter from the developer's team in response to the review comments by DRC on the house plans, the matrix, and specifically Lot 13, the house designs that were proposed on Lot 13. There were comments made by the subcommittee. The applicant has written their acknowledgement of those comments and have also committed to making the revisions necessary to the design for Lot 13, for submitting revised house plans for the two other house style options that they had submitted for the board's review, and they are requesting today conditional approval of the house designs as amended, so that they can move forward with that understanding. But they have to provide revised house designs basically on all three styles. The initial submission was reviewed by the subcommittee. There were a set of comments made, to which they have responded with this letter today. The subcommittee will get an opportunity to review the revised drawings hopefully within the next 3-4 days, at least on Lot 13.

**David Frick:** I'd like to hear from Lars and Scott to get up to date on where we are on it.

**Scott Mandeville:** We haven't actually met with the applicant. We had a chance to sit down and look at designs, and we submitted comments, and they did come back with some adjustments and updates to those. I guess what is being requested is that we do a lot release for Lot 13, which is the front lot on the development, sort of at the main road. What they are looking for is a release for that lot to start on the condition that they'll continue to work with us and Nipun to send in some revised designs, and make sure everything meets our approval.

**David Frick:** Are you ok with the lot 13 design for them to go ahead on this?

**Lars Johannessen:** With Lot 13, we have not gotten anything that we looked at that we're satisfied with at this point. We are hoping that with the new revisions based on wanting a Greek Revival, not something that we can't call whatever it is. We're looking for the Greek Revival. We need to see it. As far as conditional approval, how do we go ahead and give a lot release at this point?

**Nipun Jain:** So Lot 13 is the outlier in this subdivision because when it was approved by the board, that was one that the board agreed to allow construction on without the roadway to be built, but it would still require lot release and sign off by the board. So what the developer is saying is, we made the changes to our original proposal for Lot 13, based on your initial set of requests for revision. They are willing to make further revisions as per their commitment as they have stated in the letter today, based on the input that we gave them or what we discussed last Thursday, and only for Lot 13. They will be making changes to their proposed New Englander to become a Greek Revival as we would like, but on Lot 13, they would like to move forward with this design, which is what we have critiqued and they have made the changes. If you are making the revisions to the Lot 13 and you can bring that to us by Wednesday or Thursday morning, the subcommittee will be meeting on Thursday, and they can actually see that those changes have been incorporated. Would you be ok if they were to make a motion to say, if you do bring us those by Thursday and we see that you have incorporated those comments, and everything else is ok with just Lot 13, they can then recommend release.

**Kevin Saba:** We've got a chicken and egg problem, but that helps us on Lot 13 and gets us moving. For us to go forward, we have to be able to state to our lenders, "these are the

## APPROVED

houses we're building, and these are the costs." So what we did was we went though and put in a series of houses together. The subcommittee, I understand, sat down and looked at the houses. They had a series of suggestions. We've agreed to every single one of them. We think they make the houses better. So we're going to do that. That now gives us three basic houses, one has a variation of a garage under, so four basic houses. We now have submitted a matrix, saying ok, each house we will give the owner a choice of each house style that they would like for their lot that we've submitted. That is the matrix that we brought in. So we've done very detailed work on 13, we clearly understand what we have to do there. We also clearly understand what we have to bring into the PLB and to the planning department for approval on each individual house. But it gives us enough, with your approval of the matrix, would give us enough to be able to go forward, go back to the lender, say this is what we're building, this is how it works, and then we could then go out and start to market along with 13, we'd be able to start the ball rolling. But we can't even begin until we understand that we have the right to build X houses on certain lots. So that is why we went and brought the matrix in. Everything you suggested, we're prepared to do. We will bring in Lot 13 by Thursday, and hopefully those can be approved administratively, which I think was part of the decision, when you go back to it. There was a process for administrative approval. What we're looking for is to get the basic house on the basic lot approved by the board, with the detail work out administratively. That's what we're seeking tonight is approval of the matrix, with certain types of houses on each of the lots, so we can go to the lender and to our customers, and start to get out there on this. We're very late into the season, but we still have a window, but it is closing rapidly. I fear that if we delay further, we're pushing real hard.

**Nipun Jain:** The only lot release they will get this year is Lot 13. They have to build the road in order to get the release of other lots. I think they clearly understand that. As far as the matrix goes, right now, for example, this letter says "you could do any of the houses on lot 4 through 9". You could either have a Colonial, a Greek Revival, or a Bungalow. But, what you are saying also with that is, first of all, you have to submit house plans for each lot before it is signed off for release. So if you propose a house on lot 5 as the Colonial, and you come back with the same exact Colonial on lot 6, it will not pass the approval muster and administrative approval if it is exactly the same, unless you follow certain criteria.

**Kevin Saba:** We have to differentiate the houses. The idea is to create the flexibility for the customer to be able to differentiate the houses. Say they both want a Colonial, side by side, but the Colonial would not look identical. There would be changes to differentiate them. Garages would change, porches, etc.

**Nipun Jain:** That's what I wanted to make clear to the board that, even though the style may be the same, but the finishes, by way of entry ways, porches, shutters, finishes, colors, location of garages, all would make for changes so no two houses would look or be identical. The board's decision doesn't state how many houses of one kind will be built, it states that there will be variation in house styles and the various house styles that will be considered are from the palette which you have seen. But it does talk about the diversity in house styles.

**David Frick:** Mr. Mandeville, did you have any suggested matrix for this, or no?

**Scott Mandeville:** I think the same way we have a couple gaps in here for site that won't take...you've got lots 1, 2, 3 and then 10, 11, 12, 13 for no bungalow styled houses. Then you have 11, 12, and 13 you have no Greek Revivals. I think there should be a few spots in here where maybe an Alexander isn't going to fall in there as well, so we just have a little bit of hard diversity.

**Kevin Saba:** So I would take it out of any of 4 through 10 we can knock out a couple of Alexanders on any of those lots. You could even stagger them, if you would.

**Scott Mandeville:** I'm trying to build in a little diversity and flexibility, but I want to make sure we don't end up with 5 Alexanders, 5 Greek Revivals, and 5 Bungalows. You can see variation, but you've still sort of got the same ones after another.

**Kevin Saba:** So maybe we take the odd numbers between 4 and 10, and cross out the Alexanders. So now, we're not going to get all Alexanders. We expect to get Bungalows and Greek Revivals in there.

**David Frick:** I don't have the plans right in front of me to know which lots are which, so I wouldn't know if we go to 4, 6, and 8, for instance, are we really skipping one, or how do the numbers run?

**Kevin Saba:** So we start in front of Joni's house as lot 1, so it's 1, 2, 3, then we make our way around the circle and then down the hill, 11, 12, and 13. So if we take where the bungalows are clustered 4 through 10, and take the odd numbers and X amount are Alexanders, I think we're going to get as much diversity as you're looking for. It'll either be a Bungalow or a Greek Revival in there. It won't be a Colonial.

**David Frick:** So take like 5, 7, and 9, and say those are not Alexanders?

**Kevin Saba:** Cross them out as Alexanders and leave the matrix from there, and you've got the diversity you're looking for. (Board seems ok with that).

**Scott Mandeville:** You were talking about what you really need to get is the sign off on the matrix to be able to move forward, and then, I think I'm happy with the matrix, I would like to continue refining the house plans from that detailing work...

**Kevin Saba:** We'll bring that all back to you, based on the suggestions and recommendations that came back.

**Lars Johannessen:** So should we try to get an approval now for basically we as a board allow the subcommittee to go over this and give a yay or nay to the designs?

**David Frick:** I'm ok with the matrix, if you guys are. I'm also ok with you guys finalizing lot 13. Do you need us to finalize designs now or can that part of it wait until the next meeting, based on your meetings with them?

**Kevin Saba:** Well, I thought that we would bring very rapidly all the design changes back to subcommittee.

**David Frick:** Ok. Are you guys ok with that? What about the rest of the board, are you ok if we have them finalize those designs?

**Scott Mandeville:** Is there anyone else on the board that has any architectural language or changes or adjustments that they'd like to work with, as far as classical language, design or proportion?

**Karen Solstad:** I'm going to leave it to the architect on the board.

**David Frick:** So we need a motion from someone to change the matrix listed in Section 5 Page 3, that lot numbers 5, 7, and 9 will not be Alexanders, have to be one of the other two designs. And that we release lots based on approval by our design review committee, which will begin meeting on Thursday of this week. And we will allow them to move

forward with approval of the lots and subsequent release of those lots, based on that. Is that how we want to word it?

**Nipun Jain:** Just for lot 13 and the basic template for the Greek and the bungalow. Just the basic template.

**David Frick:** So we're releasing lot 13 and the designs for all houses, based on their input?

**Nipun Jain:** Yes. So, to summarize, prior to the final release of the approval of the house, the matrix and assorted house designs and the lot release for lot 13, the applicant shall provide the following design changes to the proposed house designs for the Greek, Alexander, New England and bungalow as stated in the memo dated Sept. 28 from the developer to the PLB. The city planner shall be provided with the revised house design plans for all lots, and shall have to be submitted up to 5 business days to review the elevation for potential compliance with stipulations after the DRC has received the two house style designs as agreed upon by the developer. If the revised house design plans for any lot are determined by the city planner to be in substantial compliance, a lot release form will be issued. However, if upon review of the revised house design plans for any lot, the city planner cannot make a determination of substantial compliance, the lot release for any lot will be considered suspended, and a final approval of house designs shall be required by PLB. The following design modifications are made part of this approval as stated in this letter of Sept. 28, 2015. Also, note the house matrix changes that Alexanders will not be built on lots 5, 7, or 9, and everything otherwise listed on lot 5 will hold. The matrix will be finalized after consultation with the developer and the design subcommittee this Thursday.

**Motion was made by Robert Laplante of "so moved."**

**Motion was seconded by Scott Mandeville. AIF.**

### **60 Merrimac Street – Hatters Point – Phase II - Plan Endorsement**

Robert Laplante recuses himself from this hearing.

**Nipun Jain:** Since this is under administration, we have an update on this project. There was a memo produced by Stantec prior to the last meeting which the applicant responded to. They have addressed most if not all of the issues, and I did send an e-mail earlier this evening to the applicant, saying that the plans can be endorsed. So the plans are ready tonight to be endorsed, which was the goal. A couple things that we need to conclude: one is establishment of erosion control bond so that the project can move forward. There was some comment in the letter from Stantec on the area that was to be calculated, so once that area is confirmed, if the erosion control is posted, then that issue would come to closure. I have not been able to check with my staff, as far as if the review fees and inspectional fees has been submitted or not and if that is still outstanding, then that would have to be put in place. Other than that, we are ready to schedule a pre-construction meeting in the next week or so.

**Jack McIlhenny:** Our goal tonight was to get the plans endorsed. Nipun and I have talked about the sedimentation bond. Chris Rokos from Meredian who needs to do that is out on vacation until Wednesday, and we'll get that done in coordination with Stantec

and ConCom. I know we did get the invoice for the Stantec fees and it has been paid. We'd like to get plans endorsed tonight and move on to the pre-construction meeting. **Nipun Jain:** Staff recommends that the board endorse the plans tonight. That would authorize us to set up a pre-construction meeting. We do have the contract also ready to go for inspectional services. Larry, I can give you an amount tomorrow. We'll probably start with 25% or 50% deposit of the estimated total inspectional service cost, so we don't have the whole lump sum locked up but at least something to get you guys started. A quick update on some of the things that the developer expects the city to do: they had given us an easement document for the work within the right of way. That has been forwarded to the mayor's office, which I believe will be presented to the city council in the next go round. The water line agreement is also being reviewed. The third thing is, I do have the comments from Stantec on your soldier pile wall. I got them this evening, so I will pass that on to you, Larry, first thing in the morning. So if there are any issues to be addressed, then you can start working on that. That is a DPW matter, so it doesn't necessarily have to come back to PLB, but the PLB will be kept in the loop as far as what Stantec will be reviewing on behalf of DPW. So if there are any changes that impact the site plan, which there aren't, but if there are, it will come before PLB. After tonight's meeting, the board can sign the mylars.

**Motion was made by Ted Semesnyei to endorse the plans for 60 Merrimac Street.**

**Motion was seconded by Scott Mandeville. AIF.**

**Nipun Jain:** The only other request would be that we ask the board to ask the applicant to fund the inspectional services account so that the pre-construction meeting can be authorized with Stantec and the developer's team.

**Motion was made by Lars Johannessen of "so moved." Motion was seconded by Scott Mandeville. AIF.**

### **36 Haverhill Road – Amesbury Heights – Bond Establishment & Erosion Control**

**Nipun Jain:** We have a memo from Stantec which seems to indicate that it came in around 6 PM so I have not had a chance to read it. The proponent has submitted and complied with their requests. In the last memo, they (applicant) has also updated the erosion control bond amount of \$160,627.50 which does include the area that Stantec wanted the applicant to include in the erosion control bond. So the applicant has agreed to that amount. I would like the amount to be endorsed by PLB so my recommendation on that issue is that the PLB approve the amount recommended by Stantec for erosion control.

**Lars Johannessen made the motion of "so moved". The motion was seconded by Scott Mandeville. AIF.**

**Nipun Jain:** The only other issue on the bond is, I got a draft form for establishing the bond, which I believe the applicant wishes to establish through an insurance company. I have to check with the legal department to make sure that the format of that form is acceptable. So the PLB is only approving the amount, now we have to make sure we get the right legal document that allows us to hold that bond. So we'll be pursuing that with the applicant. As long as that form of surety is acceptable to the city, we will advise the applicant to proceed. If not, then they'll have to come back at a later date. My only

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concern, because the PLB doesn't meet until Oct. 26 is how do we get that document signed. So my recommendation or our planning office recommends that you also take another vote to say **"if the applicant provides the proper form of surety for the erosion control bond that is acceptable to the city and its representatives, then the PLB members will come in when that form is available to endorse in the planning office.**

**Motion of "so moved" was made by Robert Laplante. Motion was seconded by Ted Semesnyei. AIF.**

**David Frick:** Now, performance surety is different from erosion control bond, so we'll need that as well.

**Nipun Jain:** Correct. They can either post a covenant, which would prevent them from leasing out any of these units, given this is a rental project. So the covenant will be the draft legal document that has been going back and forth between the developer and the planning office. We should also have CAD drawings, but I'm not sure if we got those. It was required in the PLB decision but it does not have any material impact on the project moving forward. **So the last item on this project would be to officially request the applicant to submit the inspectional services fee as per contract with Stantec before their pre-construction meeting is held. We do have a contract. I don't have a copy here.**

**Motion was made by Karen Solstad of "so moved." Motion was seconded by Scott Mandeville. AIF**

#### **2016 Planning Board Meeting Schedule**

**All in favor to approve. Motion was made by Lars Johannessen and seconded by Robert Laplante. AIF.**

**An informal discussion amongst board members ensued, since all public meeting attendees had departed. The discussion involved how the planning office sets deadlines for submission of new projects or continued projects. The office gets submittals of information often after deadlines have passed. These deadlines will be enforced better than they have been, since developers routinely ignore these deadlines and submit material any time they want, even on meeting night, when PLB members cannot even read / absorb / understand what it is all about. The deadlines need enforcing and need to be adhered to by all parties involved. The planning office wants to set up a roadmap both for the PLB and for applicants that, within a span of 4-6 months, if you perform, you can come out of the review process with a decision, whether it is approval or disapproval. There will be a decision based on your information. If you do not perform, you would like to arrive at that conclusion sooner, rather than continue the project again and again and again.**

#### **BILL PAYMENTS:**

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**Horsley-Witten Group – Eastern Lights Subdivision  
37 Middle Road – For services rendered through 8-30-15 (Invoice # 37276)  
Motion was made by Scott Mandeville to pay this invoice. Motion was seconded by  
Karen Solstad. AIF.**

**Horsley-Witten Group- Cumberland Farms – Main / Macy Street  
For services rendered through 8-30-15 (Invoice # 37277)  
Motion was made by Karen Solstad to pay this invoice. Motion was seconded by  
Robert Laplante. AIF.**

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

**Meeting was adjourned at 9:16 PM.**