

A P P R O V E D

**AMESBURY PLANNING BOARD
CITY HALL, 62 FRIEND STREET, AMESBURY, MA
JULY 25, 2016**

PRESENT: Scott Mandeville, Robert Laplante, David Frick, Lars Johannessen, Lorri Krebs

Karen Solstad (7:18), Ted Semesnyi (7:18)

ABSENT: None.

ALSO PRESENT: Nipun Jain, Planner; Joan Baptiste, Recording and Transcription Secretary.

Meeting called to order at 7:09 PM

Ted Semesnyi and Karen Solstad have not arrived.

MINUTES: July 11, 2016

Edits page 1 under minutes all agreed except “including” Robert. Page 3 Nipun Jain last paragraph starting with – it would “be” our understanding.

Motion by Robert Laplante to approve minutes of July 11, 2016 with corrections. Second by Lars Johannessen. All (5) in Favor

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Motion by Lars Johannessen to take the sign application out of order. Second by Scott Mandeville. All (5) in Favor

Chairman David Frick recuses himself as his business is in the same building. Robert Laplante takes over as acting chair.

SIGN APPLICATION(S):

Guaranteed Fitness & Body Works, 18 Millyard, Unit #2, Amesbury, MA Owner: Michelle Baker – D/B/A Guaranteed Fitness – Sign Contractor: Brother’s Sign Company

No one is present for the sign.

Motion by Scott Mandeville to continue sign application to August 8 meeting, Second by Lars Johannessen. All (5) in Favor.

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Motion by Lars Johannessen to take out of order 47 ½ - 57 Kimball Road Subdivision before 68 Haverhill Rd, Seconded by Scott Mandeville. All in Favor

CON’T PUBLIC HEARING

47 ½ - 57 Kimball Road Subdivision, Amesbury, MA

Definitive Subdivision Plan Approval with (3) Special Permits: (Cluster Residential,

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Common Access Driveway and Water Protection Resource District

Applicant: B.C. Realty Trust

Attorney: Phil Parry, Esquire

Philip Parry, Attorney representing B.C. Realty Trust: Spoke with Nipun Jain earlier today. We have not yet received the comments from Stantec. It's been approximately 10 months since we've been in here. Our last meeting we discussed some comments that Stantec provided, we did meet with them and the plans have been revised accordingly. Bulk of the delay had to do with serious illness on the Engineering part, but we're back on track. About a month ago we provided Stantec the comments, just waiting for those. Filed a request to continue, a request was sent to Nipun Jain this afternoon via email for another 30 days. On our end we are optimistic we will get comments from Stantec within the next week or two so that perhaps we can get on the next meeting.

David Frick: There are a couple of things we want to bring up. One is that – if you're going to be delayed like this, you've got to communicate with us. We weren't hearing anything from you. Second, this is gone on so long, we have one member on the board who is an abutter.

Scott Mandeville recuses himself.

David Frick: We have another, Howard Dalton, who is no longer on the board. So we no longer have enough members who've been present at the meetings to get you a favorable vote on this. What we would ask is that you withdraw your current application without prejudice and then resubmit. There will be no charge for doing this. That way we can start the public hearing over and get the process started for you as expeditiously as possible with the full board except for the board member who will have to recuse himself.

Phil Parry: That makes sense. I don't have any statues with me. But was there an alternative member?

Lars Johannessen: We don't have alternates.

David Frick: Mr. Dalton is no longer on the board, Lorri wasn't on the board when it started, and Scott Mandeville has to recuse. So we're down to 4 people and we have to have 5 for this to pass.

Phil Parry: Ok. I'll speak with Nipun Jain as to the best way to go about this tomorrow and I anticipate that's what we'll do.

David Frick: We'll get you scheduled for August 22 if you file tomorrow. There's a possibility we won't have a meeting on that date.

Phil Parry: **It would be an identical filing. Are there any comments?**

David Frick: If there's anything you want to say as to what you were doing during this time and what's the new information you've provided.

Phil Parry: As far as any new information, there really isn't anything other than what was covered at the last public hearing that we were here. It was addressing all of the Stantec comments. I generated a lengthy letter addressing all of those. I characterized that there weren't any substantive changes to the plan, they were more detail oriented type of things. We didn't propose changing numbers of lots, lot configurations, building configurations... it's really the same plan is how I'd characterize it. Again the substantial delay was as a result of the Engineer's unforeseen illness. That's essentially it.

David Frick: Do I remember correctly that you hadn't provided the information that was required for the water protection resources district special permit. And maybe that has come in the meantime?

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Phil Parry: We had done that as a second subsequent filing in May-June of last year. That was addressed in those comments as well.

David Frick: We were just handed the comments from Stantec dated Friday, July 22nd. Administratively we've got to get you back on track by having you withdraw and then restart the process. Otherwise there's no way it can be passed.

Phil Parry: When I had spoken with Nipun Jain earlier this afternoon, he suggested... I had generated a lot of documents but they weren't formally before you, with the new filing I'll provide them as well. For instance, a lot of the Stantec comments had to do with language that would be incorporated in a Homeowner's Association, certain declarations and restrictive covenants and easements. With the new filing, I will provide documents that have been drafted quite a while ago incorporating any additional request from Stantec. I'd be filing the draft Homeowners Trust, the restrictive covenants, easements, sample deeds. I did speak with a member of Conservation about the dedication of the open space by deeding it to the City of Amesbury. I will provide sample deeds for those so that the language can be reviewed. The covenant had already been filed originally. I will provide all those documents with the new filing.

David Frick: Any comments by board members? We do have a request from a Michelle DiMascio. Seeing as we're going to have a new public hearing and new notices are going to go out to all the abutters. Would you like to hold this until the next public hearing or would you like to come up?

Nipun Jain: As a point of clarification. Anything that you are discussing on this project is only admissible under the subdivision application because you don't have sufficient members to act on the special permit. Just be mindful that it may not be of much value to enter anything into public record for tonight. If the applicant is going to file an application as is necessary, in due time, anyone will have the time to make comments.

David Frick: That's what I want you to understand Ms. DiMascio. Any comments that you make, cannot be anything we can use in the next public hearing.

7:18 p.m. Ted Semesnyei and Karen Solstad arrive

Abutter **Michelle DiMascio**, 15 Acadia, Kimball Road: The question I had. Mr. Parry's opening statement said that he had received no comments from Stantec and that it had been 10 months. Then he went on to say immediately following that he had received something from them so that seemed to be a contradiction. So if they're waiting for comments from Stantec...

David Frick: The comments have just come in. It hasn't been 10 months because of Stantec or us. It's been 10 months because they've been waiting for stuff from the applicant to provide before Stantec could then give their opinion. Stantec is our peer consultant.

Michelle DiMascio: I understand thank you. I spoke with the conservation commission last week and there has been no filings for any information regarding any water protection act or otherwise. They had not received anything for next month's meeting. So if you're planning to do that, I would chase down your paperwork because they don't seem to have it. Also I would like to remind everyone, we started doing this last April of 2015, and here we were. We are still in the exact same place. No where. We show up, we're dedicated abutters, we show up every time, we're ready to talk, we're ready with our information. We've rearranged our schedules. And here we are it's a year a half later and we've made no progress.

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David Frick: So what's the procedure on this? Do we close this hearing? Or do we have to have to wait for them to formally ask to withdraw without prejudice?

Nipun Jain: First of all they should indicate if they are going to withdraw. All the board is waiting for is formal written confirmation of withdrawing without prejudice. If that is the case, then the board can accept by taking a vote that the application is being withdrawn without prejudice and is pending formal receipt of that letter from the applicant and 2. a complete filing of the information on the project submitted to date to the board as if it is a new file. It's in their interest to put the package together that they have already worked on for this project which is the latest revised set of plans and supporting documents. We need a record file along with the new application. So as long as they agree to do that, you can take two actions today. 1 .accept their request to withdraw without prejudice and also to schedule the new hearing for the new application as soon as the applicant files the proper application and forms.

Phil Parry: Members of the Planning Board, if I may withdraw without prejudice.

Nipun Jain: Be advised that when we do put the legal ad and send out the notices, that cost will be incurred. We would recommend that the board waive the filing fee but at least get the fee that supports that cost.

Phil Parry: I'll go get the abutters list tomorrow

Motion by Lars Johannessen to accept the request to withdraw without prejudice for 47 ½-57 Kimball Road pending receipt of the formal document. Second by Karen Solstad. 6 in favor, Scott Mandeville recused.

Motion by Lars Johannessen to close the hearing on 47 ½-57 Kimball Road. Second by Ted Semesnyi. 6 in favor, Scott Mandeville recused.

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FORM A: #1381-16-6 for: 141R Friend Street, Essex County Greenbelt Association. Vanessa Johnson Hall, Assistant Director of Land Conservation. Essex County Greenbelt.

Nipun Jain: Staff recommends that the planning board approve the application for approval not required as submitted.

Vanessa Johnson Hall: I'm Vanessa Johnson Hall with Essex County Greenbelt Association, the Form A before you is a plan for 141R Friend Street. Greenbelt has an agreement with the current owners of this property to acquire it. I'm going to pass out an aerial photo showing it. The current property lines goes right through property that has been used by the Carriage Hill Estates for many years. So, rather than incur a management liability, we are choosing to carve off an area that includes that encroachment, it's actually a separate parcel also further down on the access way to Carriage Hill that will be included. We are in discussions with Carriage Hill about selling those pieces to them, so that they would then own those pieces. In our discussions include a deed restriction on the property that will limit what they can do with it. I think the only thing they desire is to put some additional parking area, I believe some of that may be in the jurisdictional wetlands, but that's their concern as well as ours. There's only so much that we can oversee. Our deed restriction will prohibit them from developing that and we're hoping to get them to agree to also minimize what can be paved over as additional parking area.

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Nipun Jain: Just to explain further what Vanessa said, what you have in existing conditions is a parcel that has parcel A and parcel B, that's one parcel. And this ANR is to create parcel B and parcel A out of that existing parcel. The parcel along Friend St which is shown as a separate parcel is not the one in question. So the purpose of this ANR is to create essentially Parcel A as an open space parcel, and Parcel B, (which is being encroached by Carriage Hill Condominiums) and Greenbelt is requesting this ANR so that they can create Parcel B and give it to the Carriage Hill Condominiums.

Karen Solstad: Could you just explain that 3500 square foot parcel on Friend Street?

Nipun Jain: That's not a new parcel that's been created, it's a parcel that already exists.

Karen Solstad: It already exists as a separate parcel?

Nipun Jain: Yes and it is in the deed for what is currently Parcel A and Parcel B. It runs together with that. I think there are discussions to give that parcel to Carriage Hill as well because they encroach upon it with parking, so there is no use for Green Belt currently. This is not a new parcel under this ANR, it already exists. It's just a point of clarification.

David Frick: Any comments or questions?

Lars Johannessen Does this end up land locking your parcel then?

Vanessa Johnson Hall: No. Our parcel has deeded access over Carriage Hill and we will retain that access. We are also retaining the right to park some cars for recreational purposes in the cul-de-sac area. And we also have access off of Whitcher Court. What limited frontage we will be retaining will be off of Whitcher Court.

Karen Solstad: There will be public access as part of the Green Belt?

Vanessa Johnson Hall: Yes, that's the whole point. Public access will be off of Whitcher Court but we would like to have an alternative access from the end of Carriage Hill also.

Motion by Scott Mandeville to accept the Form A # 1381-16-6 plan for 141R Friend Street under Subdivision Rules not required. Second by Robert Laplante. All in Favor.

Motion by Robert Laplante to waive the filing fee for Form A #1381-16-6. Second by Lorri Krebs. All in Favor.

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CON'T PUBLIC HEARING

68 Haverhill Road – Site Plan – Stepping Stones Preschool Occupational

Therapy, Speech Therapy

Owners: Mike and Stephanie Lysik

Stephanie Lysik: We're here to present a continuation of our project for 68 Haverhill Rd.

Nipun Jain: The planning board subcommittee met to go over the revised information submitted on this project and Mr. Mandeville and Mr. Johannessen and myself discussed the information. I'll just keep to seven broad categories. On parking and access as shown on the revised site plan, there were some minor comments that they are more practically accessible. The number of parking spaces is adequate, access is adequate but as shown on the plan it may not function. I think I had mentioned that to the engineer, Scott Mandeville can explain to the applicant what they are looking at.

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Scott Mandeville: It was a fairly minor issue in the back. Parking sort of aligns with your back property line, which tweaks the whole thing a few degrees and makes the one spot on the end tight. And if you adjust it so that it aligns with your lot line from the sides it will be more accessible.

Stephanie Lysik: I believe on the plan, that last space was not actually a space. It looks like a half of space, but I believe we only had 5 spaces in the back.

Scott Mandeville: If you want to retract your previous comment, we can get you 6 spaces in the back.

Lars Johannessen: We thought there was six, and whereas that last one at the edge of the property towards the restaurant is rather tight. That you revise just the back area right behind it, between the playground and the property line, so that can work as a way to back in and out of from that property.

Nipun Jain: You have adequate parking. But it needs to be fine tuned to operate properly for egress and access. And we will give you some indication once we get done with the proceedings as to how to align that, but your okay with access and parking. The second comment earlier on was about lighting. The revised information shows that you have taken the board's comments and that issue has been addressed, so that's okay. No other changes are being proposed for the building, and what you have shown is acceptable to the sub-committee and we recommend accepting that. We also recommend that the rear portion of your driveway and the new parking in the back, we're assuming that's not being paved? And it will not get paved – so if you do pave it, then that would require notification to the board and with other additional information in the future. About the sign. You and I had talked about what the subcommittee was looking for in terms of sign design. They are willing to recommend to the board, that the sign itself not be installed now. But as long as you agree to make the changes to the sign as indicated by the sub-committee and bring forth a formal application with those revisions. They recommend that they have until July 1 of next year to be able to present that, to get it approved. So you can use your existing sign as a temporary sign and that's what the sub-committee will recommend to the full board. In terms of landscaping, there is no available open area for additional landscaping other than what you have shown. But that what you have along the signage, again that should be presented when you have your sign finalized. I think those were the only comments that they had in terms of those criteria.

Lars Johannessen: The only issue we had was in the front of the parking where it's difficult to get into that handicapped space. You just angled it off at a 45, where I think we could treat it maybe a little bit softer by going up a little higher.

Nipun Jain: We will give you a graph that will help you make those final changes so that it operates and functions appropriately. So parking and access, landscaping, lighting, building, storm-water erosion control, you already have fencing that's acceptable for buffers, and the signage. So the subcommittee recommended that the planning board move forward to approve the project with the revisions and with two special conditions. One that applicant may use the existing sign only as a temporary sign and also produce the final drawing for the freestanding sign. As long as they install the final approved sign by July 1, 2017. And second that if there are any other changes to the site plan that they come back to the board with additional information to make sure that they are in compliance with the criteria and the site plan approval. I don't have a decision to formally endorse, but if the board takes a vote today, I can have it ready for you to sign at any time.

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Motion by Scott Mandeville to have staff prepare a formal acceptance for signature and to approve the Site Plan for 68 Haverhill Road with modifications discussed previously. Second by Karen Solstad. All in Favor.

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24 Pond View, 0 Summit Avenue – Village at Bailey’s Pond **Site Plan Review (Modified Project)**

Applicant: Fafard Real Estate and Development Corporation

Representative: Attorney Jeffrey Roelofs

Jeff Roelofs: We haven’t had a discussion at a public hearing here since March 28th, despite that, we have been doing a lot of work on this project. We’ve submitted a couple iterations of plans to the planning board, we’ve had meetings with staff, we’ve been responding to Stantec comments and we’ve had at least one design review committee meeting as related to site plan revisions and architectural plans which are continuing to be updated. On June 24th we submitted a completely revised overall site plan, a new drainage report, and a comprehensive response to the peer review consultant’s comment. I think Stantec is ready to provide another round of comments to the board, there was some information that they were looking for. I asked Stantec to refrain from issuing their comments. We’re going to work with them over the next week or so to get them the information they need, so that they can then provide substantive comments to the board, related to the revised site plan. We’re also hoping then, usually the process is, Stantec will issue its comments on the revised plan, we’ll meet with them to discuss any concern that they might have and then we’ll be either working toward further revision, or coming back to the board with a response to the comments that they have. More recently, it was too late to hit the filing deadline for tonight, so we’re not looking for this hearing to be the last hearing, we’re going to be continuing it. On July 14th, we did submit some preliminary landscaping sketches for certain aspects of the project. We’ve got a lot of work to do yet, with respect to the landscaping component of this. We have retained Howard Snyder of the Cecil Group to assist us in that regard. You’ve seen some sketches in your package, I’ll show them in a minute and just go over them in a preliminary way. I’ll let Howard speak to what he’s thinking with respect to landscaping. The landscaping that we’ve presented is focused on the buildings that are being proposed and the retaining walls, which is going to be an important part of the landscaping design. Ultimately tonight we’re going to be looking for a continuance of this, so we can work through these other issues. We know that there’s more information that the board is looking for; phasing, lighting plans, and some other things that we’ve already talked about, so there’s more coming. This is the revised site plan, what you’ll see here in terms of most important changes are we’ve incorporated a number of duplexes, rather than four-plexes into the design. We did that partly to create more space in between the buildings, it made it easier and more interesting in terms of accommodating the grade changes. It allowed us to do things, for example such as building an island that will be some sort of landscaping feature within the project. We’ve also expanded on the sidewalks, we now have sidewalks on every side of the development where there are buildings. We’ve added a clubhouse at the main entrance to the property. This was an important change since our last discussion. I think we mentioned that we were looking into this and trying to figure out where best to put the clubhouse. It’s a community house of some sort and it’s right at the main access drive. It’s a clubhouse with two duplexes next to it, it also serves as a

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place for people to come in, the mailbox location is right in that same area, there's a number of guest spaces that can be utilized there, we did incorporate some other guest spaces in different areas of the property. Duplexes up at this area of the property (refers to sketches), we've changed the configuration back here. We added a trail connector, between the clubhouse. This section of the trail extends on the top of one retaining wall, with a different one behind it. It will allow circulation completely around the property, so people can go from the trail to the side walk and do a loop, rather than going out in back. This site plan retains the sidewalk connector in between the two portions of the development, rather than running it along Summit Ave. as we had initially proposed. The retaining walls...this is another one of the more significant changes. After our last hearing we came in to meet with Nipun Jain to review a site plan that we felt addressed many of the comments that the board and the public and Stantec had. We continued to move forward with tiered retaining walls, I think they were 6 feet high, and in a number of locations at the site they had to be tiered in four or five layers of walls, because we're dealing with steep slopes in various areas of the site. In discussions with Nipun Jain, what you're seeing here is an attempt to create more usable space by going with taller retaining walls, walls that in some places are 14 or 15 feet high, in other places 9 feet. What they allow us to do is to create larger yard spaces, to move buildings away from the road. One of the concerns that we hear over and over was you want driveways to be long enough so that a car can pull in without going into the garage, without sticking into the road. We were trying create a little more usable space, pull some of these buildings away from the road itself to create longer driveways, create bigger yards. This clubhouse is in an area graded such that you would walk into the 2-story clubhouse (with a walk-out basement down the back side, looking out over the pond), it's at an elevated location. We're sensitive to the fact that higher retaining walls might present a visual aesthetic concern, that's partly why Howard Snyder is on our team now, and his role in part is to soften that aspect of the site plan.

Howard Snyder: I'm a landscape architect, registered in the state of Massachusetts. I've been in practice for over 20 years. I work for a company called the Cecil Group. With my recent involvement with the development team, I've developed some sketches to help the board and myself understand the project a little bit more as we've pursued the idea of landscaping on the site. What you see up here are two brief studies regarding two-plex building development as well as the four-plex, also provided in your packet are some images of the various plant palettes that's going to be explored. There will be a greater description and narrative provided about how this plant material, while may be standard, there may be a need for the plant material to shift as this orientation of these buildings shift across the site as well. This is also to work with the development team to understand possibilities that there might be slight modifications that can be beneficial to the architecture in the siting of the buildings. For instance, how the steps off the back patios might be shifted so that there could be a greater landscape that could be developed on the two-plex between the two decks. It's also to show how consideration is being made for each of these units to have a shade tree, a shared ornamental tree to create more of a privacy between the proximity of the units, as well as some street trees. In the future, as a plan is developed, there will be a greater understanding and expression of how these trees will work across the site, as well as a variety of plant materials. So there is a standardization that starts happening, where these trees are marching in soldier formation down the road. On this board you can see the plant palette that I alluded to, it's been key to the idea of where they're most optimal for a location. South, west, east. Also consideration of which zone that they're in, so that the board can start understanding where these microclimates can start establishing the plant material

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for a better zone. I also want you to pay closer attention to the section sketch so that the board can get an understanding, from a landscape architecture standpoint, we're going to start considering these site walls that Jeff just mentioned. With the heights and the tiering that's occurring I'm working with the civil engineer to start getting a little bit more of a planting area between the signs. For the purpose of incorporating in a smaller tree, even a large shrub that grows in a form of a tree, 20 feet height. The idea is not to overburden the height of the wall, but to create the mass of the top of the tree along that wall height. Also on the sketch there isn't any tree planting that would accent the verticality of the wall, instead some lower shrubs that could possibly over grow along the top. So the idea from a distance is to break up that vertical line of the wall, not only when you're facing the wall, but when your standing on the uphill side of the wall. An ornamental tree being planted down at the base, evergreen shrubs growing in natural formation, 6-7 feet in height, start breaking up the vertical height of the wall. Again, the tree canopy be along the line of the first of that wall, to help break up the vertical line of the wall. The next reiteration is going to explore for the planning board, also where shade trees could be from a distance. So that again, there isn't a fixed rhythm of trees, they'll be different heights, to again break up the vertical line of the wall.

Jeff Roelofs: I didn't include in these drawings, the plant variety that Howard had put together, and that is in your submittal. Again, this is the front end of our effort to put together a more detailed, comprehensive landscaping plan. So those will be coming. I wanted to give you updated images of where we are in the architectural plans. These are the four-plex from the front, back, straight on, slight modifications, this is just to show that you can change features even though you're working with the same basic structures along the way. These are the two-plex from the rear, top and bottom. We're continuing to work with the design review committee on that, and we're also working on the clubhouse design. That's going to be an important feature of the development plan. That's something we've not yet submitted, we hope to be submitting that within the next week or so, and then we'll discuss with the design review committee before we come back to the full board on that. The walls we are proposing are shea blocks. The goal on our part is to give you an update as to where we are, give you a basic introduction to the revised site plan, peer review is working on it. We're going to have work to do once we get those comments back, we've got a number of other pieces out there that we're continuing to work on. We have been very active on this. It's a large project, every time you change a retaining wall configuration; you need to update the drainage study and everything else. I know that it's really tiring for the abutters to see this process dragged out this long, and we're hoping that we can bring things to a conclusion over the next two or three months.

Nipun Jain: Mr. Chairman, I just wanted to update the board as well. What we believe are some issues in each criteria that need to be addressed. When the public hearing started, a most significant comment from the board was regarding the building design, and that has been the emphasis of the applicants. Where we are in terms of recommendation from the sub committee to submit formal architectural floor plans and elevations so that we can start to wrap up that criteria of the revised site plan. We're waiting for the submission of those formal architectural floor plans, elevations, for the various structures, residential structures as well as for the clubhouse, which is a new structure that has been introduced on the revised site plan. Second, I think you've heard and seen that the applicant has started to work on landscaping. But, the revised site plan and layout hinges on the acceptance of the board of the retaining walls that are being shown on the plan. I think it's important for the board to recognize that if that is not an acceptable aspect of the site plan, for whatever reason that the board members deem it to be so, it should be addressed

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now, and the applicant should be advised accordingly. Because that affects so many things, it affects the layout, it affects the grading, it affects stormwater, landscaping. So that one element actually is so critical, that everything from here on hinges on that aspect. My working with the applicant and the subcommittee working with the applicant has been very clear in letting the applicant know, that one of the most important aspects with regard to the retaining wall and the waiver from height from 6 feet and beyond, would be the landscaping and the screening and the buffering around the retaining wall and in between the tiers, that would then soften the visual aesthetics of the wall, which Atty. Roelofs alluded to earlier. We are waiting for that landscape plan and the cross-sectional detail, so that we can bring to you as a full board of what the subcommittee feels. So that's a key component that the applicant should work on sooner than later, before moving into the nuts and bolts and details of the engineering side of the plan. Parking: I think we have seen the improvements in the parking as far as having the cars and the parking for individual units being pushed off the roadway. There is now visitor parking in locations across the overall site, but they continue to urge the applicant to see if there are other opportunities near the public access points if they can provide.

David Frick: Are those 2-car garages?

Jeff Roelofs: Yes they are, side by side, every one of them.

David Frick: It seemed as though you have room now, based on putting these retaining walls in and moving the buildings, to have a car parked behind each one of those spots as well?

Jeff Roelofs: I think now what we have for every unit is a two-car garage side by side (and the by law by the way requires 1 and a half parking spaces per unit).and I believe the minimum length of the driveway.

Sean Malone: Of the 100 units, I would say that probably less than 10-15 have a space less than 18 feet between the driveway and sidewalk.

Scott Mandeville: Are there any units where one car parked in front of the garage would impede on the sidewalk?

Jeff Roelofs: Depending on the length of the car, there are a couple of units where it would be pretty close.

Nipun Jain: I would acknowledge the fact that the number of such scenarios are now less vs. the original plan where the possibility of that was much more. In my discussions, I've asked them to see if there is a way to address some of those, which are more important than others, for example on Pod 2, that space is more important than others because your entering into the cul-de-sac. And so for site line purposes, it may be one that you take a closer look at, vs. maybe another space that is toward the dead end portion of the cul-de-sac. So the applicant is aware of that comment and will be looking at that as we try to wrap up the engineering aspects. The last as Atty. Roelofs started this hearing, is the storm water design and the comments from Stantec. I have the ability to present the comments from Stantec on the supplemental review, but as indicated by Atty Roelof, we are going to be setting up a working session between Stantec and Mr. Malone to make sure if there are aspects that can be easily addressed, be addressed now before Stantec releases the final memo. In addition to that meeting, we will also be scheduling, (once we receive the final landscaping plans for the overall site) a meeting with the subcommittee to try to wrap up that portion of the quality review as well. I just want to let the board know from our perspective where things stand on the seven criteria so far, and what's going to happen in the next couple of weeks.

Robert Laplante you didn't mention access and traffic

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Nipun Jain: Obviously in the revised site plan, the roadway and the access points to the larger pod have been significantly revised from the originally approved plan. We do have from Stantec some initial comments, but I think it's important to note again, that there are changes to those elements and criteria of the site plan. We expect to have the final engineering comments addressed between Mr. Malone and Stantec as well. Just keep in mind that they did get an extension on the MA DOT approval for their access from 150 and the other major access point that they're proposing from Beacon St. It's from a local street so it does not require state approval.

Robert Laplante: My concern is that Beacon Street was not going to be an access point. Now it will be a major access point. I'd like to see some documentation of where it's going to come in.

Jeff Roelofs: That is a figure that the board requested and that's one of the things we're working on. I don't have our traffic engineer here today because what we submitted to the board wasn't within the deadline. We are going to do that. And if the board is interested, we will have our traffic engineer attend the next meeting, so he can present his more recent findings. We did submit to the planning board a supplemental memorandum from our traffic consultants in your packets, which focused on the Beacon Street access. Beacon Street was originally a full access point. He had distributed the traffic from the project to the different access drives and he made certain assumptions about which cars would use which drives. The board asked him to revisit that because we have a different design now. Previously we had a loop within the development, so it was pretty easy for people to be oriented back to the main access drive. Right now we've got a design that doesn't have a loop, so the expectation is that more people would use that Beacon Street access drive. So he went back, he revisited the distribution analysis and he's presented that in a supplemental memo to board, he'll be here at the next hearing to go through that and answer any questions that you have. We are also working on a figure that will help you better visualize where this drive comes into the neighborhood and the site lines, etc.

Karen Solstad: One thing that has been bugging me about the plan, I can't figure out where this proposed drive is. I would like on the plan, for you to indicate all the houses on the corner of 150 and Beacon Street where the actual buildings are and where the driveways are in relationship to this. Since you've presented this, it's been a big black hole, and to me this is really critical. I want that ASAP from you with all the details of all the surrounding properties and the grade on Beacon Street, that whole section that would be in the site line.

Jeff Roelofs: Yes we are going to get you that.

Atty. Roelofs gave a preliminary idea of where this access drive will be through visual aides

Karen Solstad It might be helpful to the members of the board and the public if you could put some stakes up to indicate where the access drive would be there.

Jeff Roelofs: Yes. We will stake the access drive. Once we've done it, I'll let Nipun Jain know. Again, we are planning on giving you a visual aid that will help you better understand how that's going to jive with the driveways and homes in the area. We'll have our traffic consultant with us at the next hearing. If you haven't had a chance to look at it, he did revisit the data and his conclusions are summarized in a memorandum that we've recently submitted to the board.

Robert Laplante: Can you actually include the street addresses of the abutters, so we'll know where it really is?

Jeff Roelofs: Yes, I can do that. I think it's 25 Beacon St. which is just west of this access drive.

Lars Johannessen: May I also ask that Howard, when you give us the trees that you're going to put in, give us also the caliper and dimension heights.

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Howard Snyder: Before I meet with the design review committee there will be a landscape provided that will be much more in detail on species, salt tolerances, caliper sizes and so forth, as well as quantity.

Karen Solstad: While your putting stakes in the driveway, if you could stake the limits of the edge of the property on 150 and where you would have the access road for the upper pod?

David Frick: I'm wondering as we get further down the road here, if a site visit is something you would be open to?

Jeff Roelofs: Yes certainly. We have no objection to that. It would be helpful if we got these stakes out there first. If we stake the access drives, the property boundary on Beacon St. so you can see how that correlates with the neighbors.

Karen Solstad: Also the limits on the property on Summit Avenue and turns into Swetts Hill the limit of your property over there, too. That really helps us understand how close things are to the abutters.

Lars Johannessen: Where is the 2 to 1 slope on the drawing?

Sean Malone speaks from seat in audience.

Jeff Roelofs: To clarify for each of the three driveways, you want the pavement staked. On Beacon Street you want the frontage/boundary of the property line so you can see how it correlates with the neighbors. On route 150 where the access drive is and also something that shows you where the line is in proximity to the road, and the property bounds on 150.

Nipun Jain: When will you be presenting next?

Jeff Roelofs: I request a continuance to Sept 12.

David Frick: Do we have members of the audience who would like to speak tonight?

Abutter comments:

Michael Shields, 5 Beacon Street: My first question is when did the access from this development onto Beacon Street go from an access for emergency vehicles to a major entrance and exit point?

Jeff Roelofs: When this project was first proposed, it was actually proposed as a full access drive. The comprehensive traffic study that was done in this area in 2010 evaluated that Beacon Street access drive is a full access drive. However, during the preceding in the 2010-2013 time period, everyone agreed to limit the use of that to the emergency use only and it would have been gated. It was partly because we had a loop road within the development, so it made it easier for the units down near Beacon Street to just jump on the loop road and get up to Summit Avenue. In connection with this project when we first came back to the board, we still proposed it as an emergency access road. The peer review consultant actually questioned why that was the case. Given the new design, we've knocked the number of units down, we've gotten rid of that loop road, it probably provides for better flow to allow the cars and units to get into and out of site along Beacon Street. We had our traffic consultant look at that. His conclusion was it would function fine from a traffic safety and efficiency perspective, whether it's a full access or not. But it's a better design, given that we don't have the folks that live in the units at the end of the project, for them to get to Summit Avenue access point, they'd have to come through the entire development.

Nipun Jain: From the planning board perspective, when there was a loop road the length of the dead end on the road was less than what it would be in this case. That was part of the reason we discussed that it was emergency access only.

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Jeff Roelofs: It is expected that even with this as full access, most of the people leaving this development, even if they come out on the Beacon Street side, are going to come up Beacon Street and then up 150. Because most of the destinations are oriented toward downtown or Rte 495

Michael Shields: I can see the logic behind the new design and having that an access now but it's kind of dangerous. That curve is dangerous. This entrance way for people flying up Merrimac Street to get up the hill to Beacon Street, that will be a blind exit for people to try to come out of there. I strongly suggest that a sign, a flashing light, something is put there, because that's going to be a problem down the road, especially in the summertime when you have boats being pulled on trailers up the street. Any of my neighbors that live on Beacon Street that see those cars flying off Merrimac Street to go up the hill, they know that that's going to be a problem by that curve. There's going to be an accident. As a matter of fact, I've seen accidents at the top Beacon Street where it intersects with Rte.150 and that's without this new development.

Laurie Irwin, 6 Swett's Hill: We have been coming to these meetings for many, many years and it appears that the issues that we've had from an environment and a saturation standpoint still exist. But now with this access to Beacon, it is a safety issue for the density of the people coming out. You're saying that they should take a right to go to 495, they will take a left to go to Newburyport. It is a safety issue because it's too short, same with Summit Avenue. The density and the access to street from the upper unit is again a traffic safety issue. When we first started talking about this, there were no apartments in process of getting completed on Rte 110 and 150. The addition to the Hat Factory at the Marina, they're doubling their size, and the addition of the end of Main Street with another development there. The saturation point for traffic is an extreme safety issue. And the retaining walls, you can put a lovely tree or some cascading flowers. And it was very telling with your Cumberland Farms picture, well no one's happy with that either. And they took advantage after the fact. So, not happy, thank you.

Motion by Lars Johannessen to continue 24 Pond View/0 Summit Ave, Village at Bailey's Pond to September 12 meeting, Second by Ted Semesnyi. All in Favor

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28 Lake Attitash Road – Special Permit Appl. – Water Resources Protection District

Applicant: George and Kelly Norwood

Representative: John Paulson Atlantic Engineering & Healey, Deshaies, Gagliardi & Woelfel, P.C. (P. Gagliardi)

John Paulson, Atlantic Engineering: Since we last met with the board, we've met with Stantec who was doing a review on this project and we have made several changes between our meeting with Nipun Jain and Stantec. What we have done out here from the house as it's proposed towards the lake, I have made no changes to the plan, other than I have narrowed down the walkway to the lake. It's still pervious pavers. It was four a half feet on the plan, it's now three and a half feet, but it's still a pervious walkway. We have moved the wall at Nipun Jain's suggestion, to allow the drainage patterns that work out here now to stay basically the same as they are. We've changed the wall on the North side of property, we've changed the garage from a side-load two-car garage to a front-load single-car garage with a car port. The driveway and underneath the car port will all be pervious pavers. We reduced the size and length of the

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walkways from the house out to the garage and car port area. I added a walkway (again pervious pavers) from the front door area out to Lake Attitash Rd, because it didn't seem logical that everyone who accesses the house to go through the car port. The overall reduction in impervious area, I've noted in comments. We are now not increasing the impervious area on the lot. We have a minor decrease so the requirement for the 150% of increase in impervious area to be provided in landscape features for drainage is no longer a requirement. However, we have left all of the prior roof infiltrators; we have also on the North side of the property left the drainage trench. We have left all those features in there, even with the back of the property being reduced in impervious area, slightly. We've provided a detail for the main part of the pervious pavers on the drawing. I have not done a detail for the walkways, I'm not sure if it will end up being the same as these impervious pavers, but will be equal to those as to the amount of pervious that is available to those pervious pavers. Once that's selected, we can provide that to the city for the record. The impervious area on the lot is currently 23.7% of the total lot, it's slightly reduced to 23.1% in talking with Nipun Jain, there was a question in how the regulation is interpreted and if 20% is the maximum amount.

Lars Johannessen: As far as the car port goes, is that roofed?

John Paulson: There is a roof there, but it's pervious underneath it, so that anything that doesn't go into the infiltration, anything that falls on the ground, falls on pervious area. When we calculate impervious area, we're taking the structure and making it so nothing can go into the ground at that point. All of this area, the garage and the carport are all going into the infiltrators.

David Frick: The general grade of the property is from the road towards the lake?

John Paulson: For the most part yes.

Karen Solstad: With a heavy downpour it could overflow that little trench and go directly into the lake?

John Paulson: You're going to have a 2 inch rainfall, which we don't get 2 inches. This will handle all the normal storm water. We're taking all the impervious area that right now has no drainage, and we are taking and putting in the infiltration and into this trench to make it better.

David Frick: My only point in asking the question was that the paver driveway in front of the carport in essence would allow water to flow into that car port area where it's open and impervious and actually go down into the ground. Whereas if it was all covered in a garage, it wouldn't be able to do that. So that's why it's considered pervious.

Scott Mandeville: The one issue that I have with this site plan is that essentially the requirement is that the impervious area should be 20%. Am I correct?

Nipun Jain: There are 2 thresholds. One is 15% for 2000 square feet and depending on the size of the lot, it can't exceed 15% all together. Here the existing conditions are above those thresholds to begin with and that's what we've already discussed. Given that they are already above both of those thresholds, you should not exceed the existing threshold. We can't ask you to reduce what you've already exceeded in the existing conditions.

Scott Mandeville: Even with a complete tear down of an existing structure and rebuild?

Nipun Jain: That's something that the board has to opine on.

Scott Mandeville: That's just what I wanted to bring up, that's the one item about this that does trouble me about this site. That we're doing a complete tear down of a structure. Which I understand, it's decrepit, it's unlivable. The point has been made that we are slightly reducing the amount of impervious space but it's a reduction of .6% which is essentially nothing. The reason why we're not seeing much of a reduction is because we are essentially doubling the square footage of the existing house. We're putting a much larger house on a tight lot and saying that

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because the existing conditions are such then we can make all these impervious paving areas and then double the size of the house.

David Frick: Aren't they adding a lot of drainage that isn't there today?

Scott Mandeville: They are and those are all great things that are being done. I credit the engineer and the owner for taking these steps. I feel as we're coming to a decision on this, that the house is oversized for the lot. We're putting a much larger house on a tight lot and I think that these thresholds could be met with a smaller house. I worry as a lot of the stock on the Lake Attitash area is reaching an older point. That we're setting a precedent here, where we're going to have a lot of large houses on tight lots in the area. I just thought it was worth bringing up for the review and thought of the board.

John Paulson: I know there was talk at the meeting with Stantec, Nipun Jain, Paul Gagliardi and myself – we talked about this issue quite a bit. Talked about whether we needed to get relief from the zoning board to be over the 20% and we're reducing that, and with a finding that they would almost have to say yes, because we're reducing it. Or whether it's just up to the planning board. I think the conclusion was is that it's up to the planning board if they want to say ok to it. That we don't need to go to the zoning board. Again we are reducing it. We are making the site significantly better as far as providing drainage, as far as trying to keep a significant amount of the water on our lot. Yes the house is larger. We are about the same size as the house next to us.

David Frick: How large is the home? How many square feet?

Scott Mandeville: 1560 square feet.

Karen Solstad: And the footprint previously was 637 feet.

John Paulson: You have to include the porch, because its not pervious underneath, it was an enclosed porch. It's 995 square feet.

Karen Solstad: Nipun Jain can you clarify for us what the finding was for the ZBA?

Nipun Jain: I believe the finding was for, changing or modifying a preexisting a nonconforming structure.

Karen Solstad: So they approved the reduction of setbacks on both sides?

John Paulson: What we did was we centered the house on the lot between the other two houses.

Karen Solstad: I have the same concerns that Scott Mandeville has that the existing house was 1 ½ stories, it was a tiny little house.

John Paulson: We are not higher than the existing houses on either side of us.

Karen Solstad: What I'm talking about are what conditions there were before, it was a little tiny house, right up against the property line and now it's an almost 3 story house, even closer to the property line.

John Paulson: That's a ZBA issue that they addressed and they approved.

Lorri Krebs: Do you have differences in the covered lot area, existing and proposed? How much of the lot is actually covered, not necessarily impervious, but covered with structures?

Nipun Jain: I think what Ms. Krebs? is talking about is existing lot coverage vs. proposed lot coverage.

John Paulson: No, I do not.

David Frick: My feeling is yes it's a bigger house, there's less pervious area, which is a benefit. And we've also got water retention areas which weren't there before. I'm not an engineer but I presume that all that means it would be significantly less flow of water to the lake than there is currently.

John Paulson: There's virtually no flow directly to the lake.

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David Frick: Any of the run off would be reduced compared to what there was.

John Paulson: That is correct

David Frick: I'm looking at it as this is a net gain for everybody.

Motion by Robert Laplante to approve the application. Second by Ted Semesnyei.

Chairman Frick asks for Board comments.

Robert Laplante: I don't think there's any requirement that new construction replicate the previous construction. We have modern buildings today, different living requirements, and certainly when the existing house was built () decrepit, eyesore, dysfunctional. We have an application that will modernize and the impervious areas will be less, the drainage will be better, I have no problem with it.

Lars Johannessen: In DRC we did talk about bump outs on the building.

Scott Mandeville: The setbacks we have are for the foundation?

John Paulson: How far to we have projections on the second and third floor. nothing on the sides.

Nipun Jain: We have not seen any elevations so it's hard to tell.

Scott Mandeville: My question is that when we are doing a complete tear down of an existing structure. It's not the same as building on an existing foundation. I feel like we need to think about those buildings needing to comply with the regulations are in place. I understand that the ZBA did a pass on it and handed it the planning board without any issue. There's a difference between and existing non-conforming structure being changed and tearing something down and starting over again.

Karen Solstad: The only thing we can look at is impervious surface?

Nipun Jain: There are seven criteria for the special permit.

Karen Solstad: I'm concerned that it is right on the lake, a tiny lot, a lot of complex engineering to be correct. What type of oversight do we have over this to be assured that it is built?

John Paulson: We will be reporting back to the Conservation Committee on either a weekly or monthly basis during the course of the project to make sure that it complies with the plan. They're only dealing with the 100ft away from the wetlands. There is oversight with them.

Nipun Jain: Stantec has reviewed the project up to this point, I believe that this outcome is from those recommendations. To a certain degree this plan does intend to meet the recommendations of Stantec in terms of design. As Mr. Paulson just alluded to, up to the front of the house, would be monitored only for environmental resource protection. Most of the infiltration chambers are beyond that boundary. The majority of the pervious pavers, which are going to support the storm water are going to be now in the carport and the driveway area. The final grading for the property that abuts the right of way will be in that area. I think those in our opinion need oversight so that they function properly. That they're installed at the proper depth, the finished grades are at the appropriate slopes to ensure that the plan as designed actually functions. Because if storm water is the key aspect on which this application hinges than those should be installed properly. When I do draft the decision, I would be incorporating these special conditions that we discussed. I would not recommend that you make a decision tonight without going through the criteria.

Karen Solstad: Is there a maintenance plan for the pervious pavers?

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Nipun Jain: I believe the plan that you see states that they would be cleaned on an annual basis. I'm assuming that what that means is as outlined in the manufacturer's specification of the method of cleaning. Depending on the weather, that is all spelled out in the specifications. That would depend on what they actually decide to use. There's a specific product that has been shown, but it may be different as long as it is equal to in specifications. So during construction, one of the conditions should be that if the material for the pervious surfaces change or modify, then it should be comparable to in terms of specifications to what is being shown on the plan.

John Paulson: I can provide the planning board with information as it goes along in the project in pictures, etc. so that there's oversight that way.

Nipun Jain: Typically we also recommend to the board that you do an interim as build which consolidates the information (whether it's field inspection or actual engineering data collection) where certain amount of construction is being done. This is a unique circumstance, where you using a lot of infiltration chambers on a small site, it's important that you review the criteria and have specific conditions that address some of the discussion you've had today in order to render a decision.

Motion amended by Robert Laplante to have staff write the order of conditions for approval at the next meeting for 28 Lake Attitash Road, Second by Ted. AIF.

Motion by Scott Mandeville to continue 28 Lake Attitash to August 8 meeting, second by Lars Johannessen. All in Favor.

Motion by Robert Laplante to take a two minute break, second by Scott Mandeville. AIF.

28 Lake Attitash Road – Special Permit Appl. – Wetlands and Flood Plain (prior motion applies) continued to August 8th.

Motion by Ted Semesnyei to continue meeting beyond 9:30 p.m. to 10:15. Second by Robert Laplante. All in Favor.

128 Kimball Road – SPECIAL PERMIT – Water Resources Protection District
Applicant: Dan Swift-Exit Realty Group

Public hearing is opened and the legal notice is read.

Dan Swift, applicant 230 River Street Haverhill, MA: We bought the property at 128 Kimball Rod. It's got a derelict house on it, and we want to put a new house on it. We've already been through 8 months of conservation and honed out something that I think is workable. We are not creating anymore impervious services, and the deals we've made with com con – we will not pave the driveway. We're asking for a special permit to be able to build a house, and that's in the water zoning district by-law.

Lars Johannessen: On the architecture, we have no dimensions except on the former barn. So we don't know what the existing or the to-be-built is size-wise.

Dan Swift: We can tell you that they're all going to be within the building confines. As a matter of fact when we tear the building down, assuming we do, we're not even going to put a

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foundation around it, we're going to helico moorings within the existing house. So, don't have to do any excavation outside, every single thing is going to be within the existing footprint.

Lars Johannessen So you'll be reusing the foundation?

Dan Swift: No, there is no foundation. They took slab on grade a little too literally. They poured a slab on the dirt. So what we're going to do is, we're going to take the house down, we're going to saw cut inside the slab, so nothing will happen outside the slab. We're going to put helico anchors in, beams on top of the helico anchors, so there will be no disturbing anything outside of the foundation. Everything will be within 18 inches inside of the wall and crisscrossing in between.

Scott Mandeville: I was confused looking at the plan that was submitted. I hear what you're saying about the helico footings within the existing footprint. But within the footprint of the new building that sat on top of those foundations appeared to deviate from the footprint from the existing building. Is that correct?

Dan Swift: It doesn't. As a matter of fact, I think the only deviation is – there's a little bit less in the front because of the handicap ramp. I think we need an extra 150 square feet, so we took it out of the house.

Scott Mandeville: I thought there was a note that said that the new foundation was within the overhang of the roof?

Dan Swift: No the foundation will be no where near where the edge of the foundation is now.

Nipun Jain: Can I just make it easy? In order to apply for a building permit, you will have to prepare building permit plans that show the exact footprint, the exact building, with dimensions on it. So if you're going to prepare those, why don't you give us a copy those plans?

Dan Swift: Because if you say no, I don't want to spend the extra \$8,000.

Karen Solstad: We can't say yes until we see them.

Nipun Jain: I don't what you would be approving in terms of dimensions. Because you don't know the dimensions of the existing structures. To say that it will be the same as existing structure. One of them has to be given. A survey plan that documents what is the existing structure and where it is located? Or, what is the proposed structure.

Scott Mandeville: Are we close enough where we can work towards an answer to give him a nod one way or another without a decision?

David Frick: It looks like the existing thing is a house and garage?

Dan Swift: No, it's a house and an in-law. The reason I'm building this place is my mother is 88 and needs a place. My sister has had rheumatoid arthritis since she was in her 20's, she's almost in a wheelchair, she's got a mobile cart that she can get around on. So we're going to build an in-law apartment in the back.

David Frick: Right, but right now there is no in-law apartment, it's a garage and a house?

Dan Swift: Yes it's a shed.

David Frick: Just as a point of order. Is that something that needs to go in front of the ZBA to get approved?

Dan Swift: Yes, they're next.

David Frick: Ok, so we can't really approve this as it's put together at this point. Until it's approved by the ZBA?

Dan Swift: I was told to finish with you guys first and then go to the ZBA. All I need from you guys is a special permit for permission to build a house. All my requirements are met. Dennis isn't going to issue the permit if it's outside the existing area, the conservation commission wouldn't have approved us without it. It's kind of like the chicken or the egg thing. I was told to

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come to you guys first. The only thing the ZBA is going to be approving is the in-law apartment; they're not going to be approving dimensions or anything else. All I need is a special permit from them for the in-law.

David Frick: It almost looks like a whole second structure.

Dan Swift: It's going to be an in-law apartment next to the other house.

Nipun Jain: Reads the definition of an In-Law Apartment in the Zoning bylaw.

You can approve a structure that shows that it is one single family home. It can be as big as the footprint that's shown. We're here to look at the requirements of the special permit and the criteria of whether an expanded structure and the associated infrastructure that goes with it will comply with provisions of Section 14. So there are comments that the city engineer has made, I believe the health inspector had comments. Those should be clarified and responses should be received.

Lorri Krebs: The comments say that it's unfit for human occupancy as it is right now.

Dan Swift: I can vouch for that.

Scott Mandeville: It's definitely a complete tear down. We don't have drawings to approve it, so we can't approve it. But, I think he's on the right track.

Motion by Robert Laplante to have the subcommittee with Nipun Jain's assistance to create a list of required items for the applicant to make application. Second by Lorri Krebs. AIF.

Motion by Lars Johannessen to continue 128 Kimball Road until August 22 meeting. Second by Scott Mandeville. All in Favor.

ADMINISTRATIVE:

37 Middle Road – Eastern Lights

Attorney Charles Houghton/Representing Mr. Anderson

Owner: Mr. Thomas Anderson

Charles Houghton: The last time I was here we were discussing whether or not the board would sign sheet 4, which is the corrected version of the existing plan that's recorded. I do have a purchase and sale agreement.

Nipun Jain: We have no problem with the board endorsing that sheet. To recap quickly, the sheet was being modified because it was the sheet that was approved by DEP. A couple of minor things that might be relevant to the board is, on the original sheet 4, there were details of the culvert that was approved by the board. Which were removed from the sheet. I would recommend to the board that you also endorse along with that sheet an amended decision that reflects that the only thing that is changing in the approved plans is sheet #4 and is being replaced with this sheet. It's not listed as sheet 4, it's listed as sheet 1 of 1. So when it goes to be recorded there'll be no cross reference between this sheet and sheet 4 of the approved subdivision plan. Therefore this sheet has to be accompanied with the written amendment with the board's decision that forms the legal tie in with the recorded plans, the reason for the modification and then what is the modification on the plan itself. So, you can endorse the sheet,

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but you should approve the amendment by way of a written minor amendment to the plan as well which I can provide to the board at the next meeting which should not hold you up.

Motion by Lorri Krebs to approve endorsement of replacement sheet 4 of the originally approved plan set along with an amended decision with the minor modification to be in compliance with DEP approval and use the proper dates for recording. Second by Scott Mandeville. All in favor.

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77 Elm Street – Page (5) Endorsement

Nipun Jain: Sheet 5 was missing at the last meeting when you signed the set. The Board members will endorse the sheet.

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36 Haverhill Road – Amesbury Heights

Request for modification of decision amendment
Wayne Amico, (VHB)

Wayne Amico: Sean apologizes for not being here, his mother is ill and he had to fly out of state. Just to recap. At our last hearing, Sean and I requested modifications to the previously proposed amendment to the planning board decision for this project. Over the past 2 weeks, Sean sent over some proposed modifications to the previous draft. All of those conditions are acceptable except for # 3. Number 3 basically says, “assigns the rights to the 100% complete and MASS DOT approved plans and permits for the off-site work to the city at no cost to city as soon as approval is received from DOT”. We don’t have any issue with that but the statement. “But no later than September 9, 2016.” While we’re doing everything we can to get that approval from DOT as quickly as possible. We just cannot guarantee when it’s going to be issued. We anticipate it should be issued prior to September 9, but we just can’t guarantee that and we wouldn’t want that to be voted into the amendment.

Lorri Krebs: Doesn’t it need to be for the Mass grant?

Nipun Jain: I think the key reason for any date is not to hamstring the applicant. It’s a way for us to demonstrate to the state when they push back, why have you not acted on the grant. We could have a valid reason to say, we can’t do anything without having the plan or the rights to the plan. We have to put this out to bid. I don’t know any other mechanism to satisfy the state officials. If you could suggest something to them....

Wayne Amico: So if we can’t meet that date Sean or I could come back.

Nipun Jain: I could move it the Sept. 12th.

David Frick: I have a couple of edits. Developers agreement #4 deposits to deposit. To the city (by) within 5 days. #6 in obtaining. #5 completed to completion # 3 becomes September 12th instead of September 9th.

Nipun Jain: #2 you will be completing the sidewalk...will you also be preparing an as built. So can I say provide as built no later than June 30, 2017.

Wayne Amico: Okay.

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Nipun Jain: To recap the edits to the draft decision

Page 2 of 3 – Developer commitments

The developer agrees to #2 is being amended to add and provide as built for the work completed per this condition.

#3 will be amending the date from September 9 to September 12

#4 deposits (strike s), strike by and add of after days

#5 change completed to completion

#6 third line assist the city in obtaining the Mass DOT permits

Wayne Amico: If you guys pass this when would the planning board sign it?

Nipun Jain: In a couple of days and no later than Thursday because there are a few blanks on page 2 that I need to fill in.

Wayne Amico: You're confident there is no appeal period?

Nipun Jain: Pretty sure but the attorney will deem what is necessary.

Wayne Amico: If it is signed by the end of the week when could sean pick it up?

Nipun Jain: It will be with the city clerk. There are two exhibits that go with this, one is Exhibit A that shows the sidewalk portion of the off site work, and another exhibit is the actual left turning lane 25% design consistent with the layout that was approved by the police and city officials.

Motion by Ted Semesnyei to approve the decision with the proposed amendments for Amesbury Heights and continue the item to September 12th, Second by Lars Johannessen. AIF

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19 Evans Place – Point Shore Meadows (Rick Saba) Easements – Deeds

Lot Releases: 5, 6, 10, 11

Nipun Jain: You have before you copies of the review of the legal documents by the city's legal council, the memo from Stantec reviewing the interim as built plan and the bond estimate, and the memo from the DPW on the as built for your consideration.

David Frick: Have you had time to review this information?

Rick Saba: Briefly.

David Frick: We haven't. Stantec speaks to the fact that the roadway varies from the plan.

Nipun Jain: Get clarification on how that will be addressed.

David Frick: And the walls at the front.

The Board needed time to review the material presented today from Stantec, K&P and Mr. Saba. They tabled this item and moved to the next and last item on the agenda.

Motion by Lars Johannessen to take 27 South Hunt Road out of order (momentary interruption to Point Shore Meadows)

27 South Hunt Road – Amesbury Riverside – Verizon Wireless

Permitting of proposed equipment installation on existing wireless tower

A P P R O V E D

Daniel D. Klasnick, Esquire/Duval & Klasnick, LLC

Nipun Jain: The purpose of the request to place this on the agenda was the applicant wishes to make changes to a certain project located at this address. It was my recommendation for the applicant to submit an application to the board for modifying the approved site plans associated with the approval as a minor modification so that the board could formally accept the request and act on it. At the applicant's request, I sent it to our legal counsel who agreed with that determination but also advised that the board keep in mind the pertinent section that is referenced in material Section 6409 which allows the applicant to receive an expedited action on any request for specific modifications that are considered minor.

Earl Duval: I represent Verizon Wireless. We are here seeking guidance as to what we need to do to co-locate on the existing wireless communications facility.

David Frick: So the board asks that you submit a formal application to us so that we can act on it.

Board advised Mr. Klasnick to file a formal application for them to act.

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19 Evans Place continued.

Armand Hyatt, Attorney

Rick Saba, developer

Armand Hyatt, attorney for Mr. Saba: There have been a few aspects that I must have misunderstood. There is nothing in this legal memo that is problematic. I have prepared the proposed deeds that show the reservation of easements and there are some aspects that need to be tweaked. Now that I know who to talk to at Kopelman & Paige I will be calling her. The Planning Board approval makes it very clear what the City of Amesbury's rights are. All deeds will contain the proper wording as for as reservation of easement rights. With respect to the Stantec memo, our engineer will comply with what they want.

Motion by Robert Laplante to continued the meeting to 10:25 p.m., second by Lars Johannessen. All in favor.

Rick Saba: The Stantec issues will be handled by our engineer. I'm here for lot releases.

David Frick: In the decision – at what point if they have everything in place – what happens.

Nipun Jain: If the interim as built plans are shown to have been built per the approved plans then the remaining work requires the applicant to post a bond and then the lots can be released. That is how the decision is written.

David Frick: At our last meeting, you (Saba) came to do foundations before these works being done that are covenants in the decision. We voted last time if you do what was required to let you do the foundations for lots 5 & 10. And we said you can't come to us with any more stuff until all that was submitted and approved. You submitted 3 of the 4 things. I don't think we received the revised grading and storm water drainage plans.

Rick Saba: We gave them to Nipun Jain for lot 10 and 11.

A P P R O V E D

Scott Mandeville – asks Nipun Jain: Were there site grading changes to any lots aside from lots 10 and 11? These are in a CAD file...if you could print out the entire subdivision with these changes make, that is what we want.

Rick Saba: Absolutely.

David Frick: When you complete the documents we've asked for and submitted them to be reviewed and they are found to be acceptable, you can continue your work.

Robert Laplante: We have released some lots based upon some promises from Mr. Saba and the promises were not fulfilled. He will need to address the comments from Stantec and the DPW before we can go any further and release anything else.

Nipun Jain: Asks Attorney Hyatt to repeat what he has heard the board say.

Armand Hyatt: I've heard that once all of these items are addressed, (Stantec memo, DPW memo and Kopleman and Paige memo) in a way that they have been confirmed and addressed he can proceed without coming back to Planning Board

Nipun Jain: Slight modification...the lot release forms have to be signed by the board from the covenant that are on the lots which is recorded at the registry of deeds. Then the building permit can be issued.

Scott Mandeville: Any and all adjustments to any lot plans should be incorporated into one grading plan to be resubmitted.

Motion by Robert Laplante to adjourn at 10:30 p.m., second by Lars Johannessen. AIF.