

APPROVED

## **PLANNING BOARD MEETING**

**MON. JUNE 22, 2015 AT CITY HALL AUDITORIUM**

**62 FRIEND STREET, AMESBURY**

**MEETING CALLED TO ORDER AT 7:02 pm.**

**PRESENT: Robert Laplante, Howard Dalton, Ted Semesnyei, Karen Solstad, Lars Johannessen, David Frick.**

**ABSENT: Scott Mandeville.**

**ALSO PRESENT: Nipun Jain, City Planner; Paul Bibaud, Recording Secretary.**

**MINUTES: 6-8-15 MOTION by Robert Laplante to accept the minutes with a few minor typo corrections. Motion seconded by Howard Dalton. AIF**

**FORM A: 1372-15-2 Relocate common lot line at 129 Kimball Road (Lucier Trust) and 131 Kimball Road (Lisa Leslie).**

**Dallas Haines, attorney for the Lucier's:** Harry and Andy Lucier live off of Lake Attitash off of Meadowbrook Lane. They have new abutters named the Leslie's. The Lucier's have been parking along Lake Attitash for the better part of 80 years. However, that particular parcel of land they didn't own. It belonged to the property next door, now owned by Lisa Leslie. She bought it at a foreclosure sale. There were some issues and so the Lucier's asked me to resolve the issues, which necessitated some litigation and adverse possession claims. By agreement, we have agreed to a lot line adjustment, whereby the Lucier's will take title to the property that they have been parking on for all these years, and the landscape garden next to their house that they have had for many decades. It doesn't adversely affect anything relative to zoning, etc. That's what is going on here.

**Nipun Jain:** Is it fair to say that what this plan hopes to achieve is the transfer of what is shown as parcel A from Map 46, lot 77 to lot 76 ?

**Dallas Haines:** Exactly, Nipun. I know it is 2,117 square feet, give or take.

**Motion was made by Howard Dalton to accept this under subdivision control law not required. No determination of compliance with other zoning regulations has been made. Motion was seconded by Lars Johannessen. AIF.**

### **ADMINISTRATIVE:**

**284 Elm Street, Amesbury Hospitality LLC Hotel**

**Requirement of approval – Site Plans, Hotel Site- Recorded Plans**

**Certificate of Approval, Parcel Deed- Amended.**

**Nipun Jain:** Much of this information is just an FYI and to maybe get your approval to move forward. This first item is really a matter of information. As part of the approval of the hotel, they were required to record the plans and the boards decision, and provide a copy for the board, which they have provided.

### **Cumberland Farms**

**Representative: Dominic Taverna (not present).**

**Nipun Jain:** This was placed on the agenda in order to allow the applicant to come before the board to formally present any requests associated with the wall. I did convey to them the sentiment of the board with regards to not allowing any changes to the proposed

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wall along the rear property line between the new store and the cemetery. If they did wish to pursue any changes, then they would have to appear before the board formally to request those changes. They have not yet confirmed when they will show up, or if they will follow with a revision to that. That was just something that we had placed on the agenda.

**David Frick:** So we have heard nothing more from them since the last PLB meeting?

**Nipun Jain:** Yes. The only thing I've heard is that they were not planning to do anything until early fall or in fall with regards to any landscaping in that section, given the dry weather. Conditions were not suitable for any landscaping and they would do landscaping and the wall in the fall at the same time. If they were to continue with the approved plan, which requires a stone wall and landscaping, they would do it at the same time. The landscaping around the store is complete, and we do have a report from Horsley-Witten stating that it is complete. I'll get to that portion of the consulting part later on.

### **36 Haverhill Road- Amesbury Heights – 40 R**

**Representative: Sean McReynolds, Corcoran & Jennison Co. (not present).**

**Nipun Jain:** This project was approved in April/May, and they are looking to start construction end of July/early August, so we asked them to follow up with the documents that they are supposed to provide in order to move to the construction phase. So we received that. On this I would like the board to acknowledge that, because it is under the 40R statute and separate regulations, and to authorize the material to be sent for review to Horsley-Witten, so that they can issue a report and offer a recommendation if the final plans are as per approval of the board.

**Motion of "so moved" was made by Lars Johannessen and seconded by Howard Dalton. Vote was AIF.**

### **37 Middle Road – Eastern Lights – Definitive SubDivision - Tripartite**

**Owner: Tom Anderson and Lot G Middle Road Realty Trust (not present).**

**Nipun Jain:** We asked those developers to show up and give their progress report to the board, but they have not presented themselves. They are coming to the next meeting with a recommendation on the performance bond. It would be good time for PLB to discuss with the applicant or amongst themselves on the status of that subdivision, for a lot of reasons. 1. it is way beyond 6-7 years. Even if you discount the downturn period, I think it is time to at least get the road built, and the site stabilized because it has been an eye sore for the abutters and we've received several complaints over the course of the last 5-6 years. If we don't close it out, it would be very difficult to manage that subdivision. The last approval for this project was for 6 lots, a residential cluster subdivision. It happened in 2007 just before the housing market crashed. The project started last year. The subdivision road had issues as far as putting in the infrastructure without the PLB consultant finishing the inspection, so we had put a STOP WORK on construction until that issue was resolved. Before it could be completely resolved, the construction season ended. So we asked the developer to come before PLB and explain that, to establish the performance bond in order to complete the road and get the ball rolling. So that is where this issue is stuck. We have a covenant. None of the lots have been released.

So at this point, there is no safe access to these lots. So if he finishes the road, per the approved plan, at least up to minor course, then there is safe passage for lots to be completed. Typically, the lots are not released until you get to minor course. If the developer wishes to move forward with the release of lots, and has not brought the road

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up to minor course, then he has to post a performance bond for the full road to be completed.

**Howard Dalton:** So he has two years to complete the subdivision. We're at eight. Usually, we've given plenty of developers extensions, but its been an interactive thing. The fear is that what he's done so far will start to deteriorate, then he won't fix it, and we've got nothing to bring it even back up to where it is now.

**Nipun Jain:** The subsurface if it remains there for a long period of time then it will lead to settling of the pipes, and that leads to sub-standard roads. He does have erosion control stuff in there, but nobody is there, so we're not sending consultants out to do any checks on a frequent basis. It was put in last November. It was checked this May. This is why I asked staff to bring it to the attention of the PLB.

### BILL PAYMENTS:

#### **1. Horsley-Witten Group: Amesbury Animal Hospital - Services rendered through 5-31-2015, \$342.00, (review fee balance after payment is \$8,889.39).**

**Nipun Jain:** All the reports last year claimed that all work had been completed, but based on visits by some board members, it was found that there was some aspects that needed further attention. So I request of the PLB, there were photographs in the report that showed that there is work that has been done to address the issues. I think the report says all work is done and that the site is functioning properly. I think the grass needs to grow more before we can say all work has been done. I don't think the detention basin is fully grassed. If you would like to take a look at that at the rear of the property, we can still pay them, but we need to make sure that the report should either indicate that the grass is not fully grown and still needs to be mowed and maintained.

**Robert Laplante:** What about the drainage that you guys pointed out, too.

**Lars Johannessen:** They fixed where the downspout came out. But it is very poor seeding of the grass and poor dirt holding the seeds. It's sand.

**Nipun Jain:** This is the reason why when it comes to the completion of a project, we should have the consultant present their report to the board, so that you can ask them what they found out, and how come you're saying it is done when we go there and see it is not done? How as non-engineers, we think it is not done, so how can your professional engineers say it is done?

So do you wish to approve the bills for the Animal Hospital or Cumberland Farms, because they are close, essentially saying their project is done, or you would like them to come to the next meeting to say that is done. I really think that's why we need to set the tone that the PLB doesn't just blanket stamp and approve these reports. So if you're going to do a job, provide us with a final report before you get paid.

**Lars Johannessen:** I think they need to come before us with a report and explain why they believe they are done.

**Nipun Jain:** I will inform those consultants that they have to make their presentation before they get paid on at least the animal hospital and Cumberland Farms.

#### **2. Horsley-Witten Group: Cumberland Farms - Services rendered through 5-31-15, \$750.00, (review fee balance after payment is \$3,437.30).**

**See above item.**

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**3. Horsley-Witten Group: Eastern Lights Subdivision - Site Inspection on 5-12-15 and coordinated with the Conservation Agent about this project.**

**\$532.00, (review fee balance after payment is 6,207.48).**

**Nipun Jain:** Yes, they have done their work and when they are present at the next meeting, they can also give you more insight. I think we can pay this. We have enough balance.

**Motion was made by Howard Dalton to pay \$532.00 to Horsley-Witten for Eastern Lights Subdivision. Motion was seconded by Lars Johannessen. AIF.**

**4. BSC GROUP - Locke Hill Lane, Pre-Construction meeting, site visits w/ observation reports for erosion, sedimentation control and wetland construction crossing. \$2,678.00, (review fee balance after payment is \$21,701.15).**

**Nipun Jain:** We did go to the site with BSC and it looks like everything is fine and working properly. That bill should be paid. However, I will advise that you request the developer to submit another check for \$5,000, even though the record here says \$21K, it is not really \$21K. The \$20K that is part of this amount is supposed to go to DPW as part of storm water management. So we have a balance of \$1,701 towards inspectional services. The road is not near complete. Only the crossing is complete. There is still about 600 feet of roadwork to be done, and several inspections. So I request that you approve the bill for BSC, leaving a balance of \$1,700, which would cover a couple weeks, but we should request \$5K more from the developer to cover .

**Motion was made by Lars Johannessen to pay the BSC bill and to request another \$5K from the developer. Motion was seconded by Howard Dalton. AIF.**

**Nipun Jain:** On items 1 + 2, you may say before paying these bills, you would like to discuss the services rendered as they pertain to these bills before approving these invoices.

**Motion by Howard Dalton of “so moved.” Motion was seconded by Lars Johannessen. AIF.**

**Karen Solstad:** I'd like to request that, when the consultant comes before PLB, for the Cumberland Farms property, and for the Amesbury Animal Hospital, there were some changes made to the retaining wall on the Cumberland side as we went through this negotiation on fixing the problems. I don't believe we've ever gotten the final big plans of what that whole treatment along the top of the wall was supposed to be. I'd like to have all the final plans. We never got those that I know of.

**Nipun Jain:** I will have staff make copies and give it to you. I will check on it.

**Motion to adjourn was made by Lars Johannessen and seconded by Howard Dalton. AIF**

**Meeting was adjourned at 8:45 P.M.**