

A P P R O V E D

**AMESBURY PLANNING BOARD
CITY HALL, 62 FRIEND STREET, AMESBURY, MA
JUNE 27, 2016**

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

ABSENT: None.

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

Meeting called to order at 7:08 PM

MINUTES: June 13, 2016: Motion to approve by Robert Laplante subject to one correction. Seconded by Lars Johannessen. AIF

Karen Solstad arrived @ 7:08
City Planner arrives 7:10 p.m.

FORM A: 1379-16-4 for 230 Elm Street, owner S. O'Donnell, Rep. JSF Construction.
Applicant is not in attendance at this time.

Motion by Ted Semesnyei to take Form A out of order after public hearings. Second by Robert Laplante. AIF

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SIGN APPLICATION: Northbrook Condominium, 165 Whitehall Road.
David Frick recused, Ted Semesnyei acting chair for this item.

Nipun Jain this is an appropriate size sign for the location. DRC recommended that the overall height of the sign not to exceed 5 feet from finish grade and that the sign comply with the setback requirements.

Motion by Robert Laplante to approve with recommended DRC conditions noted, second by Lars Johannessen. 6 in favor, David Frick recused.

~~ David Frick returns as chair

Stepping Stones, 68 Haverhill Road.

Motion by Ted Semesnyei to move sign application for 68 Haverhill Road and the public hearing for same, second by Lars Johannessen. AIF

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Motion by Lars Johannessen to move 36 Haverhill Road Site Plan public hearing after 23 South Martin Road public hearing, second by Robert Laplante. AIF

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24 Pond View (Bailey's Pond) – Site Plan Review application.

Nipun Jain: Applicant wishes to continue to July 25 meeting. The package is to go to peer review consultant. Second by Ted Semesnyi. AIF

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23 South Martin Road/Hunt Road – Site Plan Review application.

Nipun Jain: They are still working through some engineering aspects.

Motion by Lars Johannessen to continue 23 South Martin Road/Hunt Rd to September 12, second by Scott Mandeville. AIF

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36 Haverhill Road – Amesbury Heights

Nipun Jain: The project is before the board to discuss two items. One is erosion control bond and the status of bonding agency. The applicant's representative is here.

Sean McReynolds, representative of Corcoran/Jennison Associates for Amesbury Heights LLC: We have been working to get the bonding company license renewed as it expires June 30. If the license is not renewed we will work to find a subsequent agent to handle the \$160,000 surety bond.

Status of off-site improvements – the City has received a MassWorks grant for the off-site improvements related to the project at the intersection of Route 150 and Route 110. They would also like to do a left turn lane into the project.

Nipun Jain: Your package includes a letter from the Mayor with his strategy for resolving the current status of those improvements as it relates to MassWorks. I have also submitted a letter which talks about how this all came about.

The City has been working with the developer to come up with an acceptable solution with police regarding the left turn. As part of that it was our understanding that those additional off-site improvements would be incorporated in the final MassDOT plans that would be approved along with the permit for the off-site.

The issue at hand now is the City received the grant funds for a certain improvement which does not include the left turn lane. And the most expeditious way of getting those improvements completed using the MassWorks grant. The common thread is if the city is going to use the fund to do the plans we need to have the 100% design plans as well as the permits which we don't have. We are at a disadvantage to start the improvements that we contemplate using the MassWorks plans. The second issue is the plans that have been submitted to MassDOT as late as May of this year do not include the left turning lane so if we were to move forward with just those plans then the left turning lane would not be incorporated in those improvements.

Karen Solstad: This is the left turning lane into the development off Route 110.

Nipun Jain: As you note in the Mayor's letter he has suggested a solution that would help resolve the current situation we have on the off site improvements, it's implementation and also one of the concerns that the developer raised earlier which is the restrictions on the release of occupancy permits for the building. Those are tied to the completion of the off site

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improvements. As the decision stands right now the developer can get the occupancy permits for only two buildings and the remaining buildings will have to wait until the off site improvements are completed. What we are suggesting and recommending to the board is that if the developer commits to specific actions which have been outlined in the draft decision as well as my memo (the developer would give the city \$400,000, 100% design plans, the permits from MassDOT, the final design plans for the left turning lane which they can help us get the permits from MassDOT but the City will use the funds that they are providing and the MassWorks grant to build and construct) the City would then ask the Planning Board to relieve the developer from the obligations as well as relieve the developer from the occupancy permit restrictions and requirements.

David Frick: As I recall when we were having our meetings, I heard repeatedly that you would do work at the intersection of Route 110 and 150 and I forgot what the dollar value placed on that

Sean McReynolds: \$600,000.

David Frick: And you also committed to working with the local authorities to come up with a solution to the traffic issues that were raised at the entrance and 110 to your development.

Sean McReynolds: Yes, we worked with the police chief and we are currently working with DOT.

David Frick: And they wanted a left turn lane as you head west bound on Rt. 110.

Sean McReynolds: The police chief did. Mass DOT was impartial.

David Frick: They would defer to the police chief.

Sean McReynolds: Exactly.

David Frick: It seems to me that the town went and got grant money which reduces how much you will have to spend, we get a left turn lane as well as the intersection of 110 and 150, and we'll have a side walk from that entrance to route 150 and you would be relieved, if you provide engineering plans, for the intersection and the sidewalk too?

Nipun Jain: There are two parts. They have to provide us with the 100% plans as approved by MassDOT and assign them to us. Right now we don't have the rights to use those plans. We also don't have the permits in order to do the work. We are also recommending that the sidewalk would be undertaken by the developer. There is a specific reason for that. The environmental permit that has been issued for the project includes both the site work as well as off site. The city can not do that portion without the permit. It would require that the current owner of that permit go to Conservation and request that the portion (sidewalk) of the work be assigned to us or an entity that does the work. But we can not make that request of the Conservation Commission and even if we could they have to (under the current order) do that work, but are not subject to the local ordinance. If they or we make application for another NOI for that work, that work becomes subject to the local ordinance. As the permit stands it can be done much more easily and expeditiously by the developer.

David Frick: So the developer would be spending no more money, maybe less. You're not subject to the occupancy issues. Do you see any problem getting this done?

Sean McReynolds: I don't. The only thing is I just saw the developer commitments and I want to reserve the rights to review it and make sure that everything is good on my end. Some of the timelines, I want to make sure that I can deliver on what we're making a commitment to. Assigning the 100% complete DOT approved plans and permit to City no later than July 25th I say that is subject to DOT approval. I can't control DOT.

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Nipun Jain: This is not modifying the decision. This is if the developer commits to these action items then the board can take a formal vote to modify the decision. They have until July 25 to bring all these documents and funds to the city. If that doesn't happen, then the original decision stands. There are time lines to the MassWorks grant. We are already way behind. There is a lot to do to meet the requirements of the grant.

Sean McReynolds: We will try to meet the date.

Robert Laplante: This is an attempt to expedite the work.

David Frick: And take advantage of the grant we have.

Robert Laplante: If the applicant can't do it the downside is what?

David Frick: The downside is they have to go back and do the site work and work on getting the town to have a left turn lane with some other money if we can't use the grant.

Robert Laplante: Does the grant expire?

Nipun Jain: Yes.

Robert Laplante: Do they understand that?

Nipun Jain: I'm sure they do because there is a lot of money at stake. Not just the grant money but there's a lot of cash flow at stake with regards to the buildings that they are building now that will not be occupied.

Robert Laplante: This is new to me tonight. Isn't this something that should have been wrapped up earlier in the process? I would not think...

Sean McReynolds: I have to mull this over. The downside is we go back to the approved plan and the approved permit and the city loses the grant and they lose the funds...

Robert Laplante: And the project doesn't get done.

Sean McReynolds: We would still do the work that was part of our approved decision.

Nipun Jain: The original decision would limit the ability of the developer to get occupancy permits for the last three buildings.

Sean McReynolds: We would still do the work and be sure that it's done before occupancy. The city loses the grant and the ability to do a left turn lane.

David Frick: Is the left turn the city's issue or your issue?

Sean McReynolds: It's the city's issue.

David Frick: Why is it the city's issue when you guys agreed to meet with the city and come up with a solution that the town agreed to?

Sean McReynolds: I never agreed to a left turn lane. I agreed that it could benefit the project but, we never agreed to the economics of a left turn lane and who would pay for what.

Scott Mandeville (?): You have an approved site plan not including a left turn lane.

David Frick: I thought that in our decision that you didn't want to wait until we met with the town and you met with the town to come up with what they were going to require. So we said okay you meet with the town and find out what they require and then you were going to do what was necessary to meet those requirements. So my recall, based on that, if the town is saying you have to have a left turn lane there, that would be on your head to provide that if you don't go ahead with the grant.

Sean McReynolds: It's all subject to MassDOT. It's their jurisdiction. They are the permit granting authority.

David Frick: Right, but you agreed to work with the town to come up with a solution that they feel would be acceptable for the traffic issues that will arise here and the problems we had with the abutters in that area and what is obviously going to be a huge backup from Route 150 as you're heading west on Route 110 to turn left. The idea was we expected you to work with the

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town and then commit to a solution. This is the problem...when we approve things because you guys want to move forward and then you say "well I didn't say I would do it"... well if you're not going to do it then we don't have to give you the occupancy permits either. I was under the impression that you would work with the town. Granted the state is the one who can give you permit and they did without the left turn lane...but it doesn't mean you don't have to meet with the town and satisfy the town's issue that they have there. I think it would be in your best interest to try and get this done.

Sean McReynolds: I do too.

Robert Laplante: Sean, you mention the fact that it's a city problem not the developers problem. This is a public safety problem. You heard the abutters, you heard people go up and down that street. It was a primary concern. One of the things I agreed to was your testimony here that you would work with us to get this done. The problem has been caused by your development...not the city, not the state. It's because you guys came in here and you sweet talked us and promised us that if we accelerated this thing...now we're hearing the state won't let me do it. I'm not happy hearing that.

Sean McReynolds: It would need DOT approval.

Scott Mandeville: You can get your portion of it done and into DOT by what date?

Sean McReynolds: We could include a left turn lane but it still has to be reviewed by DOT. So the 100% design plans for the left turn lane that is still subject to DOT review and approval.

Scott Mandeville: Nipun Jain what is our timeframe to get this back to the...

Nipun Jain: Everything is ready to go on the developers end. They have submitted the 100% design plans minus the left turn lane in May, so they should be getting their permits from MassDOT because I believe they support the project. When we were working on the solution for the left turning lane, their engineers actually met with Mass DOT to see if such a proposal was presented to Mass DOT would there be any engineering objections or other concerns. We were informed that Mass DOT would have no issues and I think those plans are at 75% design if not almost 100%.

Sean McReynolds: 25%.

Nipun Jain: Okay so it's not a significant change. The only thing that was brought to attention at that time was that it may need a permit amendment. We work with you within the context of what we have. To answer your question, the current plans that are before MassDOT can be supplemented with the left turn lane plans by the developer on a fast and run because they own the intellectual property. They own the plans, they own the 25% design, they have spoken with MassDOT which supports the project so they should be willing to make that amendment as part of their final approval and permit.

Scott Mandeville: Will Mass DOT require 100% complete documents?

Nipun Jain: Absolutely.

Scott Mandeville: How long will it take to get from 25% to 100%? Can we get it done this week?

Sean McReynolds: I wish we could, I don't know what DOT's comments will be.

Scott Mandeville: No I mean on your end to go from 25 to 100 and submit them to DOT.

Sean McReynolds: I will have to check with VHB but I'm pretty sure we could get a package in. It would probably take a week or two for them to say here's the plans, here's the engineering, here's the widening...then that 25% submission is reviewed by DOT, they give comments then we get to 75% design, they review that then you submit the 100% design. Once they receive the 100% they issue the permit. It's a process. My concern is this timeline. I want it done July

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25th, I want it done yesterday. But I can't control the timeline. I can usher it along but I'm not in control of it. MassDOT controls the timeline. We can put all the pressure we want on it but it's still DOT.

Scott Mandeville: You can get DOT to move this along.

Nipun Jain: Sean can do that more than I can. He knows people who can make things happen. I think in the interest of the project and the fact that the state supports affordable housing, has shown by giving us the MassWorks grant, that they see value in this development. Sean (and developer) has the most interest in this work being done and it can only be done if the permit is issued.

Sean McReynolds: I can do the sidewalk work. November 15th is a workable deadline.

Nipun Jain: July 25th should give you enough time to check with your consultants, check with MassDOT, and let the board know where you stand. At that date the board can decide if they want to work formally on the decision to amend it.

David Frick: Can we get an update on the 11th?

Nipun Jain: Absolutely. Sean, you've seen the 6 items. You agree with them other than the dates?

Sean McReynolds: I just want to reserve my right that I have to review it. Other than the date, there is nothing that I can't commit to. I just want flexibility on the July 25th date.

Ted Semesnyei: Changing the condition on the occupancy permit restrictions is for the greater good.

David Frick: Regarding the bond issue – if the license is not renewed they could give us at least half of the amount in cash.

William Scott, Community Development Director: A key aspect to this (timing) is that the next grant round for MassWorks is due in September. We really want to have a contract signed by August with the State. If we don't have plans, if we don't have enough due diligence to move ahead without us getting stuck with the bill to develop all these, then we can't sign a contract with the state without some level of surety that we won't have to find additional money to complete these products, to finish the permits and everything else.

We don't want to be in a position to be applying for a grant in September while we're filing the contract that we should have filed in the spring. The key to this is making sure that a.) we don't give back the grant because that's not going to look good for us and b.) that we have signed the contract for this grant before we apply for another one. Having the board vote means that we can move forward with the grant and process with confidence to sign the contract and make application in September for other items.

Scott Mandeville: Are you looking for a vote at the first meeting in August?

Nipun Jain: The question being asked is why can't we vote to modify the decision tonight as the applicant has indicated that they need to confirm whether they can meet the deadline of July 25th.

David Frick: Will the board members support individually the recommendations of the Planning staff to amend the decision?

All agreed – yes Scott Mandeville, Karen Solstad Solstad, Ted Semesnyei, David Frick, Lars Johannessen, Lorri Krebs and Robert Laplante.

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Motion by Lars Johannessen to take 28 Lake Attitash Road Special Permit out of order, second by Scott Mandeville. AIF

APPROVED

PUBLIC HEARING – 68 Haverhill Road, Site Plan Review

Michael and Stephanie Lysik - Stepping Stones

Legal Notice is read, public hearing opened.

Stephanie Lysik, owner and director of stepping stones preschool and co-owner of 68 Haverhill Road along with her husband Michael.

Michael Lysik, 3 Leda Meadows Way, Amesbury co-owner of 68 Haverhill Road.

David Frick: Have you met with the City Planner?

Stephanie: Yes informally.

Nipun Jain: We had an informal discussion on the project prior to the filing of the application.

Michael Lysik: The first floor is commercial – we would renovate the first floor bringing it up to code. Two apartments upstairs. We're hoping for a September start. Parking for tenants and staff in the rear of the building. Five spaces of parking for the school in the front eliminating any parking on state property.

David Frick: What are the parking requirements for the use? Where is the driveway?

Robert Laplante: Why are we walking the applicant through the technical part of this?

Nipun Jain: You have an application before us.

Michael Lysik: We have comments from police, fire, board of health, building inspector. They have asked questions which we can answer tonight.

Nipun Jain: We usually have those responses before the meeting. Under site plan review and requirements of zoning this board looks at parking, access, accessibility for emergency vehicles, zoning, dimensional control, lighting, landscaping, and any other exterior building improvements that you propose and how they correlate.

Tyrus Porter, 14 Cedar Street is present.

Lars Johannessen: This is a commercial building and should meet the requirements for commercial. How many square feet is the first floor of the building?

Tyrus Porter: 2500 square feet.

Lars Johannessen: How many parking spaces do you need per 1,000?

Tyrus Porter: There are two residences above. The lower part is controlled by the number of employees and the number of students. We have two ways by which we can deal with the parking.

Nipun Jain: The number of parking spaces is covered by Section 8 (VIII) of the zoning bylaw. You pick a use that you are proposing and if it's not listed you choose the closest use. I believe there is day care center listed and there are specific requirements. It would be helpful for the board if you created a chart to show, based on what the use is, how many spaces you need based on section VIII. Go through Section 11.C provisions and highlight what you propose and how it meets, it would make the board's job easy and also address the comments from department heads.

Lars Johannessen: Signage should be within the limits of 10 feet of property line and not on state land.

Tyrus Porter: As part of the discussion, there is a difference between staff, residents and school (which is a drop off condition) there could be 12 SUVs dropping off at the same time. We propose splitting the arrival and departure schedules so we can cut the parking in half. If you would allow us to use this system to calculate the parking.

Nipun Jain: What do you need under section VIII?

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Tyrus Porter: Either 9 spaces or 8 spaces.

Lars Johannessen: 3 for tenants, 2 for staff, and 3 for children. Is there a handicap space?

Tyrus Porter: There is now.

Lars Johannessen: It's not shown on the drawing.

Tyrus Porter: We've shoehorned that in.

Scott Mandeville: You show 9 spaces.

Mike Lysik: We've done staggered schedule before.

Stephanie Lysik: We have 6 children with an 8:30 start and 6 with a 9:00 start.

Lorri Krebs: What are the ages of the children?

Stephanie Lysik: Ages 2.9 to 6.

David Frick: We are used to having existing conditions and proposed conditions.

Scott Mandeville: We need a more formal site plan.

Tyrus Porter: We are removing a green house in the back of the building on the second floor. There is a stairway being added from the parking which is for the tenants to the second floor.

Lorri Krebs: We don't have a proposed site plan that shows...

Scott Mandeville: We need more information on the plans

Ted Semesnyei: We would like a narrative summary of your plans.

Scott Mandeville: There is a use change and sign will have to be moved back from the road.

Lars Johannessen: We need a photometric lighting plan.

Tyrus Porter: there will be lighting at the sign and at the entryway. That will be on the site plan.

Nipun Jain: If you go to Section 11C and look at performance standards of 11.c.a it lists very specifically what should be on the plan in terms of engineering details and in terms of information that the board is asking for. Some of that information because this is an existing building may not pertain but if he includes the information that is pertinent...I can help once they have reviewed the code and the existing conditions plan. We can set up a meeting with the applicant and the Board's subcommittee to assist them.

Scott Mandeville: Once you have everything we can meet maybe early next week.

Nipun Jain: The civil engineer needs to identify what needs to be on site plan (section 11.C.a).

Lars Johannessen: We cannot approve the sign application because it's not on your property.

Lorri Krebs: We need a new sign application showing it moved within your property limits.

Nipun Jain: Two primary things that you should address immediately is to update the proposed site plan per what is required under code and resolve the parking and circulation issues.

Motion by Ted Semesnyei to continue 68 Haverhill Road site plan to July 11 subject to the applicant being able the ability to generate the information we have discussed tonight in a timely manner, second by Scott Mandeville. AIF

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28 Lake Attitash Road

Motion by Scott Mandeville to continue the continued public hearing and new public hearing for 28 Lake Attitash Road to July 11th in absence of applicant. Second by Lars Johannessen. AIF

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CONTINUED PUBLIC HEARING(S):

Point Shore Meadows (19 Evans Place)

Richard Saba: I am looking for lot release for Lots 5 and 10. I was told to have an interim as built. We should have it for the July 11 meeting. I'm asking the board to provide a partial release. I have buyers asking where there foundations are. They are eager to see construction.

Nipun Jain: Legally once you release the lots you state that everything about the lot is acceptable to you. There is a significant amount of ledge on the site and there will be blasting necessary. The developer would like to do all the blasting at the same time so that it doesn't impact the other foundations. Lot 11 was released with conditions. Planning Board needs the drawing changes the grading plan.

Lars Johannessen: There were 4 conditions that needed to be met for Lot 11 release.

Rick Saba: The cellar floor foundation is 14 feet above the road.

David Frick: Did you submit new designs?

Lars Johannessen: Lot 10 has a picture window.

Scott Mandeville: We had 6 different versions.

Robert Laplante: I thought we were supposed to be talking about Lots...now we're talking about windows?

Nipun Jain: The location of the house on Lot 11 is not going to change.

Karen Solstad: We were waiting for paperwork...has that been received?

Nipun Jain: Instead of lot release for building you can release it for foundation today. And then he can start putting the foundation in today. He's working on getting the information that you have requested. If he gets it by the end of the week then the form can be signed at that time.

Motion by Robert Laplante to release Lot 11 for foundation only. Second by Scott Mandeville.

Scott Mandeville: When we receive the as built plans, and the other three items along with it, does that put us in the position to release all the lots.

Nipun Jain: Yes, if they submit the bond.

Rick Saba: We have the estimates for the bond to complete the work and will have that for the next meeting also.

David Frick: If you want to go with a design that varies, sit down and review it with DRC.

Karen Solstad: We made the motion two weeks ago expecting that we would receive the paperwork.

Rick Saba: There has been a lot of useful information from the subcommittee and I appreciate it.

Scott Mandeville amends the motion to release Lot 11 for foundation but no further release of Lots shall be made until those 4 items are in hand. Second by Lars Johannessen. AIF

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56 South Hunt Road – Solar Facility

Nipun Jain: The applicant has a project that was approved for a Solar Facility on Waste Management landfill. They have presented a comprehensive package of information complying

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with the boards conditions of approval and at that time there were certain other state regulations that were in limbo. Those issues have been resolved and they have decided to move forward. The only remaining item was the endorsement of the plans and the recording of same.

The Planning Board members endorse the mylar plans.

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FORM A: #1379-16-4, 230 Elm Street, Amesbury, MA.

Nipun Jain: The assessment of the city staff is that the proposed Lot 1 is being carved out to create Lot 1 and Lot 2 of the existing parcel. The proposed Lot 1 meets the frontage and area requirements and is also has frontage along a public way. The note should be added...no compliance with zoning was determined by the board...etc.

Motion by Lars Johannessen to approve Form A, second by Ted Semesnyei. AIF.

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Quimby Lane (206 Lions Mouth Road) Street Acceptance – Planning Board recommendation.

Nipun Jain: The developer has requested the city to accept the street. From the point of view of the planning board, the road has been laid out and built as per approved plans, there are no outstanding concerns in regards to stormwater or public infrastructure, and the open space has been permanently protected. At this time the applicant has completed all obligations under your approval. Staff recommends that you recommend acceptance.

Motion by Scott Mandeville to recommend to City Council to accept Quimby Lane, second by Lorri Krebs. AIF

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37 Middle Road – Eastern Lights Subdivision

Nipun Jain: The applicant has asked that we hold off until they can provide some of the items we requested (construction schedule to complete the work off-site as well as within the subdivision, the bond, and also information that would allow the board to bring the project back on course. Some of the infrastructure that was completed was not properly inspected. All I have received so far is the document from DEP that outlines what the issue was and how it has been resolved. I have a letter from the ConCom agent that the commission has not extended the current order but they have lifted the enforcement order. Once the work that the applicant indicated they would do is complete at that time the con com will evaluate whether they should extend the order or not. The matter has been continued to July 11th.

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**Nipun Jain:** One item that the board did not address was the Erosion Control Bond for Amesbury Heights.

**Chairman proposed that a cash bond be put in place if they cannot provide the necessary license renewal. So noted by the members.**

**Motion by Robert Laplante to adjourn at 9:25 p.m., second by Lars Johannessen. AIF**