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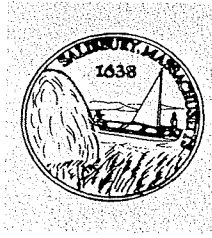
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**Planning Board**  
Town of Salisbury  
5 Beach Road  
Salisbury, MA 01952

**Planning Board:**

**Larry Cuddire**, Chairman

**Robert Straubel**, V. Chairman

**Don Egan**

**David Holscher**

**Lisa Lane**

**Isa Cann**, Alternate

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**SITE PLAN APPROVAL**

July 3, 2007

Town Clerk

Town of Salisbury, MA

Applicant: **Amal Abouzeld**

Applicant Address: **128 Elm Street, Salisbury, MA**

Address of Project: **128 Elm Street, Map 10, Lot 185**

**PROCEDURE:**

This Decision by the Salisbury Planning Board, as approved with conditions, applies to site plan review application for a commercial development-garage with office above, pursuant to Mass. General Laws Chapter 40A, Section 9 and Salisbury Zoning By-Law Section XVIII et seq. as to property at **128 Elm Street** and shown as Salisbury Assessors' Map 10, Lot 185.

The record owner of the property is Amal Abouzeld ("Applicant"). On **May 21, 2007**, the Applicant applied for a site plan review approval from the Planning Board under Section XVIII et seq. of the Zoning By-Laws to allow for the development of a commercial garage building with an office above. For convenience, all of such land is hereinafter collectively called the "Property." The application included documents as noted in the Materials list, and other supporting documents.

The Planning Board, sitting as the Permit Granting Authority, held a public hearing on such application, with five (5) members present throughout and with public hearings conducted on: **June 13, 2007 and June 27, 2007**.

Proper publication was made and proper written notice was given of these public hearings, in conformity with Massachusetts General Laws Chapter 40A, Section 11. During the public hearing process, the proposed development plans have been revised to provide additional detail or to address issues raised by the public or during the Design Review Team (DRT) process consisting of Town

staff, including but not limited to the Town Manager, Planner, DPW Director, Conservation Agent, Fire Chief, Health Agent, Assessor, Assistant Town Planner and Economic Development Director. Minutes of the DRT sessions were provided to the Applicant and were made available in the public record, and were reviewed by Planning Board in the public hearing. A draft Decision incorporating all language herein was reviewed in entirety by the Planning Board, the Applicant and the public during the public hearing before it was closed and this Decision rendered.

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**MATERIALS (Included, but not limited to):**

1. **Plans:** a. Plan of Land in Salisbury, MA Showing Existing Garage Location and Proposed Parking Area for Jane McNeal 128 Elm Street, Salisbury, MA, dated 5/17/07 showing plumbing and lighting as well.  
b. Detail of Oil and Grease Separator, by E.F. Shea-New England Concrete Products, Sheets H1, F4.1, H3  
c. Architectural Plans-dated 12/13/06, Sheet A1  
d. Landscaping Plan-dated 5/7/07
2. **Letters of Review:**  
Engineering Consultant, Joseph Serwatka's letters of review:  
6/27/07

**FINDINGS:**

Based upon the evidence presented, the Planning Board makes the following specific findings:

- a. General Conditions:
  1. The Applicant has conformed to the procedural requirements under Zoning By-Laws Section XVIII *et seq.* of the Salisbury Zoning By-Laws.
  2. The Applicant's proposal provides for a high quality, integrated plan of a development that is beneficial to the Town and responsive to the specific site and its surroundings.
  3. The Site Plan contained a design that was sufficiently developed to provide the basis for the Planning Board's review regarding the requirements, standards, and guidelines of the Site Plan Review by-law.
- b. There is no significant adverse effect under any of the following:
  1. **Design:** The quality of the conceptual building design, as it affects occupants of the proposed development, adjacent residential districts and the Town of Salisbury as a whole, is positive.
  2. **Traffic:** The Planning Board, after considering the impacts from the proposed development, has determined that the approved plan as lastly revised adequately addresses the traffic impacts and pedestrian safety and recommends same for Mass Highway approval. If the traffic access and egress pattern changes

per Mass Highway Review, applicant is responsible for submission of the plan back to the Planning Board for review and approval.

**3. Water quality, air quality, wetlands, and the natural environment**

The approved plan proposes a drainage system that is designed to address water runoff and water quality issues in accordance with DEP stormwater management standards. The drainage schematics and drainage system reviewed by the Town's Engineering Consultant and DPW Director are satisfactory for final approval, subject to further review, inspection and adjustment pursuant to condition 8 below.

**4. Adequacy of utilities and other public works and impact on existing public facilities within the Town**

The Planning Board has been advised through Town staff and consultants that utilities and public works as proposed are adequate to serve Project without materially impacting existing public facilities.

**5. Potential Fiscal Impact to the Town of Salisbury**

The Development of the Property will provide tax revenue to the Town. The improvement of the Property is anticipated to have no adverse impact on residential property values in the area and may encourage other property improvements, which may also generate additional tax revenues to the Town.

**FINAL SITE PLAN APPROVAL:** Pursuant to Section XVIII of the Salisbury Zoning By-Law, the Planning Board, by a 5-0 vote, does hereby approve the application according to the plans of record herein. **R. Straubel** motions to approve plans with the board receiving the final approved plan with the lighting shown on the plan and that no lighting spill over to the abutting property with the following conditions. **L. Lane** seconds the motion. Vote on motion 5-0.

**CONDITIONS:**

- 1. Density:** This approval limits the site the garage and office above.
- 2. Parking:** The total number of parking spaces shall be not less than 5 spaces per business unit and 2 per residential unit of 10' X 20' spaces. Small changes in the total number, type and allocation matrix may be made subject to the approval of the Planner. If fewer units are built the number of parking spaces shall be reduced proportionately. It is the property owner's responsibility to line the parking spots and to maintain a clear delineation of lines for adequate safety of the site.
- 3. Access:** Any future changes to the access and egress drives shall be determined by the Planning Board.
- 4. Lighting:** Will be shielded to prevent spillover onto abutter's property.

5. **Timeframe:** The work authorized hereunder must have active development or at least substantial progress toward implementation of the approved Site Plan occurring within five years or the approval becomes void. This approval may be extended by the issuing authority for an additional one-year period if, in the opinion of the issuing authority, there is just cause to approve an extension.

6. This approval shall apply to any successor in interest or successor in control of the property subject to this approval and to any contractor or other person performing work.

**Prior to the Issuance of the Building Permit:**

7. The developer shall conform to the provisions of Zoning By-Laws Section XVIII, Section 300-115. Nevertheless this process shall not result in any material change of grades, relocation of buildings, driveways, roadways or other structures from that as shown on the approved plans.

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**8. Timing/Sequencing:**

A Final Phasing and Sequencing Plan shall be submitted and is subject to the review and approval of the Planner.

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9. Prior to the commencement of any construction on the site, the Applicant shall provide, through the Planner for Town review and approval, a complete set of construction documents for the site to confirm compliance with the Conditions of this approval. If requested, the Applicant shall provide a reasonable number of additional copies of documents for review by Town staff.

10. The Applicant shall deliver a final set of site development plans to the Town's Engineering Consultant prior to the commencement of construction, which shall indicate labels of all wetlands boundaries, buffer zones and marsh areas.

11. The Applicant shall coordinate with the DPW Director all Town and public easements for water, drainage and sewer.

**During Construction:**

12. **Pre-Construction Meeting:** shall be held with the Town staff at least 5 days prior to the start of any construction. The limit of work line for the particular area or phase being developed shall be demarcated at this time through the placement of temporary snow fence material. Prior to the Planning Department setting up the pre-construction meeting, the applicant must submit a construction schedule and an applicable inspection fee-as decided by the

Planning Department. Per the Planning Board's Rules and Regulations (adopted 1/11/06), once the certificate of occupancy is granted and/or the work is complete, the unused balance will be returned to the applicant.

**13. Utility Connections: All utilities on site shall be installed underground.**

The Applicant and/or its contractor shall provide during construction complete and full coordination with local officials regarding the making of connections to existing utilities.

**14.** Any wells needed for irrigation shall be subject to approval by the Health Agent to determine compliance with applicable laws and regulations.

**15. Site Inspections:** The Inspector for the Planning Board is to inspect sites at "critical points" of installation. These critical points are defined, but may not be limited to, the sewer and water tie-ins and drainage and utilities installation, including the utility pole locations. The road grading, site cleaning, paving/curbing alignment and layout and installation are also considered critical point. Town staff shall have reasonable access to inspect the site to determine compliance with this Decision.

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**16. Hours of Construction:** The applicant shall adhere to the following hours of construction:

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a. Construction activity, deliveries and unnecessary noise by workers shall not take place off or on the site or in any building contained therein except during the following hours:

Mondays through Fridays inclusive: 7:00 AM to 8:00 PM

Saturdays: 9:00 AM to 5:00 PM,

Sundays and Legal Holidays: none;

b. In addition, no heavy equipment shall be operated on, or brought to, the site except during the following hours:

Mondays through Fridays inclusive: 8:00 AM to 5:00 PM,

Saturdays: 9:00 AM to 12:00 PM (noon)

Sundays and Legal Holidays: none.

A sign posting these hours shall be placed at the entrance of the site for the duration of the construction process.

**17.** Principal access for construction equipment shall at all times use reasonable means to minimize inconvenience of access to residents in the general area. The Applicant shall sweep and keep free of debris all streets utilized for site and off-site construction.

18. **Beach Road** shall be kept clear and passable at all times. No construction equipment, refuse containers, trailers or construction materials of any kind shall be placed or stored upon the street.

19. Construction activities shall be conducted in a workmanlike manner at all times. Blowing dust or debris shall be controlled by the Applicant through stabilization, wetting down, and proper storage and disposal methods. Any off-site construction dumpsters shall be not be stored in view of off-site residential abutters for more than 60 days.

**Prior to Certificate of Occupancy:**

20. **Certificate of Completion:** The Applicant shall file with the Planning Board for a Certificate of Completion and if work is not complete, provide a performance bond or surety or some other financial assurance mechanism (FAM) such as cash, bankbook, or tri-party agreement to the Town for construction of incomplete site improvements on that portion of the site on which the Applicant is working or will be disturbing in the current phase, which FAM shall be in a form reasonably acceptable to Town Counsel. The FAM shall include the remaining costs to complete the portion of the site on which work is being undertaken plus a ten (10%) percent contingency as calculated by the Town's Engineering Consultant. The calculations reflected as line-items used to establish the amount of the bond or surety shall be attached to the Bond. As used herein, "site improvements" means the drainage system, soil stabilization, landscaping, water, sewer lines and paving.

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21. If the construction period of that phase of the development lasts more than two (2) years, the bond or surety may be increased to account for inflation, based on recent inflation rates.

22. All performance bonds shall contain the following provision:  
Upon the Principal fully and satisfactorily performing in accordance with the conditions and the time schedule set forth herein as specified in the following:

- a. the plans of record
- b. this Decision attached hereto as Exhibit A

then this obligation shall be void; otherwise, it shall remain in full force and effect and the aforementioned sum shall be paid to the Town of Salisbury for use only to complete or correct the work covered by the Bond as determined by the Town's Engineering Consultant.

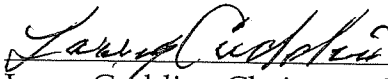
23. The Applicant has proposed, and the Planning Board, hereby requires, that the following aspects of the development shall be and shall remain forever private, and that the Town of Salisbury shall not have, now or ever, any legal

responsibility for operation or maintenance of the same:

- a. All driveways and parking areas
- b. Stormwater management facility
- c. Driveway and parking area snow plowing and removal
- d. Landscaping
- e. Driveway, parking area and walkway lighting

24. The numbering of units on the site shall be subject to approval by the Chief Assessor.

25. The Applicant shall deliver to the Planning Department the final As Built Plans, in both paper and digital format.



Larry Cuddire, Chairman- Planning Board

Date: 7-3-07

Appeal: The Appeal of any decision of the PLANNING BOARD hereunder shall be made in accordance with the provisions of Mass. Gen. L. 40A, section 17 within 20 days after filing with the Town Clerk.

cc: Applicant, File, BI, JS, LC

