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Planning Board

Town of Salisbury
5 Beach Road
Salisbury, MA 01952

Planning Board:

John "Marty" Doggett,
Chairperson

Deborah Rider,
Vice Chairperson

Gil Medeiros,
John Schillizzi, Clerk

Warren Worth
Angelica Medina, Alternate

MAJOR SITE PLAN APPROVAL & SPECIAL PERMIT

March 16, 2023

Town Clerk

Town of Salisbury
Salisbury, MA 01952

RE: Major Site Plan Review Application & Special Permit

Applicant & Owner: **F & D Realty LLC**

Address of Applicant: **1 Melvin Street, Suite C, Wakefield, MA 01880**

Address of Project: **163 Elm Street, Salisbury, MA 01952 (Map 9, Lot 31)**

Zoning District: **Commercial & Office Park**

RECEIVED
TOWN CLERK
TOWN OF SALISBURY
2023 MAR 21 A 10:31

To the Town Clerk:

This is to certify, at a duly noticed public hearing of the Salisbury Planning Board in regards to Site Plan Review and Special Permit, opened on July 13th, 2022, continued to September 14, 2022, September 28, 2022, October 12, 2022, November 9, 2022, December 14, 2022, January 25, 2023, February 22, 2023, and closed on March 8, 2023, by a motion duly made and seconded, it was voted:

"We, the Salisbury Planning Board, as requested by the applicant, **F & D Realty LLC**, under the provisions of Article XVIII of the Zoning By-Laws of the Town of Salisbury and §300-35 of the Zoning By-laws of the Town of Salisbury, to consider site plan approval and a use special permit upon the contemplated site plan development for property addressed at 163 Elm Street (Assessors Map 9, Lot 31) as shown on plans ("The Plans") entitled:

Site Plan for 163 Elm Street in Salisbury, MA; dated June 1, 2022, revised thru March 13, 2023, prepared for F & D Realty LLC, 1 Melvin Street, Suite C, Wakefield MA, 01880, prepared by Millennium Engineering, Inc., 62 Elm St, Salisbury, MA 01952 consisting of twenty (20) sheets;

163 Elm Street - Salisbury Site Lighting Layout, dated November 30, 2022, prepared for F & D Realty LLC, 1 Melvin Street, Suite C, Wakefield MA, 01880, prepared by Visible Light, Inc., 24 Stickney Terrace, Suite 6, Hampton, NH 03842;

Landscape Plan in Salisbury, MA, dated June 13, 2022, prepared for F & D Realty LLC, 1 Melvin Street, Suite C, Wakefield MA, 01880, prepared by KDTurner Design, 27 High Street, Newburyport, MA 01950

Stormwater Management Report, dated June 21, 2022, revised thru March 1, 2023, prepared for F & D Realty LLC, 1 Melvin Street, Suite C, Wakefield MA, 01880, prepared by Millennium Engineering, Inc., 62 Elm St, Salisbury, MA 01952;

do hereby vote:

Deborah Rider motions to close the public hearing.

Warren Worth seconds the motion.

Vote on the motion:

John "Marty" Doggett: YES

Deborah Rider: YES

Gil Medeiros: YES

John Schillizzi: YES

Warren Worth: YES

Motion passes: 5-0

I. SITE PLAN APPROVAL

Motion for approval of the site plan pursuant to Article XVIII, Site Plan Review of Salisbury Zoning Bylaw, subject to the standard conditions numbered 1-35 in this decision and the following conditions presented at the meeting:

Motion presented by: John Schillizzi
seconded by: Warren Worth

Vote on motion:

John "Marty" Doggett: YES

Deborah Rider: YES

John Schillizzi: YES
Gil Medeiros: YES
Warren Worth: YES

Motion Passes: 5-0

II.

SPECIAL PERMIT APPROVAL

Motion for approval of the Use Special Permit for the Motor Vehicle Service & Repair and Storage of Construction Equipment, Materials and Products, pursuant to §300-35, Special Permit, subject to the standard conditions numbered 1-35 in this decision and the following conditions presented at the meeting:

Motion presented by: Deborah Rider
seconded by: John Schillizzi

Vote on motion:
John “Marty” Doggett: YES
Deborah Rider: YES
John Schillizzi: YES
Gil Medeiros: YES
Warren Worth: YES

Motion passes: 5-0

III.

MATERIALS

1. Site Plan for 66 Elm Street in Salisbury, MA; dated June 1, 2022, revised thru March 13, 2023, prepared for Carlyn Capolupo, 66 Elm Street, Salisbury MA, 01952, prepared by Millennium Engineering, Inc., 62 Elm St, Salisbury, MA 01952 consisting of nine (9) sheets;
 - a. Cover Sheet (C-1)
 - b. Existing Conditions Plan (C-2)
 - c. Legend/Notes (C-3)
 - d. Site Plan (C-4 – C-6)
 - e. Grading Plans (C-7 – C-10)
 - f. Utility Plan & Profile (C-11)
 - g. Details (C-12 – C-16)
 - h. Lighting Plan (E-1)

- i. Truck Turning Plan (F-1 – F-2)
 - j. Landscape Plan (L-1)
2. 163 Elm Street - Salisbury Site Lighting Layout, dated November 30, 2022, prepared for F & D Realty LLC, 1 Melvin Street, Suite C, Wakefield MA, 01880, prepared by Visible Light, Inc., 24 Stickney Terrace, Suite 6, Hampton, NH 03842;
3. Landscape Plan in Salisbury, MA, dated June 13, 2022, prepared for F & D Realty LLC, 1 Melvin Street, Suite C, Wakefield MA, 01880, prepared by KD Turner Design, 27 High Street, Newburyport, MA 01950
4. Stormwater Management Report, dated June 21, 2022, revised thru March 1, 2023, prepared for F & D Realty LLC, 1 Melvin Street, Suite C, Wakefield MA, 01880, prepared by Millennium Engineering, Inc., 62 Elm St, Salisbury, MA 01952;
5. Site Plan Review Application, dated June 23, 2022.
6. Special Permit Application, dated June 23, 2022.
7. Letter from Joseph Serwatka, Planning Board Review Engineer, dated:
 - a. June 16, 2022, July 5, 2022, February 21, 2023, March 6, 2023
8. Town Departments' Letters of Review:
 - Conservation Commission: June 3, 2022
 - Board of Health: June 7, 2022
 - Building Inspector: June 6, 2022
 - Department of Public Works: June 16, 2022
 - Planning: June 7, 2022
12. Millennium Engineering, Inc. Response Letters dated:
 - DPW Response June 21, 2022, Planning Department Response June 21, 2022, March 1, 2023

IV. FINDINGS

1. The Site Plan contains a design that has provided the foundation for the Planning Board to determine that the requirements, standards and guideline of the Salisbury Planning Board Rules and Regulations and the general requirements, design and performance standards of Article XXIII of the Zoning By-laws of the Town of Salisbury have been completed in a satisfactorily manner.

2. Currently **163 Elm Street (Map 9, Lots 31)**, the proposed site, will have 2 commercial buildings and an associated gravel storage area. The parcel is situated in the Town's Commercial District and Office Park District. The parcels consist of 25.04 acres with frontage on Elm Street.
3. The project's stormwater infiltration system shall comply with MassDEP policy requirements.
4. The applicant has received an Order of Conditions from the Salisbury Conservation Commission.

The following Conditions shall be required at the Applicant's sole expense, unless otherwise noted:

V.

CONDITIONS

1. 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.
2. Contact information for any successor in interest or successor in control shall be provided to the Planning Department as soon as changes are known.
3. This approval is not final until all administrative appeal periods from this approval have elapsed, or if such an appeal has been taken, until all proceedings have been completed.
4. The work shall conform to the plans and conditions referenced in this approval. No change to an approved plan shall be made until the applicant receives written permission from the Planning Board.
5. Applicant must obtain compliance with all zoning requirements before a building permit is issued.
6. The applicant shall have five (5) years to complete full-build out for the project. If the applicant has not completed the project within the five (5) years, the applicant shall be required to request an extension from the Planning Board. The Planning Board may give an extension of up to two (2) years on the first request and one (1) year for subsequent requests. As part of the request, the applicant shall include a detailed update on the project's current state and a detailed construction schedule to finish full build out.

7. Snow shall be stored on site per plan and the snow shall not block roadways, sidewalks/pathways, parking areas, turnarounds, or stop the drainage from properly functioning. If the snow storage areas are at capacity, snow is to be carted off site. This will be the responsibility of the applicant.
8. The Applicant shall submit an updated Stormwater Management Report for the final approved site plans.
9. The Applicant shall submit an Operations and Maintenance Plan for the Stormwater Management System.
10. The Inspection & Maintenance Log included in the Operation and Maintenance Plan shall be conducted for each BMP as specified in the log.
11. The Inspection & Maintenance Log shall be submitted yearly, in October, to the Planning Department, Department of Public Works, and the Conservation Commission. If there are any issues or actions that should be addressed, they shall be addressed and a follow up inspection shall be conducted to show they were addressed. This is to ensure the stormwater system and the rain gardens, as shown on the plans, are maintained and functioning properly.

VI. PRIOR TO ANY SITE WORK

12. This Site Plan Approval Decision shall be recorded at the Salem Registry of Deeds and a copy of the recorded decision be submitted electronically to the Planning Department.
13. The lastly revised plans dated March 13, 2023, shall be updated as Conditioned in this Decision and electronically submitted to the Planning Department, properly stamped, dated and indexed. These plans shall indicate compliance with all applicable Zoning By-Laws, except where relief has been expressly given by the proper authority.
14. Two weeks prior to getting a pre-construction meeting date scheduled, the applicant shall submit the following documents to the Planning Department and Joe Serwatka for review:
 - I. A Construction Sequence plan showing how the phases of the project will be constructed.
 - II. A construction schedule showing an estimated time frame from start of construction to full build out.
15. The Applicant shall coordinate with the Planning Department a pre-construction meeting with the Town staff prior to the start of any construction to review these conditions, and any and all

final construction sequencing, details, and/or plans for this Project. Commencement of construction includes any site clearing or grading. 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 and erosion control barriers.

16. Weekly construction status reports shall be submitted via email to the Planning Department outlining the general status of the construction and major milestones completed. If not in compliance with this condition, site work may be stopped until applicant shows compliance.
17. The Applicant is to meet with the Planning Department and the Department of Public Works to ensure compliance with any requirements, including bonding.

VII.

PRIOR TO THE ISSUANCE OF A BUILDING PERMIT

18. No building permit shall be issued until finalized plans are submitted to the Planning Department, and a pre-construction meeting has occurred.
19. All other requirements and permits shall be sought and received, including, but not limited to, utility connections. The Applicant shall bear the burden of ensuring all state and local permitting has been sought and received. The "Applicant" refers to the person or entity holding the fee interest to the title to the site from time to time, which can include but is not limited to the Applicant, Developer and Owner.
20. The Applicant shall provide to the Planning Board the name, address and telephone number of the person immediately responsible for supervision of all work and maintaining compliance with the approval. This person shall serve as project manager until a Certificate of Completion is issued, or until another project manager is designated. Should the project manager change during the course of the project, the Planning Board shall be notified as soon as practical of this change.
21. Inform all contractors and subcontractors of the conditions and provisions of this approval. This approval shall be included in all construction contracts and subcontracts dealing with the work and shall supersede other contract requirements.
22. 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 wetland boundaries, buffer zones and marsh areas.

23. The Applicant shall coordinate with the DPW Director all Town and public easements for water, drainage and sewer, if applicable.
24. The Fire Suppression System, hydrant locations and alarm design shall be subject to approval by the Fire Chief or his designee. The Final Plan as approved by the Fire Chief or his designee shall be submitted to the Town Planner.
25. 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 two-year period if, in the opinion of the issuing authority, there is just cause to approve an extension.

VIII. DURING CONSTRUCTION

26. Hours of Construction shall be adhered to and said hours shall be posted in a conspicuous place at the entrance prior to any work on the site. These Hours are:

Hours of Construction Operations:

- I. Construction activity shall not take place on site or in any building contained therein except during the following hours:

Mondays through Fridays inclusive: 7:00 AM to 7:00 PM,
Saturdays: 8:00 AM to 5:00 PM,
Sundays and Legal Holidays: none

27. Construction vehicles and construction related engines shall not be started/idle prior or after the allowed hours of construction as stated in condition 26.
28. Hours of construction shall be displayed by the Applicant at all construction entrances to the site.
29. Town staff or their designee shall have reasonable access to inspect the site to determine compliance with this Decision. All water, sewer and drainage facilities shall be subject to inspection by the Town, and all water and sewer facilities shall be constructed in accordance with Town specifications.

30. 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.
31. Erosion and sedimentation control measures presented in the plan shall be adequate to retain all sediment within the site and away from wetlands, constructed wetlands, watercourses, and water bodies, both during and after construction.

VIII. PRIOR TO THE ISSUANCE OF ANY CERTIFICATE OF COMPLETION

32. The Applicant shall schedule a meeting with the Building Inspector and Town Planner at least 30 days before the request for a Certificate of Completion to review compliance with this Decision.
33. The applicant shall submit to the Planning Department and Joe Serwatka a detailed estimate of cost associated with the remaining site work and a construction schedule showing estimated completion date. The construction schedule and cost estimate shall be reviewed by Joe Serwatka to determine the final amount for the bond prior to requesting any Certificate of Completion.
34. No Certificate of Occupancy shall be issued until all required bonds are posted.

X. AFTER OCCUPANCY

35. The Applicant or future owner shall have the responsibility of maintaining or replacing the parking area, landscaping, stormwater and septic systems, signage and lighting as indicated in the plans and shall be required to properly implement the Operations and Maintenance Plan.

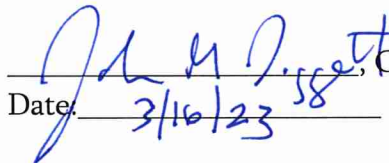
XI. MODIFICATION OF PLANS

The following shall be used in the event modifications to the approved plans and Decision are requested:

- a) Minor Modification – Changes to the approved Plan which, in the opinion of the Planning Board, do not substantially alter the concept of the approved Plan in terms of the qualities of the specific location, the proposed land use, the design of building form and approved building details and materials, site grading or egress points including but not limited to small changes in site layout, topography, architectural plans, landscaping plans, traffic circulation, parking, lighting plan, signage, open space or other criteria set forth in MGL must be submitted to and approved by the Planning Department.
- b) Major Modification– Substantial additions, deletions or deviations from the approved Plan including but not limited to large changes in site layout, topography, architectural plans, landscaping plans, traffic circulation, parking, lighting plan, signage, open space or other criteria set forth in MGL are subject to a Public Hearing and vote by the Planning Board.

(Note: Approval of the major modification shall be grounds for reconsideration of the Site Plan application and Special Permits. Denial of proposed major modification shall not invalidate the Site Plan in conformance with previously approved Plan.)

John “Marty” Doggett,
Salisbury Planning Board

 Chair
Date: 3/16/23

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2023 MAR 21 A 10:31

APPEAL NOTICE

Appeals of this decision shall be made in accordance with the M.G.L. Ch. 40A, §17 and shall be filed within twenty (20) days of the date of filing of this decision in the Office of the Salisbury Town Clerk.

By law, this decision shall not take effect until a copy of such notice has been certified by the Town Clerk that; Twenty (20) days has elapsed since the decision was filed and no appeal has been filed.

The Petitioner shall present and record the certified decision at the Essex Registry of Deeds in Salem MA. The cost of the recording shall be borne by the Petitioner. A registered copy must then be presented to the Building Inspector in order to apply for an appropriate permit.

This Decision will lapse if Substantial use of the Petitioned Relief is not made within two (2) years for a Special Permit and 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 two-year period if, in the opinion of the issuing authority, there is just cause to approve an extension.

cc: Applicant,
 Town Clerk,
 Assessor,
 Building Inspector,
 DPW Director
 File