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Planning Board

Town of Salisbury
5 Beach Road
Salisbury, MA 01952

Planning Board:
Don Egan,
Chairman
John "Marty" Doggett
Vice Chairman
Lou Masiello
Deborah Ridder,
John Schillizzi
Alternate

MAJOR SITE PLAN REVIEW

September 8, 2020

Town Clerk
Town of Salisbury
Salisbury, MA 01952

RE: Site Plan Review Application

Applicant: **Joe's Playland / Abdulla Enterprises**
Address of Applicant: 15 Broadway, Salisbury, MA
Address of Project: 2 Broadway



To the Town Clerk:

This is to certify, at a duly noticed public hearing of the Salisbury Planning Board as regards to a Site Plan and opening on 8/26/2020 and closed on 8/26/2020, by a motion duly made and seconded, it was voted:

We, the Salisbury Planning Board, as requested by Joe's Playland / Abdulla Enterprises, under the provisions of General Laws Chapter 40A and the Beach Commercial Zoning District of the Town of Salisbury, to consider a Site Plan permit approval upon the contemplated parking for property addressed at 2 Broadway (Assessors Map 32 Lot 54) as shown on plans entitled:

"Plan of Land in Salisbury, MA"; Progress Print, prepared for Flying Horse Limited Partnership by Millennium Engineering, Inc. and dated July 14, 2020 as do hereby vote:

I. SITE PLAN APPROVAL

L. Masiello motioned to approve the site plan as submitted with conditions that the applicant work with the Planning Department to devise a minimal landscape plan, the lighting within control of the site will be adjusted to reduce light pollution, resubmit the plan to show the parking spaces as 10'x20' to meet the zoning requirements and the plan approval expires on 12/31/22 and cannot be renewed or extended.

D. Rider seconded

Vote Passed: 5-0

II MATERIALS

(Including, but not limited to:)

1. The Progress Plan dated July 14, 2020,
2. Site Plan Review Application, submitted August 7, 2020.
3. Letter from Building Inspector/Zoning Enforcement Officer, dated 7/30/2020.
4. Certified abutters list submitted 8/7/2020.
5. Waivers

III FINDINGS

1. Currently, 2 Broadway, the proposed site, is a vacant lot in the Beach Commercial District.
2. The Applicant currently proposes to create a 46 9'x18' space parking lot containing forty-six 9'x18' parking spaces with access on Railroad Ave.
3. The past spring, this site was operated as a Go-Cart Facility.

IV

SITE PLAN CONDITIONS

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

1. This site plan approval is hereby deemed to be temporary. The temporary nature of this approval is an accommodation due to the unforeseen economic conditions caused by the Covid-19 pandemic of 2020. This site plan approval expires on 12/31/22 and cannot be renewed or extended.
2. This approval shall apply to any successor in interest or successor in control of the property and shall also apply to any contractor or other person performing work.
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. After the administrative appeal period, there shall be a pre-construction meeting with the Planning Department.
5. Prior to the issuance of either a partial or full certificate of completion or business license, the applicant shall work with the Planning Department to devise a minimal landscape plan consisting of screening or other enhancements that improve the aesthetics of the property particularly along Broadway and the corners of Cable Avenue and Railroad Avenue. A copy of the agreed upon plan or a narrative of a plan shall be submitted to the Planning Board upon finalization of the plan.
6. Prior to the issuance of either a partial or full certificate of completion or business license, the applicant shall adjust or remove lighting on the site or within control of the site to reduce the existing glare and excessive light pollution emanating from lighting associated with the site.
7. The applicant shall resubmit the plan to show 10' x 20' parking spaces. Compliance with this condition shall be confirmed by the Planning Department prior to the performance of any site work.
8. No business license shall be issued until after the applicant applies for and receives either a partial or full certificate of completion from the Planning Board.
9. No business license shall be issued after December 31, 2022 without submitting a de novo site plan application and the receipt of a Planning Board approval of said application.

PRIOR TO ANY SITE WORK

10. 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 final construction sequencing, details, and 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, Periodic status reports (agreed upon at said pre-construction meeting) shall be submitted to the Town outlining the general status of the construction and major milestones completed.
11. This approval shall apply to any successor in interest or successor in control of the property and shall also apply to any contractor or other person performing work.
12. The Applicant is to meet with the Town of Salisbury Department of Public Works to ensure compliance with any requirements, including bonding.
13. The applicant shall submit an updated plan showing 10'x20' parking spaces.
14. There are no anticipated building permits for this project. The building with the mural shall remain.
15. 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.
16. 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.
17. The Applicant shall coordinate with the DPW Director all Town and public easements for water, drainage, and sewer, if applicable.
18. The work authorized hereunder must have active development or at least substantial progress toward implementation of the approved Site Plan occurring within two years or the approval becomes void.

DURING CONSTRUCTION

19. 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.

Hours of Construction Operations:

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

20. 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.
21. 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.
22. 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.

PRIOR TO THE ISSUANCE OF ANY CERTIFICATE OF COMPLETION

Applicant shall apply for a Certificate of Completion, per §300-112.H of the Salisbury Zoning Bylaws. The Applicant shall schedule a meeting with the Town Planner to review project completion.

AFTER OCCUPANCY

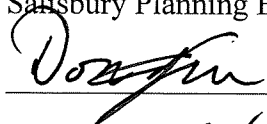
The Applicant or future owner shall have the responsibility of maintaining or replacing the roadway and access, parking area, utilities, landscaping, stormwater and septic systems, signage and lighting as indicated in the plans.

MODIFICATION OF PLANS

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

- a) In the event that the applicant intends to modify the approved Site plan review, the Applicant must comply with MGL Chapter 40.

Don Egan,
Salisbury Planning Board

 , Chair

Date: 10/7/20

cc: Applicant,
Building Inspector,
File

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.