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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,

Lou Masiello

Don Egan

John Schillizzi, Alternate &

Clerk

MAJOR SITE PLAN APPROVAL

March 28, 2022

Town Clerk

Town of Salisbury

Salisbury, MA 01952

RE: Major Site Plan Review Application

Owner: **Ida & Edward Foote**

Address of Owner: **123 Central Ave, Salisbury, MA 01952**

Applicant: **Tom Patenaude**

Address of Applicant: **P.O. Box 5, North Andover, MA 01845**

Address of Project: **207 Beach Road, Salisbury, MA 01952 (Map 28, Lots 249-260)**

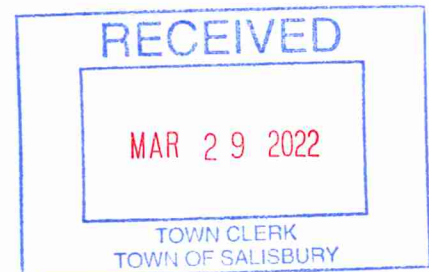
Deed Book & Page: **Book 10016 & Page 248**

Zoning District: **Beach Commercial**

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, opened on February 9, 2022, continued to February 23, 2022, March 9, 2022, and closed on March 23, 2022, by a motion duly made and seconded, it was voted:

"We, the Salisbury Planning Board, as requested by the applicant, **Tom Patenaude**, under the provisions of Article XVIII of the Zoning By-Laws of the Town of Salisbury, to consider Site Plan approval upon the contemplated site plan development for property addressed at 207 Beach Road (Assessors Map 28, Lots 249-260) as shown on plans ("The Plans") entitled:



14 Unit Residential Development (Lots 249-258) and 2 Duplex Lots (Lots 259 & 260) at 207 Beach Road in Salisbury, MA; dated June 3, 2021, revised thru March 17, 2022, prepared for Tom Patenaude, P.O. Box 5, North Andover, MA 01845, prepared by Millennium Engineering, Inc., 62 Elm St, Salisbury, MA 01952 consisting of nine (9) sheets;

Site Lighting Layout at 207 Beach Road, dated March 3, 2022, prepared for Tom Patenaude, P.O. Box 5, North Andover, MA 01845, prepared by Visible Light, Inc., 24 Stickney Terrace, Suite 6, Hampton, NH 03842;

Landscape Plan in Salisbury, MA, dated May 20, 2021, revised thru August 20, 2021, prepared for Tom Patenaude, P.O. Box 5, North Andover, MA 01845, prepared by KDTurner Design, 27 High Street, Newburyport, MA 01950

Geotechnical Engineering Report, dated October 19, 2021, revised thru February 2, 2022, prepared for Millennium Engineering, Inc., 62 Elm St, Salisbury, MA 01952, prepare by AAT Engineering, LLC, 34 Summit Terrace, Peabody, MA 01960;

Stormwater Management Report, dated June 23, 2021, revised thru March 17, 2022, prepared for Tom Patenaude, P.O. Box 5, North Andover, MA 01845, prepared by Millennium Engineering, Inc., 62 Elm St, Salisbury, MA 01952;

Single Family House Architectural Plans, dated July 20, 2021, prepared for Tom Patenaude Homes, Inc., 207 Beach Road, Salisbury MA, prepared by Builder's Plan Service, 83 Parkhurst Road, Chelmsford, MA 01824;

Duplex Rear Units Architectural Plans, dated June 24, 2021, revised thru July 12, 2021, prepared for Tom Patenaude Homes, Inc., 207 Beach Road, Salisbury MA, prepared by Builder's Plan Service, 83 Parkhurst Road, Chelmsford, MA 01824;

Duplex Front Units Architectural Plans, dated June 24, 2021, revised thru July 12, 2021, prepared for Tom Patenaude Homes, Inc., 207 Beach Road, Salisbury MA, prepared by Builder's Plan Service, 83 Parkhurst Road, Chelmsford, MA 01824;

do hereby vote:

Lou Masiello motioned to close the public hearing for the property located at 207 Beach Road (Assessors Map 28, Lots 249-260).

Gil Medeiros seconded

Vote Passes: 5-0

- Deborah Rider, Vice Chairperson – YES

- Don Egan – YES
- Lou Masiello – YES
- Gil Medeiros – YES
- John Schillizzi – YES

I.

SITE PLAN DETERMINATION

Motion for **approval** of the site plan pursuant to Article XVIII, Site Plan Review of Salisbury Zoning Bylaw, subject to the conditions numbered 1-43 in this decision:

Motion presented by: Lou Masiello

seconded by: Don Egan

Vote on motion: 3-2

- Deborah Rider, Vice Chairperson – YES
- Don Egan – YES
- Lou Masiello – YES
- Gil Medeiros – NO
- John Schillizzi – NO

II.

MATERIALS

1. 14 Unit Residential Development (Lots 249-258) and 2 Duplex Lots (Lots 259 & 260) at 207 Beach Road in Salisbury, MA; dated June 3, 2021, revised thru March 17, 2022, prepared for Tom Patenaude, P.O. Box 5, North Andover, MA 01845, 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. Grading Plans (C-4)
 - e. Utility Plan & Profile (C-5)

- f. Utility Details (C-6)
 - g. Drainage Details (C-7)
 - h. Erosion Control Details (C-8)
 - i. Fire Truck Template (F-1)
2. Site Lighting Layout at 207 Beach Road, dated March 3, 2022, prepared for Tom Patenaude, P.O. Box 5, North Andover, MA 01845, prepared by Visible Light, Inc., 24 Stickney Terrace, Suite 6, Hampton, NH 03842 consisting of one (1) sheet;
 3. Landscape Plan in Salisbury, MA, dated May 20, 2021, revised thru August 20, 2021, prepared for Tom Patenaude, P.O. Box 5, North Andover, MA 01845, prepared by KDTurner Design, 27 High Street, Newburyport, MA 01950 consisting of one (1) sheet;
 4. Geotechnical Engineering Report, dated October 19, 2021, revised thru February 2, 2022, prepared for Millennium Engineering, Inc., 62 Elm St, Salisbury, MA 01952, prepared by AAT Engineering, LLC, 34 Summit Terrace, Peabody, MA 01960;
 5. Stormwater Management Report, dated June 23, 2021, revised thru March 17, 2022, prepared for Tom Patenaude, P.O. Box 5, North Andover, MA 01845, prepared by Millennium Engineering, Inc., 62 Elm St, Salisbury, MA 01952;
 6. Single Family House Architectural Plans, dated July 20, 2021, prepared for Tom Patenaude Homes, Inc., 207 Beach Road, Salisbury MA, prepared by Builder's Plan Service, 83 Parkhurst Road, Chelmsford, MA 01824 consisting of four (4) sheets;
 7. Duplex Rear Units Architectural Plans, dated June 24, 2021, revised thru July 12, 2021, prepared for Tom Patenaude Homes, Inc., 207 Beach Road, Salisbury MA, prepared by Builder's Plan Service, 83 Parkhurst Road, Chelmsford, MA 01824 consisting of six (6) sheets;
 8. Duplex Front Units Architectural Plans, dated June 24, 2021, revised thru July 12, 2021, prepared for Tom Patenaude Homes, Inc., 207 Beach Road, Salisbury MA, prepared by Builder's Plan Service, 83 Parkhurst Road, Chelmsford, MA 01824 consisting of six (6) sheets;
 9. Site Plan Review Application, dated June 23, 2021, revised thru January 11, 2022.
 10. Letter from Joseph Serwatka, Planning Board Review Engineer, dated:
 - a. June 21, 2021, July 5, 2021, July 31, 2021, August 16, 2021, January 12, 2022, February 9, 2022, February 19, 2022, March 8, 2022,
 11. Town Departments' Letters of Review:
 - Health Department: June 24, 2021, July 15, 2021
 - Police Department: August 10, 2021, January 5, 2022
 - Fire Department: August 10, 2021
 - Conservation Commission: June 10, 2021

- Building Inspector: July 9, 2021, August 11, 2021, January 5, 2022, January 6, 2022, March 9, 2022,
- Assessor: July 9, 2021, July 19, 2021
- Department of Public Works: July 8, 2021, July 29, 2021
- Planning: June 16, 2021

12. Millennium Engineering, Inc. Response Letters dated:

- June 23, 2021, July 22, 2021, August 5, 2021, August 11, 2021, January 3, 2022, January 5, 2022, January 31, 2022, February 17, 2022, March 17, 2022 (PB), March 17, 2022 (DPW)

III. 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 **207 Beach Road (Map 28, Lots 249-258 & 259-260)**, the proposed site, is vacant. The parcel is situated in the Town's Beach Commercial District. The parcels consist of 1.46 acres with frontage on Beach Road and Old County Road.
3. The project will consist of 14 residential units made up of one (1) quadplex, four (4) duplexes, and two (2) single units. There will also be two lots on Old County Road with one (1) duplex and one (1) single family house. The site improvements also include a 24ft wide roadway with a sidewalk connecting to the existing sidewalk on Beach Road, drainage, utilities, pump station upgrades, landscaping, and lighting.
4. The property is within the FEMA Flood Zone AE (EL 9). The project will consist of filling the units to be above the Flood Zone Elevation. The garage elevation will be set at Elevation = 9.2.
5. The project will provide three (3) 12ft x 20ft parking spaces per units, except for the single family (Lot 260) which will only have the two (2) parking spaces.
6. The Applicant has agreed to work with the Affordable Housing Trust and provide two affordable housing units within the quadplex to meet Zoning Bylaw Article XIII Inclusionary Housing Requirements §300-78 (B.1).

7. The project's stormwater infiltration system shall comply with MassDEP policy requirements. The applicant has a MassDOT permit allowing them to connect their stormwater system into the MassDOT stormwater system in Beach Road.
8. The Department of Public Works and the Applicant will be entering into a Sewer Pump Station Guarantee Agreement to upgrade the existing Sewer Pump Station with a two (2) year guarantee it will adequately handle the project's proposed flow.
9. The Planning Board has been advised through Town staff and consultants that utilities and public works as proposed in the Sewer Pump Station Guarantee Agreement are adequate for the project.

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

IV. 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. 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.
7. The Applicant shall submit an updated Stormwater Management Report for the final approved site plans.

8. The Applicant shall electronically submit a copy of the recorded Condominium Documents.
9. The applicant shall include in the condominium documents a rule prohibiting the individual unit owners from installing any new lights not shown on the approved plans.
10. The applicant shall include in the condominium documents a rule prohibiting the individual unit owners from installing a stockade or solid fence on Beach Road side of the project. The only acceptable fencing will be a split rail fence and must be installed by the Condo Association/Developer but not to fence in individual backyards.
11. The applicant shall provide the Planning Board with a Snow Management Plan that shall be included in the condominium documents.
12. The Applicant shall include the Operations and Maintenance Plan in the condominium documents to ensure the Homeowners Association and/or Property Manager properly implements the O&M.
13. The Inspection & Maintenance Log shall be conducted for each BMP as specified in the log.
14. 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.
15. The driveways for all of the units shall not be paved.
16. The applicant shall construct an asphalt sidewalk on Old County Road connecting to the existing sidewalk on Beach Road.
17. No construction vehicles shall be allowed on Old County Road.
18. The Applicant shall fix any breaks in the Beach Road asphalt sidewalk. They shall also replace the bituminous concrete curbing with granite curbing on Beach Road, as shown on the plans. They shall ensure the sidewalks on both sides of Old County Road meet ADA compliance.
19. The Applicant shall move the existing utility pole between Lots 259 and 260 to the north to ensure there is adequate room for cars to pull into the driveway for Lot 259.

20. The Applicant shall show on the plans, a swale located between Beach Road and the back of the units closest to Beach Road, that will connect to the rain garden in the southeast portion on the site.
21. In lieu of on-site affordable housing units the applicant is required to provide inclusionary housing contributions payments per Zoning Bylaw Article XIII Inclusionary Housing Requirements §300-78 (B.1): A housing contribution payment to the Affordable Housing Trust, determined in accordance with § 300-79, for any development with at least three but not more than 19 dwelling units.

PRIOR TO ANY SITE WORK

22. 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.
23. The lastly revised plans dated March 17, 2022, 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.
24. 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. 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.
25. The Applicant shall provide a Construction Sequencing Plan, subject to the approval of the Town Engineering Consultant or designee.
26. The Applicant is to meet with the Planning Department and the Department of Public Works to ensure compliance with any requirements, including bonding.
27. The applicant shall have a signed agreement with the Department of Public Works for the Sewer Pump Station on Old County Road, including but not limited too a two (2) year agreement to assure the Pump Station is adequately handling the project's proposed flow.

PRIOR TO THE ISSUANCE

OF A BUILDING PERMIT

28. No building permit shall be issued until all required bonds are posted, finalized plans are submitted to the Planning Department, and a pre-construction meeting has occurred.
29. 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.
30. 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.
31. 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.
32. 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.
33. The Applicant shall coordinate with the DPW Director all Town and public easements for water, drainage and sewer, if applicable.
34. 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.
35. 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.

DURING CONSTRUCTION

36. 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

37. Construction vehicles and construction related engines shall not be started/idle prior or after the allowed hours of construction as stated in condition 36.
38. Hours of construction shall be displayed by the Applicant at all construction entrances to the site.
39. 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.
40. 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.
41. 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

42. The Applicant shall schedule a meeting with the Building Inspector and Town Planner at least 30 days before the request for a Certificate of Occupancy to review compliance with this Decision.

AFTER OCCUPANCY

43. 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.

MODIFICATION OF PLANS

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

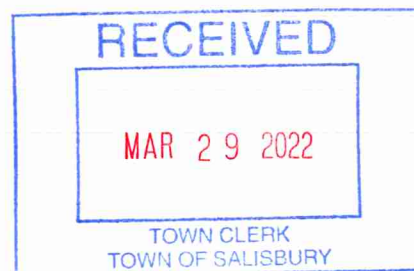
- a) Minor Modification – Changes to the approved Plan which, in the opinion of the Planning Board, do not substantially alter the concept of the approved Plan in terms of the qualities of the specific location, the proposed land use, the design of building form and approved building details and materials, 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.)

Deborah Rider,
Salisbury Planning Board

Deborah Rider, Vice Chair

Date: 3/28/2022



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