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

**SITE PLAN APPROVAL**

January 29, 2009

Town Clerk  
Town of Salisbury, MA

Applicant: **Beach Realty Trust**

Applicant Address: **P.O. Box 5859 Salisbury, MA 01952**

Address of Project: **211 Beach Road, Map 28, Lot 42**

*To the Town Clerk:*

*This is to certify, at a public hearing of the Salisbury Planning Board, opening on December 10, 2008, continued to January 14, 2009 and closing on January 28, 2009, by a motion duly made and seconded, it was voted:*

"We, the Salisbury Planning Board, as requested by Beach Realty Trust under the provisions of the Salisbury Zoning Bylaws Article XVIII Site Plan Review Section(s) § 300-109~§ 300-120 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 211 Beach Road (Assessors Map 28, Lot 42), as shown on the plan set indexed Site Plan 211 Beach Road for Salisbury, Massachusetts Prepared for Salisbury Beach Realty Trust, originally dated 1/3/05 and the newest revision date of 1/13/09 Sheets 1 & 2, prepared by Apple Associates, Inc., do hereby vote:

**MOTION**

**L. Cuddire motions to approve the stated site plan with the following conditions and for the planning board to sign the inclusionary housing covenant. R. Straubel seconds the motion. Vote on motion 4-0. Motion unanimously passes.**

**Planning Board:**  
**David Holscher, Chairman**  
**Robert Straubel, V. Chairman**  
**Larry Cuddire**  
**Don Egan**  
**Lou Masiello, Alternate**

**R E C E I V E D**  
**FEB 02 2009**

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**FINDINGS:**

1. The Site Plan contains a design that is sufficiently developed to provide the basis for THE BOARD'S determinations regarding the requirements, standards and guidelines of the Section § 300-82.8 of the Salisbury Zoning By-Laws.

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

**CONDITIONS:**

Lighting to be dark sky compliant.

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**Prior to Commencement of Site Work:**

1. **Pre-Construction Meeting:** The Applicant shall coordinate with the Town Planner 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.
2. The applicant must submit the Massachusetts Highway approval of the curbcut to the Planning Board.

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

3. 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.
4. The Applicant shall provide a Construction Sequencing Plan, subject to the approval of the Town Engineering Consultant or designee.
5. The Fire Suppression System, hydrant locations and alarm design shall be subject to approval by the Building Inspector or his designee. The Final Plan as approved by the Building Inspector or his designee shall be submitted to the Town Planner.

6. The Applicant shall not restrict access in any manner from the site to public ways or land.
7. **Timeframe:** The work authorized hereunder must have active development or at least substantial progress toward the 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.
8. This approval shall apply to any successor in interest or successor in control of the property subject to this approval and any contractor or other person performing the work.
9. This approval does not relieve the applicant or any other person(s) of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws or regulations.
10. 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.
11. The work shall conform to the plans and special conditions referenced in this approval.
12. No change to an approved plan shall be made until the applicant receives written permission from the Planning Board.
13. The staff or members of the Planning Board shall have the right to enter and inspect the area subject to this approval at reasonable hours to evaluate compliance with this approval, and may require the submittal of any data deemed necessary by the Planning Board for that evaluation.

**During Construction:**

1. 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:**

a) Construction activity shall not take place on site except during the following hours:

Mondays through Fridays inclusive: 7:00 AM to 6:00 PM,  
Saturdays: 9:00 AM to 5:00 PM,  
Sundays and Legal Holidays: none

This Condition is subject to stop work orders and criminal complaints enforceable by the Salisbury Police Department. The Town Manager may waive this condition, subject to 2-day advance notice to all abutters and abutters of abutters, on a limited basis where it is in the public interest to do so, and shall notify THE BOARD immediately of any such waivers.

2. The landscaping as shown on the plan shall be constructed as approved

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3. **Site Inspections:** 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.
4. The Applicant and/or its contractor shall provide during construction complete, full coordination with local officials on making connections to existing utilities, further all utilities on site shall be installed underground, subject to local utility approval.
5. The Applicant shall ensure that all public ways abutting the construction shall be kept clear and passable at all times, except as necessary to allow off-site construction as required by this Decision. No refuse containers, trailers, construction materials or construction equipment of any kind shall be placed, parked or stored upon the street or off-site parking lots.
6. 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, subject to the approval of the Health Administrator or designee. The Applicant shall ensure that abutting local streets and private ways are kept clear of dirt and debris, which may accumulate as a result of construction activities for the Project.

**Prior to the Issuance of any Certificates of Occupancy:**

1. **Affordable Housing:** The Inclusionary Zoning Requirement payments must be paid as per the agreement "Covenant and Agreement for Housing Contribution Payments Pursuant to Article XIII of the Salisbury Zoning By-Law" between the Developer and Town.
2. Upon completion of the work described herein, the applicant shall submit a Request for a Certificate of Completion, along with an as-built plan, to the Planning Board, upon which time the Inspector for the Planning Board has 20 days to inspect the project. This must be done and the Certificate of Completion must be granted in order to receive a Certificate of Occupancy.
3. Per Planning Board Rules and Regulations II.C.7, the dumpster shall be screened around its perimeter.
4. **Site Lighting:** Per Planning Board Rules and Regulations II.C.3, the site lighting shall be shielded with cut-offs to prevent glare to abutting properties and the night sky.
5. All signage shall conform to present by-laws. The signage on the site shall not deviate significantly from that shown on the approved plans.
6. 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.
7. Any mechanicals shall be screened from public view by landscaping, fencing or materials consistent with the building.

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**After Occupancy:**

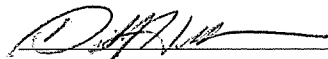
1. The Applicant or future owner shall have the responsibility of maintaining or replacing landscaping, fencing and lighting as indicated in the plans required herein. As determined by the Town Planner, the Applicant shall use best practices, including properly maintained irrigation and professional landscape services, to maintain the required landscaping in disease, drought tolerant and weed free condition, and shall replace required landscaping as necessary for the duration of the use.
2. The Applicant shall ensure daily that exterior areas of the site remain clear of debris, trash and any equipment used in connection with commercial activity on the site, and any property or refuse from the commercial operation shall not accumulate off-site.
3. The Applicant shall ensure that the required parking spaces are accessible at all times. Snow storage shall not restrict sight lines or damage landscaping.
4. 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 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.)

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5. Within 90 days a final As-Built Plan in form(s) and format(s) acceptable to the Town Engineering Consultant shall be submitted to the Town Engineering Consultant and Planning Division to ensure compliance with this Decision and other applicable Town standards and zoning regulations.

Signed as to the accuracy of the vote:



David Holscher, Chairman- Planning Board

Date:

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, CR

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