Lisa Pearson

Director of Planning and Development ipearson@salisburyma.gov

Bart McDonough

Assistant Planner bmcdonough@salisburyma.gov

Sue Johnson

Planning Board Secretary planningdept@salisburyma.gov

Phone: 978-463-2266 Fax: 978-462-3915



Planning Board

Town of Salisbury 5 Beach Road Salisbury, MA 01952



Planning Board: Don Egan, Chair John "Marty" Doggett, V. Chair Gil Medeiros, Clerk Lou Masiello Deborah Rider. Alternate

SPECIAL PERMIT & SITE PLAN APPROVALS

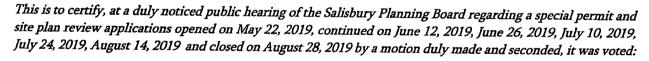
September 10, 2019

Town Clerk Town of Salisbury Salisbury, MA 01952

RE: 3 Bridge Road and 4 Beach Road Special Permit and Site Plan Approval

Petitioners: Liberty Real Estate Strategy, LLC & Downeast Development, LLC Address of Petitioners: 24R Pleasant Street. Unit 2, Newburyport, MA 01952 Address of Project: 3 Bridge Road and 4 Beach Road Salisbury, MA 01952

To the Town Clerk:



"We, the Salisbury Planning Board, as requested by Liberty R,E, Strategy, LLC and Downeast Development, LLC under the provisions of General Laws Chapter 40A, Article XIIIA Special Provisions for Village Center District, Article XVIII Site Plan Review and §300-35 of the Zoning Bylaws of the Town of Salisbury, to consider a special permit and site plan approval upon the contemplated use for a multibuilding, mix-used development, composing of 13 residential units, commercial space, roadway and parking infrastructure, and other essential site infrastructure and land improvements for property addressed at 3 Bridge Road (Assessors Map 3, Lot 13) and 4 Beach Road (Assessor's Map 3, Lot 10) shown on plans ("The Plans") entitled:

"Plan of Land in Salisbury, MA, Showing Proposed Site Improvements at 3 Bridge Road / 4 Beach Road, prepared for Downeast Investments, LLC and Liberty Real Estate Strategy, LLC and prepared and stamped by Millennium Engineering Inc., dated March 25, 2019 and revised on April 3, 2019, May 16, 2019, June 10, 2019, July 30, 2019 and August 19, 2019 do hereby vote:

> This is to certify that twenty (20) days have elapsed from date of decision filed

Town of Salisbury, Massachusetts: 3 Bridge Road and 4 Beach Road Special Permit and Site Plan Review Decision

Town Clerk



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TOWN OF SALISBURY

I.

SPECIAL PERMIT APPROVALS

§300-82.4(B)(2) Horizontal mixed-use development

Lou Masiello motioned to grant, with the conditions listed hereinbelow in section VI. Special Permit Conditions, the special permit application pursuant to M.G.L, Chapter 40A, §300-35 Special permits, §300-82.10 Special permits and §300-82.4(B)(2) Horizontal mixed-use development of the Zoning Bylaws of the Town of Salisbury for property located on 3 Bridge Road (Assessor's Map 3, Lot 13) and 4 Beach Road (Assessor's Map 3, Lot 10) Salisbury, MA that seeks relief to construct a horizontal mixed-use development along with the installment of major site improvements because:

- The requested use is listed in §300-12 Table of Uses as a use permitted by special permit by the Planning Department;
- 2. The requested use has demonstrated to be desirable to the public convenience or welfare;
- 3. The requested use *has demonstrated* it will not create undue traffic congestion or unduly impair pedestrian safety;
- 4. The requested use has demonstrated it will not overload any public water, drainage, or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety, or the general welfare;
- 5. No special regulations were identified for this particular use set forth in §300-12 Table of Uses;
- 6. The requested use has demonstrated it will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare of the neighborhood;
- 7. The requested use has demonstrated it will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood;
- 8. The requested use has demonstrated it addresses the purpose if the Village Center District; and
- The requested use has demonstrated it appropriately addresses the site-specific attributes and site-specific concerns held by the Planning Board its peer review consult, and municipal staff.

John "Marty" Doggett seconded.

Vote on Special Permit:

Don Egan: Yes Lou Masiello: Yes John "Marty" Doggett: Yes Gil Medeiros: Yes Deborah Rider Yes

Special Permit: Granted

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§300-82.5(B)(3) Density of residential uses

This is to certify, at a duly noticed public hearing of the Salisbury Planning Board regarding Planning Plann

"We, the Salisbury Planning Board, as requested by Liberty R,E, Strategy, LLC and Downeast Development, LLC under the provisions of General Laws Chapter 40A, §300-35 Special permits, §300-82.10 Special permits, §300-82.5(B)(3) Density of residential uses of the Zoning Bylaws of the Town of Salisbury, to consider a special permit upon the contemplated use that seeks relief to increase residential density to 2,500 square feet for the second and each additional unit for the proposed 13 residential units on property addressed at 4 Beach Road (Assessor's Map 3, Lot 10) shown on plans ("The Plans") entitled:

"Plan of Land in Salisbury, MA, Showing Proposed Site Improvements at 3 Bridge Road / 4 Beach Road, prepared for Downeast Investments, LLC and Liberty Real Estate Strategy, LLC and prepared and stamped by Millennium Engineering Inc., dated April 3, 2019 and revised on May 16, 2019, June 10, 2019, July 30, 2019 and August 19, 2019 do hereby vote:

Lou Masiello motioned to grant the special permit application, pursuant to M.G.L Chapter 40A, §300-35 Special permits, §300-82.10 Special permits, and §300-82.5(B)(3) Density of residential units of the Zoning Bylaws of the Town of Salisbury for property located 3 Beach Road (Assessor's Map 3, Lot 13) and 4 Beach Road (Assessor's Map 3, Lot 10) Salisbury, MA that seeks relief to increase residential density to 2,500 square feet for the second and each additional unit, totaling 13 dwelling units on Map 3. Lot 10 as:

- 1. The requested use *is listed* in §300-12 Table of Uses as a use permitted by special permit by the Planning Department;
- The requested use has demonstrated to be desirable to the public convenience or welfare;
- 3. The requested use has demonstrated it will not create undue traffic congestion or unduly impair pedestrian safety;
- 4. The requested use has demonstrated it will not overload any public water, drainage, or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety, or the general welfare;
- 5. There are no special regulations for this particular use set forth in §300-12 Table of Uses.
- The requested use has demonstrated it will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare of the neighborhood;
- 7. The requested use *has demonstrated* it will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood;
- 8. The requested use has demonstrated it addresses the purpose if the Village Center District; and

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9. The requested use has demonstrated it appropriately addresses the site-specific attributes and site-specific concerns held by the Planning Board its peer review consult, and municipal staff.

John "Marty" Doggett seconded.

Vote on Special Permit:

Don Egan: Yes Lou Masiello: Yes John "Marty" Doggett: Yes Gil Medeiros: Yes Deborah Rider Yes

Special Permit: Granted

§300-82.8(C) Building placement

This is to certify, at a duly noticed public hearing of the Salisbury Planning Board regarding a special permit application opened on August 14, 2019 and continued and closed on August 28, 2019 by a motion duly made and seconded, it was voted:

"We, the Salisbury Planning Board, as requested by Liberty R,E, Strategy, LLC and Downeast Development, LLC under the provisions of the General Laws, Chapter 40A, §300-35 Special permits, §300-82.10 Special permits, §300-82.8(C) Building placement of the Zoning Bylaws of the Town of Salisbury, to consider a special permit upon the contemplated use that seeks relief to approve an alternative design of the commercial building that is consistent with the purpose of the Village Center District on property addressed at 3 Beach Road (Assessor's Map 3 Lot 13) shown on plans ("The Plans") entitled:

"Plan of Land in Salisbury, MA, Showing Proposed Site Improvements at 3 Bridge Road / 4 Beach Road, prepared for Downeast Investments, LLC and Liberty Real Estate Strategy, LLC and prepared and stamped by Millennium Engineering Inc., dated April 3, 2019 and revised on May 16, 2019, June 10, 2016, July 30, 2019, and August 19, 2019 do hereby vote:

John "Marty" Doggett motioned to grant the special permit petition, pursuant to M.G.L Chapter 40A, §300-35 Special permits, §300-82.10 Special permits, and §300-82.8(C) Building placement of the Zoning Bylaws of the Town of Salisbury for property located on 3 Beach Road (Assessor's Map 3, Lot 13) that seeks relief for an alternative design of the commercial building that is consistent with the purpose of the Village Center district as:

- 1. The requested use *is listed* in §300-12 Table of Uses as a use permitted by special permit by the Planning Department;
- 2. The requested use has demonstrated to be desirable to the public convenience or welfare;
- 3. The requested use *has demonstrated* it will not create undue traffic congestion or unduly impair pedestrian safety;
- 4. The requested use has demonstrated it will not overload any public water, drainage, or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety, or the general welfare;
- 5. There are no special regulations for this particular use set forth in §300-12 Table of Uses.

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6. The requested use has demonstrated it will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare of the neighborhood,

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- 7. The requested use *has demonstrated* it will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood;
- 8. The requested use has demonstrated it addresses the purpose if the Village Center District; and
- 9. The requested use *has demonstrated* it appropriately addresses the site-specific attributes and site-specific concerns held by the Planning Board its peer review consult, and municipal staff.

Gil Medeiros seconded.

Vote on Special Permit:

Don Egan: Yes Lou Masiello: Yes John "Marty" Doggett: Yes Gil Medeiros: Yes Deborah Rider Yes

Special Permit: Granted

§300-82.8(H) Outdoor storage

This is to certify, at a duly noticed public hearing of the Salisbury Planning Board regarding a special permit application opened on August 14, 2019 and continued and closed on August 28, 2019 by a motion duly made and seconded, it was voted:

"We, the Salisbury Planning Board, as requested by Liberty R,E, Strategy, LLC and Downeast Development, LLC under the provisions of the General Laws, Chapter 40A, §300-35 Special permits, §300-82.10 Special permits, §300-82.8(H) Outdoor storage of the Zoning Bylaws of the Town of Salisbury, to consider a special permit upon the contemplated use that seeks relief to approve outdoor storage, trash collection, compaction, or loading within 50 feet of a residential district on property addressed at 3 Bridge Road (Assessor's Map 3, Lot 10) and 4 Beach Road (Assessor's Map 3 Lot 13) shown on plans ("The Plans") entitled:

"Plan of Land in Salisbury, MA, Showing Proposed Site Improvements at 3 Bridge Road / 4 Beach Road, prepared for Downeast Investments, LLC and Liberty Real Estate Strategy, LLC and prepared and stamped by Millennium Engineering Inc., dated April 3, 2019 and revised on May 16, 2019, June 10, 2016, July 29, 2019, and August 19, 2019 do hereby vote:

Gil Medeiros motioned to grant the special permit petition, pursuant to M.G.L Chapter 40A, §300-35 Special permits, §300-82.10 Special permits, and §300-82.8(H) Outdoor storage of the Zoning Bylaws of the Town of Salisbury for property located on 3 Bridge Road (Assessor's Map 3, Lot 13) and 4 Beach Road (Assessor's Map 13, Lot 10) Salisbury, MA that seeks relief to locate dumpster within 50 feet of a residential district as:

- 1. The requested use *is listed* in §300-12 Table of Uses as a use permitted by special permit by the Planning Department;
- 2. The requested use has demonstrated to be desirable to the public convenience or welfare;
- 3. The requested use *has demonstrated* it will not create undue traffic congestion or unduly impair pedestrian safety;

- 4. The requested use has demonstrated it will not overload any public water, drainage, or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety, or the general welfare;
- 5. There are no special regulations for this particular use set forth in §300-12 Table of Uses.
- 6. The requested use *has demonstrated* it will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare of the neighborhood;
- 7. The requested use has demonstrated it will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood;
- 8. The requested use has demonstrated it addresses the purpose if the Village Center District; and
- 9. The requested use *has demonstrated* it appropriately addresses the site-specific attributes and site-specific concerns held by the Planning Board its peer review consult, and municipal staff.

Deborah Rider seconded.

Vote on Special Permit:

Don Egan: Yes Lou Masiello: Yes John "Marty" Doggett: Yes Gil Medeiros: Yes Deborah Rider Yes

Special Permit: Granted

II. SITE PLAN RELIEF REQUEST

The Petitioners requested at the August 28, 2019 Planning Board meeting, pursuant to §300-82.6(8) of the Zoning Bylaws of the Town Salisbury, the following relief:

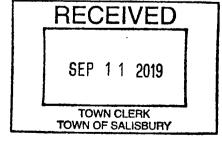
1. A reduction in parking of up to 12.5% of the total required spaces for the uses served by said parking.

Gil Medeiros motioned to grant relief up to 12.5%, pursuant to §300-82.6(8) as the Board has determined that the required number of parking spaces of 57 can be reduced to 50, subject to a parking sharing agreement, without compromising site's vehicular and pedestrian safety.

Deborah Rider seconded.

Vote on relief request: 5-0

Motion: Passed



III. SITE PLAN APPROVAL SEP 1 1 2019

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Before the Planning Board votes to approve the proposed site plan, pursuant to Article XVIII Site Plan Review of the Zoning Bylaws of the Town of Salisbury, the Planning Board, in according with §300-82.7 of the Zoning Bylaws of the Town of Salisbury, in addition to the requirements within Article XIIIA Special Provisions for Village Center District of the Zoning Bylaws of the Town of Salisbury, shall approve a site plan for development in the Village Center District only upon finding that the proposed project could not be reasonably altered to:

- a. Achieve greater consistency with the Village Center District development standards and design guidelines in §300-82.8, as applicable;
- b. Improve convenience and safety of vehicular and pedestrian movement within the site and egressing from it, such as by the location of driveway opening s in relation to traffic and/or adjacent streets and the placement, height and size of signage;
- c. Improve access to each building or structure for fire and service equipment;
- d. Provide greater compatibility of buildings, lighting and signs by virtue of their location, arrangement, size and design;
- e. Increase protection for adjacent or neighboring properties against noise, glare, odor, lighting, unsightliness or other objectionable features; and
- f. Reduce the visual intrusion of parking areas viewed from public ways or abutting premises.

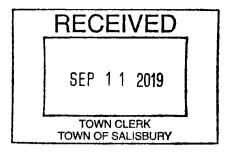
Gil Medeiros motioned to approve the proposed site plan, considering the proposed site plan:

- a. Achieves greater consistency with the Village Center District development standards and design guidelines in §300-82.8, as applicable;
- b. Demonstrates satisfactorily an improvement to the convenience and safety of vehicular and pedestrian movement within the site and egressing from it, such as by the location of driveway openings in relation to traffic and/or adjacent streets and the placement, height and size of signage;
- c. Improves access to each building or structure for fire and service equipment;
- d. *Provides* greater compatibility of buildings, lighting and signs by virtue of their location, arrangement, size and design;
- Increases protection for adjacent or neighboring properties against noise, glare, odor, lighting, unsightliness or other objectionable features; and
- f. Reduces the visual intrusion of parking areas viewed from public ways or abutting premises.

John "Marty" Doggett seconded.

Vote on Site Plan: 5-0.

Motion: Passed.



IV. APPLICATION MATERIALS

Hereinbelow, but not limited to are the materials submitted to the Planning Board during the public hearings:

- Site plan sheets: Millennium Engineering Inc., Site Plan Sheet 1 of 8, dated April, 3 2019 and revised on May 18, 2019; June 10, 2019; July 30, 2019 and August 19,2019
- Landscaping plan: KDTurner Design landscape architecture, dated January 21, 2019 and revised, March 3, 2019; May 15, 2019; June 10, 2019; June 19, 2019; July 23, 2019; July 29, 2019, and August 14, 2019
- 3. Site lighting layout: Visible Light, Inc., dated March 25, 2019 and revised on August 19, 2019
- 4. Fire truck turning template: Millennium Engineering Inc., dated April 3,2019 and revised on May 18, 2019; June 10, 2019, July 30, 2019 and August 19, 2019
- 5. Construction floor plans: Savoie nolan Architects LLC, dated May 31, 2019
- Architectural elevations: Savoie nolan Architects LLC, dated November 26, 2019 and revised on April 3, 2019; June 5, 2019, July 19, 2019 and August 15, 2019
- 7. Aerial perspective, dated June 5, 2019 and revised on July 19, 2019
- 8. Site plan application, dated April 23, 2019
- 9. §300.82.4(B)(2) Horizontal mixed-use special permit application, dated April 23, 2019
- 10. Special permit and site plan application narrative, dated April 23, 2019
- 11. Trip generation Estimates: Vanasse & Associates, Inc., dated May 30, 2019
- 12. Special permit supplemental narrative, dated July 8, 2019
- 13. §300-82.5(B)(3) Density of residential uses special permit application, dated July 26, 2019
- 14. §300-82.8(C) building placement special permit application, dated July 26, 2019
- 15. §300-82.8(H) outdoor storage special permit application, dated July 26, 2019
- 16. Stormwater report, dated March 25, 2019 and revised on May 16, 2019
- 17. Long-term pollution prevention plan and operation and maintenance plan: Millennium Engineering, Inc., dated June 10, 2019
- 18. Response letter from Millennium Engineering, Inc., dated June 10, 2019 and July 30, 2019
- 19. Review letters from Planning Board Consultant Engineer, Joseph Serwatka, dated April 24, 2019; May 28, 2019; June 18, 2019, and August 6, 2019
- 20. Town of Salisbury Review Letters from the:
 - a. Department of Public Works, dated August 13, 2019
 - b. Planning Department, dated December 5, 2018
 - c. Fire Department, dated December 4, 2018

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V.

PLANNING BOARD FINDINGS TOWN OF SALISBURY

- Currently, 3 Bridge Road (Map 3, Lot 10) and 4 Beach Road (Map 3, Lot 13), the proposed sites, are abandon, derelict, and overgrown with invasive vegetation. Abutting the two lots are a gas station, wetlands, residential units and retail commercial uses. The properties under review have been abandon for a number of years with prior uses as an auto repair garage and full-service gas station. In 2009, the gas tanks were removed from the property and remediation measures employed to decontaminate the soil and groundwater.
- 2. Map 3, Lot 10 and Map 3, Lot 13 current natural features comprise a large presence of invasive vegetation; such as knotweed, intermittently dispersed trees, and a wetland that abuts the lot on the southwestern property line, located within the property of Map 3, Lot 14. Alongside the invasive vegetation, the remaining elements of the properties possess an admixture of elements; most notably an abandon gas station and sporadic pieces of deteriorating impervious surfaces. As for stormwater run-off, it currently flows from both lots southwesterly into the wetland located within the abutting lot (Map 3, Lot 14).
- 3. The two proposed sites are within the Village Center District and the primary zoning utilized in these applications fall under Article XIII Special Provisions for Village Center District. The Petitioners shall combine the lots in order to satisfy the Zoning Bylaw's dimensional control regulations as proposed on the site plans by Millennium Engineering, dated March 25, 2019 and revised on April 4, 2019, and stamped by the Town Clerk on April 29, 2019.
- Another major challenge the development encountered, concerned the adequate supply of parking and unencumbered access and egress to and fro the site. The parking issue was on account of the dimensional control regulations and site designed standards of Article XIIIA Special Provisions for Village Center District coupled with the uncertainty of the type of uses to occupy the commercial building's ground level spaces. The Petitioners during the public hearing introduced the allusion that the various businesses within the commercial building shall "occupy different areas of the clock" as a result of the inherently dissimilar nature of businesses planned to occupy the commercial building. While compelling the conception was, the Planning Board does not share this opinion. Whereas the Petitioners failed to provide any evidence, nor guaranteed during the public hearing, the specific types of businesses to occupy the first floor of the commercial building; invoking and presenting only theoretical occupants. As a result, the Petitioners failed to demonstrate to the Board that the application could fulfill the parking standards. As a result, the Petitioners requested a 12.5% reduction in the required amount of parking spaces, pursuant to §300-82.6(8). In regard to access, the Petitioners attempted in good faith to reach an agreement with the property owner of Map 3, Lot 12 to assist in improving vehicular flow and access to all three lots (Map 3, Lot(s) 10,12 & 13). Moreover, the proposed interconnection by the Petitioners between all three sites substantially would have improved vehicular safety; however, the property owner of Map 3, Lot 12 refused to meet with the Petitioners to finalize an agreement. Nevertheless, the Petitioners have proposed to grant to the benefit of Map 3, Lot 12 an access easement on Map 3, Lot 10 (see site plan sheet, C-3) to utilize for future use.
- 5. Related to access is the effect of the increase vehicular traffic generated by the site's improvement. During the public hearing, the Board was concern, given the location of the site at the intersection of Bridge and Beach Road, over the potential traffic impact on the Village Square and surrounding neighborhoods. In response, the Petitioners sought the services of Vanasse & Associations, Inc. to analyze the trip generation estimate based on the site's proposed uses during various periods of the week. The report concluded, with

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full occupancy, that an approximate 236 vehicle trips would be generated on an average weekday, while an increase of 248 vehicle trips is estimated during the weekend. If broken down to its lowest common denominator, the development is estimated to experience less than one (1) vehicle trip even to its lowest common denominator, the development is estimated to experience less than one (1) vehicle trip even to its lowest common denominator, the development is estimated to experience less than one (1) vehicle trip even to its lowest common denominator, the development would not adversely impact local traffic patterns. While the trip generated by the Petitioners seemed to suggest negligible traffic impacts will transpire, the Board retains reservations over the matter. Specifically, the Board is concerned with the interaction of the traffic generated by the House of Pizza, CVS, Beach Road and Lincoln Street with the vehicular traffic utilizing the development's access and egress onto Beach Road. While the impact of this interplay between the sites remains to be seen, the Board shall require the Petitioners to file a follow-up report with the Board on the findings made by MassDOT, the functionary having jurisdiction over Beach Road access. Meanwhile, the Board encourages the Petitioners to continue pursuing negotiations with Map 3, Lot 12 to come to a solution to further improve the configuration of the sites' traffic patterns and access points in order to make the area safer for pedestrians and vehicular traffic.

- 6. A primary goal of Article XIIIA Special Provisions for Village Center District is to create a synergetic relationship between pedestrian and vehicular infrastructure. Given the circumstances and site characteristics, the Board concludes that the Petitioners made a good faith effort to create a traffic pattern flow that safely and harmoniously accommodates vehicular and pedestrian interactions.
- 7. The inclusion of locations dedicated to community interaction and open space is another requirement of Article XIIIA of the Zoning Bylaws of the Town of Salisbury. The proposed site plan thoughtfully creates several locations for community interaction. Noteworthy is the improvement of the common space located in the right of way along Bridge Road. This location will transform from an unhospitable hardscape to a lush, welcoming place for pedestrians to congregate. The remaining passive open space infixed into the properties provides an acceptable amount of open space as required, pursuant to §300-82.5(4).
- 8. The architecture of both the commercial and residential buildings went through an extensive review and revision process during the public hearing. The final building schemes of both properties befittingly meets the development standards and design guidelines of §300-82.8 of the Zoning Bylaws. It is the opinion of this Board that its ultimate configuration shall greatly enhance the character of the Village Center District.
- 9. The submitted special permit and site plan applications contain a design that provided the foundation for the Planning Board to ascertain the fulfilment of the requirements, standards and guidelines of the Salisbury Planning Board Rules and Regulations and applicable Zoning Bylaws.
- 10. The petition for relief sufficiently demonstrates that it will not impair the integrity of the development's locus nor the land, natural resources and stormwater flow of the abutting properties. The petition shall unequivocally improve the lots not only from an environmental perspective, but also from an aesthetic, public amenities and tax base standing.
- 11. In accordance with Article XIII Inclusionary Housing Requirements of the Zoning Bylaws, the Board found during the public hearing that the Petitioners are subject to the requirements of the Bylaw, as the proposed development shall construct thirteen (13) residential dwelling units on a lot where none existed previously. The Petitioners have communicated to the Board that they intend to fulfill the requirements of the Bylaw by paying into the Affordable Housing Trust Fund, pursuant to §300-79 and §300-79 of the Zoning Bylaws.
- 12. The Planning Board has been advised through municipal staff that the utilities, stormwater and public works as proposed are adequate to serve the project. As the product moves forward, the Petitioners shall work

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closely with municipal staff and the Board's consultant engineer to ensure the development is constructed in accordance with the approved plans as identified in section IV. Materials of this decision.

13. The Planning Board has determined that the special permits petitions (§300-82.4(B)(2) Horizontal mixed-use development §300-82.5(B)(3) Density of residential uses; §300-82.8(C) Building placement, and §300-82.8(H) Outdoor storage) satisfy all the conditions enumerated in §300-35 of the Zoning By-Laws of the Town of Salisbury. Specifically, the Planning Board found:

- a. The requested use was listed in §300-12 Table of Uses of Zoning By-Laws of the Town of Salisbury as requiring a special permit from the Planning Board.
- b. The requested use was determined to be desirable to the public convenience and welfare.
- The requested use demonstrated that it will not create undue traffic congestion or unduly impair pedestrian safety.
- d. The requested use demonstrated that it will not overload any public water, drainage, or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety, or the general welfare.
- e. There are no special regulations within the Zoning By-Laws of the Town of Salisbury that needed to be fulfilled.
- f. The requested use demonstrated that it will not impair the integrity or character of the district or adjoining districts, nor is the requested use detrimental to the health or welfare of the neighborhood; however, any expansion of the use will need to be reviewed by the Planning Board to ensure that it will not adversely impact the abutting residents and natural features.
- g. The requested use demonstrated that it will not, by its addition to the neighborhood, cause an excess of that particular use that is detrimental to the character of the neighborhood.
- 9. The Planning Board determined that the special permit petitions (§300-82.4(B)(2) Horizontal mixed-use development §300-82.5(B)(3) Density of residential uses; §300-82.8(C) Building placement, and §300-82.8(H) Outdoor storage) satisfy all the criteria enumerated in §300-82.10 of the Zoning By-Laws of the Town of Salisbury. Specifically, the Planning Board found:
 - The requested use adequately demonstrated it addresses the purpose if the Village Center District;
 and
 - b. The requested use *adequately demonstrated* it appropriately addresses the site-specific attributes and site-specific concerns held by the Planning Board, its peer review consult, and municipal staff.
- 10. In according with §300-82.7, in addition to the requirements in Article XVIII of the Zoning Bylaw, the Planning Board found that proposed site plan for development in the Village Center District could not be reasonably altered to:
 - a. Achieve greater consistency with the Village Center District development standards and design guidelines in §300-82.8, as applicable;

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- b. Improve convenience and safety of vehicular and pedestrian movement within the site and egressing from it, such as by the location of driveway opening s in relation to whate and opening adjacent streets and the placement, height and size of signage;
- c. Improve access to each building or structure for fire and service equipment;
- d. Provide greater compatibility of buildings, lighting and signs by virtue of their location, arrangement, size and design;
- Increase protection for adjacent or neighboring properties against noise, glare, odor, lighting, unsightliness or other objectionable features; and
- f. Reduce the visual intrusion of parking areas viewed from public ways or abutting premises.

VI. SPECIAL PERMIT CONDITIONS

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

- 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.
- 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.
- 3. The work shall conform to the plans and conditions referenced in this approval.
- 4. All utilities on the site shall be underground. If the plan is amended to install above-ground utilities, the Petitioners must submit a site plan modification request to the Planning Board.
- 5. All signs will conform with Chapter 214, Signs, of the Town Code.
- 6. Applicant is responsible for maintaining parking space lines and signs located within the development.
- 7. All onsite exterior lighting shall be dark-sky compliant.
- 8. No deliveries shall take place outside the hours of 7 am through 7 pm Monday through Friday. Deliveries are prohibited on Saturday or Sunday.
- The Petitioners are responsible for arranging site inspections and ensuring that the Planning Board's agent/or representative is on-site when items are required to be inspected.
- 10. All inspections of stormwater Best Management Practices (BMPs) and sediment and erosion control measures shall occur during construction of BMPs as well as within 24 hours of the end of a storm event of 0.5 inches or greater, from, the start of construction until the site is permanently stabilized.

- 11. All site inspections performed shall be documented by a written inspection report. The Petitioners shall submit annual stormwater operations and maintenance reports with the Department of Public Works.
- 12. The name and contact information of the entity responsible for submitting the annual stormwater operations and maintenance reports must be submitted to the Department of Public Works
- 13. The Petitioners shall submit to the Planning Board a revised traffic analysis report based on approval received from MassDOT regarding the entrance and egress access from the site.
- 14. The Petitioners shall retain all construction inspection records and reports for a minimum of 5 years from the date of issuance of the Certification of Completion.
- 15. The Petitioners shall submit a revised site plan, subject to the approval of the Planning Department, outlining waste disposal methods during construction which includes, but not limited to measures that provide for the disposal of any discarded building materials, concrete truck wash out, chemicals, litter, sanitary waste or any other waste or debris that is generated on the site due to the construction of the improvements of this site plan.
- 16. In the instant the sidewalk is utilizes by an use located in the commercial building, e.g., outdoor seating, the Petitioners shall submit a site plan to the Planning Board for approval.
- 17. Snow storage shall be stockpiled on site per the approved plan. Snow storage shall not block roadways, rights-of-ways, sidewalks, crosswalks, parking areas, turnarounds, or stop drainage and stormwater BMPs from properly functioning. In the instance the snow storage areas reach capacity, the snow shall be transported off site at the Petitioners expense.
- 18. Furthermore, a snow removal protocol shall be detailed in the condominium master deed that mirror condition number 15 of this decision for the residential units located on Map 3, Lot 10.
- 19. In the instant the Petitioners modifies any of the buildings' footprint not referenced on the plat plan set, dated July 31, 2019, a special permit modification request shall be filed with the Planning Board for approval before any site work commences.
- 20. In the event the architectural design is amended as illustrated in the July 19, 2019 architectural renderings by Savoie nolan Architects LLC, the Petitioners shall file a special permit modification request.

21. In the event that the drainage design fails to accommodate the stormwater runoff flowing from 2 Beach Road 9 (Map 3, Lot 12), the Petitioners shall submit to the Planning Department for approval a revised drainage design plan that satisfactorily addresses the design deficiencies.

- 22. All sidewalks abutting the lots will replaced or repaired.
- 23. All concrete sidewalks work must involve full panels.
- 24. Detectable warning pads shall be installed on the sidewalks per manufacturing instructions.

25. Construction vehicles and personnel must not obstruct the public sidewalks, not interfere with sight distances for turning vehicles.

26. The Petitioners shall meet with the Department of Public Works Director to finalize the location of the water meters and appropriate connection point to the water main.

SEP 1 1 2019

27. The Petitioners shall submit plans to Pennichuck to determine both the suitable sizing of water meters and connection fees.

TOWN OF SALISBURY

- 28. All abandoned water services must be retied back to the main. Prior to the abandonment, Pennichuck must inspect and grant approval.
- 29. In the instance of a weather event during construction, the Petitioner shall inspect the erosion controls and make necessary repairs within the 24- hour period.
- 30. Prior to the issuance of a building permit, the Petitioners shall combine the lots and record plan at the Registry of Deeds.
- 31. The Petitioners shall provide to the Planning Board for approval an updated public realm improvement plan for the work to take place along the right-of-way and public realm on the westside of the sidewalk on Bridge Road. Construction of improvements within this designated area shall not occur until Planning Board approval is obtained.

PRIOR TO ANY SITE WORK

- 32. The Petitioners shall submit to the Planning Department for approval the light fixture specifications that demonstrate a dark sky compliant design.
- 33. The Petitioners shall meet with the Department of Public Works Director to finalize the location of the construction entrance.
- 34. The lastly revised site plans dated August 19, 2019 shall be updated as conditioned in this Decision and five (5) complete sets shall be provided 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.
- 35. The Petitioners shall provide, subject to the approval of the Planning Department, Planning Board's Engineering Consultant or designee, an updated Construction Sequencing Plan and Construction Site Inspection plan outlining the anticipated construction sequence of critical points of installation and the major frequency and contents of inspections at the construction site.
- 36. Prior to the pre-construction meeting, the Petitioners shall submit to the Planning Department and Department of Public Works Director for approval a traffic management plan for the proposed utility work on Bridge Road and Beach Road.
- 37. Following the administrative appeal period, this Decision and approved site plans shall be recorded at the registry of deeds prior to the pre-construction meeting. The Petitioners shall furnish evidence to the Planning Department demonstrating the recording of this Decision and approved site plans.
- 38. The Petitioners shall coordinate with the Planning Department a pre-construction meeting with the municipal 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.

SEP 1 1 2019

39. The Petitioners are to meet with the Town of Salisbury Department of Public Works to ensure compliance with any requirements, including bonding.

TOWN CLERK TOWN OF SALISBURY

RECEIVED

PRIOR TO THE ISSUANCE

OF A BUILDING PERMIT

- 40. 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.
- 41. No building permit shall be issued until the inclusionary housing covenant is executed and recorded with the Registry of Deeds.
- 42. No building permit shall be issued until the Petitioners demonstrate that the lots are combined and a plan is recorded at the Registry of Deeds.
- 43. All other requirements and permits shall be sought and received, including, but not limited to, utility connections. The Petitioners shall bear the burden of ensuring all federal, state and local permitting has been sought and received. The "Petitioners" 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 Petitioners, Developer and Owner.
- 44. The Petitioners shall provide to the Planning Department 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 Department shall be notified as soon as practical of this change.
- 45. The Petitioners shall 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.
- 46. The Petitioners shall coordinate with the DPW Director all Town and public easements for water, drainage and sewer, if applicable.
- 47. The Petitioners shall meet with the Assessor to finalize the address, map and lot number and unit numbers.

DURING CONSTRUCTION

48. 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 the rain except during the following hours:

Contained therein except during

TOWN CLERK
TOWN OF SALISBURY

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

- 49. 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.
- 50. Construction activities shall be conducted in a workmanlike manner at all times. Blowing dust or debris shall be controlled by the Petitioners through stabilization, wetting down, and proper storage and disposal methods.
- 51. 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 OCCUPANCY

- 52. The Petitioners shall schedule a meeting with the Building Inspector and Town Planner at least 30 days prior the request for a Certificate of Occupancy to review compliance with this Decision.
- 53. The Petitioners shall apply for a Certificate of Completion or Certificate of Partial Completion, per §300-112.H of the Zoning By-Laws of the Town of Salisbury, upon which time the Engineering Consultant for the Planning Board has 10 days to inspect the project. The inspection must be done and the Certificate of Completion must be granted in order to receive a Certificate of Occupancy.
- 54. In the instance the Petitioners are granted a Partial Certificate of Completion, upon completion of the work described herein, the Petitioners shall submit a request for a Certificate of Completion and a final set of asbuilt plans to the Planning Board, upon which time the Inspector for the Planning Board has 10 days to inspect the project. This must be done and the Certificate of Completion must be granted in order to receive the final Certificate of Occupancy.
- 55. In the instance the Petitioners seek a Certificate of Partial Completion, bonding shall be requited for an amount to complete the development's site work and permitting obligations.
- 56. The Petitioners shall submit to the Assessor and Planning Department for review the master deed for the condominium association.
- 57. The Petitioners shall submit to the Planning Department for approval a landscaping management plan establishing the required protocols for post-development landscaping maintenance. Said management plan shall be incorporated in the condominium master deed.
- 58. The Petitioners shall submit to the Planning Department for review, prior to the issuance of the first residential unit's certificate of occupancy, the access easement benefiting Map 3, Lot 12. The Petitioners shall submit a recorded copy of the access easement from the Registry of Deeds prior to the issuance of the last residential unit's certificate of occupancy.

59. The Petitioners shall submit to the Planning Department for review the shared parking agreement between Map 3, Lot 13 and Map 3, Lot 10 prior to the issuance of the first certificate of occupancy permit. Aforementioned shared parking agreement shall be recorded at the Registry of Deeds and a copy delivered to the Planning Department prior to the issuance of the final residential unit's certificate of occupancy permit.

AFTER OCCUPANCY

60. The Petitioners or future owner shall have the responsibility of maintaining or replacing the access to Bridge Road and Beach Road, parking areas, utilities, landscaping, stormwater system and appearances, signage and lighting as indicated in the plans.

MODIFICATION OF SPECIAL PERMIT

61. In the event that the Petitioners intend to modify any of the approved special permits, the Petitioners shall reapply in accordance with M.G.L Chapter 40A.

APPEAL OF SPECIAL PERMIT

62. In accordance with M.G.L, Chapter 40A, Section 17, any appeal must be filed with the Town Clerk and occur within 20 days of the date that the decision was filed with the Town Clerk.

Don Egan,

Salisbury Planning Board

Date: 9/10/10

cc: Petitioners, Building Inspector,

Fire Chief

DPW Director

File

SEP 1 1 2019

TOWN CLERK TOWN OF SALISBURY

This is to certify that twenty (20) days have elapsed from date of decision filed without filing of an appeal.

Town Clerk

Date October 2, 2019



SITE PLAN

FOR

3 BRIDGE ROAD/ 4 BEACH ROAD

SALISBURY, MA

AUGUST 2019



PLAN INDEX

RECORD OWNER

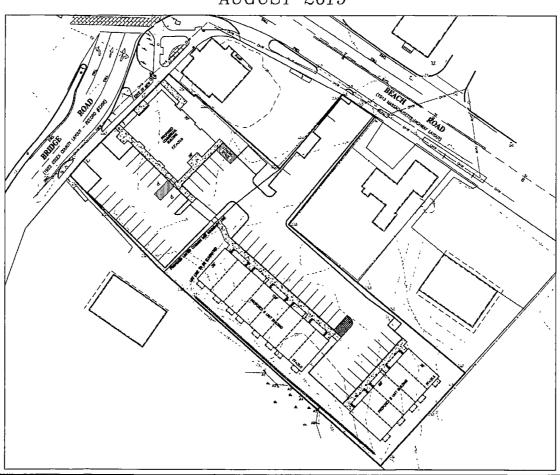
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SHEET NO.	TITLE	
C-1	COVER SHEET	
C-2	EXISTING CONDITIONS PLAN	
C-3	SITE PLAN	
C-4	UTILITY PLAN	
C-5	GRADING PLAN	
C-6	SITE DETAILS	
C7-C8	DRAINAGE DETAILS	
C9	EROSION CONTROL DETAILS	
	ARCHITECTURAL PLANS	
E-1	LIGHTING PLAN	
F-1	FIRE TRUCK TEMPLATES	
1-1	I ANDSCAPE PLAN	

RECORD OWNER

TOTAL AREA 19,669 S.F. 0.45 ACRES



WAIVER REQUESTED 57 TOTAL PARKING SPACES REQUIRED.



ZONING TABLE

J BRIDGE ROAD - ASSESSORS MAP 3 LOT 13 ZONING DISTRICT VC					
	REQUIRED	EXISTING	PROPOSED		
LOT AREA:	1/3 ACRE	0.45 ACRES	0.45 ACRES		
LOT FRONTAGE:	75 FT	130.27	130.27		
FRONT SETBACK:	5 FT	45.2'	5.5'		
SIDE SETBACK:	15 FT	28.7*	15.3"		
REAR SETBACK:	15 FT	57.2'	51.4'		
LOT COVERAGE:	V-35%/H-45%	7.9%	17.8%		
OPEN SPACE:	10% AIN.	47.5%	22.5%		
BLDG HEIGHT:	35 FT	< 35'	< 35'		

ZONING TABLE

4 BEACH ROAD - ASSESSORS MAP 3 LOT 10 ZONING DISTRICT VC					
	REQUIRED	EXISTING	PROPOSED		
LOT AREA:	1/3 ACRE	0.73 ACRES	0.73 ACRES		
LOT FRONTAGE:	75 FT	36.44'	36.44'		
FRONT SETBACK:	5 FT	N/A	177.7		
SIDE SETBACK:	15 FT	N/A	22.9		
REAR SETBACK:	15 FT	N/A	16.1		
LOT COVERAGE:	V-35%/h-45%	0%	24.7%		
OPEN SPACE:	TOX MIN.	100%	26.5%		
BLDG HEIGHT:	35 FT	N/A	< 35'		

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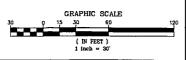
Melinda J Moniss

TOWN CLERK

TOWN OF SALISH

This is to certify that twenty (20) days have elapsed from date of decision filed without filing of an appeal.

Date Of toble 2 2019



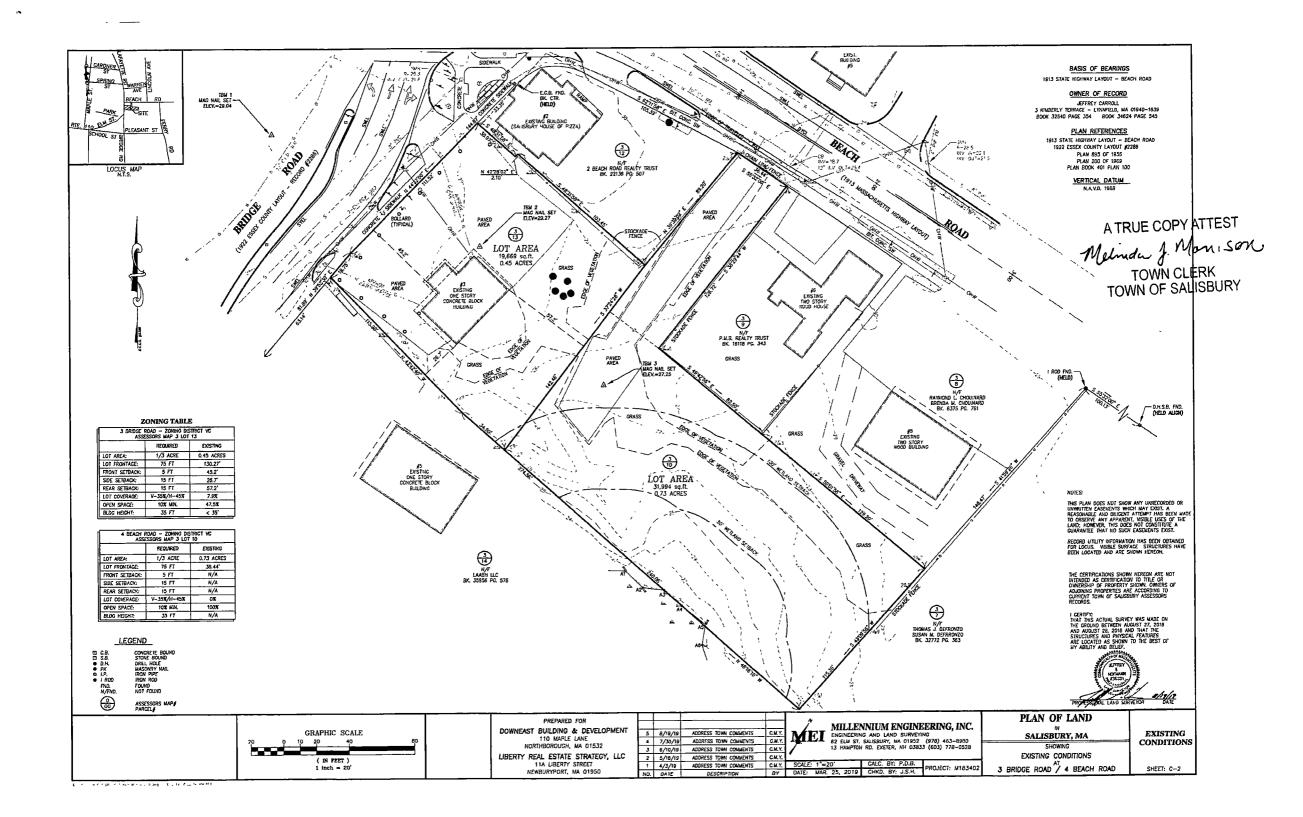
PREPARED FOR DOWNEAST BUILDING & DEVELOPMENT 110 MAPLE LANE NORTHBOROUGH, MA 01532

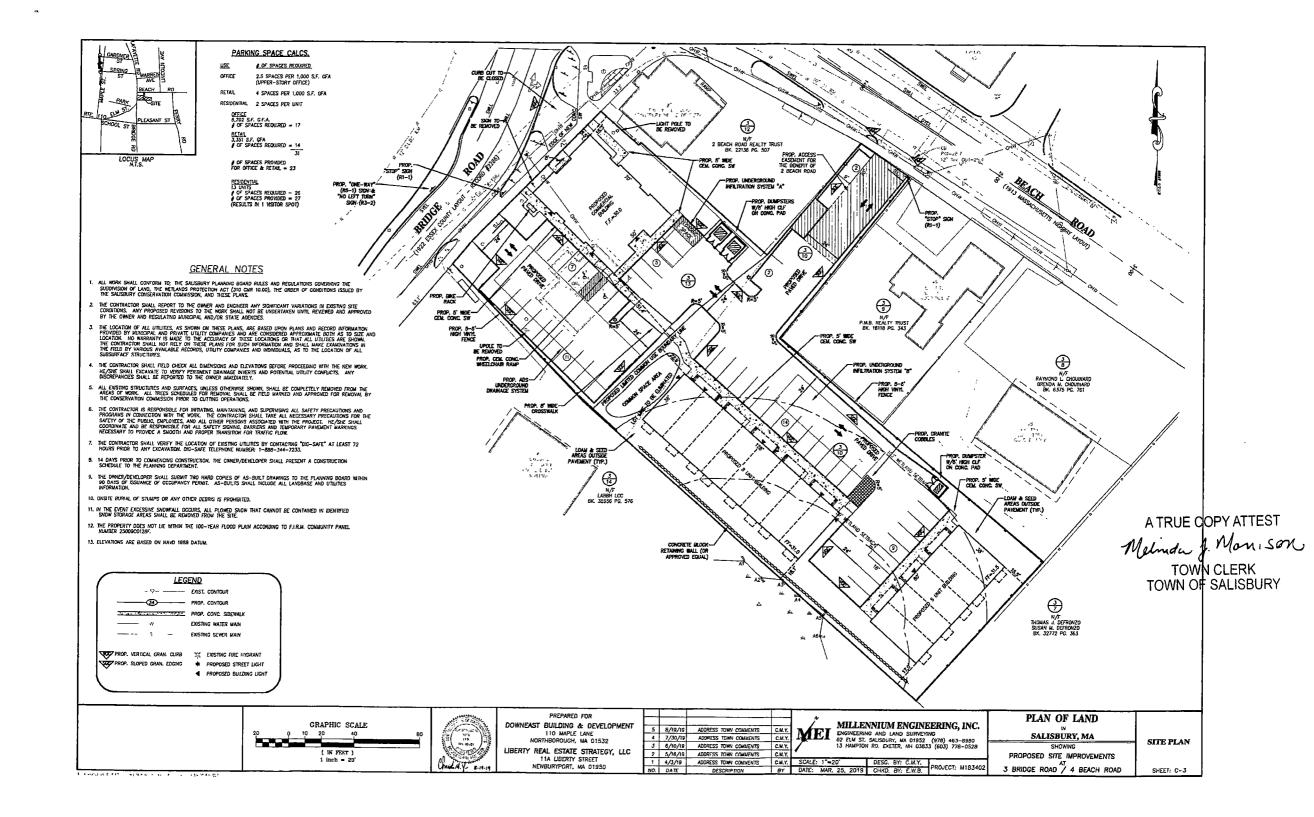
LIBERTY REAL ESTATE STRATEGY, LLC

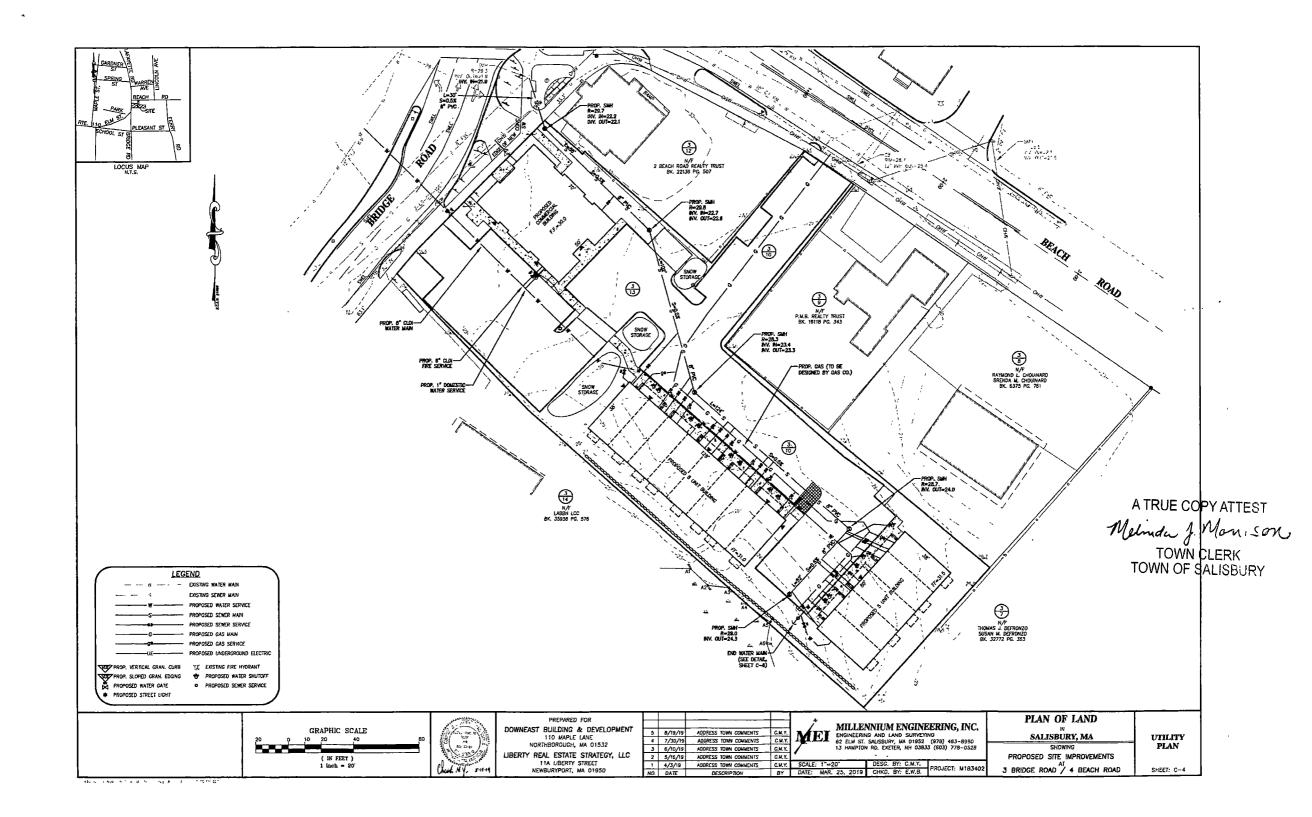
5 8/19/19 ADDRESS TOWN COMMENTS 4 7/30/19 ADDRESS TOWN COMMENTS 3 6/10/19 ADDRESS TOWN COMMENTS 2 5/18/19 ADDRESS TOWN COMMENTS 1 4/3/19 ADDRESS TOWN COMMENTS MILLENNIUM ENGINEERING, INC.

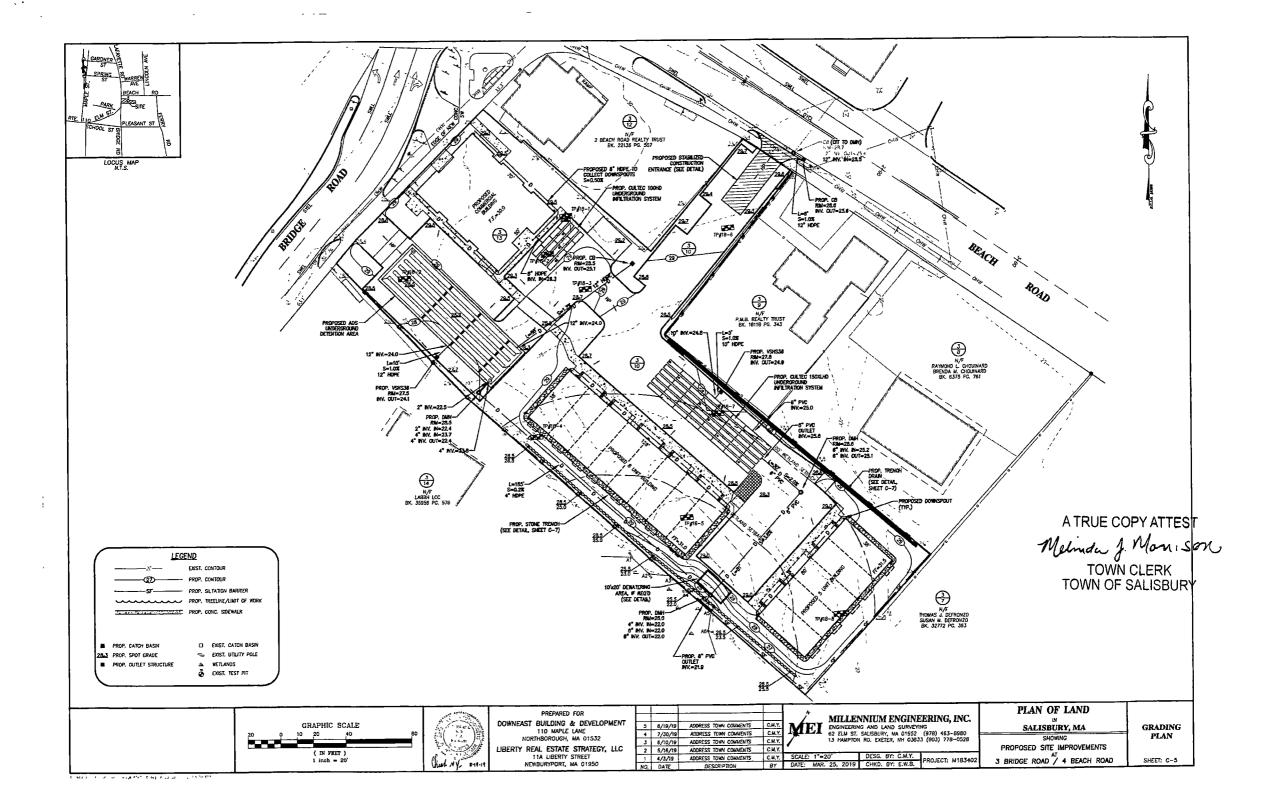
ENGINEERING AND LAND SURVEYING 62 ELM ST. SALISBURY, MA 01952 (978) 463-8980 13 HAMPTON RD. EXETER, NH 03833 (803) 778-0528

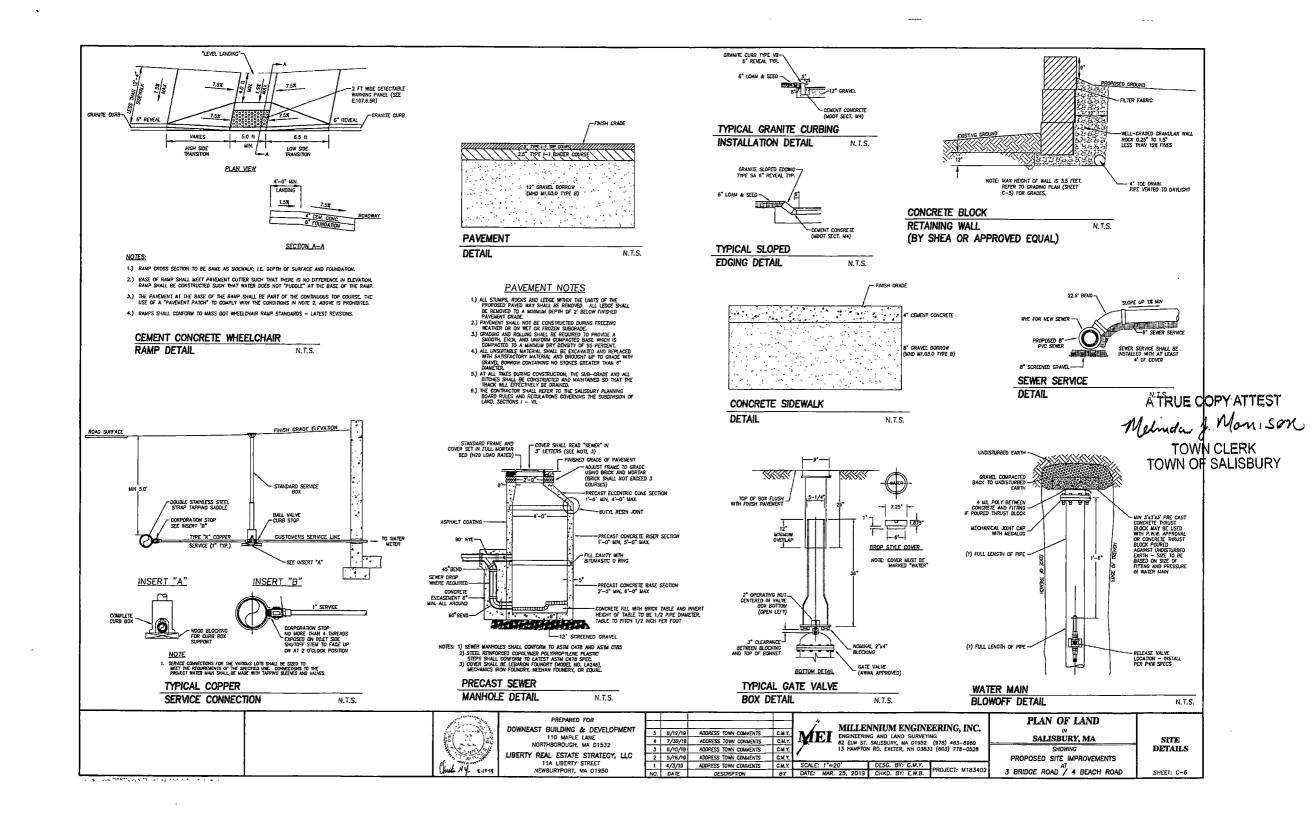
PLAN OF LAND SALISBURY, MA COVER SHEET PROPOSED SITE IMPROVEMENTS 3 BRIDGE ROAD / 4 BEACH ROAD

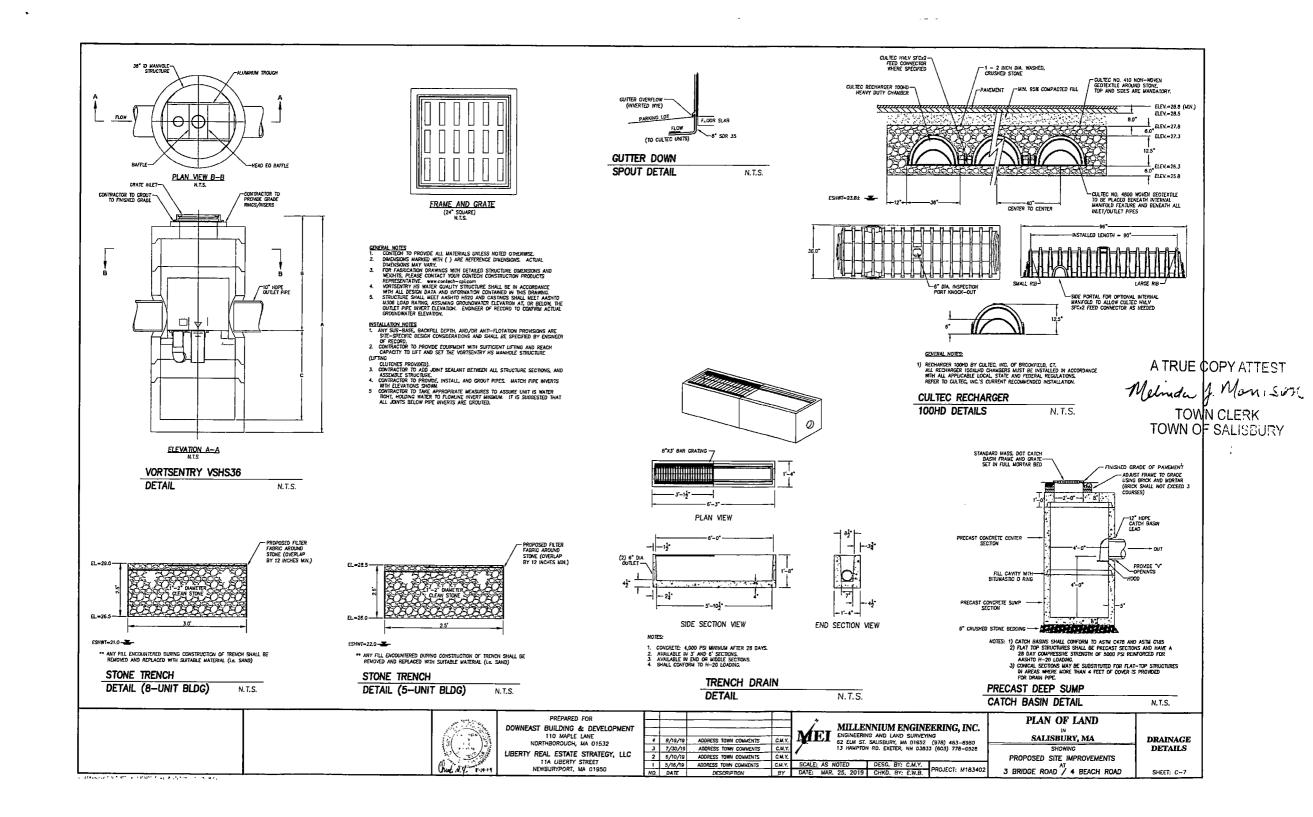


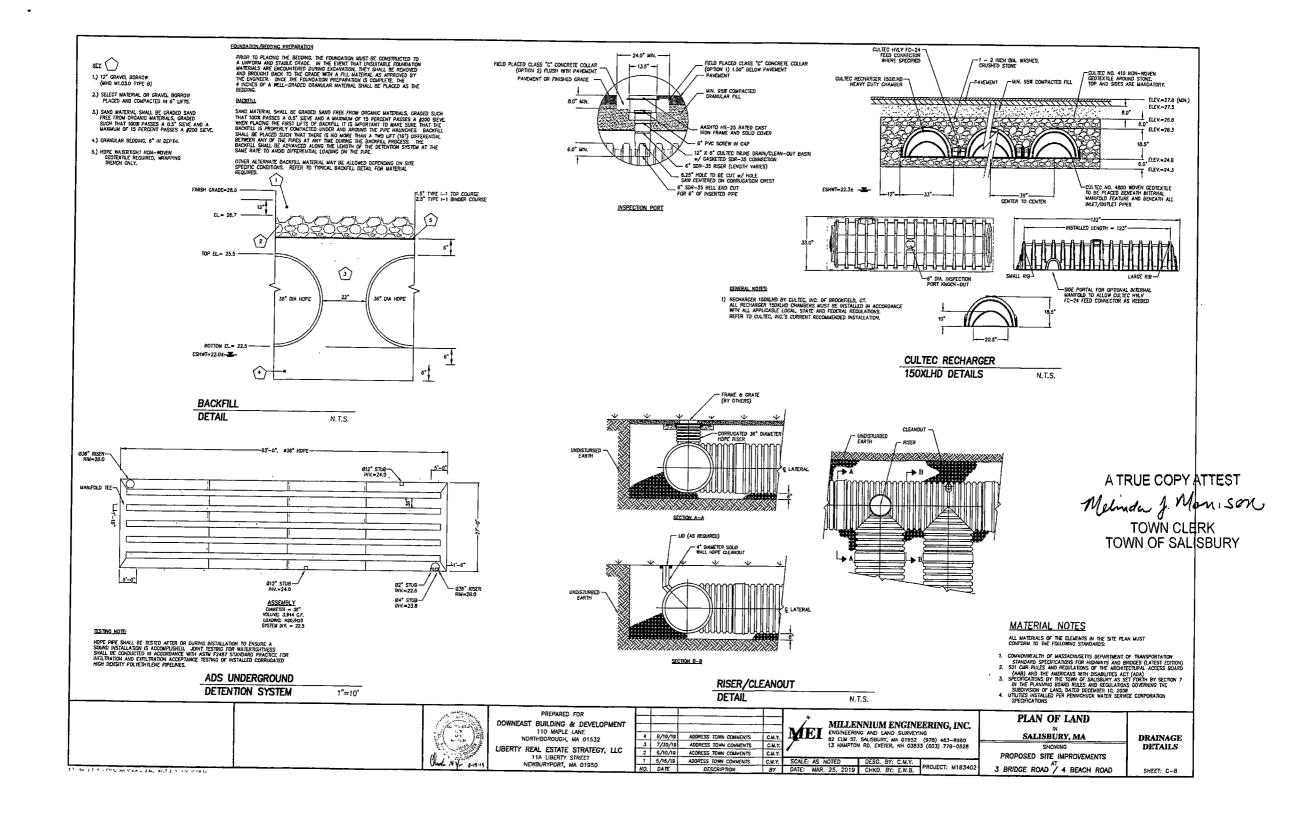


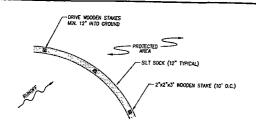












NOTES

EXISTING GROUND

NOTES

EXISTING GROUND

ENTRANCE

- 1. ALL MATERIAL SHALL MEET SPECIFICATIONS BY FILTREXX OR APPROVED EQUAL.
- SILT SOCK SHALL BE INSPECTED WITHIN 24 HOURS AFTER EACH RAINFALL AND AT LEAST DAILY DURING PROLONGED RAINFALL. ANY REPAIRS THAT ARE REQUIRED SHALL BE MADE IMMEDIATELY.
- J. THE CONTRACTOR SHALL REMOVE SEDIMENT AT THE BASE OF THE UPSLOPE SIDE OF THE SILT SOCK WHEN ACCUMULATION HAS REACHED 1/2 OF THE EFFECTIVE HEIGHT OF THE SILT SOCK.
- SLT SOCK SHALL BE MAINTAINED UNTIL DISTURBED AREA ABOVE THE DEVICE HAS BEEN PERMANENTLY STABILIZED AND CONSTRUCTION ACTIVITY HAS BEEN COMPLETED.
- SEDIMENT DEPOSITS THAT ARE REMOVED OR LEFT IN PLACE AFTER THE SOCK HAS BEEN REMOVED SHALL BE GRADED TO CONFORM WITH THE EXISTING TOPOGRAPHY AND VEGETATED.

SILT SOCK INSTALLATION

6" MINIMUM OF 3-4" CRUSHED STONE

10° MIN.

PLAN. VEW

ECONALENT.

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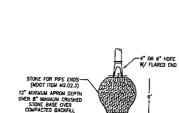
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EXISTING PAVEMENT

EXISTING PAVEMENT



TEST PIT#18-1

LOAMY SAND FILL

CI - SAND

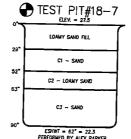
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NOTE: GEOSYNTHETIC EROSION CONTROL MAT

TYPICAL RIP-RAP APRON DETAIL

CROSS COUNTRY AREAS

N.T.S.



TEST PIT#18-3

LOAMY SAND FILE

Ab - SANDY LOAM

CT - SAND

ESHWT = 64" = 23.2

PERFORMED BY ALFX PARKER

TEST PIT#18-2

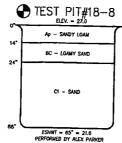
LOAMY SAND FILL

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ESHWT = 62" = 23.8

PERFORMED BY ALEX PARKET



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GENERAL EROSION

CONTROL NOTES

TEST PIT#18-4

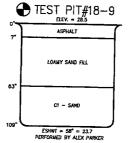
LOAMY SAND FILE

Ab - SANDY LOAM

CI - SAND

ESHWT = 62" = 22.8

PERFORMED BY ALEX PARKED



35

TEST PIT#18-5

LOAMY SAND FILE

Ab - SANDY LOAM

CI - SAND

ESHWT = 55" = 19.9 PERFORMED BY ALEX PARKER

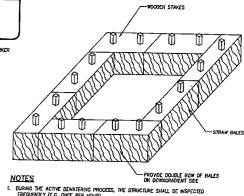
CI - SAND ESHWT = 68" = 23.5 PERFORMED BY ALEX PARKER

TEST PIT#18-6

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A TRUE COPY ATTEST Melinda J. Manison

TOWN CLERK TOWN OF SALISBURY



N.T.S.

SEDIMENT BUILDUP SHOULD BE REMOVED PERIODICALLY TO ENSURE THAT THE STRUCTURE'S ABILITY TO EFFECTIVELY FILTER SEDIMENT IS MAINTAINED.

TYPICAL DEWATERING

DETAIL

CONSTRUCTION SEQUENCE

- SEQUENCE

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TYPICAL TRENCH

DETAIL

PREPARED FOR 110 MAPLE LANE

N.T.S.

11A LIBERTY STREET NEWBURYPORT, MA 01950

MILLENNIUM ENGINEERING, INC.

ENGINEERING AND LAND SURVEYING
62 ELM ST. SALSBURY, NA 01952 (978) 463-8980
13 HAMPTON RD. EXETER, NH 03833 (603) 778-0528

PLAN OF LAND SALISBURY, MA

EROSION CONTROL DETAILS

SHEET: C-9

SLITABLE BACKFILL TO BE PLACED AND COMPACTED IN 1 FOOT LIFTS TO 90% PROCTOR. - EXISTING GROUND SHEETING, IF REQUIRED, SHALL BE CUT OFF AT LEAST FIVE (5) FEET BELOW STREET GRADE AND ONE FOOT ABOVE THE CROWN OF THE PIPE SELECT MATERIAL OR GRAVEL 1/2 0* GRAVEL BORROW BEDDING

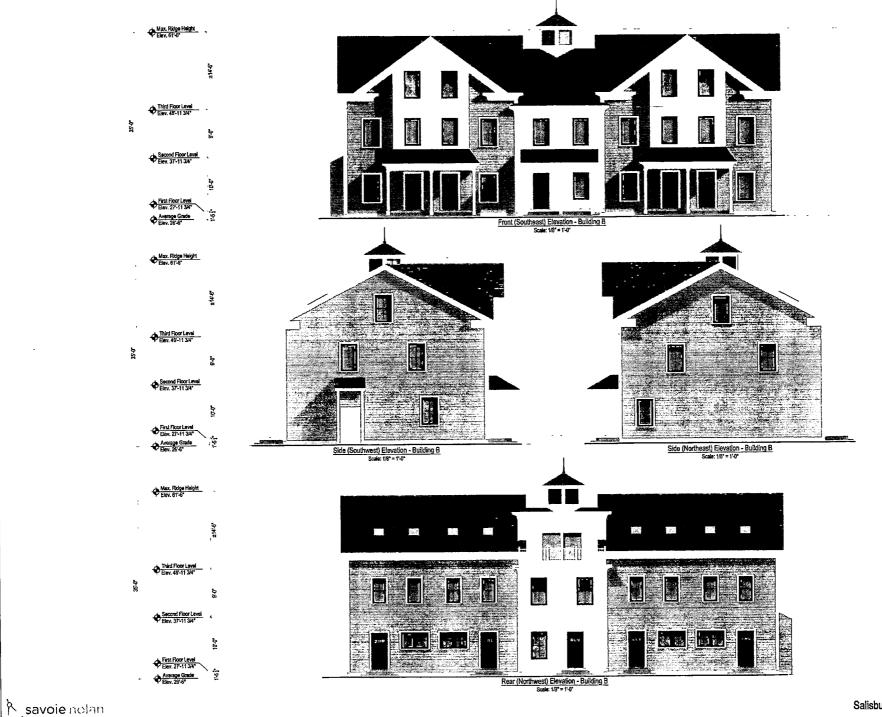
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DOWNEAST BUILDING & DEVELOPMENT NORTHBOROUGH, MA 01532 LIBERTY REAL ESTATE STRATEGY, LLC

4 8/19/19 ADDRESS TOWN COMMENTS C.M.Y. ADDRESS TOWN COMMENTS C.M.Y. 3 7/30/19 2 6/10/19 ADDRESS TOWN COMMENTS C.M.Y.

SHOWING PROPOSED SITE IMPROVEMENTS 3 BRIDGE ROAD / 4 BEACH ROAD

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ARCHITECTS LLC

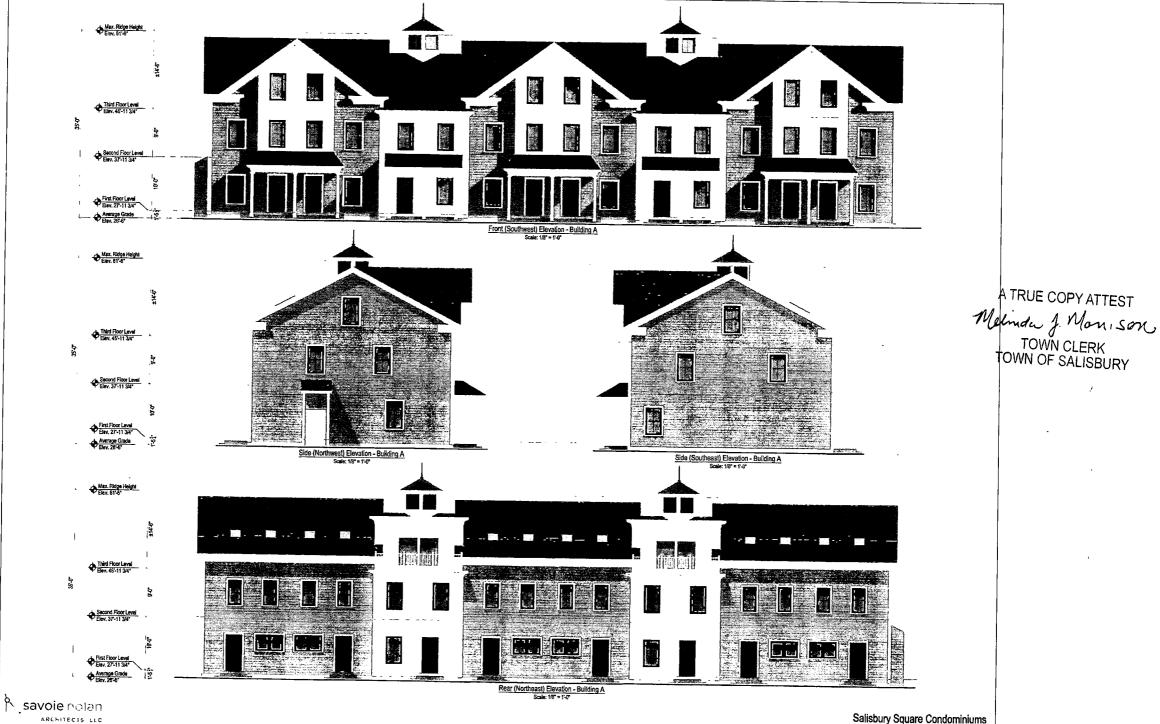
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Melinda J. Man. Sox.

TOWN CLERK

TOWN OF SALISBURY

Salisbury Square Condominiums
4 Beach Road, Salisbury, MA
August 15, 2019
6 2019 by Sanda Nation Activated Little



Salisbury Square Condominiums
4 Basch Road, Selisbury, MA
August 15, 2019
0 2019 by Sande Rolan Architect LUC



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Melinda J. Man: Son

TOWN CLERK

TOWN OF SALISBURY

Aerial Perspective

