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Planning Board:
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John "Marty" Doggett
V. Chairperson
Gil Medeiros, *Clerk*
Lou Masiello
Deborah Rider
John Schillizzi, *Associate*

Planning Board

Town of Salisbury
5 Beach Road
Salisbury, MA 01952

DECISION
MAJOR SITE PLAN APPROVAL

June 24, 2021

Town Clerk
5 Beach Road
Town of Salisbury
Salisbury, MA 01952

Applicant: **504 North End Blvd., LLC**
Address of Applicant: **229 Stedman Street, Lowell, MA 01851**
Address of Project: **504 North End Boulevard (Map 36, Lot 138 A-L)**
Deed: **Book 38806, Page 358**



To the Town Clerk:

This is to certify, at a duly noticed meeting of the Salisbury Planning Board regarding a Major Site Plan review that opened on April 14, 2021, continued to April 28, May 12, May 26, June 9, and closed on June 23, 2021, by a motion duly made and seconded, it was voted:

"We, the Salisbury Planning Board, as requested by 504 North End Blvd., LLC, c/o Mead, Talerman & Costa, LLC, under the provisions of Article XVIII. Site Plan Review of the Zoning By-Laws of the Town of Salisbury, considered Major Site Plan approval to remove two (2) existing, non-conforming, multifamily structures and replace with nine (9) single-family detached dwelling units, at a property addressed as 504 North End Boulevard (Assessors Map 36, Lot 138 A-L), as shown on plans ("The Plans") entitled:

Town of Salisbury, MA- 504 North End Blvd [Major Site Plan Approval]

Residential Site Development Plan Set, 504 North End Blvd., Salisbury, MA for Daly Group, 229 Stedman Street, Lowell, MA dated January 5, 2021, rev thru 05/27/2021, prepared and stamped by Robert Michael Gill, P.E., LandPlex Civil Engineering- Surveying, 10 George Street, Unit 208, Lowell, MA 01852 consisting of five (5) sheets;

Landscape Planting Plan for 504 North End Blvd., for Daly Group, 229 Stedman Street, dated April 21, 2021, rev thru 05/24/2021;

Lighting Photometric Plan for 504 North End Blvd Residences, Salisbury, MA, dated 05/07/2021 rev thru 05/18/2021 by Systems 7. Wolfers, Inc., www.systemseven.com, consisting of ten (10) sheets;

Proposed Floor Plans Units 2, 4, 6, & 8 (Unit 1, 3, 5, & 7 Sim) - A01 for 504 N. End Boulevard Residences, Salisbury, MA 01952, dated 02/09/2021, rev thru 05/26/2021 prepared by Graf Architects, 2 Liberty Street, Newburyport, MA 01950;

Proposed Exterior Elevations Units 2, 4, 6, & 8 (Unit 1, 3, 5, & 7 Sim) - A02 for 504 N. End Boulevard Residences, Salisbury, MA 01952, dated 02/09/2021, rev thru 05/26/2021 prepared by Graf Architects, 2 Liberty Street, Newburyport, MA 01950;

Proposed Floor Plans – Unit 9 (Oceanfront) – A03 for 504 N. End Boulevard Residences, Salisbury, MA 01952, dated 02/09/2021, rev thru 05/10/2021 prepared by Graf Architects, 2 Liberty Street, Newburyport, MA 01950;

Proposed Exterior Elevations – Unit 9 (Oceanfront) – A04 for 504 N. End Boulevard Residences, Salisbury, MA 01952, dated 02/09/2021, rev thru 04/22/2021 prepared by Graf Architects, 2 Liberty Street, Newburyport, MA 01950;

and **do hereby vote:**

WAIVER REQUEST

Provided that it is in the public interest and not inconsistent with the intent and purpose of the Planning Board Rules and Regulations, the Board is permitted to waive compliance on requirements of Site Plan Review.

The applicant submitted a petition for waivers of the Photometric Plan, Landscape Plan and Traffic Impact Report requirements with their application for Major Site Plan review.

At the April 14, 2021 Planning Board meeting, the Board granted the waiver for Traffic Impact report.

Motion presented by: G. Medeiros

seconded by: L. Masiello

Vote on motion: 5-0

Motion: Approved

The petition for waiver of the Landscape Plan to be prepared by a Certified Landscape Architect was withdrawn at the April 28, 2021 Planning Board meeting.

The petition for waiver of Photometric Plan was formally withdrawn in writing by applicant's attorney on May 10, 2021.

MAJOR SITE PLAN DETERMINATION

Motion for approval of the site plan pursuant to Article XVIII, Site Plan Review of Salisbury Zoning Bylaw,

Motion presented by: Gil Medeiros

seconded by: Deborah Rider

Vote on motion: 4 - 0

Motion: Approved

John “Marty” Doggett, Vice Chairperson – Yes

Gil Medeiros, Clerk – Yes

Louis Masiello, Board member – Yes

Deborah Rider, Board member – Yes

Chairperson Don Egan was not present for the evening’s vote.

MATERIALS

(Included, but not limited to:)

1. Residential Site Development Plan Set, 504 North End Blvd., Salisbury, MA for Daly Group, 229 Stedman Street, Lowell, MA dated January 5, 2021, rev thru 05/27/2021, prepared and stamped by Robert Michael Gill, P.E., LandPlex Civil Engineering- Surveying, 10 George Street, Unit 208, Lowell, MA 01852 consisting of five (5) sheets;
 - a. Sheet 1 of 5 - Title Sheet
 - b. Sheet 2 of 5 - Existing Conditions Plan
 - c. Sheet 3 of 5 – Layout, Lighting & Landscaping Plan
 - d. Sheet 4 of 5 – Grading, Utilities & Erosion Control Plan
 - e. Sheet 5 of 5 – Details
2. Landscape Planting Plan for 504 North End Blvd., for Daly Group, 229 Stedman Street, dated April 21, 2021, rev thru 05/24/2021;
3. Lighting Photometric Plan for 504 North End Blvd Residences, Salisbury, MA, dated 05/07/2021 rev thru 05/18/2021 by Systems 7. Wolfers, Inc., www.systemseven.com, consisting of ten (10) sheets;
 - a. Cover Sheet – T0.000
 - b. Lighting Fixtures - Lighting Photometric Site Plan - T3.100
 - c. Lighting Fixtures - Lighting Photometric Pile Plan – Units 1-8 - T3.200
 - d. Lighting Fixtures - Lighting Photometric First Floor Plan – Units 1-8 - T3.201
 - e. Lighting Fixtures - Lighting Photometric Second Floor Plan – Units 1-8 - T3.202
 - f. Lighting Fixtures - Lighting Photometric Roof Plan – Units 1-8 - T3.203
 - g. Lighting Fixtures - Lighting Photometric Pile Plan – Unit 9 - T3.204
 - h. Lighting Fixtures - Lighting Photometric First Floor Plan – Unit 9 - T3.205
 - i. Lighting Fixtures - Lighting Photometric Second Floor Plan – Unit 9 - T3.206
 - j. Lighting Fixtures - Lighting Photometric Roof Plan – Unit 9 - T3.207

4. Proposed Floor Plans Units 2, 4, 6, & 8 (Units 1, 3, 5, & 7 Sim) – A01 for 504 N. End Boulevard Residences, Salisbury, MA 01952, dated 02/09/2021, rev thru 05/26/2021 prepared by Graf Architects, 2 Liberty Street, Newburyport, MA 01950
5. Proposed Exterior Elevations Units 2, 4, 6, & 8 (Unit 1, 3, 5, & 7 Sim) – A02 for 504 N. End Boulevard Residences, Salisbury, MA 01952, dated 02/09/2021, rev thru 05/26/2021 prepared by Graf Architects, 2 Liberty Street, Newburyport, MA 01950;
6. Proposed Floor Plans – Unit 9 (Oceanfront) – A03 for 504 N. End Boulevard Residences, Salisbury, MA 01952, dated 02/09/2021, rev thru 05/10/2021 prepared by Graf Architects, 2 Liberty Street, Newburyport, MA 01950;
7. Proposed Exterior Elevations – Unit 9 (Oceanfront) – A04 for 504 N. End Boulevard Residences, Salisbury, MA 01952, dated 02/09/2021, rev thru 04/22/2021 prepared by Graf Architects, 2 Liberty Street, Newburyport, MA 01950;
8. Autoturn Exhibit Plan [Camry] for 504 North End Blvd, Unit One, prepared for Daly Group, 229 Stedman St, Lowell, MA dated March 15, 2021;
9. Autoturn Exhibit Plan [AASHTO 2011 (US)] for 504 North End Blvd, Unit One, prepared for Daly Group, 229 Stedman St, Lowell, MA dated April 20, 2021;
10. Autoturn Exhibit Plan [AASHTO 2011 (US)] for 504 North End Blvd, Unit Nine, prepared for Daly Group, 229 Stedman St, Lowell, MA dated April 20, 2021;
11. Autoturn Exhibit Plan [Camry] for 504 North End Blvd, Unit Nine, prepared for Daly Group, 229 Stedman St, Lowell, MA dated April 28, 2021;
12. Notice of Intent Plan, for 504 North End Blvd, for the Daly Group, 229 Stedman St, Lowell, MA dated January 5, 2021, rev thru 05/26/2021, prepared and signed by Landplex, 10 George St, Lowell, MA;
13. Minor Site Plan Review Application, received February 17, 2021;
14. List of requested waivers [Landscape Plan, Traffic Impact report, Photometric Plan] received February 17, 2021;
15. Deed Book 38806, Page 358;
16. Condominium Plan 3200-189-1, as filed at South Registry District of Essex County;
17. Project Narrative Letter, received February 17, 2021 and prepared by Atty. Lisa L. Mead, Mead Talerman & Costa;
18. Application for Site Plan Review, received February 17, 2021;
19. Stormwater Report prepared and signed by Landplex [10 George St, Lowell, MA 01852] dated January 5, 2020, rev thru April 20, 2021;
20. Transmittal Letters prepared by Atty. Lisa L. Mead, Mead Talerman & Costa dated March 16, April 5, April 22, May 24, and May 28, 2021.
21. Transmittal Letter prepared by Atty. Lisa L. Mead dated and received April 26, 2021 clarifying project lighting;
22. Letter received May 11, 2021 as prepared by Atty. Lisa Mead dated May 4, 2021 withdrawing waiver request to forego a Landscape Plan certified by a Landscape Architect;
23. Letter of Transmittal dated and received May 10, 2021 as prepared by Atty. Lisa Mead including formal request to withdraw waiver for Photometric Plan.
24. Legal Opinion on sewer easement dated and received May 3, 2021 as prepared by Atty. Lisa Mead;
25. Legal Opinion email prepared by Town's Attorney, KP Law, PC [Shirin Everett] May 10, 2021 responding to the concerns of the DPW Director regarding the sewer line easement;

26. Letter of Opinion received May 20, 2021 as prepared by Atty. Lisa Mead dated May 19, 2021 addressing project Density, Sewer Easement, Building Height, and Mitigation proposal.
27. Town of Salisbury Zoning Board of Appeals Variance Decision dated 02/09/2021 for Application 21-02;
28. Town of Salisbury Zoning Board of Appeals Findings Decision dated 01/26/2021 for Application 21-01;
29. Applicant's Engineer Comments dated March 15, April 21, May 10, and May 26, 2021;
30. Projected Construction Schedule prepared for 504 Beach [sic] Road;
31. Specification of Materials: Gravel, as prepared by UTS of Massachusetts [5 Richardson Ln, Stoneham, MA 02180] dated 09-11-2018;
32. Cut Sheet: Flex Grate Downspout Filter by Amerimax, received May 28, 2021;
33. Cut Sheet: Light Fixtures [Arnett Style 86X26] and Balthus [WS-W228514] as revised thru April 26, 2021;
34. Letter from Applicant's consultant, Michael Ruggiero [greenergroup, 123 Bolt St, Lowell, MA 01852], dated May 13, 2021 opining on excavation, installation, service, maintenance, and replacement of proposed sewer line;
35. Letter from Applicant's Structural Engineer, Joe Fix [Fix Engineering, 2 Silver Ledge Rd, Newbury, MA 01951], dated May 21, 2021 as submitted to the Town's Building Inspector opining on trench excavation;
36. Exterior Fire Separation Memo prepared by Kevin S. Hastings, P. E., [Hastings Consulting, 142 Hanlon Rd, Holliston, MA 01746];
37. Town Departments' Letters of Review:
 - a. Letter from Town's Consulting Engineer Joseph J. Serwatka, P. E., dated February 20, March 29, May 6, May 25, and June 7, 2021;
 - b. Assessors comments dated April 6, 2021;
 - c. Building Inspector comments dated April 12, May 20, May 24, and May 25 2021;
 - d. Conservation Commission Agent comments of May 24, May 25, and May 26, 2021;
 - e. Department of Public Works communication of April 27, May 3 May 12 and May 14, 2021;
 - f. Fire Department letter dated January 12 and February 22, 2021;
 - g. Health Department comments dated April 12 and March 3, 2021;
 - h. Police Department comments date February 22 and April 26, 2021;
 - i. Tax and Betterment Payment Certification acknowledged 12/28/2020;
 - j. Certified Abutters' List dated 12/22/2020.

PROCEDURAL HISTORY

On February 17, 2021 a request was filed with the Town Clerk by the Applicant for Site Plan Review for a Major Project located at 504 North End Blvd [Map 36, Lots 138 A-L), a 22, 498+/- SF site, to remove two (2) existing, non-conforming, multifamily structures and replace with nine (9) single-family detached dwelling units, in the High Density (R-3) zoning district and Flood Plain Overlay district.

Owner: 504 North End Blvd., LLC, 229 Stedman Street, Lowell, MA 01851.

Legal Counsel for Applicant: Lisa L. Mead, Mead, Talerman & Costa, 30 Green Street, Newburyport, MA 01952.

The plans and other submittals were reviewed by the Planning Board, its consulting engineer, Joseph J. Serwatka, P.E., Planning Director, Lisa Pearson, and Assistant Planning Director, Connie Brawders. Also, present during the hearing was Planning Board Secretary Sue Johnson. The Public Hearing was scheduled to open on March 10, 2021. Due to an oversight in publication of the Legal Notice in a newspaper of general circulation, the hearing was re-advertised and opened on April 14, 2021.

The applicant sought three (3) waivers. The Planning Board granted the waiver for Traffic Impact study at the April 14, 2021 hearing. Waiver petitions for submittal of plan prepared by licensed landscape architect was withdrawn during the April 28, 2021 Public Hearing and a request to waive the submission of a photometric plan withdrawn on May 10, 2021 in writing by the Applicant's attorney. Waivers are to be noted on plans.

It was determined during the proceedings that the applicant shall install the following Dark Sky Compliant light fixtures, as discussed during the proceedings: Arnett Style 86X26 at the garage, Modern Form WAC [WS-W228514] at the porches and headhouse and Junno Lighting [26FDTG2B827FWWH] at the person doors.

The Applicant was granted a Variance for Application 21-02 and Findings Decision for Application 21-01 by the Town of Salisbury Zoning Board of Appeals. These recorded decisions shall be noted by Deed Book and Page Number on final plans.

On May 24, 2021 the Town of Salisbury Board of Selectmen voted to approve the Applicant's request to assume responsibility for Maintenance, Repair/Replacement of the Town Sewer Service within the existing easement at 504 North End Blvd, consistent the Town's Attorney's opinion dated May 12, 2021. The Board of Selectmen's approval removed the issue of sewer line maintenance from the purview of the Planning Board. Condominium Documents shall include a provision obligating Condominium Association and Condominium Owners to maintain and repair the sewer pipe in perpetuity.

Condominium Documents shall include a provision obligating Condominium Association and Condominium Owners to remove snow from the site, in accordance with the condition below.

The Fire Department requires that a Fire Sprinkler System be installed in all units [email April 12, 2021].

The Applicant has offered to the Town of Salisbury Affordable Housing Trust a donation of five thousand dollars per unit for forty-five thousand dollars [\$45, 000.00] for nine (9) units, to be made prior to the issuance of the last certificate of occupancy.

The Applicant has offered to the Town of Salisbury by and through the Board of Selectmen in a donation of three thousand dollars per unit for twenty-seven thousand dollars [\$27, 000.00] for nine (9) units for park and recreation purposes, to be made prior to the issuance of the last certificate of occupancy.

The meeting on the application was opened April 14, 2021 and continued to April 28, May 12, May 26, and the public hearing was closed on June 9, 2021 but the meeting was continued for the purpose of reviewing and voting a decision to June 23, 2021. This decision was voted on June 23, 2021. Throughout its deliberations, the Planning Board was mindful of the statements of the applicants and their representatives, all as made at the meeting. Public comments were made by the general public in support of the project proposal. No member of the public spoke or submitted comment in disfavor of the project.

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 satisfactory manner.
2. Currently, 504 North End Boulevard, the proposed site, is the location of two (2) multifamily derelict structures containing six (6) dwelling units per building. Historically it was a motel use, and later a condominium conversion that was last occupied in September 2019. The property was constructed circa 1969 and predates the Town of Salisbury's adoption of zoning on May 15, 1978.
3. Situated in the Town's R- 3 [High Density] zoning district and Flood Plain Overlay District, the Atlantic Ocean beachfront parcel consists of 22, 498 SF, having 100 linear feet of frontage along North End Blvd. The parcel is intersected by three (3) FEMA flood Zones: VE, X, and AO. The topography rises from an elevation of eight (8) feet to 19 feet west to east approximately 200 feet.
4. The existing structures will be demolished. Site improvements include nine (9) single-family dwelling units, to be constructed as designed by Graf Architects [2 Liberty Street, Newburyport, MA 01950], with associated access, parking, drainage, landscape, and lighting improvements.
5. The application demonstrated it will not impair the integrity of the land, nor the land and natural resources of the abutting properties. The project will remove concrete at grade; ground surface will be comprised of materials that are compatible with coastal dune function.
6. The project proposal was granted a Variance for dimensional relief for height and a Finding approving the nine (9) structures by the Town of Salisbury Zoning Board of Appeals.
7. The Planning Board considered the plan and found that the project satisfies the Town of Salisbury parking space requirements for single-family dwelling units. However, notwithstanding the positive elements of the development plan, the Planning Board expressed concern for lack of on-site visitor parking.
8. An Order of Conditions was issued by the Town of Salisbury Conservation Commission on June 17, 2021.
9. The Planning Board determined that the developer shall provide a plan detailing the installation of the stormwater infiltration system. The stormwater infiltration system shall comply with MassDEP policy requirements.

10. The Planning Board has been advised through Town staff and consultants that utilities and public works as existing are sufficient for the proposed use. However, it was determined that the sewer line shall be maintained by the owner in perpetuity. Condominium Documents shall include a provision obligating Condominium Association and Condominium Owners to maintain and repair the sewer pipe in perpetuity.

11. Consistency with Salisbury Master Plan and Site Plan Review Performance Standards:

The vision statement of the Master Plan states:

- I. New development is sustainable, conserves land, protects resources, and balances current and future needs;
- II. Neighborhoods are safe, affordable and pleasant, meeting the needs of all Salisbury's residents;
- III. The town's open space system is well maintained and includes a diversity of facilities and resources to meet the needs of all residents;
- IV. Expanded commercial development contributes to a high-quality built environment and creates a stable financial base to fund municipal facilities and services.

In order to comply with design standards, relative to building massing and scale of structure as it relates to the pedestrian environment, public realm, and the neighborhood the Board referred to the Board Site Plan Review Performance Standards Section III(C)(6), Parking and Loading. The Board advised the applicant to prepare a revised plan showing how buildings include neighborhood friendly elements, such as decks and porches at street level, fronting the highest use pedestrian or public way. The Applicant provided a plan which shows recreational space is clam shell patios between the units as well as the front yard along North End Blvd. Further the area around the units was purposely left as sand to encourage outdoor recreation. The location of the decks and patios encourages activation not only of the street level and side but also with adjacent neighbors to the east and west.

The new structure will meet construction requirements for FEMA zones. During a coastal flood event, because of the open pile foundation, waters may move through the area unimpeded. The location of the stairways are also located using best practices under FEMA construction locating stairways landward of buildings.

In order to comply with design standards, relative to building massing and scale of structure as it relates to the pedestrian environment and public realm and the neighborhood, the Board referred to the Town of Salisbury Zoning Code §465-13 B. Landscaping and screening shall be provided with regard to the impact of the adjacent properties, the public highway and to the site itself. The landscape plan provides buffering from the street as well as adjacent neighbors. Further, where there is currently little to no vegetation on the Property, the proposal will revegetate the Property consistent with the Board's Performance Standards and those of the Conservation Commission adding resiliency, habitat and dune protection and natural development.

Access to the beach will be provided on site directing residents along pathways comprised of materials that support coastal dune function.

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

CONDITIONS

1. Waivers shall be listed on plans.
2. The developer shall provide to the Town of Salisbury a plan detailing the installation of the stormwater infiltration system prior to the preconstruction meeting. The stormwater infiltration system shall comply with MassDEP policy requirements.
3. Down spouts, conducting water from the roof, shall have semi-annual maintenance inspections. Condominium Documents shall include a provision obligating the Condominium Association and Condominium Owners for such maintenance and inspections. These Operation and Maintenance inspections shall be provided to the Planning Department for their records.
4. It was determined that the sewer line shall be maintained by the owner in perpetuity. Condominium Documents shall include a provision obligating Condominium Association and Condominium Owners to maintain and repair the sewer pipe in perpetuity.
5. Condominium Documents shall include a provision obligating Condominium Association and Condominium Owners to remove snow from the site. Snow shall not be placed on abutting private property, State or town Property. 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.
6. Condominium Documents shall include a provision that all lighting on site including future lighting installed by new owners shall be dark sky complaint and produce no spillover of light onto any adjacent property, including but not limited to the beach area, adjacent residences and the public way.
7. Installation of exterior lighting not depicted on the approved luminaire plan is specifically prohibited unless approved by the Planning Board via the site plan approval process. An approved site plan modification is required prior to the installation of any new exterior lighting
8. To ensure emergency vehicle access, no parking will be permitted on-site at any location other than underneath the buildings in the designated parking spots shown on the plans. This provision will be included in the condominium documents and signage to this effect will be installed.

9. There shall be no parking allowed in the front yard setback. The front yard setback is defined as the space between North End Blvd and the westerly façade of the condominium buildings. In order to ensure this the applicant shall install seasonal planters, or other barriers, which physically prevent parking in the setback, install signage indicating no parking and include in the Condominium Documents Rules and Regulations that there shall be no parking in the front yard.
10. This approval shall apply to any successor in interest or successor in control and to any contractor or other person performing work.
11. Contact information for any successor in interest or successor in control shall be provided to the Planning Department as soon as changes are known.
12. 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.
13. 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.
14. Applicant must obtain compliance with all zoning requirements before a building permit is issued.

PRIOR TO ANY SITE WORK

15. The lastly revised plans dated May 27, 2021 shall be updated as may be Conditioned in this Decision and three (3) complete sets shall be provided to the Planning Department, properly stamped, dated and indexed. An electronic file will also be submitted, in the form of a USB, containing revised plans and other pertinent revised submittals. These plans shall indicate compliance with all applicable Zoning By-Laws, except where relief has been expressly given by the proper authority.
16. 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. Weekly status reports during active construction shall be submitted to the Town outlining the general status of the construction and major milestones completed. When construction is no longer active, status reports shall be delivered monthly to the Planning Department.
17. The Applicant shall provide a Construction Sequencing Plan, subject to the approval of the Town Engineering Consultant or designee. The Applicant has provided same on the NOI Plan and will submit the Sequencing Plan as noted herein.
18. The Applicant is to meet with the Planning Department and the Department of Public Works to ensure compliance with any requirements.

PRIOR TO THE ISSUANCE OF A BUILDING PERMIT

19. No building permit shall be issued until finalized plans are submitted to the Planning Department, and a pre-construction meeting has occurred
20. 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.
21. Prior to the Pre-Construction Meeting, 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.
22. Prior to site work, the Applicant 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 and shall supersede other contract requirements.
23. The Applicant shall deliver a final set of site development plans to the Town's Engineering Consultant and DPW Director prior to the commencement of construction, which shall indicate labels of all wetland's boundaries and buffer zones.
24. The Fire Suppression System, hydrant locations and alarm design shall be subject to approval by the Fire Chief or his designee. The Final Plan as approved by the Fire Chief or his designee shall be submitted to the Town Planner.
25. The work authorized hereunder must have active development or at least substantial progress toward implementation of the approved Site Plan occurring within **five years** or the approval becomes void. This approval may be extended by the issuing authority for an additional two-year period if, in the opinion of the issuing authority, there is just cause to approve an extension.

DURING CONSTRUCTION

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

Hours of Construction Operations:

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 5:00 PM,

Saturdays: 8:00 AM to 5:00 PM,

Sundays and Legal Holidays: none

27. 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.
28. 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.
29. The temporary access at the existing public right of way of North End Blvd shall be kept clear and passable at all times. No construction equipment, refuse containers, trailers or construction materials of any kind shall be placed or stored upon the street.
30. 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

31. Applicant shall apply for a Certificate of Completion, per §300-112.H of the Salisbury Zoning Bylaws.
32. Applicant shall submit condominium documents and master deed to the assessor and the Planning Department for review and approval. The Planning Department shall review the documents for consistency with this site plan approval and provide the Planning Board with a report of their findings.
33. Upon completion of the work described herein, the applicant shall submit a Request for a Certificate of Completion 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 a Certificate of Occupancy.
34. The Applicant has proposed, and the Planning Board, hereby requires, that the following aspects of the development shall be and shall remain forever private, and that the Town of Salisbury shall not have, now or ever, any legal responsibility for operation or maintenance of the same except as the owner of the Site:
 - I. All driveways and parking areas
 - II. Sidewalks
 - III. Stormwater management system
 - IV. Driveway and parking area snow plowing and removal
 - V. Landscaping
 - VI. Sewer Service
35. Prior to the issuance of the last Certificate of Occupancy the Applicant shall:
 - a. Pay to the Town of Salisbury Affordable Housing Trust a donation of five thousand dollars per unit for forty-five thousand dollars [\$45, 000.00] for nine (9) units.

- b. Pay to the Town of Salisbury by and through the Board of Selectmen in a donation of three thousand dollars per unit for twenty-seven thousand dollars [\$27, 000.00] for nine (9) units for park and recreation purposes.

AFTER OCCUPANCY

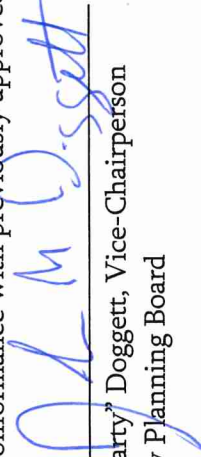
36. The Applicant or future owner shall have the responsibility of maintaining or replacing the parking area, landscaping, stormwater and sewer systems, signage and lighting as indicated in the plans and shall be required to maintain a contract with professional landscaping and maintenance service provider. As determined by the Director of Planning, the Applicant shall use best practices, including properly maintained and professional landscape services, to maintain the landscape in a manner that frees the plants and trees from disease, prevents the overpopulation of weeds, provides the necessary conditions to prevent drought from damaging the plants and trees, and ensures longevity by replacing the required landscaping as necessary for the duration of the use.
37. The Applicant shall ensure daily that exterior areas of the site remain clear of debris and trash on the site.
38. The Applicant shall ensure that the required parking spaces are accessible at all times. Snow storage shall not restrict sight lines or damage landscaping.

MODIFICATION OF PLANS

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

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

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


John "Marty" Doggett, Vice-Chairperson
Salisbury Planning Board


Date

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