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Planning Board

Town of Salisbury
5 Beach Road
Salisbury, MA 01952

Planning Board:

John "Marty" Doggett,
Chairperson

Deborah Rider,
Vice Chairperson

Gil Medeiros

Lou Masiello

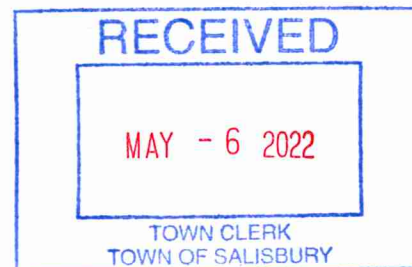
Donald Egan

John Schillizzi, *Alternate & Clerk*

SITE PLAN REVIEW APPROVAL

April 28, 2022

Town Clerk
Town of Salisbury
Salisbury, MA 01952



RE: MAJOR SITE PLAN REVIEW APPLICATION

Owner: **46 Beach Rd LLC, Benjamin Legare**
Address of Owner: **110 Maple Lane, Northborough, MA 01532**

Applicant: **Downeast Building and Development**
Address of Applicant: **110 Maple Lane, Northborough, MA 01532**
Address of Project: **46 Beach Road & 2 Gravel Way, Salisbury, MA 01952**
Map 4, Lot 122 & Map 4, Lot 136

Deed Book & Page: **Southern Essex District Registry of Deeds Book 26749, Page 62**
Zoning District: **Commercial & R-2 Medium Density**

To the Town Clerk:

This is to certify, at a duly noticed public hearing of the Salisbury Planning Board in regards to a Site Plan Review Approval, opened on April 13, continued to and closed on April 27, 2022, by a motion duly made and seconded, it was voted:

"We, the Salisbury Planning Board, as requested by the Applicant, **Downeast Building and Development**, under the provisions of Articles XVIII of the Zoning By-Laws of the Town of Salisbury, to consider Site Plan Review approval upon the contemplated site plan development for the property addressed at 46 Beach Road (Map 4, Lot 122) & 2 Gravel Way (Map 4, Lot 136) as shown on plans ("The Plans") entitled:

Flexible Residential Development in Salisbury, MA at 46 Beach Road (Map 4, Lot 122) & 2 Gravel Way (Map 4, Lot 136) dated December 15, 2021, revised thru March 16, 2022, prepared for Downeast Building & Development, 18 Maple Lane, Northborough, MA 01532, and prepared by Millennium Engineering, Inc., 62 Elm Street, Salisbury, MA 01952 consisting of ten (10) sheets;

Landscape Plan prepared for Downeast Building & Development, 18 Maple Lane, Northborough, MA 01532, dated October 18, 2021, revised thru January 14, 2022, prepared by

Stormwater Management Report dated November 5, 2021, and revised thru February 10, 2022, and prepared by Millennium Engineering Inc., 62 Elm Street, Salisbury, MA 01952

do hereby vote:

Gil Medeiros motioned to close the public hearing for the property located at 46 Beach Road (Assessors Map 4, Lot 122) & 2 Gravel Way (Map 4, Lot 136).

Lou Masiello seconded

Vote Passes: 5-0

- **Deborah Rider, Vice Chairperson – YES**
- **Don Egan – YES**
- **Lou Masiello – YES**
- **Gil Medeiros – YES**
- **John Schillizzi – YES**

I.

SITE PLAN REVIEW APPROVAL

Lou Masiello motioned to approve the Site Plan for property located at 46 Beach Road (Map 4, Lot 122) & 2 Gravel Way (Map 4, Lot 136), as shown on plans, pursuant to Article XVIII, Site Plan Review of the Salisbury Zoning Bylaw, subject to the conditions numbered 1 – 44 in this decision:

Don Egan seconded

Vote on motion:

Deborah Rider, Vice Chairperson: YES

Donald Egan: YES

Gil Medeiros: YES

Lou Masiello: YES

Jon Schillizzi, Alternate & Clerk: YES

Motion to approve the Site Plan Review Application passes 5-0

II. MATERIALS

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

1. Flexible Residential Development in Salisbury, MA at 46 Beach Road (Map 4, Lot 122) & 2 Gravel Way (Map 4, Lot 136) dated November 5, 2021, revised thru March 16, 2022, prepared for Downeast Building & Development, 18 Maple Lane, Northborough, MA 01532, and prepared by Millennium Engineering, Inc., 62 Elm Street, Salisbury, MA 01952 consisting of ten (10) sheets;
 - Cover Sheet (Sheet 1 of 10)
 - Legend (Sheet 2 of 10)
 - Existing Conditions (Sheet 3 of 10)
 - Conventional Yield Plan (Sheet 4 of 10)
 - Site Plan (Sheet 5 of 10)
 - Grading Plan (Sheet 6 of 10)
 - Utilities Plan (Sheet 7 of 10)
 - Erosion and Sedimentation Plan (Sheets 8-9 of 10)
 - Construction Details (Sheet 10 of 10)
2. Landscape Plan prepared for Downeast Building & Development, 18 Maple Lane, Northborough, MA 01532, dated October 18, 2021, revised thru January 14, 2022.
3. Stormwater Report prepared by Millennium Engineering Inc, dated November 5, 2021 and revised through February 10, 2022.
4. Site Plan Review Application, Received by Town Clerk March 25, 2022.

III. FINDINGS

1. Currently 46 Beach Road (Map 4, Lot 122) & 2 Gravel Way (Map 4, Lot 136), the proposed site, is a 1.83-acre parcel that is located in the Commercial and R-2 Medium Density Zoning Districts.
2. The application proposes to build a Flexible Residential Development consisting of two (2) existing single family home, two (2) new proposed single-family homes, a common driveway, and a

common park area under the provisions of Articles X of the Salisbury Zoning Bylaw and Article IV of the Planning Board Rules and Regulations.

3. The application demonstrates the preservation of open space, wetlands, and other natural resources. The minimum required Open Space for this project would be 39,833 SF or (50%) and the applicant has proposed 55,954 SF or (70.2%).
4. The application demonstrates that it reduces the total amount of disturbance on site by keeping the two (2) existing dwellings and keeping the proposed driveway in the same alignment and area as the exiting gravel driveway.
5. The applicant will be addressing stormwater with a proposed rain garden and a proposed exfiltrating bio-retention area

IV. CONDITIONS

1. This approval shall apply to any successor in interest or successor in control of the property subject to this approval and to any contractor or other person performing work.
2. Contact information for any successor in interest or successor in control shall be provided to the Planning Department as soon as changes are known.
3. This approval is not final until all administrative appeal periods from this approval have elapsed, or if such an appeal has been taken, until all proceedings have been completed.
4. The work shall conform to the plans and conditions referenced in this approval. No change to an approved plan shall be made until the applicant receives written permission from the Planning Board.
5. Applicant must obtain compliance with all zoning requirements before a building permit is issued.
6. Snow shall be stored on site per plan and the snow shall not block roadways, sidewalks/pathways, parking areas, turnarounds, or stop the drainage from properly functioning. If the snow storage areas are at capacity, snow is to be carted off site. This will be the responsibility of the applicant.
7. The Applicant shall electronically submit a copy of the recorded Condominium Documents.

8. All lighting must meet dark-sky compliance standards – shielded directed downward to avoid light trespass. Shielding shall be installed and be subject to the approval prior to issuance of a Certificate of Compliance.
9. The applicant shall include in the condominium documents a rule prohibiting the individual unit owners from installing any new lights not shown on the approved plans.
10. The Condominium Association shall properly maintain the landscaping, benches, and flagpole in the Recreational Public Access Area shown on the Approved Plans.
11. The applicant shall provide the Planning Board with a Snow Management Plan that shall be included in the condominium documents.
12. The Applicant shall include the Operations and Maintenance Plan in the condominium documents to ensure the Condominium Association and/or Property Manager properly implements the O&M.
13. The Inspection & Maintenance Log shall be conducted for each BMP as specified in the log.
14. The Inspection & Maintenance Log shall be submitted yearly, in October, to the Planning Department, Department of Public Works, and the Conservation Commission. If there are any issues or actions that should be addressed, they shall be addressed and a follow up inspection shall be conducted to show they were addressed. This is to ensure the stormwater system and the rain gardens, as shown on the plans, are maintained and functioning properly.

PRIOR TO ANY SITE WORK

15. The applicant shall submit to the Planning Board for an ANR removing all internal property lines.
16. The Department of Public work shall give a final sign off on the site plans.
17. This Site Plan Approval Decision shall be recorded at the Salem Registry of Deeds and a copy of the recorded decision be submitted electronically to the Planning Department.
18. The lastly revised plans dated March 16, 2022, shall be updated as Conditioned in this Decision and electronically submitted to the Planning Department, properly stamped, dated and indexed. These plans shall indicate compliance with all applicable Zoning By-Laws, except where relief has been expressly given by the proper authority.

19. The entire note regarding the approval of an occupancy permit for Unit 2, shown on the Cover Sheet of the Site Plans dated March 16, 2022, shall be removed and the revised plans be submitted to the Planning Department.
20. The Applicant shall coordinate with the Planning Department a pre-construction meeting with the Town staff prior to the start of any construction to review these conditions, and any and all final construction sequencing, details, and/or plans for this Project. Commencement of construction includes any site clearing or grading. The limit of work line for the particular area or phase being developed shall be demarcated at this time through the placement of temporary snow fence material and erosion control barriers. Periodic status reports (agreed upon at said pre-construction meeting) shall be submitted to the Town outlining the general status of the construction and major milestones completed.
21. The Applicant shall provide a Construction Sequencing Plan, subject to the approval of the Town Engineering Consultant or designee.
22. The Applicant is to meet with the Planning Department and the Department of Public Works to ensure compliance with any requirements, including bonding.
23. The applicant shall have a signed agreement with the Department of Public Works for the Sewer Pump Station on Old County Road, including but not limited too a two (2) year agreement to assure the Pump Station is adequately handling the project's proposed flow.

PRIOR TO THE ISSUANCE OF A BUILDING PERMIT

24. 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.
25. All other requirements and permits shall be sought and received, including, but not limited to, utility connections. The Applicant shall bear the burden of ensuring all state and local permitting has been sought and received. The "Applicant" refers to the person or entity holding the fee interest to the title to the site from time to time, which can include but is not limited to the Applicant, Developer and Owner.
30. The Applicant shall provide to the Planning Board the name, address and telephone number of the person immediately responsible for supervision of all work and maintaining compliance with the approval. This person shall serve as project manager until a Certificate of Completion is issued, or until another project manager is designated. Should the project

manager change during the course of the project, the Planning Board shall be notified as soon as practical of this change.

31. Inform all contractors and subcontractors of the conditions and provisions of this approval. This approval shall be included in all construction contracts and subcontracts dealing with the work and shall supersede other contract requirements.
32. The Applicant shall deliver a final set of site development plans to the Town's Engineering Consultant prior to the commencement of construction, which shall indicate labels of all wetland boundaries, buffer zones and marsh areas.
33. The Applicant shall coordinate with the DPW Director all Town and public easements for water, drainage and sewer, if applicable.
34. The Fire Suppression System, hydrant locations and alarm design shall be subject to approval by the Fire Chief or his designee. The Final Plan as approved by the Fire Chief or his designee shall be submitted to the Town Planner.
35. The work authorized hereunder must have active development or at least substantial progress toward implementation of the approved Site Plan occurring within five years or the approval becomes void. This approval may be extended by the issuing authority for an additional two-year period if, in the opinion of the issuing authority, there is just cause to approve an extension.

DURING CONSTRUCTION

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

Hours of Construction Operations:

- I. Construction activity shall not take place on site or in any building contained therein except during the following hours:

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

37. Construction vehicles and construction related engines shall not be started/idle prior or after the allowed hours of construction as stated in condition 36.

38. Hours of construction shall be displayed by the Applicant at all construction entrances to the site.
39. Town staff or their designee shall have reasonable access to inspect the site to determine compliance with this Decision. All water, sewer and drainage facilities shall be subject to inspection by the Town, and all water and sewer facilities shall be constructed in accordance with Town specifications.
40. Construction activities shall be conducted in a workmanlike manner at all times. Blowing dust or debris shall be controlled by the Applicant through stabilization, wetting down, and proper storage and disposal methods.
41. Erosion and sedimentation control measures presented in the plan shall be adequate to retain all sediment within the site and away from wetlands, constructed wetlands, watercourses, and water bodies, both during and after construction.

PRIOR TO THE ISSUANCE OF ANY CERTIFICATE OF COMPLETION

42. The Applicant shall schedule a meeting with the Building Inspector and Town Planner at least 30 days before the request for a Certificate of Occupancy to review compliance with this Decision.
43. The applicant shall have a Recreational Easement for the Town of Salisbury recorded for the public area within the pocket park as shown on the approved plan.

AFTER OCCUPANCY

44. The Applicant or future owner shall have the responsibility of maintaining or replacing the parking area, landscaping, stormwater and septic systems, signage and lighting as indicated in the plans and shall be required to properly implement the Operations and Maintenance Plan.

MODIFICATION OF PLANS

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

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

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

Deborah Rider,
Salisbury Planning Board

Deborah Rider, Vice Chair
Date: 5/6/2022

cc: Applicant,
Building Inspector,
DPW Director
File



APPEAL NOTICE

Appeals of this decision shall be made in accordance with the M.G.L. Ch. 40A, §17 and shall be filed within twenty (20) days of the date of filing of this decision in the Office of the Salisbury Town Clerk.

By law, this decision shall not take effect until a copy of such notice has been certified by the Town Clerk that; Twenty (20) days has elapsed since the decision was filed and no appeal has been filed.

The Petitioner shall present and record the certified decision at the Essex Registry of Deeds in Salem MA. The cost of the recording shall be borne by the Petitioner. A

registered copy must then be presented to the Building Inspector in order to apply for an appropriate permit.

This Decision will lapse if Substantial use of the Petitioned Relief is not made within two (2) years for a Special Permit and the work authorized hereunder must have active development or at least substantial progress toward implementation of the approved Site Plan occurring within five years or the approval becomes void. This approval may be extended by the issuing authority for an additional two-year period if, in the opinion of the issuing authority, there is just cause to approve an extension.