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Planning Board

Town of Salisbury
5 Beach Road
Salisbury, MA 01952

Planning Board:

Don Egan, *Chair*

John "Marty" Doggett V. *Chair*

Gil Medeiros, *Clerk*

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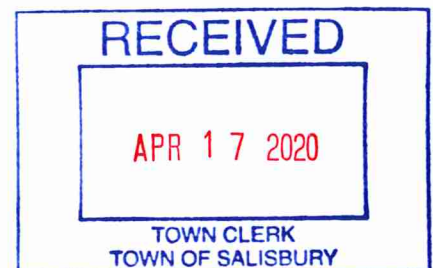
Deborah Rider

John Schillizzi, *Alternate*

SITE PLAN APPROVAL

April 1, 2020

Town Clerk
Town of Salisbury
Salisbury, MA 01952



Re: Revised Site Plan Approval

Applicant: Big Block Development Group

Address of Applicant: 98 Elm Street, Salisbury, MA 01952

Address of Project: 8, 16 & 18 Broadway and 6-28 Ocean Front South

To the Town Clerk:

This is to certify, that at a duly noticed public hearing of the Salisbury Planning Board as regards the original Site Plan Application, opening on December 13, 2017, continued to January 10, 2018, January 24, 2018, February 14, 2018, February 28, 2018, March 13, 2018, March 22, 2018, March 28, 2018, April 11, 2018 and closing on April 17, 2018, by a motion duly made and seconded it was voted unanimously that the Board grant Site Plan Approval for the Big Block Development Group, said approval dated April 18, 2018. This is to further certify that at a duly notice public hearing of the Salisbury Planning Board, a remand hearing to consider a revised plan was opened on February 12, 2020, continued to February 26, 2020, continued to March 11, 2020 and closing on March 25, 2020. At said hearing a motion was duly made and seconded to issue a Site Plan Approval pursuant to §300-109 of the Town of Salisbury Zoning Bylaw.

Big Block Development Group, under the provisions of Article XII, Salisbury Beach Overlay District, of Zoning By-Laws of the Town of Salisbury has submitted a revised site

Town of Salisbury, Massachusetts: 8, 16 & 18 Broadway and 6-28 Ocean Front South Site Plan Approval

plan depicting redevelopment of property involving the construction of 235 residential units and approximately 7,183 square-feet of commercial space along with associated infrastructure and communal space for property addressed at 8,12, 16 & 18 Broadway and 6-28 Ocean Front South (Assessors Map 32, Lots 76, 77, 78, 6, 8, 10, 20, 26, 28, 365) and Ocean Front South, as shown on plans ("The Plans") entitled:

"Salisbury Big Block Development, Ocean Front South, Salisbury, MA", prepared for Big Block Development Group and prepared and stamped by, Gienapp Design Architecture Inc. dated August 1, 2017 with revision dates of August 11, 2017, October 17, 2017, November 3, 2017, November 6, 2017, November 30, 2017, February 28, 2018, March 6, 2018, March 19, 2018; April 4, 2018, April 12, 2018, October 1, 2019, December 18, 2019, January 20, 2020 and March 25, 2020.

SITE PLAN APPROVAL

MATERIALS

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

1. The Plan Sheet:
 - a. Gienapp Design: T-1; R-1; R-2; R-3; R-4; R-5; R-6; R-7; R-8; R-9; A-010; A-030; A-110; A-113; A-114; A-120; A-130; A-140; A-150; A-160; A-163; A-164; A-165; A-166; A-200; A-201; A-202; A-211; A-301; A-303; A-304; A-305; A-306; A-307; A-320; A-321; A-322; A-400; A-900; A-901; A-902; A-903; L-1 & X-200; X-201, dated August 1, 2017 and revised August 11, 2017, October 17, 2017; November 3, 2017; November 6, 2017; November 30, 2017; February 28, 2018; March 6, 2018; March 19, 2018; April 4, 2018; April 12, 2018, and a final plan dated April 12, 2019, October 1, 2019, December 18, 2019 and January 20, 2020.
 - b. Millennium Engineering, Inc. C-1; C-2; C-3; C-4; C-5; C-6; C-7; C-8; C-9; C-10 & C-11, dated: October 17, 2017 and revised November 30, 2017; February 28, 2018, April 4, 2018, December 2, 2019 and December 30, 2019.
2. Site Plan Application, dated August 1, 2017 and stamped on November 12, 2017.
3. Narrative, dated August 1, 2017
4. Stormwater Management Report, dated August 2, 2017, November 30, 2017 & March 2, 2018
5. Traffic Impact and Access Study, dated November 3, 2017
6. Shadow Impact Analysis, dated March 21, 2018

7. Letters from Joseph Serwatka, Planning Board Review Engineer, dated September 13, 2017; September 28, 2017, and November 26, 2017 and January 21, 2020.
8. Letter from Project for Public Spaces, Planning Board's public life peer reviewer, dated February 12, 2018
9. Letter from Jeffrey Dirk, Vanasse and Associates, Inc., Planning Board's traffic peer reviewer, dated December 7, 2017
10. Letter from David Eisen, Abacus Architects + Planners. Planning Board's architectural peer reviewer, dated January 9, 2018 & April 16, 2018
11. Email from Julia Patten, Abacus Architects + Planners, dated April 6, 2018
12. Town of Salisbury Review Letters from the:
 - a. Department of Public Works, dated September 29, 2017
 - b. Assessor, dated September 19, 2017
 - c. Fire Department, dated September 27, 2017 and January 14, 2020
 - d. Building Department, dated September 27, 2017; December 12, 2017; January 17, 2018; and March 20, 2018
 - e. Conservation, dated October 3, 2018
 - f. Police Department, dated September 28, 2017
13. Response Letter from Eric Botterman, dated October 16, 2018, October 17, 2018 & January 10, 2018
14. Letter from Michael Nee regarding Commercial Truck & Ambulance Access, dated January 11, 2018
15. Response letter from Dale Gienapp, dated January 15, 2018
16. Letter from Michael Nee regarding Project Phasing, dated January 11, 2018
17. Response letter from Applicant's traffic engineer, Kenneth P. Cram, dated January 18, 2018
18. Letter from the Applicant's architect, Dale Gienapp, dated February 9, 2018
19. Response Letter to Project for Public Spaces report, dated March 13, 2018
20. Planning Board letter to Applicant, dated March 29, 2018
21. Letter from Michael Nee regarding the recalculation of average roof height, dated April 9, 2018

22. Email from Linda Byron and attachments, dated December 18, 2017
23. Letter and attached materials from Joyce and Gracemarie Tomaselli, dated February 14, 2018
24. Letter from Donald F. Borenstein, Johnson & Borenstein, LLC, dated March 7, 2018
25. Petition to Support the Oceanfront Development, submitted to the Planning Board during their April 11, 2018 meeting
26. Letter from Applicant's Traffic Engineer, Bayside Engineering, dated November 28, 2018
27. Response letter from the Board's Traffic Engineer, Vanasse & Associates, Inc. dated March 25, 2019
28. Order of Remand issued by the Commonwealth of Massachusetts Land Court. Permit Session Case No 18 PS000225 (RBF).
29. Remand Petition dated January 2, 2020

FINDINGS

1. Currently, 8, 12, 16 & 18 Broadway and 6-28 Ocean Front South, the proposed site, is a 3-acre lot that is located in between Ocean Street, Ocean Front South, and Broadway. The proposed site is zoned for the Beach Commercial Overlay District. The primary use of the existing lots is utilized for commercial purposes while a limited number of the lots are utilized as residential. The site's natural features are non-existent and comprise mostly by impervious structures or asphalt parking lots. The existing site is to include the fee in the way known as Ocean Front South, which will be included in the proposed project and will provide the necessary setbacks to meet the Salisbury Zoning Code.
2. The existing site is nearly completely covered by buildings and paving, and there is little to no green space. The proposed project includes three landscaped courtyards totaling over 29,300 square feet (+/- 17% of the site) of passive open space consisting of planters, hardscape, artificial turf, benches, seating, and some social areas.
3. The proposed project is elevated above the flood plain and VE zone, which is at elevation 17 feet. The lowest structures are slightly above elevation 20 feet - the required elevation of 19 feet (VE + 2) and one additional foot of freeboard. Also, the grade at the site varies from 11 feet to 17 feet.
4. The proposed project consists of 235 residential units and approximately 7,187 square feet of leasable commercial space. The residential units start on the first-floor where, along with the commercial space, they surround the first-floor parking garage on three

sides. Floors two through five are residential units. The units are a mixture of one, two, and three-bedroom units. Internal corridors, stairs, and elevators provide access to all of the floors and are controlled by security control hardware (i.e. keypads, keyed locked, sensors, etc.). All of the units have balconies, some of which lead directly into one of the three elevated courtyards, and some lead into the 5th Floor Common Terraces on the West side. The developer may rearrange the mixture of the one, two and three bedroom units so long as the number of units does not exceed 244 total residential units and so long as the footprint of the building remains the same, the square footage of leasable commercial space shall be no less than that provided herein, and the project meets all necessary parking requirements pursuant to the Salisbury Zoning Bylaw.

5. The proposed building is podium construction with the bottom two levels (ground plus one) of Type IA (noncombustible fire-rated) construction and four levels of Type VA (wood) construction above. The bottom two levels are a parking garage, which is surrounded on three sides by residential units and the commercial unit(s) on the first floor. The garage can be accessed and egressed by vehicles from the south side along Ocean Street and from the west side through an easement from Railroad Avenue. To the extent feasible, access and egress to the site will be from Ocean Street and from Railroad Avenue as depicted on the plans, however, it is required that access and egress to the site need only be provided from Ocean Street. Signage will be placed on the west side, prohibiting pedestrian access through the easement area. Where facing neighbors, the garage wall is screened, which is only broken at vehicle access points. Skirting will be provided beneath Level 1 to the extent permitted by the Conservation Commission.
6. On the second floor, on top of the parking garage's roof, there are three landscaped courtyards facing the ocean; these are elevated a floor above the street, boardwalk, and elevated walkway. The courtyards are only accessible to the residential units through common spaces at the west end of the courtyards or directly through the units that face the courtyards, and corridors and stairs from the upper residential units.
7. The roof houses mechanical equipment, which are blocked with a screen where visible over the medium-height parapet. There are roof decks with views east over the ocean, for the residents, and additional decks with views west.
8. In regard to the Zoning By-Laws of the Town of Salisbury, the height of the building is determined from the bottom of the lowest horizontal structural support allowed by State Building Code to the average height of the main roof structure. The Applicant states that the proposed building height is 62'-0" compared to the 89'-0" allowed by Zoning regulations. The Building Department has confirmed the proposed building meets the requirements of the Zoning By-Laws of the Town of Salisbury in regard to height and, therefore, a Special Permit is not required.
9. The proposed project may be constructed in two phases pursuant to the plans. The first phase is slightly larger than the second phase and will include construction of approximately 120 residential units, the commercial space along Broadway and Ocean

Front South, and part of the garage toward the north end of the site. The second phase will include the remaining residential units and garage located on the south end of the project site. Some of the existing buildings on the site will remain until the construction of Phase 2.

SITE PLAN

The following Conditions shall be required at the Applicant's 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.
2. 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. After the administrative appeal period, this decision shall be recorded in the registry of deeds before the pre-construction meeting.
4. The work shall conform to the plans and conditions referenced in this approval.
5. All utilities on the site will be underground. If the plan is amended to install aboveground utilities, the Applicant must submit a modification request to the Planning Board.
6. The Applicant or its contractor shall coordinate during construction with local officials to connect the proposed utilities with existing utilities.
7. Prior to the issuance of a demolition permit, the Applicant must submit a finalized set of civil engineering and stormwater management plans to the Planning Department for final approval.
8. All lighting must be dark-sky compliant, including porch and balcony lighting. No unreasonable spillover of lighting onto the public ways will be shown on the plan. The condominium documents or lease agreements will specifically prohibit the installation of any lighting which would illuminate the beach or ocean or otherwise be inconsistent with the approved lighting plan.
9. All signs will conform with Chapter 214, Signs, of the Town Code.
10. The Applicant must install new ADA compliant sidewalks and vertical granite curbing along the side of Ocean Street abutting the development and replace any existing sidewalks damaged during demolition or construction. The plans provide for a 5-foot setback along Ocean Street.

11. Stormwater management system must be properly maintained in accordance with its operation and maintenance plan to be revised and submitted to the Planning Department for final approval.
12. The Applicant shall make the minimum contribution required by Section 300-68A(1) of the Salisbury Zoning Bylaw in the amount of \$3,000.00 per unit to be paid to the Town of Salisbury at the time of unit closings.
13. Prior to the issuance of a demolition permit, the Applicant must sign an agreement with the Town of Salisbury to make affordable housing contribution payments to the Affordable Housing Trust Fund, pursuant to Article XIII, Inclusionary Housing Requirements, §300-79 (A) of the Zoning By-Laws of the Town of Salisbury, in the instance the Applicant selects to make payments in lieu of building affordable housing units within the development. Payments will be made at the time of unit closings.
14. Prior to the issuance of a demolition permit, the Applicant must submit an updated construction phasing plan, including demolition plans, to the Planning Department for their Approval.
15. In order to reduce the adverse impacts on the existing neighborhood and on public safety of the beach center, the Applicant has provided to the Planning Board a revised site plan that shows:
 - i. A provision for a minimum of ten (10) free access visitor spaces, and 8 handicap accessible spaces.
 - ii. The revised plans include at least one on-site location where dogs are permitted to congregate. Said location must comprise an area on-site with a minimum of 500 square feet. Dog waste disposal cans along with appropriate bags shall be provided at entrance(s) to the dog area. In addition, the following conditions must be met:
 - a. Signs at each egress reminding residents of the Town's leash law, dog waste by-law and Town and State regulations banning dogs on the beach between Memorial and Labor Days.
 - b. The provision of dog waste bags and cans at each egress of the dog congregation area.
 - c. Language in the condominium documents or lease agreements stating that dogs cannot be left unattended on any balconies.
16. Consistent with the by-law and master plan, to achieve a vibrant beach center and active commercial district, the Applicant has provided to the Planning Board revised site plans that show approximately 42% of Level 1 units in the Ocean Front South Sub-District are either dedicated or convertible to commercial units. The dedicated commercial areas in the "Broadway Building" include leasable commercial units C 1-C7 of 7,183 square feet, commercial toilet rooms, mechanical and shared corridor space of 1,128 square feet and leasable storage units of 278 square feet, for a total of 8,589 square feet of dedicated commercial space. In addition, the "South end of Ocean Front South" includes

convertible commercial units 104, 105 and 106 of 3,063 square feet. Therefore, the total of all commercial, dedicated and convertible space in the project is 11,652 square feet. A flood zone acceptable stadium staircase built on public land that wraps around the corner of Broadway and Ocean Front South, and a boardwalk connection pursuant to the submitted plans shall be installed, subject to necessary additional municipal and state approval. Prior to the issuance of a building permit, plans depicting the design and proposed materials for the stadium stairs and boardwalk shall be submitted to the Planning Board for approval. No building permit shall be issued prior to confirmation by the Planning Department that all necessary approvals for the proposed stadium stairs and boardwalk connection have been obtained. If Applicant is unable to obtain the necessary approvals to construct the stadium seating and/or the boardwalk connection, Applicant will seek a modified site plan with the Planning Board and propose equivalent alternatives at that time.

17. Prior to the issuance of a building permit, the Applicant shall provide to the Building Department construction drawings that show no window air conditioning units and that the decibel levels from the air conditioning at the Project would not exceed Massachusetts Noise Regulations, 310 CMR 7.10 or existing noise bylaw requirements. Furthermore, the installation of individual window air conditioning units is prohibited and language to that extent must be included in the condominium documents or lease agreements. Additionally, no multi-unit compressors will be installed at grade within 10 ft of Broadway, Ocean Front South and Ocean Street. This provision does not prohibit the installation of electric source heat pump condensers in these areas provided that they are not within required zoning setbacks.
18. Prior to the issuance of a building permit, the Applicant must submit to the Planning Board for endorsement an Approval Not Required under the Subdivision Control Law (ANR) plan that combines the respective lots (Lots 76, 77, 6, 8, 10, 20, 26, 28 & 365 of Assessor's Map 32, and the fee in Ocean Front South) into one lot, notwithstanding Lot 78 of Assessor's Map 32 which shall not be included in the above referenced ANR plan since it's the intention of the Applicant to not incorporate Lot 78 of Assessor's Map 32 as part of the development (see plan sheet C-2 of Millennium Engineering, Inc., dated April 4, 2018).
19. The Applicant has submitted a revised stormwater Operation and Maintenance Plan that has been reviewed and approved by the Planning Department's consultant engineer for compliance. Any substantive material changes to the Plan will be submitted to the Planning Department's consultant engineer for further review.
20. Prior to the issuance of a building permit, the Applicant will submit a bond to the Planning Department covering work directly pertaining to public streets, utilities and public amenities only, consistent with the requirements of Section 300-116 of the Salisbury Zoning Bylaw, and the bonding typically required for a subdivision pursuant to M.G.L. c. 41, § 81U.

21. The commercial deck at the corner of Broadway and Ocean Front South shall be connected to the public boardwalk, as depicted on the submitted plans.

PRIOR TO ANY SITE WORK

22. Before the pre-construction meeting, the Applicant shall provide a bond, in the form of cash, surety, or in another form acceptable by Town Counsel, for the amount determined necessary by the Town's Engineering Consultant for the purpose of insuring that the final as-built plan showing the location of all utilities, curb cuts, stormwater treatment system, sidewalks, drainage facilities, public streets and amenities is submitted.
23. Full complete sets of the last revised plans from Gienapp Design and Millennium Engineering, Inc. 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.
24. The Applicant shall coordinate with the Planning Department a pre-construction meeting with the Town staff prior to the start of any construction to review these conditions and any 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.
25. Prior to the Pre-Construction meeting, the Applicant shall provide an updated Construction Sequencing Plan, subject to the approval of the Town Engineering Consultant or designee.
26. The Applicant is to meet with the Town of Salisbury Department of Public Works to ensure compliance with any requirements, including bonding.

PRIOR TO THE ISSUANCE OF A BUILDING PERMIT

27. No building permit shall be issued until all required bonds for work directly pertaining to public streets, utilities and public amenities are posted, finalized plans are submitted to the Planning Department, and a pre-construction meeting has occurred.
28. 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 federal, 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.

29. 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.
30. 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.
31. The Applicant shall coordinate with the DPW Director all Town and public easements for water, drainage and sewer, if applicable.
32. The work authorized hereunder must have active development occurring or at least substantial progress toward implementation of Phase 1 as shown on the approved Site Plan within five (5) years of final approval or the approval shall lapse. 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.
33. Prior to the issuance of a building permit, the Applicant will submit to the Planning Board for approval a detailed landscape plan of the site, and a complete lighting plan consistent with Planning Board requirements. Approved landscaping and lighting plans, along with any conditions imposed by the Planning Board must be obtained prior to the issuance of the building permit.

DURING CONSTRUCTION

34. 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 other than in individual units, or in any building contained therein, except during the following hours:
Mondays through Fridays: 7:00 AM to 7:00 PM
Saturdays: 8:00 AM to 5:00 PM
Sundays and Legal Holidays: none
35. 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.
36. 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.

37. 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.
38. Prior to the issuance of any Certificate of Occupancy, the applicant must submit to the Planning Department, those portions of the condominium documents and/or lease terms confirming their consistency with the site plan approval.

**PRIOR TO THE ISSUANCE OF
ANY CERTIFICATE OF OCCUPANCY**

39. Applicant shall apply for a Certificate of Completion, per §300-112.H of the Salisbury Zoning Bylaws for each phase or partial phase of construction, including if requested, on a floor by floor basis. Upon issuance of the said Certificate of Completion for each phase or floor of construction, Applicant will be entitled to seek and obtain Certificates of Occupancy for the units in the completed phase or floor of construction, subject to the determination of the Building Department that the construction is in compliance with the Building Code.
40. Upon completion of the work described herein, the applicant shall submit a Request for a Certificate of Completion to the Planning Department, upon which time the Inspector for the Planning Department has 10 days to inspect the project.
41. The Applicant shall schedule a meeting with the Building Inspector and Town Planner within sufficient time before the request for a Certificate of Occupancy to enable review for compliance with this Decision.

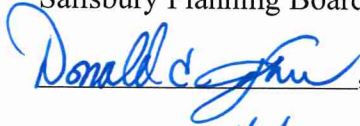
AFTER OCCUPANCY

42. The Applicant or future owner shall have the responsibility of maintaining or replacing the roadway and access, parking area, utilities, landscaping, stormwater and septic systems, signage and lighting as indicated in the plans.

MODIFICATION OF SITE PLAN

43. In the event that the Applicant intends to modify the approved site plan, the Applicant must comply with §300-114 of the Zoning Bylaws.

Don Egan,
Salisbury Planning Board

, Chair

Date: 4/1/2020

Cc: Applicant, Building Inspector, DPW Director, File

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