



Salisbury Planning Board

November 8, 2023

Salisbury Town Hall, 5 Beach Road Colchester Room & Remotely Via Zoom

7:00 PM

Meeting Minutes

PB Members Present in Person: Chairperson, John “Marty” Doggett (**JMD**), Vice Chairperson, Gil Medeiros (**GM**), Clerk, Warren Worth (**WW**), Deb Rider (**DR**), and John Schillizzi (**JS**)

PB Members Present via Zoom: Alternate, Angelica Medina (**AM**)

PB Members Absent: None

Also Present: Director of Planning Lisa Pearson, and Planning Board Administrative Assistant, Ellie Cornoni

JMD brought the meeting to order at 7:00 p.m. remotely via zoom. Announced, per opening meeting law, that the meeting was being recorded.

1. New Business – 7:00 pm

- a. **Grant Street (Map 28, Lot 121)** – Form A (ANR) – The purpose of this plan is for the subdivision of Grant Street into two lots, Lot 297 (4,000 SF) and Lot 298 (4,051 SF) shown on Land Court Case #6250 A. **Applicant:** D.E.C.M., LLC

- Jesse Schomer, Regnante Sterio LLP, introduced themselves to speak on behalf of the applicant.
- **JMD** stated that there is a procedural issue with this application. He said it is his understanding that this plan was received by the Town on the 24th of October and the previous day, the 23rd of October Salisbury held their Town Meeting at the zoning for that area changed. This parcel now is no longer in Beach Commercial but is in R-2 district that has different criteria for frontage and acreage.
 - Attorney Schomer stated that the application was filed by certified mail as permitted by the Subdivision Control Law, on October 23rd before Town Meeting took place. He stated he understands the zoning was changed at the Town Meeting, however, he stated, until the Attorney General reviews it the zoning is still Beach Commercial. That is our position.
 - **JMD** said his understanding is technically assuming if the Attorney General gives their approval it reverts back to Town Meeting. Which would mean this application does not have the proper requirements to meet ANR endorsement.

- Attorney Schomer stated that under Chapter 40A Section 6 the State law provides for a zoning freeze if a plan is filed prior to Town Meeting. So the endorsement of this plan would essentially freeze the zoning on this parcel for 3 years commencing on the date it was filed. He stated this is the intention of the filing. It came before their attention shortly before Town Meeting that there was a zoning change on the warrant. The owner's have a plan to divide the two lots and build two 2-family homes.
- Lisa Pearson stated that the applicant did not file this with Planning Board prior to Town Meeting. They submitted something to Town Clerk which they received the day after Town Meeting. They did not follow procedures and it is Planning Department's determination that the filing was received after Town Meeting so it is subject to the new zoning.
- **GM** confirmed with Attorney Schomer that he said the plan had been in works for a while, meaning that there was no reason the project could not have been submitted on time.
- Attorney Schomer stated that according to Subdivision Control Law the application can be filed by certified mail. He stated that they also tried to bring the application to Town Clerk's office the day of Town Meeting but their office was closed. He stated that the applicant did not have prior knowledge of the proposed zoning change.
 - **GM** stated, with all due respect the zoning amendment had been publicized well and had come before Planning Board a couple of times too.
- Attorney Schomer stated that he respects GMs opinion, however, he believes that the parcel is currently zoned for beach commercial and that is how the Board should be voting tonight.
- **JMD** opened this discussion up to public comment:
- Chuck Shaw – Old County Road – gave public comment on his concerns about density and water with this proposed plan.
- Kim Cipolla – 7 Old County- gave public comment stating her concerns about density and water.

JS motioned for the Planning Board to not endorse the Form A (ANR) for Grant Street based on it not meeting the criteria for an endorsement. GM seconded this motion. Roll call was taken, 4 members voted in favor, 1 recused (WW). Motion passed.

2. Public Hearing - 7:10 pm

- a. **137 Lafayette Road (Map18, Lot 51)** – Special Permit Application – Proposed 2-bedroom, 2-bathroom single family detached manufactured home on a 3.12 Acre lot.
Applicant: Glenn Cote

- Mike Cote, the son of the applicant, spoke on behalf of the application.
- **JMD** stated this site has history, in 1989 and 1991 there were two different ANRs filed and endorsed with the Planning Board, however, they were never recorded. He said currently there is a garage on the lot and what you are trying to do is add

this manufactured home to the property. In this zoning district single family homes are only allowed through special permit.

- Mike Cote said there would be a single-family manufactured home on the back of the property on a slab for his family to move into.
- **WW** said he noticed that on the application it says the son would like to live and work on the property, what type of business is there currently.
 - Mike Cote responded stating it is a class III which is a salvage yard. That will remain but will be vintage cars only nothing newer than 1980.
- **JMD** asked if they would hook up to the new sewer system.
 - Mike Cote answered, yes.
- **JMD** stated that given this is a special permit, there are conditions needing to be met in order to approve. He read them into the record:
 - The use requested is listed in the Table of Use Regulations as a special permit in the district for which application is made or is similar in character to permitted uses in a particular district but is not specifically mentioned.
 - **JMD** stated, even though the zoning states this, we are aware of that and still will issue this special permit.
 - The requested use is essential and/or desirable to the public convenience or welfare.
 - The requested use will not create undue traffic congestion or unduly impair pedestrian safety.
 - The requested use 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.
 - Any special regulations for the use set forth in the Special Permit Table are fulfilled.
 - The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare of the neighborhood.
 - The requested use 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.
- The Board concluded that this special permit meets their criteria.

GM motioned to approve the Special Permit application for 137 Lafayette Road with the Table of Use exception permitted by the Board. JS seconded this motion. Roll call was taken, all members (5) voted in favor. Motion passed.

3. Other Business

a. Meeting Minutes 9/27/23, 10/11/23 & 10/25/23

JS motioned to approve the September 27, 2023 Planning Board meeting minutes. DR seconded this motion. Roll call was taken, 4 members voted in favor, 1 abstained (WW). Motion passed.

WW motioned to approve the October 11, 2023 Planning Board meeting minutes. JS seconded this motion. Roll call was taken, all members (5) voted in favor. Motion passed.

DR motioned to approve the October 25, 2023 Planning Board meeting minutes. WW seconded this motion. Roll call was taken, all members (5) voted in favor. Motion passed.

4. Old Business

5. Correspondence

JMD announced they have received a notice of zoning hearing for the City of Newburyport for the board members to view.

Lisa Pearson stated that there is not another Planning Board meeting in the month of November, but on the 22nd, she is thinking of holding an Open Space and Recreation Plan workshop.

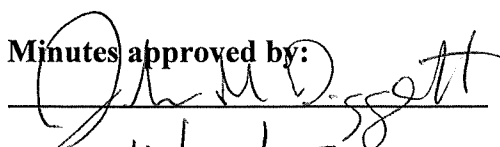
GM announced a reminder for the annual tree lighting.

6. Adjournment

GM motioned to adjourn. WW seconded this motion. Roll call was taken, all members (5) voted in favor. Motion passed.

Meeting adjourned at 7:30 pm

*** Documents provided at the meeting are on file in the Planning Office**

Minutes approved by: 
Date: 12/27/23