



Date: March 23, 2022

Place: Salisbury Town Hall, 5 Beach Road & Remotely

Via Zoom

Time: 7:00 pm

PB Members Present in Person: Vice Chairperson, Deb Rider (DR), Gil Medeiros (GM), Lou Masiello (LM), Alternate, John Schillizzi

PB Members Present via Zoom: Don Egan (DE)

PB Members Absent: Chairperson, John “Marty” Doggett (JMD)

Also Present: Planning Director, Lisa Pearson, Assistant Planner, Danny Ruiz and Planning Board Secretary, Sue Johnson

DR 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. Request for Planning Board recommendation for an Accessory Apartment at **18 Pleasant Street**. Applicant: Marcos Costa

- DR stated that it has been determined that this is a two-family dwelling and is not applicable for the accessory apartment special permit.

LM motioned to not recommend the Accessory Apartment for 18 Pleasant Street due to zoning bylaw does not allow accessory apartment on a two-family dwelling. GM seconded this motion. Roll call was taken, all members (5) voted in favor.

- b. Review of the Maximum Housing Contribution Payment for the Inclusionary Zoning Bylaw (Cont. 2-9-22)

- DR stated it is her understanding they are still waiting on more information requested at their previous meeting.

*** DR took agenda item 3 “Other Business” out of order ***

3. Other Business

- a. Lafayette & Main Zoning
- Lisa Pearson gave an update on the design guidelines.

2. Public Hearing - 7:10 pm

- a. Request for Site Plan Approval at **207 Beach Road** (Map 28, Lot 10). Proposed use: 14 Residential units are proposed (6 duplexes & 2 single family dwellings) along a proposed 24ft wide paved driveway and 2 additional duplexes along Old County Road in the Beach Commercial Zoning District. Applicant: Tom Patenaude. (Cont. 2-9-22, 2-23-22)
 - Chris York, Millenium Engineering, spoke on behalf of the project.
 - He stated there was a site walk after the last meeting with Town Staff, Town Engineer, the applicant and they had devised a plan to include a pathway from the entrance of the project to Beach Road that will not interfere with runoff.
 - **LM** confirmed that there will be two affordable units.
 - **DE** stated he did not see some of the conditions discussed on the draft decision. Specifically, he said they talked about lights installed on units by unit owners. He also mentioned there is not mention of fences.
 - He suggested including in the condo docs specifically prohibits individual owners from installing outside lights that are not on the plan.
 - He said putting in the condo docs individual unit owners would not be permitted to installed additional fencing that may or may not be illustrated on the plans
 - **LM** noted that Tom Patenaude was ok with the split rail fence.
 - **DE** stated he is ok with the split rail; his objection is with white vinyl fence.
 - Tom Patenaude stated it would be in the condo docs that if the association wanted a fence, it would be nothing other than a split rail and post fence.
 - Cheryl Papandrea – 41 Old County Road – gave public comment about flooding concerns.
 - Lisa Pearson responded saying what she is asking about is a matter for Conservation Commission, she also noted that Planning Board approval is subject to Conservation Commission approval.
 - Daniel Welch – 50 Lafayette Road – gave public comment about flooding concerns.
 - **DE** stated that the job of the Planning Board is to rely on the Town Engineer and provide feedback to make sure the runoff from this development does not contribute to any additional runoff and it stays on the property. And according to our Town Engineer and state standards, this project has met these requirements.
 - Lynne Welch – 50 Lafayette Road – gave public comment with concerns about flooding.
 - Richard Naigle – 18b Old County Road – gave public comment with concerns about flooding.
 - **DR** asked to go over the conditions:
 - Lisa Pearson explained that under standard conditions they added no idling of vehicles before or after construction hours because of concerns from

other projects. She also said she forgot to add to the conditions that construction vehicles will not travel down Old County Road.

- **DR** asked about the swale that was added.
 - Chris York stated there was a swale added behind the sidewalk fronting Beach Road to catch any extra run off to move to the rain garden.

LM motioned to close the public hearing for the Site Plan Approval for 207 Beach Road. **GM** seconded this motion. Roll call was taken, all members (5) voted in favor. Motion passed.

GM motioned to deny the Site Plan Approval for 207 Beach Road based on adverse effects on public health and safety due to potential flooding issues. No second. Motion failed.

LM motioned to approve the Site Plan Approval for 207 Beach Road with conditions outline in the draft decision as well conditions discussed. **DE** seconded this motion. Roll call was taken, three (3) members voted in favor, two (2) voted not in favor (**GM** & **JS**). Motion passed.

- b. Request for Site Plan Approval at 156 Bridge Road (Map 14, Lot 4). Proposed use: Service garage with second floor apartment in the Commercial Zoning District. Applicant: Jamil Jouraij. (Cont. 2-9-22, 2-23-22)

- Chris York, Millennium Engineering, spoke on behalf of the project.
 - He said they received final comments from the Town Engineer today, there is one minor outstanding comment.
 - He said one thing that brought up at the last meeting was a second means of egress. He said the applicant's architect informed them that if the unit is sprinklered then a second means of egress is not required. They have added a sprinkler system. He is comfortable with coming back before the Board for a minor modification if that is not the case but he believes it is State Code.
 - He stated he updated the parking to include spots in the front as well as a handicap spot.
 - He stated that they moved the dumpster away from the property line.
- **GM** stated he does not feel comfortable with no second means of egress and would like to see one put in on the plan.
- **LM** stated he agrees with **GM**. He believes adding the second means of egress as a condition.
 - Lisa Pearson informed the Board it is outside of their jurisdiction to require a second means of egress if their proposal meets the building code. That would up to the Building Inspector to decide.
 - Chris York said they will put a second means of egress in.

- **DR** asked about the sizes of the plantings on the landscape plan.
 - Chris York said he's not sure of the growth sizes of all the smaller plantings but there are trees that get pretty big. He said the shrubs in the front should fill in nicely.
- **DR** noted there is spillage on the lighting plan. She asked if the lighting on the side is on timers.
 - Chris York said the idea is to keep the lighting in the front on all night for security. He said they can make the side lighting on timers and put the back lights on sensors.
- Danny Ruiz stated there was a comment from the Town Engineer about the fill underneath the property. He said he recommended it be tested for suitability.
 - Chris York stated that it is their opinion that it does not need to be tested. The whole area is on fill and has had buildings on it. There have not been any issues.
 - **LM** stated he believes if the Town Engineer is recommending it [the soil being tested] then it should be done.
 - **JS** agreed with **LM's** comment.
 - **DE** and **DR** also agreed and suggested it be may a condition.
- Michael Colburn – 5 Caitlin Circle – gave public comment stating the entire lot is gravel.

GM motioned to close the public hearing for the Site Plan Approval for 156 Bridge Road. DE seconded this motion. Roll call was taken, all members (5) voted in favor. Motion passed.

GM motioned to approve the Site Plan Approval for 156 Bridge Road with the conditions; timers added to the side lights, motion sensor added to the back lot light; testing of the fill per request of the Town Engineer; prior to apartment's occupancy permit being issued a second means of egress be added to the plan in addition to the standard conditions and special conditions outlined in the draft decision. LM seconded this motion. Roll call was taken, all members (5) voted in favor. Motion Passed.

- c. Request for Special Permit Approval at **41 Gardner Street** (Map 6, Lot 133). Proposed use: A residential duplex with driveway access via an easement through the adjacent property at 39 Gardner Street in the Village Residential Overlay District. Applicant: Brad Kutcher. (Cont. 2-9-22, 2-23-22)
 - Lisa Pearson stated the applicant has requested a continuance to the April 13, 2022 Planning Board meeting.

LM motioned to continue the Special Permit Approval for 41 Gardner Street to the April 13, 2022 Planning Board meeting. GM seconded this motion. Roll call was taken, all members voted in favor. Motion passed.

- d. Request for Site Plan Approval for a six (6) residential condominium building at **30-32 Cable Ave** (Map 32, Lots 46 & 48) on a .16 +/- acre site in the Beach Commercial Overlay Zoning District. Applicant: Damon Amato. (Cont. 11-10-21, 12-8-21, 1-12-22, 1-26-22, 2-9-22, 2-23-22)

- Danny Ruiz stated the applicant has requested a continuance to the April 13, 2022 Planning Board meeting.

GM motioned to continue the Site Plan Approval for 30-32 Cable Avenue to the April 13, 2022 Planning Board meeting. DE seconded this motion. Roll call was taken, all members voted in favor. Motion passed.

- e. Request for Special Permit at **156 Lafayette** (Map 22, Lot 2). Proposed use: Dog training facility in the Lafayette & Main Subdistrict B Zoning District. Applicant: Seacoast Canine

- Ben Tymann, Tymann, Davis & Duffy LLP, spoke on behalf of the project.
 - Ben Tymann gave a brief background of the applicant and the company.
- Jacob Murray, Waterfield Design Group gave a brief description of the existing site and what is proposed.
 - He stated the existing site is fence storage and a junk yard that has developed over the years.
 - He stated the proposed plan is to redevelop the site, by cleaning it up and stabilizing the eroding gravel and soil. This will consist of a paved parking area to the south with a stormwater collection system. A new building, similar to the existing building will be built. The existing building will remain and be reutilized and repurposed. In the rear, side and north will be areas with stone dust with three-sided structure to protect the employees and animals from the weather in order to be outside. There is an existing septic system that will remain in place until the sewer line goes online on Lafayette Road. There will be two curb cuts to allow for easy drop off. There is an 8-inch pipe from the state that drains onto the property they are looking to extend to drain into the wetlands area.
- **LM** noted there was a second building on the property that is on two different parcels.
 - Jacob Murray stated, yes there is a building there, it is deteriorated and will be cleaned up at the owner's expense. He stated that the site will be sectioned off from the parent parcel down the line and redeveloped at a later date.
 - Jacob Murray stated that this project is also before the Conservation Commission since it is close to the wetlands.
- **JS** asked if the facility will be boarding or just training.
 - The applicant, Jennifer Ford, responded by saying it will primarily be training and daycare. They would like to do boarding at a later date.
- **DE** asked if there is a rendering of the new structure.
 - Jacob Murray stated there is not. it will be similar to the existing structure.
- **GM** asked if there have been any complaints either in Salisbury or Byfield.

- Ben Tymann stated in Byfield there was a disagreement over a bylaw interpretation which ended up going to Land Court whom sided with the owner. He stated there have not been any issues with Salisbury.
- **DE** asked the Planning Director, Lisa Pearson, if this project meets the requirements for Site Plan Review.
 - Lisa Pearson replied the applicant wanted to see if the special permit would be approved. If it is, there would be a condition on the special permit stating it has to go through site plan and meet all of that criteria.
- Bill Lennehan, a representative for the current owners of the land, stated they are happy with the opportunity to clean up the land. They have reserved a right to access the land out back that they will continue to own and would like to turn into a residential development in the future.

GM motioned to close the public hearing for the Special Permit Application for 156 Lafayette Road. LM seconded this motion. Roll call was taken, all members (5) voted in favor. Motion passed.

LM motioned to approve the Special Permit Application for 156 Lafayette Road with the conditions outlined in the bylaws. JS seconded this motion. Roll call was taken, all members (5) voted in favor. Motion passed.

- f. Request for Special Permit at **REAR Lafayette** (Map 22, Lot 62). Proposed use: Inpatient substance abuse treatment center in the Lafayette & Main Subdistrict B Zoning District. Applicant: Robert Johnson.

- The applicant, Robert Johnson, spoke about the project.
 - He gave an overview of why they would like to open a substance abuse treatment center and what their team does.
- **DR** asked for confirmation that this would go to site plan review if the special permit is approved.
 - Lisa Pearson confirmed, yes it will.
- **LM** asked that given this is a medical facility, does the state have to approve this? If so is it before or after the Town does.
 - Robert Johnson answered, they would have to go before the state after the Town approves the project as well as achieve federal accreditation.
 - Robert ran through the state and federal licensing process
 - Robert Johnson confirmed they get their approval from the state after the center is built.
- **GM** asked if they are operating anywhere else currently
 - Robert Johnson replied, Woburn, Billerica, Weymouth and Wakefield. He said there are 4 out patient facilities already up and operating.
 - **GM** asked are there any issues with any of the towns as a follow up question.
 - Robert Johnson responded saying he has supplied the Board with letters of recommendations from the towns.

- **GM** asked how did they find Salisbury.
- Robert Johnson replied, they found a nice parcel of land on Lafayette Road and there is a need in this area for this type of facility.
- **GM** stated he does not like the name of the facility [Triton] because it is the name of the school system Salisbury is in. He said he does not like the location because it is close to the elementary school.
- Robert Johnson noted that he understands GM's concerns and stated that a lot of the patients are working professionals with struggles with addition to alcohol, this has increased since COVID.
- **DE** stated he agrees with **GM** about the word Triton in the name. he asked how many residents do they expect at any given time.
 - Robert Johnson replied the statistics are usually 85% occupancy at any given time. But his own experience with out-patient care, they have difficulty placing people who need more intense care because the facilities are booked up. He stated that if it is a 48-bed facility the most would be 48 patients.
 - **DE** asked if the DPH does inspections on the facilities.
 - Robert Johnson replied, yes. There is the initial 6 month review then inspections every two years. On top of that, there is a joint commission that does a deep inspection every two years.
 - **DE** asked if the applicant would be willing to share the DPH reviews with the Board.
 - Joanne Tarantino, a part of the applicant's team, stated these reports are available to the public online. The applicant can print it up and submit it if the Board would like that.
 - **DE** asked if the organization has a Board of Directors.
 - Joanne Tarantino replied, yes there is, it is a part of the state requirements.
 - **DE** asked if there was a hospital affiliation for the organization.
 - Joanne Tarantino replied having a qualified service organization agreement with a medical facility is part of the state licensing requirements.
 - **DE** asked how are the facilities funded.
 - Joanne Tarantino replied they are funded by third party reimbursements with insurance companies. They accept patients who are not insured.
- **DR** asked what in-patient means in regards to patients staying inside the facility or being able to leave the facility.
 - Pierce Alberti, a member of the Team responded saying the patients do not leave the facilities campus until discharged.
- **LM** asked for confirmation that this is a for profit, private facility.
 - Peirce Alberti responded, confirmed it is a for profit, private facility.
- Kim Ortiz, an abutter, asked via zoom chat if the patients will be transported in and out of the facility.
 - Robert Johnson replied to Kim Ortiz and stated yes, they have services that arrange transportation for patients to be brought in and released into care after the treatment.
- Lynne Welch – 50 Lafayette Road – gave public comment with concerns about the location of the facility.

- Michael Colburn – 5 Caitlin Circle – gave public comment appreciating the facility but concerned with the location.
- Lisa Pearson asked the applicant where the facility will be going and how big is the parcel that the facility will be on.
 - Robert Johnson replied the facility will be going within the wetland buffer next the parcel in front of it on the Lafayette Road Side. The parcel is 27 acres.
- Bruce Ryans – 115 Ferry Road – gave public comment asked clarifying questions of the applicant.
- Bill Lennahan – gave public comment stating this area is remote comparing it to an island in the middle of wetlands.
- Katherine Johnson, the listing agent for the property, stated that Robert Johnson is purchasing 85 acres of land surrounding the proposed facility site.
- Lisa Pearson suggested meeting with the applicants and police department.

GM motioned to continue the Special Permit Application for REAR Lafayette to the April 13, 2022 Planning Board meeting. LM seconded this motion. Roll call was taken, all members (5) voted in favor. Motion passed.

3. Other Business

- a. Minutes
- b. **158 Beach Rd. aka 1 Washington St.** – Bond Expiration (Cont. 2-9-22)
 - Danny Ruiz updated the Board on the status of the bond expiration. He stated there has not been any correspondence with the HOA.
 - Lisa Pearson stated that the next step would be contacting Town Counsel with next steps.
- c. Master Plan
 - **DR** stated the Master Plan committee is planning an in-person community meeting for citizen feedback.
- d. Lafayette & Main Zoning *discussed at top of agenda before public hearings*
- e. Notice from the City of Newburyport – Proposed Zoning Ordinance Amendments

4. Old Business

5. Correspondence


6. Adjournment

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

Meeting adjourned at 9:58 pm

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

Minutes approved by:



Date: 2/28/21