



**Salisbury Planning Board
February 28, 2024
Salisbury Town Hall, 5 Beach Road Colchester Room & Remotely Via Zoom
7:00 PM
Meeting Minutes**

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

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

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

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

GM brought the meeting to order at 7:02 p.m. remotely via zoom. Announced, per opening meeting law, that the meeting was being recorded.

1. New Business – 7:00 pm

- a. **66 Elm Street (Map 1, Lot 8)** – Partial Certificate of Completion – Request for a partial certificate of completion for the Doggie Daycare Facility **Applicant:** Carly Capolupo
 - TJ Melvin, Millennium Engineering, spoke on behalf of the applicant:
 - He gave an overview of the application, stating the building is up, the utilities and drainage system have been installed. There are two downspouts that still need to be installed. There is temporary fencing currently with permanent fencing coming in the next few weeks. He stated there is a regimented drop off and pick up window making construction able to be happening throughout the day when there is no activity. They are also open to closing a day in order to complete some items.
 - Lisa Pearson stated that she had met with TJ Melvin and Joe Serwatka, the Town Engineer. She stated they discussed how to keep the site safe for people and dogs. She stated she requested a schedule for the outstanding items and suggested a bond. She stated they have to get the things completed over the next week. The Board could issue the PCOC for after the work is completed.
 - **WW** stated he would like to make sure the permanent stockade fencing near the abutters be installed.
 - TJ Melvin stated that is installed.
 - **DR** asked about the dumpster on site.
 - TJ Melvin stated the dumpster will be placed once the paving is finalized. There is a construction dumpster which is being used currently.

WW motioned to approve the request for a Partial Certificate of Completion for 66 Elm Street with a bond amount of \$25,695.00 and a review from the Town Engineer. JS seconded this motion. Roll call was taken, all members (5) voted in favor. Motion passed.

2. Public Hearing - 7:10 pm

- a. **11 North End Boulevard (Map 33, Lot 8)** - Major Modification of a Site Plan Approval - Request by applicant for the addition of a fenced-in outdoor patio area with container bar, food truck(s), games and live music and/or a disc jockey (DJ), for seasonal use. Appx. 4,840 sq. ft. Total proposed occupancy not to exceed 200 persons. Ages 21+. No adult entertainment outdoors. **Applicant:** MJF Bowery Corp., d/b/a Ten's Show Club (continued: 1/10/24, 2/14/24)

- **GM** stated that the applicant had requested a continuance to the March 13, 2024 Planning Board meeting.

JS motioned to continue the Major Modification of a Site Plan Approval for 11 North End Boulevard to the March 13, 2024 Planning Board meeting. WW seconded this motion. Roll call was taken, all members (5) voted in favor. Motion passed.

- b. **159 Beach Road (Map 28, Lot 1)**: Application for Definitive Subdivision - Construction of a 2-lot residential development containing 2 single-family dwellings with associated porous pavement driveways, utilities, landscaping and associated site work. **Applicant:** Larkin Real Estate Group, Inc

- Bill Hall, Civil Designs Consultant, spoke on behalf of the applicant.
 - He gave an overview of the site. He stated they were before the Board with a preliminary plan which was denied. However, they were required to submit a definitive subdivision plan in order to keep the zoning frozen.
 - He gave an overview of the plan.
 - He stated they do not anticipate any waivers for this project.
- Don Borenstein, Law Offices of Johnston and Borenstein, spoke about the project.
 - He stated he does not have much to talk about with this project. He stated he is going to submit a letter to the Board that explains the situation of this filing.
- Lisa Pearson stated this plan meets the requirements of the Approval Not Required (ANR) and not the definition of a sub division. She stated Town Counsel can attend next meeting in order to answer questions and clarify definitions.
- **GM** asked if this is something that would actually be built.
 - Attorney Don Borenstein stated he believes it would be an option.
- Chuck Shaw – 13 Old County Road – gave public comment with concerns about the intentions of this filing amidst the other filings from these applicants on this same parcel.
- Lynn Welch – 50 Lafayette Road – gave public comment with concerns about the amount of filings that have been submitted on this parcel.
 - Lisa Pearson stated there is an ANR plan for 14 lots that was submitted. There is a Site Plan that was approved in October and there is this plan before us. They have a legal right to submit as many plans as they'd like.
- David Holscher – 1 Old County Road – gave public comment asking about the current lawsuits.
- **JS** read into the record an abutter's comment, Beth Gandelman – 170 Beach Road - submit through email.
- Attorney Don Borenstein responded to the public comments stating that land owner's in the Commonwealth have certain rights. There is no offence to the Town, neighbors or Board. This filing is lawful. He stated he is happy to hear from Town Counsel.

DR motioned to continue the Definitive Subdivision for 159 Beach Road to the March 13, 2024 Planning Board meeting. JS seconded this motion. Roll call was taken, 3 members voted in favor, 1 recused (WW), alternate (AM) unable to vote. Motion passed.

3. Other Business

a. Meeting Minutes : 3/23/22, 4/13/22, 1/24/24 & 2/14/24

DR motioned to approve the March 23, 2022 Planning Board meeting minutes. JS seconded this motion. Roll call was taken, 3 members voted in favor, 2 abstained (AM & WW). Motion passed.

DR motioned to approve the April 13, 2022 Planning Board meeting minutes. JS seconded this motion. Roll call was taken, 3 members voted in favor, 2 abstained (AM & WW). Motion passed.

WW motioned to approve the January 24, 2024 Planning Board meeting minutes. DR seconded this motion. Roll call was taken, all members (5) voted in favor. Motion passed.

JS motioned to approve the January 24, 2024 Planning Board meeting minutes. WW seconded this motion. Roll call was taken, all members (5) voted in favor. Motion passed.

b. Update on Open Space and Recreation Plan

- Lisa Pearson gave an update on the OSRP. She stated there are many commissions and boards that are contributing to the discussion. Hopefully having the draft completed by the end of March.

c. Update on MBTA 3A Zoning By-law

- Lisa Pearson gave an update on the MBTA 3A Zoning Bylaw. She stated that this will hopefully be on the Spring Town Meeting warrant. At the last public meeting they discussed different parcels of land in order to designate to this zoning change. There were originally 4 parcels; beach commercial area, Elm street area, McKenna's Mountain and Bridge Road. The 4 were whittled down to 2, McKenna's Mountain and Bridge Road, because of citizen concerns of acreage.

4. Old Business

5. Correspondence

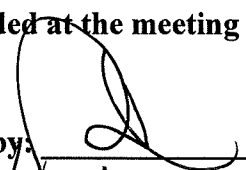
- #### **a. Citizen Planner Training Collaborative (CPTC) Annual Conference, Saturday, March 16, 2024 at Holy Cross College, Worcester MA**

6. Adjournment

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

Meeting adjourned 7:50 pm

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

Minutes approved by:  _____

Date: 4/1/24