

Salisbury Planning Board Meeting Minutes

Date: Wednesday, May 24, 2017

Place: Colchester Auditorium, Salisbury Town Hall, 5 Beach Road

Time: 7:00 p.m.

PB Members Present: Chairman Don Egan (**DE**), Helen “Trudi” Holder (**TH**), Louis Masiello (**LM**), Gina Park (**GP**), John “Marty” Doggett (**JMD**), and Gil Medeiros (**GM**).

PB Members Absent:

Also Present: Assistant Planner Bart McDonough (**BMD**), Planning Board Secretary Adriane Marchand (**AM**).

Chairman Don Egan called the meeting to order at 7:05 p.m. in Colchester Auditorium, Salisbury Town Hall. Announced, per opening meeting law, that this meeting was being recorded.

1. Public Hearing 7:00pm

a. Definitive Subdivision for 123 Bridge Road, Sterling Ventures Inc.-

TH recused herself from the Board as an abutter. As an alternate **GM** cannot vote.

DE stated the response from the applicant to the Town Engineer and the revised plans were not submitted to the Planning Department until May 15th, 2017, The Board asked to have them submitted by the 10th to allow for review. As a result the Town Engineer has not submitted a response to advise the Board. Therefore the Board will hold off on discussing the project at tonight's meeting and will discuss and vote on the waivers requested only. They will not vote on approval tonight.

DE read the Planning Department's recommendations for granting the following waivers.

Waiver #14. (6.4.7) - Traffic Analysis Plan

Waiver #15. (7A) - Street Design

Waiver #8. (6.4.3 #24) - Storm Water Design

Waiver #18. (10.0) - Sub Division Surety

LM motioned to waive the requirements as read by the chair.

JMD seconded.

Vote 5-0, unanimous. Motion Carried.

Chris Swiniarski (**CS**) attorney to Dan Dandero, Dan Dandero (**DD**) and Roy Tiano (**RT**) of Hancock Associates were present.

CS stated their general theme for choosing which waivers they requested was to consider that this is a single-family home, not a subdivision, and therefore not held to the same standards. This site has also been through the other town boards and the information has been provided at these

hearings. They don't want to contradict. **DE** reminded them that this hearing is separate from the others and the information still needs to be provided in the required format.

Waiver # corresponds to the list provided to the Planning Board with the bylaw number in parenthesis followed by the number on the applicants request list.

Waiver #1 (6.4.3) #14 – No waiver warranted as the requested information is shown.

Waiver #2 (6.4.3) #15 – No waiver warranted, extremely important to include on plan. **RT** stated drainage is shown on plan provided to the Conservation Commission. **DE** asked them to transfer the information they already have into the proper submission format. **GP** also requested to have the Town Engineers approval of the plan. **LM** agreed he would like all the information provided in one document. **CS** stated the Town Engineer confirmed they had all the required information though the Conservation Commission approval. Suggested they relabel the plan appropriately and include it in the application.

Waiver #3 (6.4.3) #16 – Discussion above applied to this waiver as well. Will label appropriately and include in plan.

Waiver #4 (6.4.3) #17 – Board recommended not granting the waiver for safety. The length of the driveway being a qualifying feature along with the multiple users who will be utilizing the driveway. **CS** argued that despite the length it is a private driveway not a public street and they are held to different standards. **LM** asked how long the drive is. **CS** responded it is about 800 feet.

DE responded for the safety of the buyers who will be purchasing the house and the abutters who will also be using the driveway to access their homes the Board does not recommend granting waiver. **CS** added the standards are not the same but they are willing to include a sectional of the driveway as long as that is understood.

Waiver #5 (6.4.3) #18 – **CS** argued the driveway is not a roadway and therefore exempt. **DE** suggested the Board consider waiving it and adding the substitution of requiring a driveway cross section. **GM** asked the Board if the applicant will be held to the standards of a public street. **DE** replied that they are discussing whether to grant a waiver or not only. When they are discussing the approval they will decide if the plan presented is sufficient to meet the need.

Waiver #7 (6.4.3) #20 – **RT** asked if instead of showing the existing and proposed topography within 100 ft. of wetlands if showing within 20 feet would be sufficient. The Board was in unanimous agreement that they do not have enough information to make that decision.

Waiver #9 (6.4.3) #25 - **CS** argued that the max buildout is shown on the plan that is presented, the lot is only zoned for one house. **GP** quoted from the bylaw about ensuring no drainage issues occur post construction. **RT** stated they are utilizing country drainage on site, nothing more. Drainage will be addressed in requirements already met. **DE** agreed drainage needs to be shown on the plan according to the requirements. The existing information just needs to be presented in the proper format.

Waiver # 10 (6.4.3) #26 – **DD** stated the driveway on site is already staked. **CS** added that this is again a roadway requirement, not a driveway requirement. **DE** suggested waiving it and substituting it with the same requirement but referring to driveway.

Waiver #11 (6.4.3) #27 – **RT** stated they will comply.

Waiver #12 (6.4.4) #29 – **RT** stated this requirement was addressed in the Order of Conditions for the Conservation Commission but they will resubmit it for this filing.

Waiver #13 (6.4.5) #2 – **CS** agreed to submit construction plans and schedule.

(§8.) Construction Requirements – **CS** agreed to do all that apply.

(§9.) **DE** informed the applicant that conditions already approved need to be shown on the plan as well as right-of-ways and easements. **CS** agreed to show on plans.

Waiver #19 (§11) – No waiver granted.

LM motioned that (Waiver #4 and #5) 6.4.3 #17 and #18 show all applicable requirements to driveways design be included.

GP seconded.

Vote 4-0, unanimous. Motion Carried.

Noel McLellan (**NM**) of 114 Ferry Road was present. Points out that driveway will service 3 households who have the potential to further develop. Asked the Board that the driveway be held to higher standards than a traditional driveway.

DE lists waivers NOT granted as a result of the discussion:

Waiver # corresponds to the list provided to the Planning Board with the bylaw number in parenthesis followed by the number on the applicants request list.

1. (6.4.3) #14
2. (6.4.3) #15
3. (6.4.3) #16
6. (6.4.3) #19
7. (6.4.3) #20
9. (6.4.3) #25
10. (6.4.3) #26
11. (6.4.3) #27
12. (6.4.3) #29
13. (6.4.5) #2
16. Section 8
17. Section 9
19. Section 11

GP motioned to not grant the waivers as listed by the Chair.

JMD seconded.

Vote 4-0, unanimous. Motion Carried

GM motioned to continue the public hearing for Sterling Ventures Inc., 123 Bridge Rd/ Lot B to the July 12, 2017. Requests that revised plans be provided to the Planning Department two weeks prior to the hearing.

JMD seconded.

GP amended the continuation to 7:00 p.m.

LM seconded.

Vote 4-0, unanimous. Motion Carried.

b. Definitive Subdivision for 87-89 Cable Ave., Thadeus and Frida Makarewicz- Thad Makarewicz (**TM**) was present. They are applying to create a parcel from one of the properties and transferring it to adjacent property also under their ownership for the purpose of meeting zoning regulations to sell the lot.

DE stated there is not sufficient frontage/ acreage for an ANR resulting in the form c filing. Have received zoning variance. **TM** confirmed.

GM cannot vote as this falls under the subdivision control bylaw.

GP motioned to waive strict compliance for frontage and lot size requirements.

TH seconded.

Vote 5-0, unanimous. Motion Carried.

LM motioned to close the public hearing.

GP seconded.

Vote 5-0, unanimous. Motion Carried.

LM motioned to approve the Definitive Subdivision for 87-89 Cable Ave., Thadeus and Frida Makarewicz.

TH seconded.

Vote 5-0, unanimous. Motion Carried.

2. New Business

a. Signing of Plans / Permits – N/A

b. Request for Certificate of Completion- 12 Broadway, Dodgem Corp.

Brian Mulcahy (BM) was present representing the project.

DE stated through personal observation he believes the lot was operating according to the site plan. Asked the applicant how the heavy equipment being stored onsite is going to affect the operation of the lot. BM replied that by the end of the week everything will be moved to the east side which will leave a width of 80 feet for vehicles to pass and allow them to continue operating at 75 percent capacity with no impediment on the travel lane.

DE asked why they are seeking their Certificate of Completion at this time. BM replied they are in the process of renewing their business license with the Board of Selectmen who wanted to be sure the Planning Board didn't have any outstanding issues.

DE suggested amending the approval with the condition that no obstructions such as heavy equipment will block vehicles from exiting on to Ocean Street. Exiting on to Broadway will remain strictly prohibited.

Chuck Takesian (CT), member of the Board of Selectmen, clarified for the Board that the Selectmen will issue the renewed business license contingent on the Planning Board's approval. They believe a Certificate of Completion best demonstrates that approval.

DE suggested to the Board they provide the applicant with a written letter of approval to present to the Board of Selectmen so as to not cause them further delay in opening. Does not recommend issuing a Certificate of Completion until the applicant has provided an as-built.

DE reminded the applicant that it is their responsibility to be sure the lot is operated in a safe manner.

GM motioned to issue a letter of approval for 12 Broadway, Dodgem Corp.

TH seconded.

Vote 5-0, unanimous. Motion Carried.

3. Old Business

4. Other Business

a. Discussion on the Regional Affordable Housing Plan -

The Merrimack Valley Planning Commission will be meeting with 13 local towns to compare housing needs. Will be hosting public workshops, with town boards present, to address specific issues, successes, and required resources with the ultimate goal of developing a regional housing plan. Will be meeting on June 28, 2017 from 6:00 p.m. to 7:00 p.m. at Town Hall.

5. Correspondence

a. Minutes from April 26, 2017

JMD motioned to approve the minutes for April 26, 2017.

LM seconded.

Vote: 4-0, TH abstained. Motion Carried

6. Adjournment

TH motioned to adjourn the April 26, 2017 Planning Board meeting at 9:05 p.m.

GM seconded.

Vote: 5-0, unanimous. Motion Carried.

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

Minutes Approved By:  Date: 7/12/17