

Salisbury Planning Board Meeting Minutes

Date: Wednesday, January 24, 2018

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

Time: 7:00 p.m.

PB Members Present: Vice Chair Gina Park (GP), Don Egan (DE), John “Marty” Doggett (JMD), and Gil Medeiros (GM).

PB Members Absent: Chair Helen “Trudi” Holder (TH) and Louis Masiello (LM)

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

Vice Chair Gina Park the meeting to order at 6:00p.m.in the Colchester Auditorium, Salisbury Town Hall. Announced, per opening meeting law, that the meeting was being recorded.

1. Executive Session

- a. To discuss ongoing litigation regarding 109-113 Bridge Road Site Plan Decision**
- b. To discuss ongoing litigation regarding 107 Folly Mill Road Approval Not Required Under the Subdivision Control Law Decision**

GM motioned to enter into executive session pursuant to MA General Laws Chapter 30A, Section 21(a)(3) to discuss litigation: Plum Island LLC v. The Town of Salisbury Planning Board. Land Court misc. case # 16-00766. LePiere V. Town of Salisbury Planning Board, Land Court misc. case #17- 00459. The Board will enter into executive session and return to open session.

JMD seconded.

Roll Call Vote:

GM yes, **GP** yes, **DE** yes, **JMD** yes.

Vote: 4-0, unanimous. Motion Carried.

1. New Business

- a. Signing of Plans / Permits**

- b. Request for an Extension---211 Beach Road—Beach Realty Trust**

Mike Wolpert (MW) was present to request an extension.

DE asked what the law requires of extensions. **BMD** replied the state granted 2 extensions a few years ago due to the economy. In the coming month the approval of the project will expire and they need to extend again.

GM motioned to deny the Request for an Extension for 211 Beach Road, Beach Realty Trust. **JMD** seconded.

Vote: 4-0, unanimous. Motion Carried.

MW asked for them to reconsider. **DE** stated that times have changed and the approved project no longer meets the building atmosphere. **MW** asked them to rescind and continue.

DE motioned to rescind the prior motion and continue to the public hearing on February 28, 2018, with the condition that **MW** present the project on that date to the Board.

GM seconded.

Vote: 4-0, unanimous. Motion Carried.

2. Old Business

a. Certificate of Completion & Bond Release, 44 Railroad Ave, Wojcicki Development, Inc.

Mark Wojcicki (**MW**) was present as requested by the Board. **DE** stated that they now have materials from the condo association and the town engineer to make a decision.

Linda Shnear (**LS**) president of the Ocean Breeze Condo Association was present. Stated the fence and paving have been done satisfactory. Asked if the as-built's were changed to reflect the lack of snow storage and the reconfiguration of the stairs. **BMD** showed the plans. **LS** stated the marked snow storage areas are not able to be used to store snow. Snow drifts under the carports and has to be removed completely from the site.

DE motioned to issue the Certificate of Completion and release the bond for 44 Railroad Ave. **JMD** seconded.

Vote: 4-0, unanimous. Motion Carried.

2. Public Hearing 7:10 pm

a. Cont. Merrimack Valley Habitat for Humanity, Inc. for 22 Old County Road.

GM motioned to continue the Notice of Intent for Habitat for Humanity, 22 Old County Road, to February 28, 2018 at 7:10.

JMD seconded.

Vote: 4-0, unanimous. Motion Carried.

b. Big Block Development Group for 8, 16 & 18 Broadway and 6-28 Ocean Front South.

GP updated that the traffic workshop and design architecture workshops have taken place. Consultants have met and discussed the project. The Board has received a response from the applicants to the consultant's comments.

Steve Paquette (**SP**) of the Big Block Development Group represented the project assisted by Dale Ginappe (**DG**) of Ginappe Design Architecture, Eric Botterman (**EB**) of Millennium Engineering and Ken Kram (**KK**) of Bayside Engineering.

EB stated there are three (3) aspects of this project; civil, architectural and traffic. They have made progress in all three. He has addressed the review comments on the civil engineering.

DE asked about the special permit; is the height 62 feet or 66 feet? **DG** stated he believes it is 62 feet. The building inspector (BI) feels the spires add additional height and asked for a special permit. Working with the BI and may limit the height if required to not have a special permit. **DE** clarified this effects the vote 4/5 for special permit, 3/5 without.

BMD requested the supply modified plans to the engineer when prepared. **EB** agreed.

BMD introduced Jeffery Dirk (**JD**) Vanasse & Associates as the Planning Boards peer reviewer. **JD** briefed the Board on the action that has been taken to date. Step one was to assess the sites compliance with minimum standards and towns regulations. Have found they comply with all standards.

Verified their data. Documented pedestrian and public transportation. Noted many of the sidewalks were not in compliance with the ADA standards. Asked them to further document bicycling in the area. Did provide the information in their response. Motor vehicle crash history analyst was provided. No elevated crash history existed. Confirmed.

Evaluated with a 7 year planning horizon.

Consider 2 things 1 general traffic growth 2024 conditions. And specific development growth in the area. No projects that exceed the 1 percent growth rate.

Expected to add 150 vehicle trips during peak hours each hour. In the evening 168 vehicle trips.

Project expected to add 182 per hour on Saturday. Expected delays and ques are not going to increase significantly. Found there was sufficient capacity to support the additional traffic.

Asked the applicant to assess the site line for the property. With the absence of parking on Ocean Street, sight lines are sufficient. If cars are parked, the sight line is obscured. Recommend the applicant provide caution signage. Encourage pedestrian and public transportation and the share vehicle.

Harry Harutunian (**HH**), 28 Railroad Ave., asked if the study had evaluated the intersection of Route 1 and Beach Rd. **JD** stated they did not. **HH** is concerned about the traffic backing up at this site. Stated it is the major bottleneck that had not been evaluated.

Dennis McCarthy (**DM**), 11 Railroad Ave B7, asked if there are there any additional access routes to the site. **JD** replied no, reviewed the entrances and exits. **DM** asked if there are any safety concerns from the proximity of Ocean Echo. **JD** stated due to the one way road, there isn't a great impact.

Ashley Gooley, Rings Island. Asked about Town volume and what year census data was used.

JD replied Ferry Road was not in the analysis. Stated 2010 census data and 2013 and 2015 sampling to supplement. The most recent that's available.

Tom Sabb (**TS**) asked if they accounted into the reduction of traffic that will result from closing the currently existing commercial. **JD** stated they did not.

DE stated for Cable and Beach Rd. and Broadway during the summer season grid lock is known to occur. Is there any way to mitigate the situation? **JD** stated there is not, based on the current set up. It will be dispersed because of the residential nature. **DE** asked if a traffic light would be appropriate. **JD** stated there are state and federal criteria that need to be met.

Ray Champagne (Commonwealth Ave and Beach Rd RV Park) suggested converting Railroad Ave from a one-way to a two-way street would help.

Sal Russo, 11 Railroad Ave. stated his understanding was the purpose of the street was fire access only. **SP** answered the road provides for access and utilities.

Beverly McKenna, 29 Railroad Ave. stated the road is narrow, street would need to be widened before the additional cars are added.

GP asked if there are appropriate sidewalks. **JD** stated they are there, but they don't meet ADA standards. **GP** asked if there are any additional sidewalks that need to be added. **JD** stated there are segments and one sidewalk that will need to be added.

Eileen Sauris, 6 10th street, asked if there is any way to limit parking to one side of the street. **DE** asked if there is any way to get a consultants opinion on the parking situation in the surrounding neighborhood. **JD** added they are providing the appropriate amount of parking required by zoning.

DE suggested adding a condition to require guest parking, though it's not required in the bylaw. **JD** added the applicant also performed a truck turning analysis. Large trucks will be coming in on Railroad Ave. Noted the fire department access is required to be 20 feet wide. It is not 20 feet continuously; the fire department will need to sign off. Vehicles entering need to be informed of where to enter, especially moving vehicles for the tenants. An active management plan should be conditioned. Garbage pickup time would also need to be conditioned. Snow removal in sight line areas need to be cleared by the applicant.

Glenn Cielakie (**GC**) (11 Railroad Ave) asked to have the entry way gated. **JD** stated that would be determined by the easement language.

GC asked if there will be security onsite. How will the easement be utilized?

DE suggested making access restricted by time.

SP added they are continuing to look at the site and improve the plan. The building will be professionally managed. Aware of the issues and will continue to work on them.

Andrea Bocelli (**AB**) rules will be broken if not actively managed.

Tammy Martin, 11 Railroad Ave., asked who will be responsible of repairs due to the traffic increase. **SP** stated that is a fair question they will work that out with Ocean Echo outside of the bounds of the meeting.

Dennis McCarthy (Ocean Echo) worried over the safety issue and the increase of pedestrian traffic

Tooney (**T**), 25 Railroad Ave. asked if there is a 20 foot buffer around the entire building. **JD** stated the does not believe that is so. **T** asked if the fire department will have ladder truck that can reach the top of the building. **BMD** replied they will provided the answer at a later date.

David Isen (**DI**), Abacus Architects, did the architectural peer review. Issued a draft report on January 8, 2018. Made recommendations the applicants they are disinclined to make. They do a lot of things right. Parking is more or less screened. Broken into 4 pieces with nice articulation.

1. The urban scale of the project is inaccessible. Suggested finding ways to penetrate the building with access.
2. Suggested considering limiting the bulky comers to be less imposing.
3. Suggested doing more to meet the spirit of the overlay district.
4. Suggested incorporating more colors and material while maintaining the untied truth of the building.
5. The ground floor is primarily apartments. Suggested more ground floor retail. Current plan creates a conflict between expatiations vs. reality
6. The ownership of Oceanfront South creates a disjointed area. Needs to be worked out to create a better space.
7. Would like to see something done with underneath the building that is left open. With retail 10 feet up in the air the view of the cars is at pedestrian level.

DE disappointed the applicant would not work with the peer reviewer to come up with a compromise plan. Need to find a way to create a unified raised sidewalk all along Broadway. **DE** reiterated they don't meet the bylaw in his opinion. Private way does not seem compatible with the nature of Oceanfront South. Would like to see Oceanfront South further addressed.

Suggested they provide electricity and storage for push cart vendors.

DE requested further articulation on the upper level. Stated there is an issue with screening between the planning bylaws and the Dune Performance Standards. **DI** suggested contacting the

The Executive Office of Environmental Affairs. Gives the appearance of privatizing the public realm which needs to be addressed.

SP stated they have not been neglecting to do anything in regards to this report but the major elements they would like to see changed are not achievable for varying reasons. Will continue to work on these issues but is not likely to change some of the restrictions.

JMD stated he would like to have feedback from town counsel on the likely hood of this structure meeting all state and federal regulations.

Lisa Pearson (**LP**), Salisbury Planning Director, added there are still additional processes they have to go through.

Glenn Collette, 11 Railroad Ave., expressed concern that the back side of the structure is not receiving the same scrutiny as the front. Asked for this to be addressed.

Grace Marie Tomisellie, stated the building should not be there at all.

Ashley Gooley, Rings Island, stated she would like them to consider the residents of the town who already live here when making their decision.

Tom Sabb (**TS**), 190 North End Blvd., disagrees with using Oceanfront South as a residential space. Should be commercial.

GM motioned to continue the Site Plan and Special Permit filing for Big Block Development Group, 6-28 Ocean Front South, 16-18 Broadway, to February 14th, 2017 at 7:10p.m.

JMD seconded.

Vote: 4-0, unanimous. Motion Carried.

c. Kimberly Realty Trust for 138 Elm Street.

Scott Cameron (**SC**) represented the applicant. The site is 3 acres zoned as commercial close to Elm Street is. Currently an overgrown field with an existing single family home and barn.

Keeping the mature field oak as a feature on the site. Water table is 3 to 4 feet down. Proposing a new curb cut 30 foot radius. 200 sq. ft. office building named the oak building. Class a development. Granite curb around the second building which will be a medical office. 65 parking spaces exceeds the zoning regulations with plenty of handicap spaces. Utilizing county drainage due to the high water table. Staying close to the existing grade. Will require a street opening permit for water. Sewer has access onsite.

Requested the following waivers:

Full traffic study. In a high traffic area and a state road.

Provision in site plan requiring not to have bituminous curbing. Will have some vertical granite curbing surrounding the medical building and the entrance. Wants to use Cape Cod berm along the rest of the site to allow the country drainage to function.

Scott Brown (**SB**), architect, introduced the proposed buildings. 1 1.5 story office building with storage space above. The second building a medical building with 4 to 8 offices sharing the same architectural features. Creating 2 fronts on the building. Some stone veneer braced metal rooflets, asphalt shingles and Anderson divided light window and fiber cement simulated shake.

SC presented the photometric plan. Spill over is onto the state highway. Can shield the other light that spills over. All dark sky compliant. Red maples planted along frontage. Evergreen's around parking area, other small plantings around the building's.

GP asked he address points 4, 9, 12, 14 -17 in the Town Engineers comment letter. Also in the second section point no.4 should be addressed. **SC** did as asked. **GP** asked him to better illuminate the interior of the parking lot for safety.

GP asked **SC** to state how snow storage will continue to function if stored on drainage features. **SC** replied it will continue to function

GP suggested access to the rail trail for the public for the site or for the addition of sidewalk or a bus stop. **SC** stated he has not investigated the possibilities but it would be very difficult. **GM** asked how many employees will be working at the office building. **SC** replied 8. **DE** asked for guidance from the planning department on the curbing.

DE motioned to grant a waiver for the traffic survey.

GM seconded.

Vote 4-0, unanimous. Motion Carried.

Al, Scholez Terrace, stated the water moves along the rail trail and access would require a bridge. **SC** explained is a check list and a system the storm water management systems that it has to be evaluated for. Further explained they will be replicating the draining currently onsite as best as possible. Spreading out the recharge area.

Rebecca Radstaff, 3 Scholtz Terrace, does not want to encourage more people accessing property. Chuck Takesian 9 16th street. Thanked the applicant for a stellar site plan. Would like to see additional growth in the area.

JMD motioned to continue the public hearing for Kimberly Realty Trust for 138 Elm Street to February 14, 2018 at 7:10 p.m.

GM seconded.

Vote 4-0, unanimous. Motion Carried.

5. Correspondence

a. Minutes from October 25, 2017

Tabled to February 14, 2018

6. Adjournment

GM motioned to adjourn the January 24th, 2018 Planning Board meeting at 11:11 p.m.

DE seconded.

Vote: 4-0 Unanimous. Motion Carried.

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

Minutes Approved By: _____



Date: 3-14-18