

Salisbury Planning Board

Meeting Minutes

Date: Wednesday, February 14, 2018

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

Time: 7:00 p.m.

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

PB Members Absent: Louis Masiello (LM)

Also Present: Assistant Planner Bart McDonough (BMD), Planning Board Secretary Susan Johnson (SJ).

Chair Trudi Holder brought the meeting to order at 7:02 p.m. in the Colchester Auditorium, Salisbury Town Hall. Announced, per opening meeting law, that the meeting was being recorded.

1. New Business

a. Signing of Plans / Permits

Nothing to be signed

b. Minor Site Plan Review---Review minor site plan filing by Eric Kallio (EK) c/o Mobilitie, LLC

Plan is to install a small cell antennae on existing utility pole (owned by National Grid) in the right of way on the corner of Central Avenue and Driftway. The purpose of the small cell is to increase the connectivity between devices and the network. Cell Antenna would benefit all Sprint customers within 1/4 mile to 1/2 mile range.

GP asked if other carriers could use the same pole. **EK** replied that another carrier would need to set up on different utility pole.

GP asked if light or sound was emitted from the cell antennae. **EK** replied that no light or sound would be emitted.

TH motioned to approve waivers. **DE** amended motion to approve waivers as requested. **GM** seconded.

Vote: 5-0, unanimous. Motion carried.

TH motioned to approve minor site plan. **GP** amended motion to approve minor site plan. **GM** seconded.

Vote: 5-0, unanimous. Motion carried.

2. Public Hearing 7:10 pm

- a. **Cont. Public Hearing:** A major site plan filing by Kimberly Realty Trust for the property located on 138 Elm Street, Salisbury, MA. Proposed work is to redevelop the lot to have 2 office buildings, associated parking and site infrastructure.

TH let it be known that she signed the Mullins Form since she missed the 1/24/2018 meeting which will allow her to participate in the hearing.

Scott Cameron (**SC**) with Morin Cameron Group (representing Kimberly Realty Trust) met with Lisa Pearson (**LP**) and **BMD** this week and last week to review the draft decision.

SC reviewed revisions to the plans:

1. 10' pedestrian easement along the edge of the property which would connect between Elm Street and the Rail Trail. Mr. Kutcher agreed to give the Town the easement.
2. Proposed bus stop to extend from the sidewalk already being put in in front of the building. The final design would need to go through Mass DOT. Mr. Kutcher to provide construction to put the bus stop and the route to the building along with signs. **SC** to file for the application permit with Mass DOT once the Town has made final decision.
3. New lighting – replace ballast lights with formal post lamps to better illuminate the interior of the parking lot for safety.

SC outlined for **JMD** where the granite curbing and the Cape Cod Berm (CCB) curbing would go. **GP** expressed that granite curbing needs to be installed in heavy duty key areas. CCB is acceptable if installed correctly and installation is reviewed by the town engineer.

TH Motion to accept CCB installation. **GP** amended the motion to include CCB installation review by the town engineer be present to make sure that it is installed properly. **JMD** seconded.

Vote: 5-0, unanimous. Motion carried.

TH motion to accept the site plan. **BMD** reviewed comments on the site plan.

Section 6 #9 – Coordinate with Mass DOT and Planning Department to finalize the design of bus stop.

Section #10 – grant access easement which runs along Western property line to where it intersects with the Northern property line.

Section # 18 – remove verbiage “and shall supersede all other contract requirements” because this is not enforceable.

TH recommended a motion to approve the site plan as amended. **DE** made motion. **JMD** seconded.

Vote: 5-0, unanimous. Motion carried.

- b. **Cont. Public Hearing:** Big Block Development Group for properties located on 8, 16 & 18 Broadway and 6-28 Ocean Front South. Proposed work is to construct a mixed use redevelopment comprising of 240 residential units, 6,500 square feet of commercial space and a large parking lot.

TH read letter from the Board of Trustees from Song of the Sea, 29 Railroad Ave, dated 2/12/2018 outlining their questions and concerns.

BMD explained that Phillip Winn (**PW**) of PPS (Project for Public Spaces) will call in to make presentation and share their findings.

PW joined the meeting and presented Public Life Review: Big Block Development.

- Stated that the review of the proposed development focused on the potential impacts on public life in the surrounding streets, beachfront and public spaces.
- Presented a rendering of the potential building on Broadway and Ocean Front S pointing out the lack of public and commercial use or character.
- Made a recommendation to build a “true boardwalk” on Ocean Front S and presented several benchmarks for reference.
- If “true boardwalk” proves impossible to be built he recommends putting screening to cover the open and empty ground floor under the elevated building on Broadway and creating a generous public stairway that would wrap around to bleacher style stairs on Ocean Front S. In regards to the ground floor on Broadway the developer could consider seasonal small counter service retailers which could be floodable. On Ocean Front S they recommend converting the first floor residential space into commercial space to keep a public space and not make it feel privatized.

DE thanked **PW** for report and the outstanding analysis.

DE stated that the report captured many issues that we are struggling with as a board and a community:

- * How to mesh the proposed development into the public realm.
 - * How to deal with the potential elimination of the commercial space on Broadway and Ocean Front S.
 - * A particular concern of his was the height difference from the promenade vs. the sidewalk on Broadway which was different from what had been previously discussed.
- He believes that more work needs to be done to resolve these issues and urged the developer to work collaboratively with the town and community.

TH agreed that it was a great report and asked **PW** how the plan equates to our flood zone.

PW replied that each beach is different and they did not delve into the Flood Zone requirements for each benchmark.

GP stated that the report gave insightful analysis and gives us a good idea of how to make a destination location really successful. The site plan is located in the Beach Commercial Zone and Beach Commercial overlay and stated that the way that the plans stand today 97% would be residential and 3% would be commercial which would take away from the public realm.

JMD made statement regarding the history of many hotels at Salisbury Beach which attracted people and commerce. He would like to see this incorporated in this plan.

Steve Parquette (SP) discussed being in a VE Zone which creates a design restriction with regards to the height level for the project especially the large height difference between the concourse on Broadway and the street level.

SP the commercial space outlined in the plans as they stand could support 7 storefronts.

SP addressed the concern of exposed parking and no horticulture. He like the idea of the skirting provided in the presentation along Broadway.

SP addressed the street level activity comment. He stated that in its current situation it is not vibrant at this time.

SP addressed the build a true boardwalk comment. The Ocean Front S right of way is privately owned and an easement was used to build the boardwalk.

DE addressed the privatization issue of Ocean Front S. As the project stands today it could potentially put a big “keep out sign” at the beach and make the public feel unwelcome to enjoy the beach.

GM liked the idea of the cottage shops. **BMD** advised that as is it would not be allowed by FEMA due to the elevation. **DE** suggested making them portable and seasonal. Suggesting that each year the cottages could be moved at end of the summer by fork truck and stored.

Jane Purinton (JP), 20 Toll Road, discussed the issue with Ocean Front S being privately owned and wanted to know who owned it. **DE** stated that it is owned by Salisbury Beach Associates which was established back in the late 1800’s and is still owned by descendants of the original owners. **JP** was concerned due to the building being so large that Fire and Police would need to be able to use Ocean Front S to access to the building. She suggested the possibility of dividing the building into thirds which could help with the safety issue. **JP** also discussed the possibility of making the first floor of Ocean Front S commercial instead of residential.

JMD suggested taking the road by eminent domain and referenced a 2005 Supreme Court case. **DE** agreed with the eminent domain case and would like the town to pursue. **DE** referenced that in 1991 a selectman had worked out a deal with Salisbury Beach Associates to donate part of the land that they owned to the town and the town rejected. **DE** was not sure of the specific details of why it was rejected. **GP** stated that economic hardship due to the velocity zone could be another reason to pursue eminent domain.

Grace Tomacelli (GT) stated that the project is a violation of EPA grant conditions. **Joyce Tomacelli** read from the packet that they prepared. **GT** handed the packets to the planning board along with **BMD** and **SJ**. **DE** stated that he read through the grant and that the Tomacelli’s are correct that there is a provision and how can we look at a contract between the EPA and the Town and ignore it. **DE** mentioned that during the debate for zoning change the person presenting the citizens partition was to have addressed this prior to submitting a plan. **SP** stated that the issue was addressed at an October 2016 town meeting. **TH** stated that this was not a planning board decision.

Tom Sabb (TS), 190 N End Blvd, stated that there has been building on the beach for years and years. **DE** stated that the town had not violated the contract between the EPA and the Town. **TH** intervened and stated that we are going to move on from this issue.

Chuck Takesian (CT), 9 Sixteenth Street, stated that the Salisbury Beach Associates are a viable group and was concerned about the cost of taking Ocean Front S by eminent domain.

Paul Dakota (PD), Central Ave, discussed that the town and the developer need to work together in order to make changes on Ocean Front S as it stands today in his opinion is an eyesore. What exists now is not providing the taxpayers as this development would, also is not creating beauty to the beach. Families are not coming to the beach to visit the establishment on Ocean Front S, they are coming because there are 4 miles of pristine beach to enjoy.

SP spoke about presenting images if time allows to show improvements to Broadway and Ocean Front S.

DE asked for a 2 minute recess.

Dale Gienapp (DG) presented images of possible design of Ocean Front S and discussed the skirting height issue. Showing what is allowed in the VE zone vs. what they would like to do. Also showed the commercial area starting on Broadway and wrapping around to Ocean Front. **GP** suggested making the first 2 1st floor units commercial with the possibility of converting in the future.

SP stated that he hoped the presented images to show an effort on their part of how to anchor the building to Broadway. **GP** stated that it was a great addition. **DE** was very happy with the improvements to the design.

DG reviewed the changes to the design of the building on Ocean Front S.

GP asked if a single restaurant was going to take over the commercial space. **DG** stated that there have been no commercial commitments for any of the 5 potential spaces (6,500 sf total). **SP** stated that if it is rumored that one restaurant is going in it is not the case and that there have been no conversations or commitments regarding any of the commercial space. **DE** stated that the Planning Board should have a starting point and presented outline for the Planning Board to review. **TH** stated that the Planning Boards starting point is the current zoning and would like to review and table until the next meeting.

TH would like to schedule a workshop to review the PPS report with the applicant on Monday 2/26/18 at 5 pm. **DE** motioned to seek Town Council's opinion to get a definitive decision on the differences between a workshop and public meeting while there is an open public hearing on impacting matter. **GM** seconded
Vote: 5-0, unanimous. Motion carried.

GM motioned to continue the public hearing until 2/28/18, **GP** seconded
Vote: 5-0, unanimous. Motion carried.

Other Business:

Discussion regarding possible zoning changes for May 2018 Town Meeting.

1. Recreational Marijuana Overlay Zone

Review the draft language that was provided by Town Counsel and submit comment to **BMD**.

2. Tree Bylaw Committee

Tree Bylaw committee is currently drafting bylaw language which will be provided to the Board.

3. Trailer Bylaw

There are concerns regarding storage trailers in town

4. Parking

5. Medical Marijuana

6. Changing Zoning of the Memorial School to Village Commercial

6. Adjournment

TH motion to adjourn the meeting, **GP** seconded

Vote: 5-0, unanimous. Motion carried.

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

Minutes Approved By:  Date: 3-14-18