

**Salisbury Planning Board
Meeting Minutes**

Date: Wednesday, March 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**), Louis Masiello (**LM**) and Gil Medeiros (**GM**).

PB Members Absent: None

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

Chair Trudi Holder brought the meeting to order at 7:00 p.m. in the Colchester Auditorium, Salisbury Town Hall. Announced, per opening meeting law, that the meeting was being recorded.

TH explained that the board needed to meet for an executive session and that the public hearing would start once complete.

DE motioned to adjourn to executive session. **GP** seconded. **Vote: 6-0, unanimous. Motion carried.**

1. New Business

a. Signing of Plans / Permits

Nothing to be signed

2. Public Hearing 7:25 pm

- a. 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.

Steve Parquette (**SP**) – stated that they have responded to all of the comments from the peer review and PPS presentation.

TH presented a list of open issues with the applicant’s response for Big Block Development Group (BBDG) to review.

GP asked BBDG to review the Adverse Shadow Impact. Dale Gienapp (**DG**) showed a drawing, designed through Revit, of the buildings mid tide shadow at 5pm on July 1st and August 10th. **BMD** asked that BBDG show the shadow for those dates at low and an average high tide. **DE** stated that when developing this provision in the bylaw it was decided that the beach starts at 100’ from the property line. As the shadows are depicted, the consultant

(Abacus) stated that it does not comply with the bylaw and creates an adverse shadow impact. **DG** would like to know how Abacus substantiated their conclusion.

GP discussed the issue of stacked parking. **SP** stated that the Building Inspector did list some conditions whereby he ruled that stack parking was permissible under zoning. **DE** stated that the Building Inspector offered 2 separate memos showing what his response would be in the event that he received a plan requesting a building permit. The first memo suggested that the Planning Board could address this through site plan review. The second memo stated that if he were to receive a plan showing stacked parking he would see no reason to deny a building permit however at no time did he say it was permissible or issue a decision stating that it was permissible. The bylaw does not state that stacked parking is permissible. **SP** read the definition of parking on the beach overlay and agreed that the building inspector did not state that stacked parking was allowed and went on to say that it had been allowed in the past. **DE** stated that the board should take this under advisement for the approvability of the overall project. **SP** stated that 40-50 units would have stacked parking which BBDG believes would be allowed based on the opinion from the Building Inspector. **SP** stated that the design intent was to comply with zoning. **GP** stated that if visitors were to park in the public lot it may take away from the day visitors being able to enjoy the beach. **GM** stated that there is also private parking lots which could be used. **SP** stated that visitors are beach goers and would frequent merchants that will bring revenue into the town. **SP** stated when discussing the rezoning to accommodate this project, visitor parking and commercial parking were discussed at length and that when the project is fully built it will bring in approximately \$1.25 million dollars in property taxes. **DE** agreed that parking was discussed at the first hearing when changes to zoning was discussed, at that point everything was theoretical and the consultant warned the Planning Board that you cannot create a design through site plan requirements and design standards. **DE** stated when looking at a project of this magnitude the thought of zero visitor parking spaces is inconceivable because it will have a negative impact on the surrounding neighborhood as far as the availability of on street parking in the summer and in the winter there is no on street parking and private lots are closed for the season. **DE** stated that he believes that the developers should allow for visitor parking. **TH** asked him to clarify if visitor parking should be on or off site. **DE** stated that he would like to see it within the facility.

GP read mandatory design guidelines A&B:

A.

Buildings, structures and site layout shall reflect traditional neighborhood design, with pedestrian-friendly street design that is inviting and pleasant for walking, bicycling, and other non-vehicular means of getting around, and safe and convenient for individuals with disabilities; discernible edges, a mix of densities, and a mix of land uses. Buildings are encouraged to reflect both traditional and contemporary interpretations of vernacular coastal New England architecture for the purposes of promoting appropriate waterfront scale and character, including building materials, massing, density, scale, and roof lines.

B.

Large expanses of blank walls shall not be allowed. Facades shall have frequent architectural articulation. Major such articulations shall be spaced no farther apart than 25% of the building length at street level (but in no case farther apart than 70 feet). Street levels lined with extensive windows and frequent well-designed entrances to street level uses are encouraged, permitting continuous public views and access in and out of buildings in order to create a lively street atmosphere. Window designs in a vertical orientation are encouraged.

GP has issues with massing, connectivity to the beach center and lack of neighborhood feel. **GP** is concerned where the residents of the development would walk their dogs. **SP** stated that the

design intent was to break up the building so that massing was significantly reduced. **SP** stated that the opinion of the BBDG is that the building does comply with all of the design guidelines.

SP read mandatory design guideline R.

R.

To the maximum extent reasonably possible, the ground-floor levels in mixed-use buildings shall be elevated to the minimum elevation stipulated by the State Building Code, and such elevations shall permit continuous sidewalks and/or boardwalks to be constructed along the building frontages that will permit easy access for pedestrians to building entrances and easy access to and from the boardwalks, the street, and the beach.

SP stated that guideline R concisely describes the current issues. **SP** stated that the project must comply with Coastal Dune regulations and DEP regulations which require the building to be elevated. **SP** stated that a lot of these elements need to be done outside the scope of this permit. **SP** stated that they cannot do anything to Ocean Front S because the Town does not own it and BBDG does not control it. **SP** stated that he hopes that a lot of these things can happen after the fact. **SP** discussed a future possible connection point from current boardwalk and the commercial concourse. **SP** hopes that the project will not be denied due to the size of the building as he believes that the size of the building and the opportunity to revitalize the beach in one fell swoop is more of a positive than a negative.

TH asked if there was analysis done in regards to support their comment that too much commercial space would not be viable. **SP** stated that there has been no feasibility study done for commercial space. **DE** asked if they had explored a way to keep the existing commercial space. **SP** stated that they had not researched this and went on to say that he personally did not think it would look good to leave the existing ground floor businesses as is and build behind them. **DE** stated that he does not feel that there is enough commercial element to the project and that preserving some of the existing commercial element would help to address the interface between the sidewalk on Broadway and the structure. **SP** stated that from an environmental standpoint there is not a lot of argument to keep the structures and they do not comply with DEP or the Conservation Commission. The buildings have not been maintained because of the possibility of a large project coming to the area. **LM** asked if the entire first floor on Ocean Front S could be commercial. **SP** stated that only 33% of the current commercial space is occupied and a lot of the current tenants would not be able to afford the rents in the new space. **LM** stated that the units could be sold as a condominiums that could be converted into commercial space. **SP** stated that it would be difficult to sell a residential unit having to let them know that in the future they could have commercial units beside them. **SP** stated that due to the length of time for the project to be completed that most of the commercial space would remain empty until completion. **TH** stated that without the quantitative analysis what you are saying about the future of the commercial space is based on opinion and experience not on math. **SP** stated that they have not commissioned a commercial real estate company to do a written study. **GP** asked **SP** in his opinion once the project is complete and at full occupancy is there a chance for the rest of the beach center to grow and improve commercially or would it become more condominiums. **SP** replied that there would be no better catalyst to beach front redevelopment than to introduce a project like this in one fell swoop for a number of reasons. It fixes what is perceived as a very unattractive side of Broadway. It would establish brand new condominium comps at \$525.00 + per sf which would create a very significant demand behind it because the comps will already be there. **SP** said that he would speculate that this project would lead to further development.

DE stated that there should be a condition to have an on-site dog park and a pet waste management plan. **DE** also stated that there should be something written in the condo rules about not allowing vicious breeds and the number of dogs per unit.

DE discussed going through the list of unresolved issues for the development issue by issue. **GP** suggested that they vote on the structure before getting into the list. **GP** stated that there are hindrances to getting approval like not having enough parking and you can't have a significant shadow on the beach. **GP** stated that a good effort was made for commercial space and to make the project connected to the beach center. **GP** stated that you need to have enough handicap and visitor parking. The scale of the project is so big (240 units) and on a super conservative estimate in the middle of the summer if only 100 units had 1 guest which would add 100 additional cars would add a lot of volume. **GP** stated that the reality is that it would be more like 100 to 200 visitor cars on a weekly basis in the summer and the Town will be expected to pick up that volume and the public lot does not allow overnight parking. **GP** suggested reducing the number of units to have enough parking.

Don Borenstein (**DB**) an attorney with Johnson & Borenstein LLC stated that he represented the Board of Trustees of the Ocean Echo Condominium Association located at 11 Railroad Avenue. **DB** stated that the Board of Trustees asked him to focus on a single issue which is legal title and legal access. Specifically around one of what appears to be only two access points for the proposed development. One of the access points goes over Ocean Echo's Condominium property. **DB** stated that he had been retained to review the title and the legal right of the applicant to make use of that access. **DB** stated that after an initial review of the registered land titles to several of the parcels involved in the development and the initial indication is that the applicant does not have legal right to use this access way. **DB** stated that the access way is reflected on the Assessor's maps for the Town but when looking at the certificates of title he did not see clear reflection of these rights. **DB** asked the Planning Board to require the applicant to prove its legal right to access the project over the condominium property. **DE** suggested taking a vote to have the applicant provide their legal proof. **TH** agreed. **DE** motioned that the applicant provide legal proof that they have the right to use the access as depicted on their plan and make it a condition of their approval. **GM** seconded. **GM** asked if the applicant had seen the letter. Lisa Pearson (**LP**) stated that the board would need to present the letter to the applicant and didn't think **DE** should make it a condition of their approval and that the Board should have legal proof prior to project approval. **DE** stated that he would like to amend his motion to remove making a condition of their approval. **GM** seconded. **Vote: 5-0, unanimous. Motion carried. LM was not able to vote on this issue.**

Dan Gelinas (**DG**) of 579 A North End Blvd asked the board to consider the project in its entirety because he firmly believe it is a tremendous asset to the town.

DE complimented **BMD** for doing a great job putting the unresolved issue list together. **DE** asked the applicant if they would be willing to make design changes to address the board's guidance. **SP** stated that they have limited ability to modify the design. **SP** thought it would be helpful to receive a list of the most crucial items. **DE** suggested that they start going down the list. **TH** suggested allowing thirty minutes of time to review because it was getting late. **DE** read the first unresolved issue which was on the Abacus Report. **TH** stated that she did not have the Abacus Report with her. **LP** stated that due to the fact that the board just got the list today that they review it and set up a public meeting to address the issues. **DE** moved to continue the public hearing until Thursday,

March 22, 2018 at 6:30 in the Colchester Room. **DM** seconded. **Vote: 5-0, unanimous. Motion carried. LM was not able to vote on this issue.**

- b. Public Hearing:** A major site plan filing by Pensco Trust Company & Riverside Contracting INC Employee Pension Trust for property located on 70 Brissette Avenue.

Salisbury MA. Proposed work is to redevelop the lot to construct 4 single family housing units.

Applicant requested a continuance.

DE motioned to continue until Wednesday, 3/28/2018 at 7:10pm in the Colchester Room.

LM seconded.

Vote: 6-0, unanimous. Motion carried.

Other Business:

1. The following bylaw amendments will be going to Town Meeting

A. Recreational Marijuana Overlay Zone

Workshop was cancelled due to weather on March 13, 2018 and rescheduled to March 19, 2018 at 5:30pm in the Colchester Room.

B. Tree Bylaw Committee

Workshop was held on Wednesday, March 14, 2018 at 6:00pm in the Colchester Room.

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

2. The following bylaw changes are still being considered to go to Town Meeting

C. Trailer Bylaw

There are concerns regarding storage trailers in town and staff is working on a proposal. LP Large containers are not allowed as legal storage. Permits are needed for temporary storage (2 years) and a permit is required from the Building Inspector.

D. Medical Marijuana

There are concerns with the existing bylaw restrictions i.e. 500 ft. buffer between the property line of a residential lot and the recreational Marijuana dispensary property line. The concern is that it is too prohibitive. The Planning Board should consider revising this aspect of the bylaw.

E. Changing Zoning of the Memorial School to Village Commercial

5. Correspondence

- a. Minutes October 11, 2017 – **JMD** motioned to approve. **DE** seconded. **Vote: 6-0, unanimous.**
- b. Minutes January 24, 2018 - **GP** motioned to approve. **JMD** seconded. **Vote: 6-0, unanimous.**
- c. Minutes February 14, 2018 - **GP** motioned to approve. **DE** seconded. **Vote: 6-0, unanimous.**

6. Adjournment

GM motioned to adjourn the meeting at 9:10pm, **DE** seconded
Vote: 6-0, unanimous. Motion carried.

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

Minutes Approved By:  Date: 5-9-2018

