

**Salisbury Planning Board
Meeting Minutes**

Date: Thursday, March 22, 2018

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

Time: 6:30 p.m.

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

PB Members Absent: Chair Helen “Trudi” Holder (**TH**)

Also Present: Assistant Planner Bart McDonough (**BMD**), Director of Planning and Development Lisa Pearson (**LP**).

Vice Chair Gina Park brought the meeting to order at 6:30 p.m. in the Colchester Auditorium, Salisbury Town Hall. Announced, per opening meeting law, that the meeting was being recorded.

GP asked **BMD** to discuss the tree bylaw workshop that took place on 3-21-2018.

BMD discussed the tree bylaws. The first bylaw deals with the public trees and public right of way. The second bylaw deals with private lands and how to incorporate it into the site plan review process and/or conservation to protect Salisbury trees. **BMD** stated that during the last workshop it was discussed what will trigger this bylaw. One trigger would be when building a development on a lot above 20,000 sf which the applicant would need to come up with a way to protect those trees. **BMD** stated that this by law just protects trees, in the future would like to potentially incorporate it with another potential by law dealing with the practice of low impact development. **BMD** stated that bylaws from other communities were reviewed and incorporated their criteria into the draft. **LP** stated that the idea of coming up with a tree by law has been discussed in the past and it would prevent property owners from clear cutting their property. The by law would fall under general by laws not zoning by laws. **GP** stated that she felt that this was something that is needed and complimented on the great efforts made to put this together.

BMD stated that the Town Common is being renovated and encouraged residents to purchase a brick or a bench through the following programs:

Adopt-A-Brick

Adopt-A-Bench

LP discussed the recreational marijuana bylaw and stated that **BMD** has created different maps to determine the areas where a dispensary could be located.

Public Hearing

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

GP read a letter from the building inspector regarding the height of the Big Block structures over the maximum height of 65 feet. The Building Inspector stated that it was his opinion that the Zoning Board of Appeals has no direct role in providing a special permit but the Planning Board has special permit granting authority not the ZBA. The Building Inspector declined to make an official determination that a special permit is required as Salisbury Zoning and Massachusetts General Law, Chapter 40A, requires submission of forms as part of an application for a building permit to be made prior to any review or determination for zoning confirmation to be made.

GP stated that Big Block Development Group submitted a shadow study and that one of the regulations for the Town is that the building cannot have a detrimental shadow impact on the beach beyond 100 feet during July 1st and August 10th. **Dale Gienapp (DG)** stated that when the initial calculation was made it did not take into account Daylight Savings time. The initial slides that were presented represented 6pm not 5pm. **DG** showed new renderings with the corrected shadow impact for July 1st and August 10th.

GP asked the audience if they had enough background on the project. **Jean D'Orsi (JDO)**, 11 Railroad Ave, stated that she was on the board with Ocean Echo Condominium and reviewed the letter that was sent from their Lawyer regarding the easement and reviewed during the 3-14-2018 meeting. **JDO** also stated that the Ocean Echo Board met with the developers in December discussed their concerns with the easement and other issues. She went on to say that they want to be good neighbors and work with the developer and felt that the developer was receptive to their concerns. **LM** asked **JDO** to clarify where the easement was. **JDO** explained that the easement was between their building and Willies. **GP** asked if the applicant had an update on the easement. **Wayne Capolupo (WC)** stated that they did not have an opinion to share from their legal counsel and are reasonably comfortable that the easement remains valid as it was when recorded 15 years ago. **WC** stated that it is their intention to work with the Planning Board and the Ocean Echo Board, to be good neighbors and to do anything they possibly can to mitigate any negative impacts. **WC** discussed the internal parking for the 240 units. His concern was that having 1 way out and one way in would make it very congested. **LP** asked if they were planning to supply a letter from their legal team. **WC** stated that they should have a response from their lawyer next week. **JDO** stated that she did not realize that there would be both in and out traffic and is concerned that Railroad Ave is not wide enough to accommodate this traffic. **LP** stated that the original proposal was for in and out traffic. **LP** reviewed the current plans and stated that they do show one way in and one way out. **JDO** was satisfied with this plan. **Glen Coletti (GC)**, 11 Railroad Ave, stated that his concern is the solid wall in the rear portion of the structure from Broadway to Ocean Dr. and would like to know if there will be any discussion on breaking it up. **GP** stated that they would be discussing that during tonight's meeting. **Beverly McKenna (BK)**, 29 Railroad Ave has concerns with the height of the building, architecture, the number of units, and parking. **BK** stated that she knows something will be built there but wished it had a beachier feel. **George McKenna (GK)**, 29 Railroad Ave asked how long the piling process is going to take. **GP** asked the applicant how long that process would take. **Steve Parquette (SP)** stated that it would be 2-3 months of pile

driving and subsurface work to get to the point that there is a podium there. **GP** asked if it would be 2-3 months per phase. **SP** stated that it would be and went on to say that Phase 1 is 125 units and Phase 2 is 115 units. **BK** asked if there would be an entrance to the structure from Ocean Front S. **LP** stated that there would not be and that Ocean Front S is a public right of way.

GP asked the board what their top 2-3 concerns are for this project.

JMD stated that the following are his concerns:

1. Stacked & overflow parking
2. Mix between commercial & residential
3. Ocean Front S – what will happen with this roadway

GM stated that he agreed with **JMD**

1. Would like more units be able to convert to commercial
2. Easement

DE stated that the following are his concerns:

1. Relationship of the development to Broadway
2. Overall mass of project
3. Roof design
4. Mix between commercial & residential
5. Stacked, overflow parking & visitor parking

LM stated that he agrees with most of the concerns that he has heard and stated that he like the appearance of the building from the ocean front.

1. Not enough commercial space
2. Visitor & commercial parking

GP stated that the following are her concerns

1. Architecture – lack of roof articulation
2. Massing
3. Stacked, overflow parking & visitor parking
4. Shadow affect
5. Lack of commercial density
6. Easement

GP began reviewing the Planning Board's concerns:

Architecture:

GP stated that it is one giant building with significant massing and significant height. The building does not create a neighborhood feel and there is very little public access. The front of the building does have articulation and the back of the building has some articulation but is concerned with the overall size of the building, massing and privatization. **GP** stated that this building does not meet the spirit and guidance of the mandatory guidelines. **DE** agrees that this particular aspect does not comply with the design guidelines. The architectural consultant, Abacus, did mention in the peer review that it did not meet the guidelines. The changes to the design that the applicant has proposed are better than the original but does not fix the overall massive impact that the back wall creates. **DE** asked if there could be a design change to meet in the middle of the original design vs. what is being presented. The overall massive effect is not consistent with the bylaw. **LM** agrees that 2

or 3 buildings would be a better fit for the neighborhood. **JMD** stated that the only way to get a neighborhood feel is to have some kind of cut through. **LM** stated that a cut through would be on private property and would not be public access unless it was donated to the Town.

Parking:

GP is concerned that with so many units and barely enough resident parking, zero visitor and no handicapped parking where are these people going to park. The municipal lot does not allow overnight parking and street parking is limited. **GP** fears that parking and lack of amenities may hinder the sales of these units. **LM** is concerned about what **GP** said about the lack of handicapped parking and asked if the project was ADA compliant. **GP** stated the sidewalks were not ADA and that this would be another issue to address. **GM** disagreed with the parking stating that the municipal lot is hardly ever full and there are private parking lots in the area which can also be utilized. **GM** also stated that the Town may want to look into allowing overnight parking which would bring in additional revenue. **DE** agrees with comments made by both **GP** and **GM**. He believes that parking will bring revenue into the Town however the problems that he sees with parking are that the municipal and private lots do not allow overnight parking. **DE** stated that it had been discussed by the Selectmen regarding overnight parking and the Town was concerned about liability and safety issues. Without adequate parking the project will have an immediate impact on the neighborhood and in the winter the Town has an overnight parking ban for on street parking. **DE** stated that visitors in the winter would have nowhere to park. **DE** stated that there needs to be on site visitor parking. **LM** stated that it was unwise to rely on private parking lots for this overflow as these could be built on in the future. **GM** agreed with **LM** but stated if the private parking was to go away the building of these lots would still be regulated by this board or another board for that purpose. **GM** also stated that he thinks that the Town should revisit looking into overnight parking in the municipal lot. **JMD** asked what percentage is stacked parking. **DE** stated that he thought it was 100 spaces.

Mixed Use:

GP stated the applicant is convinced that until the project is completed they cannot predict what the need for commercial space will be. She believes that the applicant did make a good effort to create 2 additional commercial spaces and would like to see those sites planned and built as commercial and if after 2 years they cannot lease it could be converted to residential but always retain the right in the condo docs to convert back to commercial. **GM** asked what the consultants said about commercial space. **GP** stated that the consultants strongly suggested that we maintain a commercial connectivity to the beach center. **GM** stated that he wants to make sure that the 2 commercial spaces will always remain convertible. **DE** stated that both Abacus and Project for Public Spaces critiqued the proposal stating that the amount of commercial that is proposed would not achieve the goals outlined in the bylaw. **DE** stated that it was always envisioned that any proposal that came forward would enhance the commercial vitality of the beach center and questioned if this project is achieving this or not. He believes that based on the consultants reported that this project does not achieve this and stated how we get to a point where we can achieve these goals. **GP** stated that the board needs to come up with a plan on how to reach that criteria. **LM** stated that he believes that the boardwalk should be extended and that all of Ocean Front S be zoned for commercial.

the private courtyards which would tie the private outdoor space into the private realm. If the cottages are not accepted in its place should be additional articulation. **DE** discussed the stadium seating on the corner of Broadway and Ocean Front S and is not sure how this could happen as it would be on Town land. **DE** stated that the solution to this would be to put the stadium seating on the applicant's property. **DE** stated that another issue is the elevated walkway from Railroad Ave to the beach because of DEP building requirements. The proposal now is the cement sidewalk at grade level and the walkway for the building would be 10' in the air. If you adopt the stadium seating at the corner it will eliminate a lot of the elevated walkway which would mitigate the problem at that corner. **DE** went on to suggest eliminating the stairway near Happy's going up to the next level and creatively incorporate that into the area. He suggested putting a setback in one place to possible have a seasonal cottage, art installation or water feature instead of having access to the walkway level. **DE** discussed the setback from the street for the entrance to the garage does not comply with zoning. **DE** stated that something else needs to be proposed to go there that meets the design and zoning bylaws. **DE** stated the massing of the wall on Ocean St does not meet the design criteria and would have a negative impact on the neighborhood. **DE** suggested more articulation and additional setbacks with some landscaping. One of the consultants had brought up the issue of the sidewalk on Ocean St. **DE** stated that the applicant should rebuild the sidewalk with granite curbing. **GP** brought up the possibility of using the Public Infrastructure Fund. **LM** stated that this fund was intended to replace sidewalks **DE** stated that the Public Infrastructure Fund is for other things and is not applicable to this sidewalk

GP stated that there is no open space for walking your dog. **DE** stated the Planning Board consider asking the developer to include a dog park on site and come up with a dog waste management plan or possibly have a no dog policy. **DE** thinks that vicious dog breeds should not be permitted and a cap on the number of dogs allowed per unit.

GP stated that in regards to the issues list that they have tackled the big things and offered solutions **DE** stated that the board has attacked the issues list conceptually and the board should vote if they are in agreement with the offered solutions or prioritize them. **LM** stated that the applicant needs to address all of issues and provide solutions.

JMD stated that the parking ties into other issue and if we can solve the parking issue it could reduce the massing issue. **LM** stated that parking would be the number one priority and that commercial space on Ocean Front S should be number two **GP** stated that the Broadway area that is not commercial should be number three **DE** stated that stadium seating should be number four **GM** did not agree with the stadium seating and did not think that DEP would allow it **LP** stated that the seating would need to be removable

DE read the list of issues: visitor parking, Ocean Front S commercial, stadium stairs on their property, Broadway commercial, massing, roof articulation, articulation on 3 sides not including Broadway, opening up views into the courtyards and a dog park and dog waste management. **GP** recommended making the sidewalks ADA compliant and provide ADA parking for residents/visitors. **GP** stated that another issue was the fire truck turning radius and follow up on DPW's questions **GP** stated that we are waiting to hear from the Town Engineer regarding storm water **DE** stated that the easement issue still needs to be resolved.

GP re-read list of issues and then asked the board members which ones they had issues with:

GM – stated that if the reduce the number of units it will affect the affordability for the applicant **GP** asked if there was empirical proof of that **GM** stated if the scale is reduced his concern is keeping units affordable and stated that it would affect the amount of tax revenue received by the Town. He went on to say in regards to the stadium seating he like the design believes Conservation will have something to with that and does not see it being approved. In regards to stacked parking he has no issue with that as the buyer of the unit would be told up front. **GP** asked about visitor parking **GM** replied that he feels that it is another way for the Town to make money **GP** asked about handicapped parking **GM** replied that he felt the Building Inspector would make it required. **LP** stated that if it was required it would show up the site plan and felt that the applicant should address that question. **GM** stated that there should be handicapped parking for the residents. **JMD** stated that he was in agreement with just about everything **JMD** stated that he has concerns about the massing and would be comfortable with more articulation to the roof design and that parking continues to be a major issue. **JMD** stated that the dog park was not a deal breaker for him. **DE** stated that he does agree with all of the issues. **GP** stated that she agreed with all of the issues and would take nothing off the list. **DE** hopes that this will provide a substantial amount of guidance for the applicant.

DE asked about the units with bedrooms that do not have any windows. **DG** stated that that was correct and not required in a sprinkler building. **LM** stated that he thought it was a violation to not have enough ventilation. **DG** stated that because the building does have mechanical ventilation and sprinkler system it is allowed.

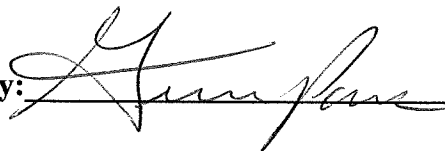
GM made a motion to continue until 3-28-2018 at 7:10pm in the Colchester Room at the Town Hall. JMD seconded. Vote: 4-0 unanimous. Motion Carried.

b. Adjournment

DE motioned to adjourn the meeting **JMD** seconded
Vote: 5-0, unanimous. Motion carried.

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

Minutes Approved By:



Date: 5-9-2018

