

**Salisbury Planning Board
Meeting Minutes**

Date: Wednesday, June 13, 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**), Louis Masiello (**LM**) and Gil Medeiros (**GM**).

PB Members Absent: Chair Helen “Trudi” Holder (**TH**) and John “Marty” Doggett (**JMD**)

Also Present: Assistant Planner Bart McDonough (**BMD**), Planning Board secretary Sue Johnson (**SJ**)

Vice Chair Gina Park 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.

1. New Business

a. Signing of Plans / Permits

None

b. Minor Site Plan Modification—22 Old County Road—Habitat for Humanity

Emerson Dahmen (**ED**), stated that he was the Building Director for Merrimack Valley Habitat for Humanity. **ED** stated that they had submitted plans for units 3, 4 and 5 and went on to state that he submitted by email to **BMD** an explanation of how they had hoped to have things moving along more quickly but due to the fact that they changed architects and that the new architect has been making great strides to catch up on the project. **ED** stated that the new architect has turned out street views and some floor plans for units 1, 2, 6 and 7 which he handed to **BMD** to distribute to the Planning Board. **ED** stated that the project overall consists of 7 units (3 duplexes and 1 single family home). **ED** stated that units 5, 3, and 4 are essentially the same design. **ED** stated that 3 and 4 are a mirror image of one another which was mirrored after unit 5 but made into a duplex. **ED** stated that the other units are similar in concept and that Habitat builds very simple housing and tries to make the production very cost effective because they are serving a lower income opportunity for home ownership than any other organization which is 30 to 60% of median income and went on to state that for a family of four that would be roughly \$28,000.00 to \$56,000.00 per year. **ED** stated that they want to make sure that the home is affordable and that the owner would not have to pay more than 30% of their monthly income for mortgage, taxes and homeowners insurance. **GP** asked what units they would build first. **ED** replied 3, 4 (duplex) and 5 (single family home). **ED** stated that units 3 and 4 were generated from the number 5 design. **ED** went on to state that Units 1 and 2 are its own design and units 6 and 7 are its own design. **ED** stated that one of the units (either unit 1 or 2) will be handicapped accessible. **GP** asked why the design of the bathroom for the handicapped unit did not show a shower in the first floor bathroom. **ED** replied that the floor plan would be modified

if they had a handicapped buyer. **GP** asked when the home is being built if there is already a buyer lined up for the unit. **ED** replied that in the design process they do not have a homeowner to go in yet and went on to state that by the time that they start building they begin advertising for homeowner applicants. **ED** stated that because all homeowners put in sweat equity as part of the habitat program they try to have them selected and on board right about the time the house goes under construction. **ED** stated that they would be opening their first selection process to potential homeowners this summer and will be holding meetings in the area and advertising through local community organizations. **ED** stated that they will be looking for homeowners for the first three units. **ED** stated that they have a commitment for at least one unit for a veteran's family. **GP** asked why Habitat would not put a walk in shower in the first floor bathroom. **ED** replied that Habitat's national standards would consider that an inappropriate luxury and would put them out of compliance. **DE** stated that the project was already approved with conditions and that the reason for tonight meeting was to remove the condition that stated that they had to come back to the Board to provide complete architectural plans. **BMD** stated that the request is to modify the condition and allow Habitat to architectural plans to come to the Board in a piece meal manner. **BMD** asked **ED** how many more architectural plans need to be done. **ED** replied that units 3, 4 and 5 are complete and the architectural plans submitted to the Board tonight for 1, 2, 6 and 7 are still being worked on and are not complete. **ED** clarified that only units 3, 4 and 5 are to be built this year and that the excavation for units 1, 2, 6 and 7 would not begin until next spring. **BMD** asked if the architectural plans for units 1, 2, 6 and 7 could change. **ED** replied that the plans for these units were not complete. **DE** stated the Board would need to vote to change to language of the original site plan and allow submittal on an as you go basis and approve 3, 4 and 5 tonight. **ED** stated that when it comes to siding colors, paintable trim colors and front door colors, etc. those are options that are left up to the homeowners.

LM moved to amend the approved site plan for 22 Old County Road dated March 1, 2018 to stipulate the following: "prior to the issuance of a building permit for each unit, the Applicant must submit to the Planning Board for approval the architectural drawings thereof.

GM seconded.

Vote: 4-0 motion passed

LM moved to accept the plans submitted for units 3, 4 and 5 for 22 Old County Road.

DE seconded.

Vote: 4-0 motion passed

2. Public Hearing 7:10 pm

- a. **Public Hearing:** To consider a remand order issued by the Massachusetts Land Court, directing the Board to reconsider a Site Plan Approval for property located at 109-113 Bridge Road (Assessor's Map 15, Lots 25 & 26) Salisbury, Massachusetts.

Dan Bailey (**DB**) stated that he was an attorney with Pierce and Atwood and was representing the applicant. **DB** went on to state that the people with him tonight was the project engineer Chris York (**CY**), Kristin Riley (**KR**) from Plum Island and Gary Murphy (**GM**) who is very familiar with the property. **DB** explained that his client was concerned with some of the

conditions that were attached and filed an appeal in court. DB stated that since that appeal they have been negotiating with Amy Kwesell, Town Council, to try to come to an agreement on a set of terms and conditions that would be acceptable for both the Board and Plum Island and a tentative resolution has been agreed upon but needs to go through this public hearing process. DB stated that they had reported to land court that a tentative resolution was reached and the court ordered an issue of remand. DB read the remand order. DB stated that they are here to present the same plan that was presented two years ago that had been approved by the Board with certain conditions and have requested the Board to approve the newly submitted landscape and amend certain conditions. DB stated that they are asking that condition # 6 of the site plan approval be amended so that the cost of the landscaping including design and construction not to exceed \$7,500.00. DB stated that they would like condition # 7 to be amended which required screening trees be 10' tall to the trees being 6' tall when planted. DB stated that they are requesting deletion of condition # 18 which is related to the access to the rail trail at 114 Bridge Road. DB stated that they are requesting deletion of condition # 19 which provides that prior to construction the applicant shall provide a bond for all site improvement costs and referenced condition # 38 which they are not asking to be amended, states that any unfinished site improvements be bonded prior to certificate of occupancy. DB stated that they are asking for changes to condition # 31 to give them more flexibility on time of work on weekdays from 7am to dusk or 7pm whichever is later and to clarify that legal holidays are defined as New Year's Eve, Memorial Day, Fourth of July, Labor Day, Thanksgiving and Christmas. CY showed the Board the revised landscape plan and explained that the trees being planted in the front as a screen will be planted at 6' high and the mature height will be 30'. DE asked BMD if there was a draft of the site plan approval. BMD stated that there was and passed out a copy to the Board. DE stated that he did not see in the draft the \$7,500.00 cost limit for the landscape plan. DB stated that the plan was designed to meet that cost. GP stated that the cost was not the issue and that the issue was the screening. DE asked BMD for clarification that everything in the original plan was the same as it was when originally submitted and that the new landscape plan and the approval to incorporate all of the modifications to the conditions that were agreed to in the settlement process is what is being discussed. BMD replied that this was correct. Suzanne Cummings (SC) power of attorney for the abutter at 107 Bridge Road, is concerned that the design will increase the amount of runoff water that runs down into the access to 107. CY stated that nothing is being changed out back. SC stated that access is needed to the back of the building and at this time during it is full of standing water and in the winter it becomes an ice skating rink and is concerned that any change made in the design would increase the water runoff problem. LM asked if a stone wall was to be built. CY stated yes. LM stated that that may prevent some of the water running off of the paved area. CY stated the paved area on their site was graded to go to the retention pond. GP stated that there will also be a lot of landscaping that will also absorb the water. GP suggested that 107 Bridge Road could put in a catch basin to help reduce the water build up. DE stated that he had a question about the maintenance of the landscaping and stated that one of the conditions in the site plan approval is that it needs to be maintained and asked what type of mechanism is in place to monitor this. BMD replied that he was not sure. DE suggested adding language to the site plan approvals, DE stated that every year businesses have to go before the Board of Selectmen (BOS) to renew their business license and if they are not in compliance with a site plan approval then the BOS could instruct them to get into compliance prior to issuing the license. GM asked who would determine if it was in compliance. DB stated that in the condition it states that it is the Town Planner. DE asked if the Planning Department has to sign off on the business license renewals. BMD replied no.

DE motioned to amend paragraph 36 to add the following language “in the event that the Town Planner determines that there is a lack of compliance with this condition the Town Planner should send a letter to the BOS prior to the applicant’s business license renewal.”

LM seconded.

Discussion:

GM asked the applicant if they were fine with this. DB replied yes.

Vote: 4-0 motion passed.

LM motioned to amend condition # 31 to Sundays and legal holidays which are defined as New Year’s Eve, Memorial Day, Fourth of July, Labor Day, Thanksgiving and Christmas.

GM seconded.

Vote: 4-0 motion passed.

GM motioned to close the public hearing.

LM seconded.

Vote: 4-0 motion passed.

GM motioned to approve the site plan as stipulated and the draft decision.

LM seconded.

Vote: 4-0 motion passed.

3. Executive Session

- a. Executive session under G.L. c.30A, §21(a)(3) to discuss strategy with respect to litigation: Big Block Development Group v. Town of Salisbury Planning Board

GP stated that she will entertain a motion to go into executive session to discuss strategy with respect to potential litigation regarding *Big Block Development Group v. Town of Salisbury Planning Board* because I declare that discussing the matter in open session may have a detrimental effect on the litigating position of the Board.

GM moved that the Board go into executive session to discuss strategy, with respect to potential litigation regarding *Big Block Development Group v. Town of Salisbury Planning Board* because the Chair has declared that discussing the matter in open session may have a detrimental effect on the litigating position of the Board, with the Board not to return to open session.

GP stated that Amy Kwesell, BMD and SJ would also be attending the Executive Session.

DE seconded.

Roll call vote to enter session

LM

GP

DE

GM

4. **Adjournment**

GP stated that the Board will amend the motion to adjourn after the executive session in Conference Room A.

Roll call vote:

LM

GP

DE

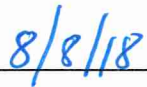
GM

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

Minutes approved by: _____

A handwritten signature in blue ink, appearing to read "Donald C. Gu", written over a horizontal line.

Date: _____

A handwritten date "8/8/18" in blue ink, written over a horizontal line.