

Salisbury Planning Board Meeting Minutes

Date: Wednesday, July 25, 2018

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

Time: 7:00 p.m.

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

PB Members Absent: Chair Helen “Trudi” Holder (**TH**) and Vice Chair Gina Park (**GP**),

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

Don Egan 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.

DE congratulated **JMD** for being reappointed and congratulated **GM** for being appointed as a member of the Board.

1. New Business

a. Signing of Plans / Permits

Nothing to be signed

b. Approval Not Required 15-17 Ferry Road—Bradku Construction

Brad Kutcher (**BK**) stated that he is purchasing the property at 15 Ferry Road and went on to state that there is an existing single family home on the site. **BK** stated that he is buying 7,974sf of land from 17 Ferry Road. **BK** stated that in order to comply with the outer village district requirements to have two structures there a full acre is needed. **JMD** asked if the plan was to retain the house on the property. **BK** stated that the house would be retained as it is in decent shape. **LM** asked if this project would be an extension of the project that **BK** is working on near this site. **BK** stated that it was separate. **BK** stated that he would be building another house on the lot. **JMD** asked if the second house would be set back off the road. **BK** stated that there were no wetlands on the site which will give him flexibility on where to build but it will probably be set back off the road. **LM** Asked if it would be a single family home. **BK** replied yes.

JMD motioned to endorse the application for an Approval not Required under the Subdivision Control Law for 15-17 Ferry Road.

LM seconded.

Vote: 4-0 motion passed.

c. Certificate of Completion—2 Denrael Drive — Turning Point Inc.

Michelle Alt (**MA**) stated that she was the president and CEO of Turning Point in Newburyport. **MA** stated that she is looking to get the certificate of completion for this project. **DE** asked **BMD** to update the Board regarding the questions that the Town Engineer had. **BMD** replied that on Rabbit Road and Denrael Drive there were questions on the locations of the water mains, connections and size and that it wasn't correct on the original submittal but it was corrected with the subsequent submittal. **BMD** stated that the dumpster location was also an issue. **MA** stated that the dumpster has been picked up and that there are barrels in place that would have private pick up. **LM** stated that he took a drive to Denrael Drive try to look at the project and saw a sign that read do not enter, private road. **MA** replied from the point where the sign is the beginning of their driveway. **LM** asked how many assisted living units were there now. **MA** replied 10 and stated that it is a residential group home.

LM moved to grant the certificate of completion.

JMD seconded.

Vote: 4-0 motion passed.

2. 7:10 Public Hearings

- a. Public Hearing:** A special permit filing by Arakelian Family, LLC, for property located on 195 & 201 Elm Street Salisbury, MA. Request seeks a determination on whether the use of self-storage facilities is similar in character to permitted uses in the Office Park (C-3) District.

GM motioned to open the public hearing.

LM seconded.

Vote: 4-0 motion passed.

DE asked the applicant, Bruce Arakelian (**BA**), to give a brief explanation of what the project entails and asked why he is applying for a special permit. **BA** stated that he has been looking into the demand for a self-storage facility and has found that the need is there. **BA** stated that there were other storage facilities near his property and that this project would be consistent with the use of the area. **DE** stated that the reason that **BA** is seeking a special permit is because this use is not a defined use in the table of use regulations. **DE** went on to state that the applicant is submitting his application under the theory that a storage facility is a similar use which reads hidden storage of vehicles, equipment, used and raw material, and structures for storing such, provided there is sufficient screening to prevent sight of such from the street and from the inhabited portion of adjacent property. **DE** stated that this property is in the C-3 District which is the Planned Office District. **DE** stated that he was concerned that the full Board was not present and that this is a significant request in the Planned Office District and stated that it would be his recommendation to continue the hearing to a future meeting if the Board agrees. **LM** asked **DE** to clarify the reason that he thinks it should be continued. **DE** replied

that he is not sure that this would require a special permit. **DE** stated that when the Planned Office District was adopted for the development of offices to provide economic development and jobs in the community and stated that the language that the applicant is basing the application for a special permit on was based on incidental storage of vehicles or material that would be associated with another function that was occurring on the property. **GM** stated that other businesses do rent these types of units to store materials and made reference to the storage facility near the mini golf. **JMD** asked if the storage area near the mini golf was in the C-3 district. **BMD** stated that the U-Haul storage facility was located in the C-3 district and that he would need to check what district the storage facility near the mini golf was in. **DE** stated that the U-Haul storage facility may have pre-dated the adoption of the Planned Office District. **BA** stated that U-Haul had just recently put up their storage facility units. **BMD** stated that he thinks what may have happened with U-Haul is that it was piecemealed not done all at once. **BMD** stated that U-Haul has to come back to the Board to get amended site plan approval. **BA** stated that U-Haul needed a special permit and did not get it. **BMD** stated that the building inspector at the time permitted the use. **BA** stated that U-Haul had completed their work within the past 1-2 years. **DE** stated that he did not believe that U-Haul had come before the board. **BMD** stated that they did not and that they will need to come back because they have other things that they need to do to close out that site and this is one of them. **BMD** stated that they will be coming into compliance and applying. **DE** stated that he did not understand the U-Haul situation and perhaps the Building Inspector could explain in a letter to the Board. **GM & JMD** both stated that they would like to get clarification. **GM** asked the applicant if continuing the hearing would hurt his progress. **BA** stated that it would not but felt that it was in use with the whole area and went on to state that his property abutted U-Haul's and they did not apply for the special permit that is required and just built the storage units without permission and did not feel that was right. **DE** stated that this is why the Board would like to ask the Building Inspector what the situation is and why that occurred and if there is a violation he feels that they should come before the Board. **BMD** stated that the Planning Department is working with them and that they have a traffic analysis issue because that are adding additional businesses that will impact the site and once completed they will need to come before the Board and we can deal with the storage issue as well and they would have to go through the proper channels at that time. **GM** asked if there was one owner for the whole mall. **BMD** stated yes. **LM** stated that this area was zoned with the intent of this area being an office park and there seems to be a lot of storage facilities being built in Town which concerns him because we are violating the initial intent of what the Town wanted here when the area was re-zoned. **BA** stated that the demand for an office park is not there and went on to state that he had been marketing the property for years and retailers do not want to go in there and does not see the need for an office park. **DE** stated that there was another situation that involved where the solar farm is now which was zoned for an industrial office park and the owner came back before the Town seeking a zoning change to allow the solar farm. **GM** asked **BA** if that area was already approved for an office park. **BA** replied that it was approved for a parking lot. **DE** stated that he would like to hear from the Building Inspector about U-Haul to find out if they did something without Planning Board approval.

GM motioned to continue to the next meeting on 8/8/2018 at 7:10pm.

LM seconded.

Vote: 4-0 motion passed.

3. Correspondence

a. None

4. Plum Island LLC v. Town of Salisbury Planning Board Land Court case no. 16 MISC 000766

BMD stated that a few years ago Enpro which is now NRC received a site plan approval for their administrative office which abuts the rail trail. During that approval process there were negotiations on an easement that would connect to the Rail Trail for the Town and public to use, however the final language of the site plan specified that the Town and the applicant would work it out. Subsequently to that decision the Town and the applicant have gone back and forth on implementing the intension to create the easement. The proposal that is before you is proposing to issue a license agreement to the Town which is not as strong as an easement. **BMD** went on to state that a license can be revoked at any time by the licensor of the agreement. **BMD** stated that the agreement specifies that the public cannot use it only the Town can which moves away from the original intent of creating an easement which the Planning Board was expecting. **BMD** stated that the Town can only use it for certain purposes which are maintenance and accessing the Rail Trail. **DE** stated that when he opened the discussion he referred to Plum Island LLC but the license agreement states Brudac LLC and went on to state that 114 Bridge Road is on the Western side of Bridge Road and Plum Island LLC is across the street at 109-113 of Bridge Road on the Eastern side. **BMD** stated that they are 2 different entities with the same owner. **JMD** asked what Town Council said. **BMD** replied that Town Council said the Planning Board should review and form an opinion on whether this acceptable for the Town. **JMD** stated that this proposal benefits NRC. **GM** stated that they do own the property. **BMD** stated that they do own the property but believes they are reneging on their original intent. **GM** asked what issues the Planning Department has with this because the public would still have access. **LM** stated that the public would not have access nor would emergency vehicles and went on to state that it was for routine maintenance of the Rail Trail only. **DE** asked what the construction access is. **BMD** stated that it was built by the Town during the construction of the Rail Trail. **DE** asked if it was paved. **BMD** replied yes and that is there area they are proposing to give the license to. **DE** asked if Brudac LLC owns the residential driveway. **BMD** stated that there was an access easement for the abutting property. **JMD** asked if the license was for the construction access or the driveway. **BMD** stated that Brudac LLC owns both. **DE** stated that the license was for the construction access. **BMD** stated that it looks like they are proposing both. **GM** asked if this had to be decided tonight. **BMD** replied no. **GM** stated that he would like to have the full Board which would give us more time to come back with a counter proposal. **LM** stated that it is very clear that they can revoke this at any time. **GM** stated that he understands why their proposal is in their favor as they do own the land and would be liable. **JMD** asked if the genesis of their opposition to the easement tied to parking or pedestrian access. **BMD** stated that it was tied to liability. **BMD** stated that Brudac LLC believes that they would be liable but this is not true the Town would have the easement and they would be protected by this.

JMD stated that the easement would be covered by the Town's insurance. **BMD** stated that was correct. **BMD** stated that for reasons unknown they continue to say that they do not want public access even though they would be protected via the Town. **LM** stated that it wouldn't be just pedestrians it would be bikes also. **BMD** stated that the original idea was to have a few parking spots. **GM** stated that their attorney must be telling them something different. **GM** stated that there are a lot of cars coming in and out of there every day but they should be able to work with the Town a little bit.

GM motioned to continue until the next meeting on 8/8/2018.

JMD seconded.

Discussion:

DE stated that the Board needs to get what they would like to see written down. **BMD** asked **DE** to send to him once this was complete and he would prepare a letter with everyone's thoughts to review prior to the next meeting on 8/8/2018.

Vote: 4-0 motion passed.

5. Adjournment

GM motioned to adjourn.

JMD seconded.

Vote: 4-0, motion passed.

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

Minutes approved by: _____



Date: _____

