

Salisbury Planning Board Meeting Minutes

Date: Wednesday, August 8, 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**), Deb Rider (**DR**) Gil Medeiros (**GM**) and Chair Gina Park (**GP**).

PB Members Absent: None

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

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.

GP welcomed **DR** as a new alternate member of the Planning Board.

1. New Business

a. **Signing of Plans / Permits**

Nothing to be signed

b. **Reorganization**

GP stated that every year the Board reorganizes and needs to select a new Chair, Vice Chair and Clerk and explained that all positions are for one year.

GP nominated **DE** as the new Chair and asked **DE** if he would accept the nomination. **DE** replied that he would.

LM seconded.

Vote: 6-0 nomination passed.

GM thanked **GP** for doing a great job as Chair. **DE** also thanked **GP** for stepping into the Chair position and doing a great job.

JMD nominated **GP** for the Vice Chair position. **GP** stated that she would accept the nomination.

DE seconded.

Vote: 6-0 nomination passed.

BMD explained that the Clerk position would make sure that the agenda was posted if the Planning Department was unable to do so. **DE** nominated **JMD** as the Clerk and **JMD** accepted the nomination.

GM seconded.

Vote: 6-0 nomination passed.

2. 7:10 Public Hearings

- a. **Cont. 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.

DE explained that **GP** had missed the last meeting but has taken advantage of the Mullins rule and has signed the form indicating that she has watched the video and is up to speed on the hearing. **DE** stated that **DR** cannot participate in the hearing because she was not present and was not sworn in at the time of the first hearing. **DE** asked Bruce Arakelian (**BA**) to update the Board on the new documentation he had provided. **BA** addressed the concern that the Board had about too many storage facilities in the area and went on to state that he had provided a demographic study which was approximately 2 years old to the Board showing that there is still a large demand for self-storage and went on to state that there are not many private self-storage facilities in the area. **GP** asked if any of the units would be climate controlled. **BA** replied at this time none of the units would be climate controlled but was thinking about making the first building climate controlled. **GP** stated that the project falls into the C3 District and that the Board needs to determine if it meets the criteria in order for the Board to approve the special permit. **GP** read the closest use in the Table of Uses which states "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". **GP** asked if the project would abut any residential properties. **BA** said no. **BMD** stated that there are residences on Poor Farm Road and complaints have been made in the past regarding the visibility of light. **LM** stated that he felt that the use meets the requirements and **GM** agreed with him and stated that he did not feel that a lot of screening would be necessary. **DE** stated that the screening issues could be resolved in the site plan review process. **DE** stated that he is concerned with the special permit language and the POD and read aloud the wording that he was concerned with: "the granting of a special permit for a planned office development shall also constitute approval and compliance with all site plan review requirements". **DE** stated given that language his concern is that if the Board doesn't at a minimum put in that screening is required that there is the potential if this decision was appealed the Board would lose control over the visual impact of this project to the community. **BA** asked if a storage facility was that offensive and it seems that there is a lot of gray area. **LM** stated that every project the Board addresses they try to make the Town look better and that he was more concerned about the screening for the residential area in the back. **BMD** stated that the residential area is quite far back from the project. **BA** stated that the back of the lot is elevated and he is barely able to see a house especially in the summertime. **BA** offered to take the Board on a site walk of the property. **BMD** said that it was his understanding that the Board was more concerned with the front area not the back. **DE** replied yes and he thinks everything can be addressed during site plan review because there are other things that will need to be discussed like Dark Sky compliant lighting, fencing and turning radius. **DE** stated that he is concerned that the Board would not be doing the special permit correctly unless the Board

conditions it on screening because the use clearly states that it has to have screening. **DE** went on to state that during the site plan review the applicant could say that the screening is already accomplished by the buildings out front and it would be up to the Board to decide if they would accept or not accept. **BA** stated what the difference is if you were looking at a commercial building vs. a storage facility. If the first unit was to be climate controlled it would most likely have a glass front which would look more like a commercial glass front storage facility. **GP** stated that this use is not permitted and it is the Boards job to decide if it is similar to office park storage. **GP** went on to state that the storage facility would need to be reasonably similar to the use having proper fencing, lighting and landscaping which would improve the area. **BA** stated that he could put up nice fencing. **GP** stated that he could put up nice fencing with short shrubs and other simple things to make it nice looking. **BA** stated that he is open to the fencing but is not sure about the landscaping because the ground is so impervious. **GP** stated that it did not matter what it is now and that the idea is to improve the area. **BA** stated that the storage facility would look better than the existing parking lot. **GP** stated that they are trying to make it similar to what was expected to be there; which was an office park. **BA** stated that the market does not exist for an office park. **DE** stated that he felt that the Board put the screenings in as a placeholder because if we don't put it in there he is concerned that the Board is not meeting the letter of the table of use. **JMD** asked about the traffic patterns within the area. **DE** said that we can get into the details during the site plan review.

GM motioned to close the public hearing.

LM seconded.

Vote: 5-0 motion passed.

LM motioned to approve the special permit application for 195-201 Elm Street that 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 because:

1. The requested use is similar in character to 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, which is a use permitted by special permit by the Planning Department in the Table of Uses;
2. The requested use is desirable to the public convenience or welfare;
3. The requested use will not create undue traffic congestion or unduly impair pedestrian safety;
4. The requested use will not overload any public water, drainage, or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety, or the general welfare;

5. Regulations that are set forth in the Special Permit Table have been satisfied;
6. The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare of the neighborhood; and
7. The requested use will not, by its addition to a neighborhood, because an excess of that particular use that could be detrimental to the character of said neighborhood.”

GM seconded.

Roll Call Vote:

LM – Yes

GP – Yes

DE – Yes

JMD – Yes

GM – Yes

Motion passed.

3. Other Business

- a. Discussion in respect to a license agreement proposed by Brudac, LLC to the Town to access the rail trail that abuts property located on 114 Bridge Road (Map 14, Lot 10).

DE stated that they want to issue a license to the Town for maintenance and would not be open to the public. **BMD** stated that a license is weaker than an easement. **JMD** stated that he is concerned because a license is revocable and feels that it is an insult to the Town. **BMD** stated that it was a permission not a right. **LM** stated that the language used did not state public access and just stated access and we also asked for parking spaces and went on to state that the Board would not have asked for parking spaces if we didn't intend for people to park their cars and enter the rail trail. **LM** felt that it was quite clear what the Board's intent was and this does not meet it. **GP** agreed with **LM** and stated that a license has too much revocability and the applicant is asking the Town to acquire and maintain an ongoing insurance policy and does not want to open up rail trail access to the public. **GP** went on to state that when this project was being developed and discussed and agreed upon the Town made it clear that they would like to have access to the rail trail for more connectivity and they agreed to work with the Town on this and as a result the Town gave up a few items that normally in site plan that the Board would have asked for but did not in exchange for this great benefit to the Town. **GP** stated that the Board needs to stick with the goals of the master plan and feels that there are a lot of creative ways that the Town could get access to the public and feels that they have not exhausted ways to work with the Town to get an acceptable easement. **GM** thinks that they need to grant public access. **DE** asked if the Board wants to craft a response to the applicant of what the Board is looking for. **GM** stated that he thinks that the applicant is nervous about the liability issue and stated that it needs to be

made clear that they do not need to worry about that. **GP** asked if Town Council advised us if we had the easement it would eliminate liability on the part of the applicant. **BMD** stated that it would be a Town easement and the town would be responsible for anything that happens on the easement. **LM** stated that this language would need to be put into the agreement and went on to state except for the hazardous environmental issue. **LM** stated that if the applicant causes a hazardous waste problem on the easement they would be responsible. **DE** stated that they area hazardous waste company. **LM** stated that the Town cannot be responsible for everything that happens on the easement. **BMD** stated that the applicant should not be storing any hazardous waste vehicle on the site so the Town should not have to worry about that. **JMD** asked **BMD** what extent is the 5 spot parking issue for the applicant. **BMD** stated that he is not sure but believes it is the public access on their property to the rail trail. **BMD** stated that the Board may want to consider reducing the number of spots. **LM** stated that he did not think that the applicant offered any parking spots. **BMD** stated that in the original decision it was 5 parking spots. **GM** pointed out an area where he parked to help out at the Art Stroll and suggested that this could be a parking area for people wanting to use the rail trail. **DE** suggested to send a letter to the applicant stating that their current proposal does not meet the terms of the site plan approval and urge the applicant to come up with alternative and creative ways to grant access over their property to the public and emergency vehicles and allow parking spaces. **GP** asked **BMD** if the Planning and Conservation Department can work together to explore a different area on the property that could work for rail trail access and parking. **BMD** stated that Planning and Conservation could review to see if it would be feasible. **GM** stated that he believes that the Board should ask the applicant for parking and use the current road instead of adding the cost to the Town. **GP** asked who owned the driveway. **BMD** replied Enpro and there is an easement to the resident who abuts the rail trail. **GP** asked if they could grant the Town an easement. **BMD** replied that Enpro could grant the Town an easement and the abutters would also have to agree to it. **BMD** pointed out that there was also construction access which the Town built to build the rail trail. **GP** stated that she could understand that the business owner would not want the public to go through their operation. **BMD** replied that it would have to be worked out and by gaining the easement of the construction access vs. the driveway would only involve Enpro. **GP** would like to see if there is any way to find room for a bike path anywhere else on the property. **BMD** replied that it is a tricky site. **DE** stated that the letter to the applicant should state please provide an alternative proposal that is consistent with the original site plan approval requirements. **DE** went on to state that the Board should specifically add public access, emergency vehicle access, maintenance access and parking.

LM motioned to draft a letter listing the Boards concerns

GM seconded.

Vote: 5-0, motion passed.

b. Discussion on potential zoning amendments for Fall Town Meeting.

BMD stated that the Planning Board is working on potential zoning amendments to be heard at this fall's Town Meeting. **BMD** stated that the Planning Department

is working on updating the definitions in the Tables of Uses to make it more consistent with uses in the Town. **BMD** stated that there is language in the Inclusionary Housing Bylaw that need to be updated in order to close existing loopholes that permit developers to circumnavigate the bylaw. **BMD** stated that the Planning Department is working on updating the Parking By-Law to be more comprehensive and customized to the land uses and needs of different segments of Town. **DE** stated that the Planning Board had drafted a parking bylaw before. **BMD** stated that he has updated the information. **DE** stated that the existing by-law is very vague about the number of parking spaces required for certain commercial uses and would like to address this flaw in the by-law. **BMD** stated that he would provide copies parking by-law with the updates that he had made for the Board to review and make comments. **LM** asked **BMD** if the changes to the Inclusionary Housing Bylaw were suggested by the Inclusionary Housing Trust or another entity. **BMD** stated that there is a loophole that the Town would like to close. **GP** would like to address snow storage. **DE** stated that the best place to address this would be in the Planning Board's Rules and Regulations.

4. Correspondence

GM stated that he had not had a chance to read the minutes.

- a. Minutes: May 9, 2018
JMD motioned to approve.
GP seconded.
Vote: 4 in favor -1 abstention (GM abstained), minutes approved.
- b. Minutes: May 23, 2018
GP motioned to approve.
JMD seconded.
Vote: 4 in favor -1 abstention (GM abstained), minutes approved.
- c. Minutes: June 13, 2018
LM motioned to approve.
JMD seconded.
Vote: 4 in favor -1 abstention (GM abstained), minutes approved.
- d. Minutes: June 27, 2018
GP motioned to approve.
JMD seconded.
Vote: 4 in favor -1 abstention (GM abstained), minutes approved.

5. Adjournment

GP motioned to adjourn.
LM seconded.
Vote: 5-0 motion passed.

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

Minutes approved by:

Dongjin

Date:

9/12/18