

**Salisbury Planning Board
Meeting Minutes**

Date: Wednesday, October 24, 2018

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

Time: 7:00 p.m.

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

PB Members Absent: None

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.

1. New Business

- a. Signing of Plans / Permits – Nothing to be signed**
- b. Minor Site Plan Review—28 Rabbit Road, ZAP Development LLC**

GM recused himself from the hearing because he lives across from the site. **DE** stated that **DR** will sit in on the hearing.

Eric Botterman (**EB**) of Millennium Engineering stated that he was representing ZAP Development. **EB** stated that 28 Rabbit Road is approximately 15 acre parcel of land divided into numerous small parcels. **EB** stated that of the 15 acres approximately 2 ½ are dry and the rest is wetlands. **EB** stated that the wetlands were flagged by Mark West earlier this spring. **EB** stated that there is an existing house on the property which is known as 28 Rabbit Road. **EB** stated that they got a special permit from the ZBA for hidden storage. **EB** stated that 1 ½ acres will be used for hidden storage and will be covered in crushed gravel. **EB** stated that the only people accessing the site will be David Pearson (**DP**) and his employees. **EB** stated that there are 3 infiltration basins which abut the wetlands and stated that they are also in front of the Conservation Commission and Joe Serwatka will do the review for both the Conservation Commission and Planning Board and Mary Rimmer will review the wetland line. **EB** stated that there will be no utilities (water, sewer or electric) on the site and keep the existing access the same. **EB** stated that there is no proposed building on the site it will just be used for storage of material for **DP**'s business. **EB** stated that the Board was provided with a landscape plan and fencing plan to screen from the roadway and abutters. **GP** asked what will be stored on the site. **DP** stated that he has a nationwide demolition company and they will be storing large attachments for excavators, construction equipment and conex boxes. **GP** asked **DP** if they used explosives. **DP** stated that they do but they would not be stored at this site. **GP** asked if hazmat materials would be stored there. **DP** replied no. **GP** asked what the traffic pattern would be for the site. **DP** replied that the transportation to and

from is a planned event and the larger loads require special permits to travel over the roads and would happen during the day generally before or after commuter times. **DP** stated that they do have another building nearby that their mechanics work at and they may come to this site to get tools. **JMD** asked why the access drive would not be paved. **EB** stated that he did not think it was necessary and stated that there is a gravel driveway there now. **JMD** asked how the abutters feel about this project. **EB** stated that one abutter came to the ZBA meeting who had concerns about debris and clutter and **EB** explained that the site would be kept clean and neat and believed that the abutter was on board with the project at the end of the meeting. **LM** asked if there was any place that this would be visible to the public. **EB** replied that there will be fencing along Rabbit Road and along Denrael Drive there will be landscaping to buffer the view. **EB** stated that it could be viewed from the solar farm. **DE** asked what the hours of operation would be. **EB** stated that it would be 7am to 7pm. **DP** stated that they are a Monday through Friday business and went on to state that a mechanic may need to access the site on a Saturday in an emergency. **EB** stated that there will be no lights on the property and the intention is not to access it when it is dark. **DE** asked if they were opposed to a condition that stipulated the hours of operation. Lisa Mead (**LML**) stated that she was a lawyer with Mead, Talerman and Costa and was representing the applicant. **LML** stated that they would be opposed to including hours of operation. **DE** asked **BMD** the status of the DPW and Joe Serwatka's reviews. **BMD** stated that their comments have not been received yet. **DE** asked if this has gone to Conservation. **EB** stated that this was brought before Conservation last Wednesday. **DE** asked if they issued a determination. **EB** replied that they did not. **DE** asked if they had to file for a curb cut approval with the state highway department. **EB** replied yes and is done after Planning Board approval. **DE** stated that the Board should discuss the following waiver requests

Lighting

DE stated that there was not a plan to have lighting on the site and would like it to be conditioned on the site plan approval that there will not be lighting.

Parking

DE stated that there was not going to be any employees on site just the trucks coming in to get equipment

Paving the access drive

LM stated that he would like to see a portion of the driveway paved to prevent dirt and debris from ending up on Rabbit Road. **EB** stated that they would look into this and the state may require them to pave because the state owns approximately 25 feet in from Rabbit Road because it is a state highway.

Service and loading areas

DE stated that there will not be a building which would require this.

Proposed building and additions

DE stated that there are no proposed building or additions.

GP motioned to continue.
JMD seconded.
Vote: 5-0 motion passed.

2. Public Hearings

a. None.

3. Old Business

a. **Site Plan Modification Request**—107-111 Elm Street, Alternative Therapies Group, Inc.

Chris York (CY) from Millennium Engineering stated that he was representing the applicant. CY stated that changes were made to the plan after the comments made at the last meeting and the Joe Serwatka submitted a letter a couple of weeks ago stating that he was ok with everything. CY stated that the curbing was changed back to granite and that the parking lot was shifted 3 feet to the west. CY stated that shifting the parking lot allowed him to grade the sidewalk and save the two trees that were in danger of being cut down. CY stated that he extended the post and rail fence along the back of the parking lot to follow along the entire length of the sidewalk. CY stated that the slope behind the sidewalk is now 4 to 1 vs. 3 to 1. CY stated that the only waiver they are asking for is for the curbing on the west side of the parking lot where the grass channel was installed.

LM motioned to grant a waiver for the curbing on the west side of the parking lot.

GM seconded.

Vote: 5-0 motion passed.

DE stated that the next thing that the Board has to decide if the other site plan modifications are consistent with the requirements and that all of the concerns have been addressed.

LM motioned to approve the plan dated October 11, 2018 and the conditions on the original site plan remain unmodified.

JMD seconded.

Vote: 5-0 motion passed.

b. **Request for Extension of an Approved Site Plan**—57- 63 Railroad Avenue, KGO, LLC

DE stated that the applicant is not here and asked BMD if the applicant indicated if he was coming or not. BMD replied that he had not and stated that the applicant had

not replied to his email asking for an update. **LM** asked what difference it would make if the Board motioned to approve, continue or make no decision. **BMD** replied if the Board approves they would need to specify how long you approve it for, if you deny it the approved site plan would go away and if you do nothing it gives the applicant until October 29, 2018 to pull a building permit but after the 29th it expires. **DE** stated if the Board did not grant the extension the applicant could still pull a building permit for the approved site plan. **BMD** replied yes. **DE** stated that it sounds that the applicant has no intention of building it himself and one of the issues was that a construction plan with a timetable would need to be submitted. **DE** stated that the project is 11 years old and has already been extended twice and this would be the third extension. **DE** stated that since the original approval the zoning has changed, construction standards on the barrier beach have changed and the Planning Board rules and regulations have changed. **GM** asked when the last time **BMD** had communication with the applicant. **BMD** stated it was the day of the last meeting and went on to state that he had reached out several times and had no response. **BMD** stated the last time he reached out to the applicant was yesterday. **GM** asked what would the issue would be if the Board continued the meeting until November 14, 2018. **DE** stated that there was an extensive discussion during the last meeting and it was clear that the applicant did not want to move forward with the approved site plan because he was proposing a different set of plans. **GM** stated that he could not see why continuing for a couple of weeks would hurt the Board. **LM** stated that whether the Board continued it to the next meeting or not the applicant could still pull the building permit. **DE** stated that the Board does not have any grounds for granting the extension. **GM** disagreed and stated that the Board does not know what may have happened in the applicant's life in the last 2 weeks and sees no harm in continuing for two weeks. **GP** stated that the applicant knew this meeting was scheduled and that they could have reached out during the past 2 weeks to let the Board know what was going on. **DE** stated that he understood what **GM** was saying and would like to give the applicant the benefit of the doubt but the applicant has had two weeks and was here at the last meeting and it was clear that the applicant was not going to be building the approved project. **DE** stated that the Board cannot grant an extension for a time frame shorter than one year and did not believe the applicant has met any standards for a third extension. **GM** asked what the applicant's appeal process would be. **DE** stated that it would have to go to land court.

GP motioned to not approve the site plan extension.

LM seconded.

Vote: 4-1, GM opposed, motion passed.

4. Correspondence

- a. Minutes: September 26, 2018

GM motioned to approve.

GP seconded.

Vote: 5-0, motion passed.

- b. Minutes: October, 10, 2018

Continue to the next meeting

5. 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

DE stated before voting to go into the executive session there is very little to report. LM asked when the next meeting would be. DE replied that it was scheduled for November 5, 2018. DE stated that the Board will not be going into executive session.

6. Adjournment

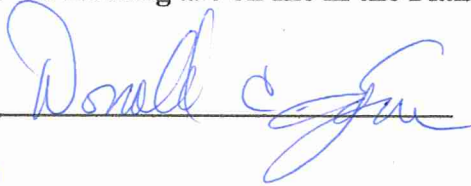
GP motioned to adjourn.

JMD seconded.

Vote: 5-0, motion passed.

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

Minutes approved by: _____



Date: _____

12/12/18