

Salisbury Planning Board
Meeting Minutes

Date: Wednesday, August 28, 2019

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

Time: 7:00 p.m.

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

PB Members Absent: None

Also Present: Assistant Planner Bart McDonough (**BMD**) and Planning Board Secretary Sue Johnson (**SJ**).

DE 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. Accessory apartment recommendation— 551 North End Boulevard (Assessor’s Map 36, Lot 189)— Request made by Maureen C. Mulchahy.

The applicant was not at the meeting and the Board was presented with an application for an accessory dwelling unit as part of the procedural requirements of Article XI Accessory Apartments of the Zoning Bylaws of the Town of Salisbury. Specifically, pursuant to §300-60 Coordination and decisions, the Board prior to the Zoning Board of Appeals (“ZBA”) hearing shall submit its recommendations and report to the ZBA, wherein, at a minimum, the following information shall be included:

1. A determination of the area of the lot on which the apartment is located.
2. A general description of the neighborhood in which the lot lies and the effect of the proposed apartment on the neighborhood.
3. Recommendations as to the advisability of granting the special permit and as to any restrictions which should be imposed as a condition of such permit.

551 North End Boulevard presently comprises a lot area of 0.11ac (5,000 sf), a single-family dwelling unit with approximately 3 parking spaces and a small lawn on the south and west side of the building. Surrounding 551 North End Boulevard are primarily two-three floor dwelling units—single and multi-family. Similar to 551 North End Boulevard, a majority of the abutting lots have small landscaped yards, yards with sand dunes, or no yards outright. The Board concluded, based on the information presented by the petitioner, that the lot is undersized by 15,000sf for an accessory dwelling unit, yet the accessory dwelling unit as proposed would not negatively affect the neighborhood, as it is aesthetically conforming to existing architectural characteristics of the neighborhood.

JMD motioned to draft a letter recommending to the Zoning Board of Appeals that the application for an accessory dwelling unit at 551 North End Boulevard does not have an adequate lot size to accommodate an accessory dwelling unit and that its inclusion would not adversely impact the existing neighborhood characteristics.

LM seconded.

Vote: 5-0, motion passed.

- c. Accessory apartment recommendation—4 Patriot Way Road (Assessor's Map 22, 132 Lot)— Request made by Maureen Twomey Roux
Maureen Twomey (**MT**) described the neighborhood, stated that her property meets the acreage and that the accessory apartment would fit into the neighborhood.

GM motioned to draft a letter recommending to the Zoning Board of Appeals that the application for an accessory dwelling unit at 4 Patriot Way has an adequate lot size to accommodate an accessory dwelling unit and that its inclusion will not adversely impact the existing neighborhood characteristics. **JMD** seconded.

Vote: 5-0, motion passed.

- d. Minor site plan modification request—138 Elm Street (Assessor's Map10, Lot 179) —Request made by BradKu Inc.
The applicant was not at the meeting. **BMD** explained that the applicant is seeking to revise the site plan to utilize a water well to accommodate the applicant's corporate office building. **BMD** stated that the applicant is going to install the future utility connections to the proposed utilities in the approved plan. **LM** stated that he would like to continue until the Board hears from the Health Inspector.

LM motioned to continue until 9/11/2019.

JMD seconded.

Vote: 5-0, motion passed.

2. Public Hearings—7:10 pm

- a. Modification of definitive subdivision plan—8 Bartlett (Assessor's Map 17, Lot 105) and 10 Bartlett Street (Assessor's Map 17 Lot 212)—Request made by David Elgart
Dennis Hamel (**DH**) stated that he was the engineer representing David Elgart. **DH** explained that the applicant is proposing to reconfigure the footprint of the proposed single-family home and went on to explain that the footprint would be smaller.

GM motioned to close the public hearing.

LM seconded.

Vote: 5-0, motion passed.

LM motioned to approve the request to modify a definitive subdivision plan addressed at 8 Bartlett Street and 10 Bartlett Street as recorded at the Registry of Deeds under Plan Book 419, Plan 17 with the same terms and conditions issued under the March 1, 2009 decision recorded at the Registry of Deeds under Book 28490, Page 113.

JMD seconded.

Vote: 5-0, motion passed.

- b. Cont. special permit and major site plan review—3 Bridge Road (Assessor's Map 3, Lot 13) and 4 Beach Road (Assessor's Map 3 Lot 10)—Request made by Liberty Real Estate Strategy, LLC and Downeast Investments, LLC

Rob Ciampitti (**RC**) introduced the team and recapped the project goals, existing conditions, revised site plan, parking (26 assigned residential spaces and 24 commercial spaces) and the access easement. Nick Cracknel (**NC**) reviewed the Planning Board and staff feedback. **NC** discussed the townhouse elevations, explained that they added recessed balconies and relocated the snow storage. **LM** asked where the residential air conditioning units would be located. Bill Nolan (**BN**) replied that they would probably go in the attic but the location has not been finalized yet. **BMD** asked where the mailboxes

would be located. **RC** stated that they would be inside the commercial space and located at each door of the townhouses. **DE** suggested adding condition # 31 that the applicant shall provide the public improvements as shown for the work to take place along the right-of-way and public realm on the west side of the sidewalk on Bridge Road.

LM motioned to close all 4 public hearings.

GM seconded.

Vote: 5-0, motion passed.

LM motioned to grant, with the conditions listed in section VI. Special Permit Conditions, the special permit application pursuant to M.G.L, Chapter 40A, §300-35 Special permits, §300-82.10 Special permits and §300-82.4(B)(2) Horizontal mixed-use development of the Zoning Bylaws of the Town of Salisbury for property located on 3 Bridge Road (Assessor's Map 3, Lot 13) and 4 Beach Road (Assessor's Map 3, Lot 10) Salisbury, MA that seeks relief to construct a horizontal mixed-use development along with the installment of major site improvements because:

1. The requested use is listed in §300-12 Table of Uses as a use permitted by special permit by the Planning Department;
2. The requested use has demonstrated to be desirable to the public convenience or welfare;
3. The requested use has demonstrated it will not create undue traffic congestion or unduly impair pedestrian safety;
4. The requested use has demonstrated it 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. No special regulations were identified for this particular use set forth in §300-12 Table of Uses;
6. The requested use has demonstrated it will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare of the neighborhood;
7. The requested use has demonstrated it will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood;
8. The requested use has demonstrated it addresses the purpose of the Village Center District; and
9. The requested use has demonstrated it appropriately addresses the site-specific attributes and site-specific concerns held by the Planning Board its peer review consult, and municipal staff.

JMD seconded.

Vote on Special Permit:

Don Egan: Yes

Lou Masiello: Yes

John "Marty" Doggett: Yes

Gil Medeiros: Yes

Deborah Rider: Yes

Special Permit: Granted

- c. Cont. special permit, pursuant to §300-82.5(B)(3) Density of residential uses —3 Bridge Road (Assessor's Map 3, Lot 13) and 4 Beach Road (Assessor's Map 3, Lot 10)—Request made by Liberty Real Estate Strategy, LLC and Downeast Investments, LLC

LM motioned to grant the special permit application, pursuant to M.G.L Chapter 40A, §300-35 Special permits, §300-82.10 Special permits, and §300-82.S(B)(3) Density of residential units of the Zoning Bylaws of the Town of Salisbury for property located 3 Beach Road (Assessor's Map 3, Lot 13) and 4 Beach Road (Assessor's Map 3, Lot 10) Salisbury, MA that seeks relief to increase residential density to 2,500 square feet for the second and each additional unit, totaling 13 dwelling units on Map 3. Lot 10 as:

1. The requested use is listed in §300-12 Table of Uses as a use permitted by special permit by the Planning Department;
2. The requested use has demonstrated to be desirable to the public convenience or welfare;
3. The requested use has demonstrated it will not create undue traffic congestion or unduly impair pedestrian safety;
4. The requested use has demonstrated it 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. There are no special regulations for this particular use set forth in §300-12 Table of Uses.
6. The requested use has demonstrated it will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare of the neighborhood;
7. The requested use has demonstrated it will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood;
8. The requested use has demonstrated it addresses the purpose of the Village Center District; and

9. The requested use has demonstrated it appropriately addresses the site-specific attributes and site-specific concerns held by the Planning Board its peer review consult, and municipal staff.

JMD seconded.

Vote on Special Permit:

Don Egan: Yes

Lou Masiello: Yes

John "Marty" Doggett: Yes

Gil Medeiros: Yes

Deborah Rider Yes

Special Permit: Granted

- d. Cont. special permit, pursuant to §300-82.8 (c) Building placement—3 Bridge Road (Assessor's Map 3, Lot 13) and 4 Beach Road (Assessor's Map 3, Lot 10)—Request made by Liberty Real Estate Strategy, LLC and Downeast Investments, LLC

JMD motioned to grant the special permit petition, pursuant to M.G.L Chapter 40A, §300-35 Special permits, §300-82.10 Special permits, and §300-82.8(C) Building placement of the Zoning Bylaws of the Town of Salisbury for property located on 3 Beach Road (Assessor's Map 3, Lot 13) that seeks relief for an alternative design of the commercial building that is consistent with the purpose of the Village Center district as:

1. The requested use is listed in §300-12 Table of Uses as a use permitted by special permit by the Planning Department;
2. The requested use has demonstrated to be desirable to the public convenience or welfare;
3. The requested use has demonstrated it will not create undue traffic congestion or unduly impair pedestrian safety;
4. The requested use has demonstrated it 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. There are no special regulations for this particular use set forth in §300-12 Table of Uses.
6. The requested use has demonstrated it will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare of the neighborhood.
7. The requested use has demonstrated it will not by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood;
8. The requested use has demonstrated it addresses the purpose of the Village Center District; and
9. The requested use has demonstrated it appropriately addresses the site-specific attributes

and site-specific concerns held by the Planning Board its peer review consult, and municipal staff.

GM seconded.

Vote on Special Permit:

Don Egan: Yes

Lou Masiello: Yes

John "Marty" Doggett: Yes

Gil Medeiros: Yes

Deborah Rider Yes

Special Permit: Granted

- e. Cont. special permit, pursuant to §300-82. (H) Outdoor storage—3 Bridge Road (Assessor's Map 3, Lot 13) and 4 Beach Road (Assessor's Map 3, Lot 10)—Request made by Liberty Real Estate Strategy, LLC and Downeast Investments, LLC

GM motioned to grant the special permit petition, pursuant to M.G.L Chapter 40A, §300-35 Special permits, §300-82.10 Special permits, and §300-82.8(H) Outdoor storage of the Zoning Bylaws of the Town of Salisbury for property located on 3 Bridge Road (Assessor's Map 3, Lot 13) and 4 Beach Road (Assessor's Map 13, Lot 10) Salisbury, MA that seeks relief to locate dumpster within 50 feet of a residential district as:

1. The requested use is listed in §300-12 Table of Uses as a use permitted by special permit by the Planning Department;
2. The requested use has demonstrated to be desirable to the public convenience or welfare;
3. The requested use has demonstrated it will not create undue traffic congestion or unduly impair pedestrian safety;
4. The requested use has demonstrated it 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. There are no special regulations for this particular use set forth in §300-12 Table of Uses.
6. The requested use has demonstrated it will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare of the neighborhood;
7. The requested use has demonstrated it will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood;

8. The requested use has demonstrated it addresses the purpose if the Village Center District; and
9. The requested use has demonstrated it appropriately addresses the site-specific attributes and site-specific concerns held by the Planning Board its peer review consult, and municipal staff.

DR seconded.

Vote on Special Permit:

Don Egan: Yes

Lou Masiello: Yes

John "Marty" Doggett: Yes

Gil Medeiros: Yes

Deborah Rider Yes

Special Permit: Granted

3. Other Business

a. None

4. Correspondence

Minutes: June 12, 2019

JMD motioned to approve.

LM seconded.

Vote: 5-0, motion granted.

5. Adjournment

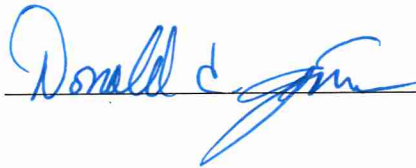
GM motioned to adjourn.

LM seconded.

Vote: 5-0, motion granted.

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

Minutes approved by: _____



Date: _____

11/13/19