

Salisbury Planning Board

Meeting Minutes

Date: Wednesday, October 11th, 2017

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

Time: 7:00 p.m.

PB Members Present: Don Egan (DE), John “Marty” Doggett (JMD), Louis Masiello (LM), 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 Adriane Marchand (AM).

Don Egan called the meeting to order at 7:06p.m. in the Colchester Auditorium, Salisbury Town Hall. Announced, per opening meeting law, that the meeting was being recorded.

1. Public Hearing 7:00 pm

- a. **Cont. Public Hearing on a Form C definitive subdivision filing by Sterling Ventures Inc., for property 123 Bridge Road, Salisbury, MA.
Proposed use of premises is creating one commercial lot with frontage on Bridge Road and one residential lot with frontage on Ferry Road.**

GM is not eligible to vote under the Subdivision Control Bylaw. With members missing application will require a unanimous vote to pass. DE offered the applicant the option to continue if they would prefer a full voting Board. Dan Dandreo (DD) opted to proceed.

DD, Chris Swinyarski (CS), and Baclav Tlaacko (BT) were present.

JMD asked if the issue of runoff moving onto the neighbor’s property had been resolved. CS replied it had; runoff on the site will remain the same. DE asked if there is any way to mitigate the issue. BT replied the flooding issue is already present and does not require further mitigation. CS confirmed the proposed easement for the driveway.

JMD asked for clarification of the utilities access. DD replied both options are on the plan to be approved as the utility company will choose. DE recommended underground utilities. If it is above ground, it may require a waiver. BMD will confirm and inform applicant if so. DD would prefer above ground or a combination.

DE read additional inconsistencies that may need clarification. BMD added that the issues are mostly text clarifications that are addressed in the draft decision.

DE asked what the bond/ surety amount would be. CS replied they had requested a waiver of the subdivision surety as they are not constructing a road.

DE asked for review of the driveway structure. DD replied there is a preexisting sand gravel base. BT referred the Board to the detail page 6 for the driveway cross section.

BT added that the flow through the culvert is not directional but more equalizing, crossing in both directions; will add a note to plan stating such.

BMD informed the Board of an e-mail from an abutter inquiring about the responsibility of snow removal. **CS** replied the resident of this property will care for the removal of the snow as it is practical. If a neighbor needs to get out before the owners remove it they are welcome to do so. **LM** asked how the runoff on the new pavement is handled. **CS** responded it does not run to the sides but down the driveway away from Ferry Rd., towards Bridge Rd.

JMD motioned to close the public hearing for Sterling Ventures, Inc., at 123 Bridge Road/ 114 Ferry Road.

LM seconded.

Vote: 3-0, unanimous. Motion Carried.

JMD motioned to approve the frontage waiver for Sterling Ventures, Inc., at 123 Bridge Road/ 114 Ferry Road.

LM seconded.

Vote: 3-0, unanimous. Motion Carried.

LM motioned to approve the draft definitive subdivision filing the public hearing for Sterling Ventures, Inc., at 123 Bridge Road/ Lot B, 114 Ferry Road to include they satisfy the requirements of item 12, prior to the endorsement the applicant shall update the plans to address the following items to be approved by the Planning Department and the Town Engineer.

- Force main description needs to be consistent throughout the plan;
- Directional flow though the culvert needs to be depicted;
- Electrical utility discrepancies need to be clarified;
- General notes on DF-5 will be updated and cleared of inaccuracies;
- Signature block will be provided a place on the plan; and
- Description of easement will be provided.

JMD seconded.

Vote: 3-0, unanimous. Motion Carried.

b. Cont. Public Hearing on a major site plan and special permit filing by VWI Towers, LLC d/b/a Varsity Wireless for property 109 Rabbit Road Salisbury MA. Proposed work is to construct a 150' tall lattice tower to support 4 telecommunication antennas and associated electronic equipment.

GM is not eligible to vote under the Subdivision Control Bylaw. With members missing application will require a unanimous vote to pass. **DE** offered the applicant the option to continue if they would prefer a full voting Board. Representative opted to proceed.

Francis Parice (**FP**) and Jesse Meriano (**JM**) were present.

Updated the Board on communication that has taken place since the last meeting. Asked for approval of the utility plan with the condition that they will return for a plan revision if they are required to alter the plan at the request of the utility company or Conservation Commission.

FP presented data from the consultant's report demonstrating that the tower will not adversely affect property values.

They are proposing to move forward with lattice tower as opposed monopole to comply with Salisbury's zoning bylaw.

The analysis they conducted showed there is no negative impact on historical resources.

Overviewed the viewshed analysis for the Board.

DE asked to view the coverage map. Asked to be shown the tower in Salisbury plains. **CS** did so and showed it is four (4) miles away and has no impact on this tower area.

DE stated the Assessor commented on the property value that she did not have sufficient data to comment. **CS** responded there are not sufficient comparisons and sales data that would cause tax assessments to go down. Stated there are multiple factors that can effect property value.

Mark Correnti (**MC**), real estate appraiser, concurred with the Assessor as there have been no recent sales in Salisbury with a view of a cell tower. Referred to the comparisons done in the report that show there is no effect.

Paul Tuner (**PT**), Chair of Historical Commission, informed the Board that within a half mile there are 10 historical sites, 2 built in 1800 and the rest in 1900's. Donna Bartlett's house is 1,500 feet across from the tower. The Dole house is 1,250 feet away. Consulted with the Bartlett owners and they stated they did not have issue with the tower. There is a Historic stone wall about 200 feet from the tower, asked that it not be disturbed.

Abutter Mathew Shirley, 123 Rabbit Road, stated the crane was visible from his property. Stated the visibility will increase when the foliage is not present. Remained concerned about his ability to sell his property if the tower goes in. **MC** replied the data they used came from Amesbury with view of the tower on Powow hill. Sold in 14 days at 102% of the sale price.

Abutter Dian Dastous (**DD**), 125 Rabbit Road, reiterated the concern that buyers may not want to buy in the area. Fears the home will be difficult to sell.

Abutter Jole Dastous (**JD**), 125 Rabbit Road, offered concerns about the displacement of water that may cause flooding on their property. **DE** replied they are required to submit a drainage plan, which they did, that was review by the Town's engineer who found no issue with the plan. It is our belief that this will not exacerbate the issue. **JD** added they are using the existing access way on a previously disturbed site. **DE** asked if they were looking into mitigating the visibility. **CS** stated they don't feel planting vegetation would act as an effective screen as the tower is taller than the vegetation.

DE asked if they can provide the viewshed analysis without the foliage. **CS** replied they cannot.

DE requested **PT** draft a letter with planning staff to send Mass Historical Commission on the visual impact to historic sights. Asked **BMD** to consult town engineer on the possibility of mitigating view.

Lisa Pearson (**LP**) Planning Director, suggested the applicant consult with home owners in the area to mitigate view from their properties. **CS** agreed to follow up with abutters who come forward within the next week.

DE suggested reducing height. **CS** replied there would be tradeoffs to reducing height that may require additional infrastructure in the future and would cause a decrease in usability.

GM motioned to continue the public hearing for VWI Towers, LLC d/b/a Varsity Wireless, 109 Rabbit Road to October 25, 2017 at 7:10p.m.

LM seconded.

Vote: 4-0, unanimous. Motion Carried.

- c. Public Hearing: A major site plan filing by Merrimack Valley Habitat for Humanity, Inc. for property at 22 Old County Road Salisbury, MA. Proposed work is to construct 1 single and 3 duplex residential units.**

Ken Staffer (**KS**) from Vanasse Hangen Brustlin (VHB) represented the applicant with Sarah Ebaugh (**SE**) of VHB and the architect, Anton. Introduced the site plan for one (1) single and

three (3) duplex residential and accessible units. Currently only gas is at the site. Will need to bring water and sewer to the site which they have been working with the Town to accomplish. Over 1,200 feet that will need to be covered. Initial proposal was to extend to the west starting at Michael's Way. Working with DPW to change the plan to extend the utilities to the east. For the water, a loop system is desired. This likely won't happen due to differences in pressures of the two systems but plans still need to be finalized. For sewer there will be pump stations that will connect to a manhole to the east. The units will be part of a home owners association.

LM asked about the approach from the east requiring force main pumps. Would this be required to the west? **KS** replied that to go to the west would require raising the roadway which is not desirable.

LM broached the issue of the recycling center and capped dump providing an undesirable view. Asked if they could approach the Town about screening the site for the resident's benefits.

LM asked if this is a phase project. **KS** replied there is an adjacent site that could be used for future development but that is not proposed at this time.

DE asked for explanation on the driveway of building A, unit 2 buffer **KS** replied the site contains wetlands and is in the floodplain, requiring mitigation. Could possibly shift the parking closer to the property line (about ten feet from the right of way) that would allow them to include some plantings.

DE asked how the affordable housing and the inclusionary housing bylaw effect this property.

KS replied the housing will target low income owners which will contribute to affordable housing in Salisbury,

Emerson Dahmen (**ED**), Habitat for Humanity, added there are many ways to keep the houses low income: deed restriction, right of first refusal and differential payoff. Will be creating a land trust that will keep the housing affordable into perpetuity.

LM asked how trash will be handled. **KS** replied there will be no dumpster, trash will be picked up. **LM** reminded them it is paid pickup and different companies have different pickup days. Requested trash pickup be arranged though the condo association.

KS introduced the waiver for the landscape plan. Habitat for Humanity works off of donations and needs to save funds to put into the houses. Any plan would be difficult to fulfill off of donations and restrictions would likely require amendments. **DE** requested they compromise by submitting some plan that will be easy to modify. **KS** agreed to provide a general schematic that does not specify species but is created by a landscape architect.

DE informed the client that they require dark sky compliant lighting that does not shed on public ways or adjacent properties in lou of a lighting plan. **KS** agreed.

DE asked the Board for a sense of agreement on how they should be moving forward.

LM stated he is flexible on dark sky compliance and other issues. **ED** stated they will do their best on keeping with the spirit of the request.

Soft vote of the Board agreed with the path they are asking them to move forward but with great flexibility on behalf of the Board.

LM asked about there being a second form of egress. Anton replied there will be a back door access. They may have a deck, patio, or a step.

DE requested architecturals be provided.

GM motioned to continue the public hearing for Habitat for Humanity, 22 Old County Road to November 8, 2017 at 7:10p.m.

JMD seconded.

Vote: 4-0, unanimous. Motion Carried.

- d. Public Hearing: To amend the Town's Zoning Bylaw by adding a new Article, Temporary Moratorium on Recreational Marijuana Establishments, and to take any other action relative thereto.**

LM motioned to close the public hearing to amend the Town's Zoning Bylaw by adding a new Article, Temporary Moratorium on Recreational Marijuana Establishments, and to take any other action relative thereto.

JMD seconded.

Vote: 4-0, unanimous. Motion Carried.

GM motioned to recommend the Temporary Moratorium on Recreational Marijuana Establishments, and to take any other action relative thereto to Town meeting.

LM seconded.

Vote: 4-0, unanimous. Motion Carried.

- e. Cont. Public Hearing: To amend the Zoning By-law of the Town of Salisbury: To see if the Town will vote to amend the zoning bylaws in accordance with the changes attached hereto with regard to Ch. 300 Article XVIII, Site Plan Review.**

BMD Article 23 in Town Warrant. Inserted **DE**'s requested language from the prior meeting.

DE moved to table for **GM** to return.

LM seconded.

Vote: 3-0, unanimous. Motion Carried.

5. Correspondence

a. Minutes: 9.13.17

b. Minutes: 9.27.13

DE motioned to continue the minutes for September 13th, 2017 and September 27th, 2017 to October 25, 2017 at 7:00p.m.

LM seconded.

Vote: 4-0, unanimous. Motion Carried.

1. Public Hearing 7:00 pm continued:

LM motioned to open Public Hearing: To amend the Zoning By-law of the Town of Salisbury: To see if the Town will vote to amend the zoning bylaws in accordance with the changes attached hereto with regard to Ch. 300 Article XVIII, Site Plan Review

JMD seconded.

Vote: 4-0, unanimous. Motion Carried.

DE suggested the amendment of changing the words Planning Department to the Town Planner or their designee. Expressed concern about the appeal procedure. **BMD** quoted appeal procedure outlined in the warrant. **DE** requested the amendment is also made in regards to the appeal of the decision of the Planning Director. Board agreed they would like to see the decision is appealed

with the Planning Board before it is appealed to the court. Asked **BMD** to work on the language of the addition.

GM motioned to close the Public Hearing: To amend the Zoning By-law of the Town of Salisbury: To see if the Town will vote to amend the zoning bylaws in accordance with the changes attached hereto with regard to Ch. 300 Article XVIII, Site Plan Review.

JMD seconded.

Vote: 4-0, unanimous. Motion Carried.

JMD motioned to recommend to Town Meeting to amend the Zoning By-law of the Town of Salisbury: To see if the Town will vote to amend the zoning bylaws in accordance with the changes attached hereto with regard to Ch. 300 Article XVIII, Site Plan Review as amended.

GM seconded.

Vote: 4-0, unanimous. Motion Carried.

- f. Public Hearing: To amend the Zoning By-law of the Town of Salisbury: To see if the Town will vote to amend the zoning bylaws in accordance with the changes attached hereto with regard to Ch. 300 Article XIX, Wireless Communication Facilities.**

LM motioned to close the public hearing for amending the Zoning By-law of the Town of Salisbury: To see if the Town will vote to amend the zoning bylaws in accordance with the changes attached hereto with regard to Ch. 300 Article XIX, Wireless Communication Facilities.

JMD seconded.

Vote: 4-0, unanimous. Motion Carried.

JMD motioned to recommend to Town Meeting to amend the Zoning By-law of the Town of Salisbury: To see if the Town will vote to amend the zoning bylaws in accordance with the changes attached hereto with regard to Ch. 300 Article XIX, Wireless Communication Facilities.

GM seconded.

Vote: 4-0, unanimous. Motion Carried.

2. New Business

a. Signing of Plans / Permits

b. Signing of covenant and agreement for housing contribution payments pursuant to Article XIII of the Salisbury Zoning Bylaw—2-10 Sycamore Lane (Formally 20 Ferry Road)—Elite Builders, LLC

BMD stated they are finalizing the inclusionary contribution. **DE** asked if there are any leans or encumbrments that need to be addressed.

Brad Kutcher (**BK**) stated there are no leans that need to be listed other than the mortgages included in the construction bond. **DE** asked for that to be enumerated on the document.

BK asked if they could modify the first floor master bedroom 2 feet wider. The building permit has not yet been pulled. Change will add about 48 square feet.

DE asked him to provide the modification to the Planning Department so it can be added to the agenda for the next Planning Board meeting.

3. Old Business

4. Other Business

6. Executive Session

- a. **To discuss ongoing litigation regarding 107 Folly Mill Road, Approval Not Required Under the Subdivision Control Law Decision.**

DE asked for a roll call vote to enter executive session and to adjourn the Planning Board Meeting from the executive session at 10:06 p.m.

GM motioned to enter executive session with **GM, JMD, DE, LM** and staff **BMD** and **AM**.
LM seconded.

GM voted yes, **JMD** voted yes, **DE** voted yes, **LM** voted yes.

7. Adjournment

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

Minutes Approved By: _____



Date: _____

3-14-18

