

Salisbury Planning Board
Meeting Minutes
October 26, 2022

Date: Wednesday, October 26, 2022

Place: Salisbury Town Hall, 5 Beach Road & Remotely via Zoom

Time: 7:00 pm

PB Members Present: Chairperson, John “Marty” Doggett (**JMD**), Vice Chairperson, Deb Rider (**DR**), Clerk, John Schillizzi (**JS**), Gil Medeiros (**GM**), Louis Masiello (**LM**), and Alternate, Warren Worth (**WW**)

PB Members Absent: None

Also Present: Director of Planning Lisa Pearson, Assistant Planner, Danny Ruiz and Planning Board Administrative Assistant, Ellie Cornoni

JMD brought the meeting to order at 7:04 p.m. remotely via zoom. Announced, per opening meeting law, that the meeting was being recorded.

1. New Business – 7:00 pm

- a. 82 Lafayette Road (Map 22, Lot 15)** – Certificate of Completion – A request for a Certificate of Completion to close out the Site Plan Approval on Phase 1. Phase 2 was never completed. (continued from 10/12/22)
- **JMD** stated there was a site visit on Monday, October 17, 2022 after the town meeting. He opened the floor to the other members for comment:
 - **WW** stated in his opinion of the 5 light poles, two could be extinguished after 9PM. He believes possibly even the third near the entrance could be turned off as well.
 - **DR** stated she recognized there was some spill over to the road, but given the nature of the business, people coming at night, she was comfortable with all of the lights on. She stated when all the lights were off and they came out of the building [the business] it was very dark and she did not feel comfortable.
 - **LM** stated he agrees with **DR**. He feels best with all the lights on, he does not think it is excessive. He remarked that in the winter with slippery ice it would be the safest option [all of lights staying on]
 - **JS** stated there is spillover on the roadway. He noted there are two lights on each pole and it seems excessive. He stated he doesn’t know if there would be a way to stop the light from spilling onto the street.
 - **GM** stated he thinks the lights in the front near the road do not meet the dark sky compliance. He believes the ones near the road should be turned off at 9PM. He proposed, leaving the two first lights on, and turn off the other three. He stated he did not think about the light spill when approving the project.
 - **LM** stated we could recommend turning some of the lights off or we could recommend a lower wattage on the lights.
 - **JMD** asked **GM** about what lights he thinks should be left on.
 - **GM** replied, he believes the two poles at the entrance of the parking lot should remain on.

- **GM** stated he does not think that there needs to be two lights on each pole need to be on. He does not think that all four lights (on two poles) need to be on past 9PM. He stated that people are going to go to the front door, not being at the entrance way to enter the facility.
- **JMD** stated lowering the wattage makes practical sense. This would lower the lighting by 50%.
- **DR** stated lighting all of the parking lot with some light would be the safest option.
- Danny Ruiz stated that the original lights were 5000 kelvin, and they are now 4000 kelvin, going down to 3000 kelvin would make the lighting more of a warm tone rather than a bright white.
- **LM** stated if you eliminated one light (on the pole) while lowering the wattage would reduce spillage significantly.
- Brendan Doherty, the applicant, thanked the board for coming out to the site for a site visit.
 - He stated the speed limit on the road is 45mph.
 - He stated the lights are residential lights. They are 13 ft light poles with the lights hanging down. He stated the town hall has a lot of taller light poles.
 - He stated the lights were designed by professional engineers and stated they are dark sky compliant.
 - He stated his friend who plows the road thanks him every year for the sufficient lighting so he does not break his plow on the curb cut.
 - He stated lowering the wattage or the bulbs would lower the photometric plan which might not provide lighting in corners of the parking lot.
 - He wanted to note he got a letter from his insurance company.
 - He stated the lighting is a matter of insurance through the company.
 - **JS** stated the letter Brendan gave the board was from an Agent, not the actual policy. He stated what the agent said and what the policy says can be different and requested a copy of the policy.
- **JMD** asked the applicant how difficult would it be to have all five light poles on but only one bulb on each one.
 - Brendan stated it would be very difficult.
- **DR** asked Danny Ruiz if they went with a lower wattage, would the parking lot be covered?
 - Danny replied, yes everything would be covered it would just be a lower light.

GM motioned to issue the Certificate of Completion for 82 Lafayette Road on the following conditions;

1. The applicant shall replace the ten (10) existing 4000K light bulbs with ten (10) 3000K light bulbs and be inspected and approved by the Town of Salisbury's Electrical Inspector to ensure compliance with this condition.
 2. The existing \$10,000 bond and \$60,000 bond shall be release in full to the applicant after the Electrical Inspector's approval of the light bulb replacement.
 3. The applicant shall be allowed to proceed with permitting of their new proposal for phase 2 but the final decision shall not be issued until the proposed lighting changes have been completed.
- JS** seconded this motion. Roll call was taken, all members (5) voted in favor. Motion passed.

b. **9 Gerrish Road aka Winterberry Circle (Map 22, Lot 19)** – Request for an extension of the deadline to complete the roadway by six months to July 14, 2023. **Applicant:** Lisa Mead

- Attorney Lisa Mead of Mead, Telerman & Costa, Newburyport, MA., spoke on behalf of the applicant.
 - She stated the completion date was for the 6th of December this year, they are looking for an extension until July 14, 2023.
 - The lights have all been electrified by National Grid.
 - By Spring 2023 all of the landscaping, setting of foundations and sidewalks will be set.
 - All the underlying infrastructure is laid down, the roadway will not be finally complete all the house foundations have been laid.
 - Based on the Construction Schedule the applicant provided the applicant will have most of the roadway work done prior to December. The only thing they will not be able to do before the end of the year is the final top coat. That should be done at the end of the project once all construction has been completed.

GM motioned to approve the Request for Extension for 9 Gerrish Road aka Winterberry Circle with the condition that all work be done on schedule with the exception of top coating for the road. LM seconded this motion. Roll call was taken, all members (5) voted in favor. Motion passed.

2. Public Hearing - 7:10 pm

a. **163 Elm Street (Map 9, Lot 31)** – Site Plan Review Application – Construct 2 commercial buildings with an associated gravel storage area. **Applicant:** F&D Realty LLC (continued from 7/13/22, 9/14/22, 9/28/22, 10/12/22)

- **JMD** stated applicant has requested a continuance to the November 9, 2022 Planning Board meeting.

LM motioned to continue the Site Plan Review for 163 Elm Street to the November 9, 2022 Planning Board meeting. DR seconded this motion. Roll call was taken, all members voted in favor (5). Motion passed.

b. **100 Forest Road (Map 26, Lot 5 & 7)** – Flexible Residential Development Special Permit – Construct a 7 Flexible Residential Development with an associated Open Space in the back of the project. **Applicant:** Old Silver Estuary On Little River LLC (continued from 8/24/22, 9/28/22, 10/12/22)

- Applicant has requested a continuance to the December 14, 2022 Planning Board meeting.

LM motioned to continue the Flexible Residential Development Special Permit for 100 Forest Road to the December 14, 2022 Planning Board meeting. DR seconded this motion. Roll call was taken, all members voted in favor (5). Motion passed.

- c. 100 Forest Road (Map 26, Lot 5 & 7) – Definitive Subdivision Application – Proposed construction of a 710 FT, 26 FT wide roadway servicing a 6-lot subdivision. **Applicant:** Old Silver Estuary On Little River LLC (continued from 8/24/22, 9/28/22, 10/12/22)**

- Applicant has requested a continuance to the December 14, 2022 Planning Board meeting.

LM motioned to continue the Definitive Subdivision Application for 100 Forest Road to the December 14, 2022 Planning Board meeting. JS seconded this motion. Roll call was taken, all members voted in favor (5). Motion passed.

- d. 66 Elm Street (Map 8, Lot 1) – Site Plan Review Application - Proposal to raze the existing doggie daycare and reconstruct a new larger doggie day care building. **Applicant:** Carlyn Capolupo (continued from 10/12/22)**

- Applicant has requested a continuance to the November 9, 2022 Planning Board meeting.

DR motioned to continue the Site Plan Review Application for 66 Elm Street to the November 9, 2022 Planning Board meeting. LM seconded this motion. Roll call was taken, five (5) members voted in favor (JS recused himself). Motion passed.

LM motioned to move the Special Permit Major Modification for 9 Gerrish Road aka Winterberry Circle to be taken out of order. JS seconded this motion. Roll call was taken, all members (5) voted in favor. Motion passed.

- f. 9 Gerrish Road aka Winterberry Circle (Map 22, Lot 19) – Special Permit Major Modification – The application is to request the Planning Board to allow the release of certificate of occupancy pending installation of permanent street lights. **Applicant:** Lisa Mead (continued from 10/12/22)**

- Applicant has requested to withdraw without prejudice.
- Attorney Lisa Mead, stated the conditions of issuing occupancy permits was dependent on the lighting be electrified in Winterberry Circle which has been completed since last meeting.

GM motioned to withdraw without prejudice the Special Permit Major Modification for 9 Gerrish Road aka Winterberry Circle. LM seconded this motion. Roll call was taken, five (5) members voted in favor (DR abstained). Motion passed.

- g. **45 Toll Road (Map 18, Lot 227) & 63 Main Street (Map 18, Lot 14)** – Major Site Plan Approval & Special Permit Modification - Proposal to widen parking lot by 4 feet, widen previously approved MassDOT driveway entrances to 24 feet, provide a connection to the 63 Main Street property for overflow parking, and close the existing driveway on Main Street. **Applicant:** Chirag Realty LLC

- Chris York with Millennium Engineering, Inc. spoke on behalf of the applicants.
 - He stated he has received a letter from the Town Engineer on Monday and has not had a chance to respond, but will later this week.
- **JMD** stated he believes there should be some landscaping near the residential in the grassy area nearest the house. Some bushes or similar plantings to make it attractive to people coming down Main Street.
 - He also stated the trees already proposed could possibly stand to be larger caliber.
- **GM** suggested moving the snow storage to behind the house, where the proposed 8 parking spaces are, instead of on the landscaping.
- **JS** suggested putting a gate on the main street entrance instead of closing it off.
 - Danny Ruiz stated the closing off was a condition of the MA DOT.
- Danny Ruiz stated two of the spots should have signs that state they are for the residential property only.

JS motioned to continue the Major Site Plan Approval & Special Permit Modification for 45 Toll Road to the November 9, 2022 Planning Board meeting. LM seconded this motion. All members (5) voted in favor. Motion passed.

- e. **159 Beach Road (Map 28, Lot 1)** – Site Plan Review Application – Proposed construction of 14 lot with 10 duplexes and 3 single family homes for a total of 23 units. **Applicant:** Larkin Real Estate Group, Inc. (continued from 8/24/22)

- Attorney Don Bornstein, Johnston and Bornstein spoke on behalf of the applicant:
 - Stated there were many comments from the last meeting that have been actively addressed.
 - There were most notably concerns over traffic safety.
 - In response to the concerns Don put in a request to the zoning board of appeals about the definition of a parking spot. And whether or not the site plan was in compliance with the zoning.
 - He stated he would like to ask the Planning Board as well as the Town Planner for comment on these concerns.
- Planning Director, Lisa Pearson, stated there was a meeting between the traffic consultants and the applicants. She stated she recommends the Planning Board listen to the meeting.
- Kevin Dandrade of TDC, Inc., stated he had been hired by the town to do a traffic report for 159 Beach Road.
 - He summarized the meeting from September 23rd:
 - He showed the concerns he has with access pertaining to both Old County Road as well as Beach Road. He does not believe the driveways are safe nor do they comply with the definitions of parking spots. He does not think it meets the

performance criteria. He stated he believes the letter he submitted to the board today is very important for them to consider when reviewing this project.

- He gave a presentation to the Board.
- Lisa Pearson, stated she believes they should get input for the traffic study from the Fire Department as well as the DPW.
- Attorney Don Bernstein stated he is looking for a decision from the Building Inspector in regards to zoning.
 - He stated he is looking for a zoning violation by the building inspector.
- Lisa Pearson stated driveways should have maneuverability which the ones on the site plan do not. Planning Board do not issue zoning determinations.

GM motioned to continue the Site Plan Review for 159 Beach Road to the November 9, 2022 Planning Board meeting. LM seconded this motion. Roll call was taken, four (4) members voted in favor (WW and JS recused themselves). Motion passed.

3. Other Business

- a. Minutes – none at this time

4. Old Business

- None at this time

5. Correspondence

- None at this time

6. Adjournment

Motioned to adjourn the meeting. Seconded this motion. Roll call was taken, all members (5) voted in favor. Motion passed.

Meeting adjourned at 9:06 PM

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

Minutes approved by: _____

John M. Dissett

Date: 12/15/22