



Date: April 12, 2023

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

Time: 7:00 pm

PB Members Present in Person: Chairperson, John “Marty” Doggett (**JMD**), Clerk, John Schillizzi (**JS**), Gil Medeiros (**GM**), and, Warren Worth (**WW**)

PB Members Absent: Vice Chairperson, Deb Rider (**DR**), and Alternate, Angelica Medina(**AM**)

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

JMD brought the meeting to order at 7:02 p.m. remotely via zoom. Announced, per opening meeting law, that the meeting was being recorded.

1. **New Business – 7:00 pm**

- a. **Inclusionary Housing Contribution Payment Adjustment** – The Inclusionary Housing Requirements of the Salisbury Zoning Bylaw states that the Planning Board shall adjust the maximum Housing Contribution payment annually.

- **JMD** stated Every year the planning board needs to adjust the maximum housing contribution payment. Last year we changed the bylaw at Town Meeting to remove the \$21,000 cap. The median sale price for a single-family home in 2021 was \$463,750. The median sale price for a single-family home increased to \$515,000 in 2022. Using these numbers, the percent change increased by 11.05%. the calculation is $(\$28,200.34 * .1105) + \$28,200.34 = \$31,316.48$

GM motioned to approve the updated Inclusionary Housing Maximum Housing Contribution Payment. **JS** seconded this motion. Roll call was taken, all members present (4) voted in favor. Motion passed.

***JMD** took agenda item 3 “Other Business” out of order*

3. **Other Business**

- a. **Minutes:** 3/22/23

WW motioned to approve the minutes from the March 22, 2023 Planning Board meeting. **JS** seconded this motion. Roll call was taken, all members (4) voted in favor. Motion passed.

2. **Public Hearing - 7:10 pm**

- a. **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, 11/9/22, 12/14/22, 1/25/23, 2/22/23, 3/22/23)

- **JMD** stated that the applicant has to decide if they will be moving forward with the Flexible Residential Development (FRD) or Subdivision. Based on discussions they seem to be leaning toward Definitive Subdivision Application (Subdivision).
- See below for discussion on both agenda items.

b. **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, 11/9/22, 12/14/22, 1/25/23, 2/22/23, 3/22/23)

- TJ Melvin with Millennium Engineering, Inc. spoke on behalf of the applicant, giving a brief overview of project and the new information.
 - There has not been any progress on the FRD design. They have been moving with the SPR. The FRD will remain open in case there is any change.
 - He stated the applicants are trying to limit the disturbance to the wetlands.
 - The lots are between 2 and 9 acres. Most of the land is intended to remain untouched in each lot.
 - There are existing wetlands at the beginning of the site that is intended to be filled.
 - The roadway will be paved with curbing the discharge will run along lot 6.
- **JS** asked if there are proposed fire hydrants along the roadway.
 - TJ replied there is a fire hydrant at the bottom cul-de-sac. The conversations with the fire department lead to the decision that the farther houses will have to be sprinkled.
- **JS** asked about septic systems.
 - TJ said they found septic systems that would pass under title 5.
- **JMD** asked about the sale of the lots.
 - Lisa Mead of Mead, Talerman & Costa, LLC stated they will be sold as individual lots.
- Attorney Mead stated they will have specimen trees flagged by the upcoming joint site visit with the Conservation Commission and Planning Board.

GM motioned to combine agenda items a and b and continue both the Flexible Residential Development Special Permit (b) and Definitive Subdivision Application (c) for 100 Forest Road to the May 10, 2023 Planning Board meeting. WW seconded this motion. Roll call was taken all members (4) voted in favor.

c. **114 Bridge Road (Map 14, Lot 10)** – Major Site Plan Review - Construction of a 400 SF loading dock and renovation of approximately 6,000 SF of interior space. **Applicant:** Our Neighbors' Table

- **JMD** stated when a planning board takes in a Site Plan Review (SPR), there are many areas that are needed to be investigated in order to comply with Massachusetts General Law (MGL) for every applicant. Every applicant is subject to the same standards.
- Attorney Lisa Mead gave a brief statement on the history of the company.
- Lindsay Haight, Executive Director of Our Neighbor's Table, gave a presentation on Our Neighbor's Table and what they do for the communities they serve. She talked about their impact and services they provide not only for Salisbury but many neighboring towns.

- Attorney Mead gave a brief history of the site, 114 Bridge Road and the previous SPR. She spoke about the waivers that the applicants are requesting
- Ken Cram, Bayside Engineering, Inc., Woburn, MA, spoke about the Traffic Analysis Study.
 - He stated he took the data from Our Neighbor's Table and compared that to when Enpro was owner of the site.
 - He stated they came to conclusion the proposed food hub would be comparable to Enpro.
- **JMD** asked Ken what a typical day at the food hub in terms of shoppers and trucks
 - Lindsay Haight responded, the store front operates 4 days a week for in store shoppers. There are typically 100-120 shoppers per day.
 - On the truck side there are 3 box trucks and 2 cargo vans, those move through the sites. One will stay in Amesbury the other 3 will be in Salisbury. There will be 3 loading docks. There are two deliveries twice a week from Boston that will unload their product onto two other trucks and move along.
- Danny Ruiz stated that there was an email from the Salisbury Police Chief withdrawing his request for the traffic study.

GM motioned to waive the traffic impact study for the Major Site Plan Review at 114 Bridge Road. JS seconded this motion. Roll call was taken, all members (4) voted in favor. Motion passed.

- TJ spoke on the stormwater waiver.
 - He stated they would like to grade the parking lot and repave. He said the whole site flows to two existing retention basins. There is no increase to the impervious ground. He stated they are asking for the waiver due to nothing being changed
- **WW** asked about the potential for the discharge pipe freezing and causing water back flow.
 - TJ stated any water that does not discharge from the pipe will be flowing back into the pump to drain out.
- TJ stated there was a buoyancy test submitted to the board that shows the pump will not float.
- **JMD** asked if the pump will keep the [loading] bays from filling with water
 - TJ stated, yes, the pump will be in place to catch anything flowing towards the loading bays.
 - He asked what would happen if the power were to go out.
 - TJ stated he knows there is a generator for the building. There is an alarm in the pump station to alert to any issues as well.
- Danny Ruiz asked if TJ knows how the pump will respond in 1, 5 and 100 year storms.
 - TJ responded that typically the pump moves 1.3 inches per hour which would be sufficient for the storms mentioned.
- Danny Ruiz asked about the alarm for the pump station.
 - TJ responded the alarm would be in the building where they would be an operations person.

GM motioned to waive the storm water report for the Major Site Plan Review at 114 Bridge Road. JS seconded this motion. Roll call was taken, all members (4) voted in favor. Motion passed.

- Attorney Mead spoke about the landscape waiver stating that the plans from the previous SPR are the same except one minor change to accommodate a handicap ramp at the front entrance

JS motioned to waive the landscape plan for the Major Site Plan Review at 114 Bridge Road. WW seconded this motion. Roll call was taken, all members (4) voted in favor. Motion passed.

- TJ gave an overview of the current site plans for the project.
- Danny Ruiz asked about the lights in the south most parking lot spaces on the photometric plan.
 - TJ showed them the site plan that represented the lights. The photometric plans only showed the lights on the building that were being altered, the lower parking lot lights were not on the photometric plan because they are not being changed.
- Sarah Holden, Fishbone Project Management, gave a brief statement about the minor design changes to the building.
- Attorney Mead spoke about the municipal easement and the conditions the applicant would like to impose in regards to that. She stated that the easement should be recognized as only municipal and emergency access. They are hoping to get the easement accepted by the Board of Selectmen at their next meeting.

GM motioned to endorse the conditions of the Town Easement for the Major Site Plan Review at 114 Bridge Road. WW seconded this motion. Roll call was taken, all members (4) voted in favor. Motion passed.

- Attorney Mead provided the Board letters from the Mayor and Chief of Police in Amesbury, MA. She then requested that the Planning Board waive and refund the filing fees back to ONT.

GM motioned to advance to the Board of Selectmen the Planning Board's endorsement of the Town Easement at 114 Bridge Road. JS seconded this motion. Roll call was taken, all members (4) voted in favor. Motion passed.

GM motioned to request of the Town Manager to waive the \$640.00 filing fee for the Major Site Plan Review at 114 Bridge Road. JS seconded this motion. Roll call was taken, all members (4) voted in favor. Motion passed.

WW motioned to continue the Major Site Plan Review for 114 Bridge Road to the April 26, 2023 Planning Board meeting. JS seconded this motion. Roll call was taken, all members (4) voted in favor. Motioned passed.

- d. **14, 16, 18 North End Blvd (Map 33, Lots 248, 249, 250)** – Major Site Plan Review - Construction of two residential buildings with 5 units and 6 units for a total of 11 townhouse style residential condominiums. **Applicant:** Seacoast Property Management, LLC

Both agenda items were combined. Please see below for discussion

e. **14, 16, 18 North End Blvd (Map 33, Lots 248, 249, 250)** – Special Permit - Special Permit request under the Beach Commercial Overlay District & Inclusionary Zoning for the construction of two residential buildings with 5 units and 6 units for a total of 11 townhouse style residential condominiums. **Applicant:** Seacoast Property Management, LLC

- Attorney Douglas Deschenes, with Finneran and Nicholas gave a presentation on the project.
 - He stated the reason for the special permit is because the development will exceed 35 feet at a peak height of 38.3 feet.
 - He stated that the applicants will be meeting all the requirements for the Salisbury beach overlay district and inclusionary housing.
- Scott Cameron, with Morin-Cameron Group, Inc., gave a brief summary presentation on the site plans for the project.
- Danny Ruiz noted that the plans in the presentation are the older plans than the ones submitted to the board. The plans that were submitted to the Board and reviewed by the Town Engineer show a height of 39.3 feet as opposed to the originally stated 38.3 feet.
- **WW** stated that there is no place for a dumpster, the response to that was that the trash barrels will be brought to the front. He stated that they might have to be weighted since the coast is windy. There is also concern there is not enough frontage along North End Blvd. That could be upwards towards of 22 trash cans.
 - Scott stated that they will look into that comment.
- **JMD** wanted to bring up snow storage and the proximity to the driveway.
 - Scott stated they will look into that.
- **GM** asked whether the units will be rented or sold.
 - Doug Deschenes stated that has not been decided yet.
- **JMD** requested that the plans for the turning radiuses of the spaces for the back lots.
- Danny Ruiz stated that North End Blvd is a Mass DOT road.
- **GM** raised his concerns about the clam shell driveway in regards to plowing. He suggested seeing if there is a chance to have pavement in the middle of the driveway and shells for the parking spots.
 - Scott stated he would look into it.
 - Michael Colburn from the Conservation commission stated that the Conservation Commission recommended clam shells because it naturally breaks down to sand. These are federal coastal dune laws.
- **JS** asked about the frontage that might be lost with the Mass DOT project happening on that road.
 - Scott stated he just found out about that tonight and will look into it.
- Larry Kady 260 North End Blvd – gave a public comment about provisions for electric cars and solar guarantees.
- Neko Kady – 260 North End Blvd – gave public comment asking a clarification question on the site plans.
- **WW** wanted clarification that all the utilities are underground.
 - Scott Cameron stated yes, they are.

JS motioned to combine agenda items d and e and continue both the Major Site Plan Review (d) and Special Permit Application (e) for 14, 16, 18 North End Boulevard to the April 26, 2023 Planning Board meeting. WW seconded this motion. Roll call was taken all members (4) voted in favor.

f. **Zoning Amendment Proposals for the Planning Board to consider recommending for Town Meeting:**

- **Modifying the Salisbury Zoning Bylaw;**

1. To modify Ground Mounted Solar Photovoltaic Installations Bylaw, or take any other action relative thereto.
- Danny Ruiz went over the changes KP law has recommended after review:
 - Danny Ruiz stated there should be a discussion on the special permit height of the solar panels. He stated that there should be a cap at 15 feet and then criteria to grant a special permit for anything higher than 15 feet.
 - GM stated that it should be a necessity that the panels cannot absorb at 15 feet.
 - The Board decided that the special permits should be through the Zoning Board of Appeals.
 - Danny Ruiz stated that this bylaw is only for ground mounted.
 - Chuck Takesian – 9 16th street west – asked a clarifying question on language in the bylaw.
 - Michael Colburn – 5 Caitlin Circle – asked a clarifying question on language in the bylaw.

WW motioned to present the Ground Mounted Solar Photovoltaic Installations Bylaw to Town Meeting with comments and revisions. JS seconded this motion. Roll call was taken, all members (4) voted in favor. Motion passed.

- **Modifying the Salisbury General Bylaws;**

1. To create an Erosion Control and Stormwater Bylaw, or take another action relative thereto.
- Danny Ruiz said they are still waiting on Town Counsel to finish their review of criminal versus non-criminal fees.
 - Danny Ruiz went through the Town Counsel's recommendations.
 - Rick Rigoli – 180 North End Boulevard – gave public comment on his concerns for the authority granted to the Conservation Commission within this bylaw.
 - Michael Colburn – 5 Caitlin Circle – gave public comment in response to Rick Rigoli's public comment in favor of the bylaw as drafted.
 - Larry Kady – 260 North End Boulevard - gave public comment and his concerns for the authority granted to the Conservation Commission within this bylaw.
 - Chuck Takesian – 9 16th Street West gave public comment stating the Planning Board should be the enforcing agent for this bylaw.

4. **Old Business**

None at this time.

5. **Correspondence**

None at this time.

6. **Adjournment**

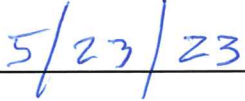
GM motioned to adjourn. JS seconded this motion. Roll call was taken, all members (4) voted in favor. Motion passed.

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

Minutes approved by: _____

J. M. O'Sett

Date: _____

5/23/23