

**Salisbury Planning
Board Meeting Minutes
December 22, 2021**

Date: Wednesday, December 22, 2021

Place: Salisbury Town Hall and Remotely Via Zoom

Time: 7:00 p.m.

PB Members present: Vice Chairperson, Deb Rider (**DR**), Gil Medeiros (**GM**), and Alternate & Clerk, John Schillizzi (**JS**)

PB Members participating via Zoom: Chairperson, John “Marty” Doggett (**JMD**), Don Egan (**DE**), and Louis Masiello (**LM**).

PB Members absent: None

Also present: Director of Planning, Lisa Pearson (**LP**) and Planning Board Secretary, Sue Johnson (**SJ**)

JMD brought the meeting to order at 7:00 p.m. remotely via zoom. Announced, per opening meeting law, that the meeting was being recorded.

1. New Business – 7:00 pm

- a. Request for Partial Certificate of Completion for **187 Lafayette** (Map 19, Lot 296) requested by George Haseltine
 - Adam Costa, Talerman, Mead & Costa, spoke on behalf of the applicant.
 - He had submitted quotes for the incomplete/unfinished work which is expected to be bonded. This includes:
 - Final coat of pavement and restriping of the parking lot (W. Harris & Sons quote at \$35,500.00)
 - Final updated As-Built plan (Millennium Engineering quote at \$4,800.00)
 - Miscellaneous remaining plantings, mulch etc. (Porter Landscape Management Inc. quote at \$14,165.00)
 - Total amount of those 3 outstanding tasks is: \$54,465.00
 - There are an additional 2 quotes from Atlantic Coast Fence; one is dated November 27, 2020 the other is dated February 3, 2021. The quotes have been paid. There is minor work not yet done due to a generator not being installed yet. This work is quoted around \$5,000.00
 - Including the small fence work the complete total of outstanding bills for this project is approximately \$60,000.00.
 - **JMD** asked for the status of the telephone pole that needs to be removed.
 - George Haseltine stated it will be removed with the next month and a half.

GM motioned to approve the Certificate of Completion for **187 Lafayette** with the caveat there be a \$60,000.00 bond attached to the certificate. **DR** seconded this motion. Roll call was taken, all members voted in favor. Motion passed.

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JMD announced it was 7:18pm and the board is moving on to public hearings.

2. Public Hearing - 7:10 pm

- a. Request for Major Site Plan Approval for a proposed fourteen (14) unit residential development, consisting of six (6) duplexes and two (2) single family dwellings, located at **207 Beach Road** (Map 28, Lot 10), on a 1.22 +/- acre site in the Beach Commercial zoning district. Applicant: Tom Patenaude. (Cont. 07-14-21, 07-28-21, 8-11-21, 8-25-21, 9-8-21, 9-22-21, 10-13-21, 10-27-21, 11-10-21, 12-8-21).

LM motioned to continue the public hearing for 207 Beach Road to the next Planning Board meeting on January 12, 2022. DE seconded this motion. Roll call was taken, all members voted in favor. Motion passed.

- b. Request for Major Site Plan Approval for a proposed new structure for a carousel and commercial space located at **7 Broadway** (Map 33, Lot 182), on a .25 +/- acre site in the Beach Commercial zoning district. Applicant: ABCAP Properties, LLC. (Cont. 12-8-21)
- **LM** wanted to remind the chair he had recused himself from voting on this project.
 - Wayne Capolupo, spoke on behalf of the Salisbury Beach Partnership:
 - The concerns from the previous meeting have all been addressed; we are here to answer any new questions.
 - **JMD** asked what the the public access to the sidewalk during construction would look like.
 - Wayne Capolupo explained on Broadway, a 5-foot wide pathway will remain in place with periodic closures due to cranes or large trucks unloading; being redirected to other routes to avoid potentially dangerous circumstances.
 - Lisa Grace, the owner of Gracie's Bar and Grille, voiced her concerns on parking for her business, the fence abutting her property and the use of the party wall between 5 Broadway and 7 Broadway.
 - Wayne Capolupo assured her of her parking concerns, room for discussion about the fence needs and clarified the issue regarding the party wall agreement.

GM motioned to close the public hearing for 7 Broadway. DE seconded this motion. Roll call was taken, five (5) members voted in favor, one (1) abstained (LM). Motion passed.

GM motioned to approve the Major Site Plan for 7 Broadway pending the conditions discussed with applicant. DE seconded this motion. Roll call was taken, five (5) members voted in favor, one (1) abstained (LM). Motion passed.

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- c. Request for Flexible Residential Design Approval for the construction of 2 additional dwellings plus 2 existing dwellings with access to three of the dwellings via a shared driveway at **46 Beach Rd/2 Gravel Way** (Map 4, Lots 122 & 136), on a 1.83 +/- acre site in the Beach Commercial & R-2 zoning districts. Applicant: 46 Beach Road, LLC c/o Benjamin Legare. (Cont. 12-8-21)
- Ben Legare, the applicant, gave a brief introduction to the project ideas.
 - Nick Cracknell, 13 Picard Street, Amesbury MA, gave a presentation on the project.
 - He stated there are five main goals
 - Support permanent Open Space Protection including mature tree preservation and park improvements.
 - Support streetscape improvements.
 - Support historic preservation.
 - Support wetland preservation.
 - Support affordable housing.
 - TJ Melvin, Millennium Engineering, explained improvements and updates on the stormwater drainage plan, driveways, utilities plan and the erosion and sediment plan.
 - **DE** asked how confident the applicant is the historic house can be restored.
 - Ben Legare stated he is confident it can be restored.
 - **LM** asked about the pocket park's public versus private use.
 - Nick Cracknell stated that the open space area can be public via an easement with the town or conveying that piece of land for public use.
 - **LM** stated he believes it would be a good place for some benches for people walking along Beach Road.
 - **DR** stated she does not believe that this plan allows for a lot of "great" open space
 - Nick Cracknell replied, saying he agrees there is not a lot of "great" open space for public access. However, a lot of these FRDs across the Commonwealth do not have a lot of public open space.
 - Lisa Pearson stated that the applicant is asking for a waiver from the 25' buffer from the wetlands, asking for a 10' buffer.
 - **DE** stated he thinks that this proposal is a wonderful enhancement for the Town. He stated he hopes there is a way to make a pocket park, similar to the one in front of the Institute for Savings.
 - Grace Marchese – 50 Beach Road – gave public comment in favor of the proposal.
 - Mike Colburn – 5 Caitlin Circle – gave a public comment about the park and making sure it can be maintained.
 - Ben Legare stated the condo association could maintain the park.
 - Dana Chouinard – 45 Beach Road – gave public comment with concerns over the project.

GM motioned to continue the request for a Flexible Residential Design of 46 Beach Rd/2 Gravel Way to the next Planning Board meeting on January 12, 2022. DE seconded this motion. Roll call was taken, four (4) members voted in favor, one (1) abstained (JMD). Motion passed.

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- d. Request for Site Plan Approval for the construction of a multi-family dwelling containing 5 units at **40 Brissette** (Map 32, Lot 350) on a .15 +/- acre site in the R3 zoning district. Applicant: Father and Son Construction.
- Bill Hall, Civil Design Consultants, gave a brief presentation on this project.
 - **LM** stated he believes this project is just too tight for the lot.
 - **JMD** read into the record a letter opposing the project that was submitted by Karen and Thomas Pizzuto of 42 Brissette, Salisbury, MA.
 - **DE** wanted to share his whole-hearted concurrence with the Pizzuto's opposition to this project.

LM motioned to continue the Request for Site Plan Approval of 40 Brissette to the next Planning Board meeting on January 12, 2022. DE seconded this motion. Roll call was taken, all members voted in favor. Motion passed.

New Business Continued:

- b. Request for Partial Certificate of Completion for **3 Bridge Road** (Map 3, Lots 13B3-13B8 & 13C1-13C5) requested by David Daly, Manager of 4 Beach Road LLC c/o Lisa Mead, Mead, Talerman & Costa LLC (Cont. 12-8-21)
- Lisa Mead, Talerman, Mead & Costa LLC, spoke on behalf of the project.
 - She stated the applicant is requesting the Board release 5 certificates of occupancy for building C.
 - She stated the Chair had requested that Town Counsel be asked to give an option on this project.
 - Lisa Pearson, stated they asked the Town Counsel whether or not the Planning Board was obligated to issue the Partial Certificate of Completion for this project. What was heard back was that she [Town Counsel] was concerned by the fact that the zoning only allowed for mixed use and the commercial use not being built is a concern. The way that the bylaw is written the Planning Board does not have to issue a partial certificate of completion when there is still major site work and storm water drainage system to be completed. The main entrance is not yet completed and the commercial aspect has not yet commenced. Lisa stated that they cautioned the approval of the partial certificate of completion and partial occupancy permits based on these findings.
 - Lisa Mead stated this is a normal procedure and Town Counsel's opinion is not based on any case law.
 - **JMD** responded by suggesting himself, Lisa Pearson, Lisa Mead and the Applicant all have a meeting to discuss possibly amending some of the decision items. This would go along way to protect the interests of the town as well as potential buyers.

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- **DE** stated the bylaw clearly states that there are standards for the project being substantially completed with few exceptions around landscaping etc. before issuing a certificate of partial completion. This means that the Planning Board is under no obligation to issue the occupancy permits, but that does not mean the Planning Board does not wish to do so. He stated the commercial component is a crucial aspect of this project. He stated that approving an unknown commercial aspect could have repercussions on not only the Town center but the residents of these homes.
- Attorney Mead stated that her clients had purchased the commercial proponent of this project less than 2 months ago. She stated it cannot be changed, if there are modifications to it will need to come before this Board, that has not happened yet. She stated that she has been before the Board before requesting certificates of partial completion for other projects with significant outstanding work.
- Lisa Pearson stated she believes the parties can work into an agreement a safeguard for the commercial aspect while allowing the 5 occupancy permits to be released.
- David Daly, the Applicant, gave an overview of the history of his acquisition of the property.
- **DE** asked the applicant if the commercial building that was originally approved going to be constructed as originally approved it would give him [**DE**] more confidence in this project.
 - The applicant responded by saying, this [commercial lot] was originally approved as an office building but office buildings are not doing very well economically. He said they are currently reassessing the usefulness of the commercial space. While trying to stay in the realm of what it was approved for.
- **DE** stated he would be ok moving this project ahead as long as there is a commitment from the applicant stating there will be no drive through component of this building.
 - **LM** stated he agrees with **DE**'s statements. He reiterated that at the last meeting a specific plan was agreed upon; a three-story building with retail on the first floor and office or something else on the top two floors.
- Attorney Mead stated that at the last meeting the applicant agreed to come back at the end of February with plans for the commercial proponent whether it is a modification or not. She stated she would like the Board to issue the release of the 5 residential units and make a condition that the rest will not be released until the commercial space is discussed.
- **DE** stated that at the last meeting he proposed that the board hold the last 8 units until an amended site plan was approved that guaranteed the building of the commercial building.
- **DR** stated she would like to see this plan go through as originally proposed. She said this is a big deal, this is in the Village Center of the town and should be held to high aesthetically pleasing requirements.
- Lisa Pearson stated she believes what the Planning Board is asking to have figured out in the next couple of weeks is a safe and legal way to have the 5 units released their occupancy while at the same time protecting the Planning Board to get what they want.

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DE motioned to continue the request for Partial Certificate of Completion for 3 Bridge Road to the next Planning Board meeting on January 12, 2022 with the condition the Planning Department work with the applicant to revise the site plan to accomplish the goals previously discussed of guaranteed commercial development that is consistent with the Town's bylaw, how to obtain surety and as a part of that, release the five units pending a vote of the Board at a public hearing to amend the site plan. GM seconded this motion. Roll call was taken, four (4) members voted in favor, one not in favor (GM). Motion passed.

- **LM** commented that he agrees with **DE's** motion, however he would like to see added to the motion that whatever commercial structure is proposed at the revised site plan, the developer provide an independent peer architectural review of the building that is proposed. So, we get something we know that is architecturally pleasing and fits in that environment.
- **GM** stated he thinks that the public should be able to give comments.
 - **JMD** stated this is not a public hearing.

GM left the meeting at 10:12 pm

- c. Request for covenant approval to secure the remaining construction and inclusionary zoning at **9 Gerrish; Winterberry Circle** (Map 22, Lot 19) requested by DeStefano Development Group, LLC c/o Lisa Mead, Mead, Talerman & Costa LLC

- **JMD** stated the applicant has requested a continuance to the January 12, 2022 Planning Board meeting.

DE motioned to continue the Request for Covenant Approval for 9 Gerrish; Winterberry Circle. LM seconded this motion. Roll call was taken, five (5) members voted in favor. Motion passed.

- d. Request for Partial Certificate of Completion for **45 Toll Road** (Map 18, Lot 227) requested by Chirag Realty LLC

- Paul Patel with Chirag Realty, LLC spoke on behalf of the applicants:
 - He said as of right now the building is fully constructed, the only thing that needs work is the demolition of the old building on the property as well as the site work that would follow the demolition.
 - The demolition is scheduled for next Tuesday.
 - Once the demolition is complete and the site is cleaned off, they would like to open for January 1, 2022.
 - The remaining site work will be completed in April, once the asphalt companies are open. When that happens, the applicants will come back for the final certificate of completion.

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LM motioned to approve the partial certificate of competition for 45 Toll Road with the condition an adequate bond amount be determined by the planning department. DR seconded this motion. Roll call was taken, five (5) voted in favor. Motion passed.

3. Other Business

a. Minutes

- None at this time

b. RFP Interviews for Updating the Master Plan & The Lafayette & Main Design Guidelines were held on 12/21/21.

- Lisa Pearson stated there are three applicants that were interviewed. Decisions will hopefully be going out next week and have contracts being signed.
- There should be a Master Plan Committee being created.
 - This will have two members of the Planning Board since Planning Board will be the ones to approve the plan in its entirety.

c. Arts & Cultural Council update

- LM gave an update that there is a plan to conduct a survey to get public input as to what the citizens would like to see in regards to history and arts.

4. Old Business

- None at this time

5. Correspondence

- None at this time

6. Adjournment

DE motioned to adjourn the meeting. LM seconded this motion. Roll call was taken, all members present (5) voted in favor. Motion passed.

Meeting adjourned at 10:30 pm

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

Minutes approved by: 

Date: 9/14/23 