

## Salisbury Planning Board Meeting Minutes

**Date: Wednesday, May 11, 2016**

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

**Time: 7:00 p.m.**

**PB Members Present:** Chairman Don Egan (**DE**), Helen “Trudi” Holder (**TH**), Berenice H McLaughlin (**BHM**), Louis Masiello (**LM**), Brendan Burke (**BB**), Gina Park (**GP**)

**Also Present:** Leah Hill (**LH**) Assistant Planner, Adriane Marchand (**AM**) Planning Secretary

Chairman Don Egan called the meeting to order at 7:03 p.m. in the Colchester room, Salisbury Town Hall. **DE** announced, per opening meeting law, that this meeting was being recorded and broadcast live via [www.sctvmc.org](http://www.sctvmc.org)

### **1. New Business**

#### **a. Signing of Plans/Permits**

No Plans or Permits for Signing

#### **b. Request for Partial Certificate of Completion-44 Railroad Ave- Mark Wojcicki (MW), Applicant and Paul Gagliardi (PG), Attorney.**

**DE** The property was reviewed by Joe Serwatka, Town Engineer. He recommended a bond of \$7,500 to ensure the top coat of pavement is applied and landscaping features are completed. Do you agree?

**PG** Yes, we agree. Do we have to return to the planning board for each unit we sell?

**DE** If you place the bond you do not need to come back until the site is ready for its final review and Certificate of Completion.

**LH** Is the sidewalk on Railroad Ave complete? **MW** It is complete.

**PG** According to the decision, the planning board had to approve the declaration of trust creating the home owners association. Are we all set with that?

**LH** I sent the developer the assessor’s comments. It included items to be added into the condo documents. We would just need to review the changes.

**DE** The planning department not the planning board? **LH** Yes.

**BB** The development looks very nice, high quality.

**BB** motions to approve the Partial Certificate of Completion for 44 Railroad Ave contingent on \$7,500 cash bond.

**LM** seconds.

**Vote: 5-0 Unanimous. Motion Passed.**

#### **c. Request for Partial Certificate of Completion-12 Beach Road- Steve Paquette with 12 Beach Road LLC**

Site reviewed by Joe Serwatka. He recommended \$93,200.00 bond.

**SP Requests for Relief from Bond:**

1. Paving will be done by 05/13/16. Requests \$46,500.00 bond be removed.
2. Sidewalk installation behind units 2, 4, and 6 on Sea Spray Lane is not able to be completed due to space restriction. Requests \$3,000 bond be waived.
3. Post and rail fence around water quality swales was not built. Requests \$3,200 bond be waived.

**BB** Is the post and rail fence around a body of water?

**SP** No, it is on the edge of vegetated wetland. It never should have ended up on the plan.

**BB** Will residents be upset its not there?

**SP** No. We put up additional privacy fence, trash enclosures and storage instead.

**BB** Are the sidewalks throughout the whole development?

**SP** Yes, it is just the last greenway that needs to be paved. It is only about a 75 foot section of sidewalk that will not fit because of the water quality swale.

**BB** The sidewalks are how wide? **SP** 3 feet.

Feedback from abutter Denise Hathaway resident of Morning Fog Circle at the Village in Salisbury Square. Excited for paving to be done. Overall, very happy.

**DE** On the request to waive sidewalk behind units 2, 4 and 6. One of the reasons it was put on the plan was because the buildings on Sea Spray were moved closer to the street and with the setback there was not enough room for sidewalks there. It is a significant request and requires a site plan modification.

Discussion on bond amount continues; results in motion.

**TH** motions to approve the partial certificate of completion for 12 Beach Road contingent on \$93,200.00 bond reduced to \$41,000.00 upon completion of paving and concurrence of the Town Engineer and the Planning Department that the paving has been satisfactorily completed.

**BB** seconds.

**Vote: 5-0 Unanimous. Motion Passed.**

## **2. Old Business**

### **3.7:30 Public Hearing**

#### **a. Special Permit FRD-20 Ferry Rd- Elite Builders LLC**

**BHM** is a direct abutter to the property. She removes herself from board due to a conflict of interest. **GP** will vote in her place.

**TH** Motions to open the Public Hearing at 7:30p.m.

**LM** Seconds.

**Vote: 5-0 Unanimous. Motion Passed.**

Scott Cameron (**SC**) Morin-Cameron Group representing owner Mark Wojcicki (**MW**) of Elite Builders.

**SC** Introduces (2) two possible site plans for the property. The yield plan with (4) four units and the FDR plan with (5) five units.

**BB** Where does the open space start? **SC** shows a line on the maps where the calculation starts. References FRD bylaw provision.

**BB** How will the open space be managed? **SC** It will be private open space owned and operated by a trust each owner pays into.

**BB** Can we extend the sidewalk to Douglas Ave? **SC** we can consider it.

**LM** No patios or decks? What happens to the Open Space if they are added? **SC** shows on the plan where decks and patios are accounted for.

**LM** The earth filling bylaw? **LH** Depends on how much.

**DE** FRD requires (4) four steps be followed, including the involvement of a landscape architect in drafting the plan. Has that been done yet? **SC** Not yet. Michael Radder will be the landscape architect.

**DE** Delineation of uplands vs. wetlands calculation done yet? **SC** No.

**DE** Are the sidewalk 5 feet wide? **SC** Yes we can do that. Maybe 4 feet wide.

**DE** Cape cod berm? Vertical Granite is preferred.

**SC** There is a significant price difference. We didn't want to do catch basins. Berms are better for sheet flow.

**DE** The asphalt sidewalk would need a (2) two inch finish. That can be addressed in the site plan. **WC** Yes.

**DE** 10 foot separation on gravel driveway and property line? **SC** That will needs more clarification. The only gravel driveway is not owned by us.

Shelia Albertelli (**SA**) 10 Douglas Ave.

(2)Two concerns:

1.) The right of way easement will not be blocked as she has rights to the easement as well.

2.) Has paddocks with horses abutting property. Worried about the increased visibility allowing more people from the condominiums and the main road to visit the paddocks causing a safety risk to themselves and her animals. Requests a fence or screen of some form to discourage unsupervised visits.

**SC** in response to concern 1.) We are not blocking the easement.

**SC** in response to concern 2.) We can include that in our plans.

**DE** yield plan

**BB** happy to receive the FRD proposal, much better. The sidewalk will be helpful. Hope we can continue it to Douglas Ave.

**DE** Vote to accept the results of the yield plans open space and bonus unit if the math works out.

All those in favor of proceeding with the FRD. **Vote 5-0 Unanimous.**

**LM** motions to continue the Special Permit FRD for 20 Ferry Rd to June 8, 2016 at 7:30 p.m.

**TH** seconds.

Site walk date and time to be determined. Will be posted.

**Vote 5-0 Unanimous.**

**b. 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 XII, Salisbury Beach Overlay District, and Ch. 300 Article XIII, Inclusionary Housing Requirements.**

Wayne Capalopo (**WC**) and Steve Paquette (**SP**)

Applicant presented PowerPoint presentation with renderings.

**SP** following are 9 changes and clarifications with regard to Ch. 300 Article XII:

1. Request elimination of the Oceanfront Revitalization Sub District.
2. Propose beach front housing excluded from the inclusionary housing bylaw.
3. The zoning language states building height is measured from lowest support member. Would like it changed to building height be measured from wherever the lowest support structural member is located
4. Change to offsite parking allowance. 1,000 feet entry to entry
5. Maximum building height changed from 65 feet to 89 feet, 5 story maximum to 7 story maximum. Remove "nor should the floor of the highest occupied floor exceed a height of 49 feet"
6. Change definition language for Broadway Commercial Requirements
7. One bedroom has one parking space and two bedrooms or more have two parking spaces.
8. Clarification- Façade back 5 feet
9. Design Architectural Review Committee. Disbanded. Asks for peer reviewed professional architect paid for by developer

**Chuck Takesion (CT)** 9 16<sup>th</sup> Street.

**CT** The height request 65 feet to 89 feet is because of parking, but you are still doing offsite parking. Is there any way to do it all on site?

**WC** Huge parking demand, structured parking is very expensive. We will put all parking onsite if possible but we want to be realistic.

**CT** The change to Oceanfront South commercial in case of conversion to commercial use? You mentioned there was an impediment. What was it? **WC** Traffic being shut off to oceanfront south makes the likely hood of commercial viability existing anywhere but the corner unlikely and building it to commercial specifications uneconomical.

**LM** It is my understanding the boardwalk on Oceanfront South was to be built in (2) two phases. The second phase extends the boardwalk to the west to accommodate commercial use. What happened to that piece of the boardwalk which would allow 1<sup>st</sup> floor to stay commercially viable?

**WC** We could extend the boardwalk to the building for commercial use but it is unlikely to be viable further south so would not be extended all the way.

**LM** So the commercial board walk would extend how far? **WC** 100 feet to 150 feet **BB** And the boardwalk total? **WC** 600 feet total.

**LM** Will this block the sun on the beach? **WC** No. Not a huge impact between 5 and 7 stories. Perhaps we could do a shade study.

**TH** How could commercial on the first floor not be viable?

**WC** There will be 240 year round residents but that does not create enough mass to support that much commercial on a year round basis but we are not excluding that option.

**BHM** What types of shops would be acceptable **WC** High end commercial shops like coffee shops and soda shops, salons, convenience stores. **BHM** I wouldn't put too much emphasis on high fashion. **WC** We agree.

**BB** What of the development is behind the site? Is their view going to be blocked? **WC** Their view will be blocked regardless.

**LM** Lowest point of clarification? **WC** It is disincentive to good building practices.

**BHM** Are you expecting year round residency? **WC** Based on similar developments we are confident in year round residency.

**BHM** What is the expected age range of residents? **WC** 80 to 85 percent empty nesters.

**GP** Changing the height to 89 feet is high risk for the community and sets a dangerous precedence. Is there a way to modify the bylaw to fit your purpose without changing it?

**WC** It is limited by density. Other lots would not have the ability to achieve the 89 foot height based on lot size. Structured parking is not economical in a small space because of the need for ramps and stairs.

**LM** The first floor is to be sold as residential space? **WC** yes.

**LM** In buyer's condo documents is their going to be mention of the commercial option?

**WC** No. It will either be developed commercial or not and the condo documents would reflect that.

**LM** Will the open space between the boardwalk and the development be sand or paving blocks? **WC** that remains to be seen.

**LM** What is placed there could either encourage or discourage commercial development

**WC** If that was the case the boardwalk would be extended with pathways.

**DE** How do we put into the zoning bylaw language to make sure the green space in the courtyard is going to remain as shown and not be developed?

**WC** There are already architectural requirements preventing block development requiring varied roof height and façade. Parking also limits the density allowed.

**TH** But how can we be sure that would be a green space?

**WC** Regulating that is beyond the scope of zoning.

**DE** Lets continue. How much space is between the boardwalk and development?

**WC** The width of Oceanfront south is approximately 48 except at the north end it is about 26 feet. The boardwalk is 13 feet wide. So 35 feet of space between the boardwalk and building front.

**DE** Does this accurately represents that? **WC** Yes.

**DE** I was under the impression the boardwalk was to be 26 feet wide. Are you saying this is not the case?

**WC** Correct it is 13 feet wide overall but fans out at the northerly end to accommodate commercial use and fans out at the southerly end for passive recreational area.

**DE** You have consulted with master developers on this plan? **WC** Yes.

**DE** How could we assure that the vision you're showing us is what would be developed?

**WC** I personally have not done a pro forma. Others I have spoken to have done preliminary work and they were not able to make the numbers work.

**DE** Would the developers be willing to share their pro forma? **WC** Unlikely.

**DE** Why does it have to be this vision as opposed to what is already allowed?

**WC** Salisbury is a secondary market that has not completely rebounded from the recession. That and the cost associated with building on a barrier beach makes it very challenging.

**DE** Right to revisit but there are so many questions; could use a consultant. Do you know someone who could do a comparison for us? **WC** Yes.

**SP** The parking for five to seven stories in regards to pro-forma impact would drive the sale of these units.

**DE** Not seven stories across the board. Maybe the zoning language could say 75 percent can be seven stories or something like that.

**SP** To address your question on ensuring we would not developed the courtyard. The cost of the structured parking is a huge cost detriment but it allows us to make the building an

E shape which maximizes the ocean view. That helps drives sales and is good building practice.

**DE** In regards to the request to change the measurement to the lowest support structure. If the lowest member is 10 feet in the air because you want to utilize the space underneath. Wouldn't that make it 99 feet not 89 feet?

**SP** No, in practical terms 2 or 3 feet, not 10 feet.

**DE** The sentence you want to delete was put in there to prevent people from playing games with the lowest member. Without that sentence there would be nothing to prevent that type of building practice.

**DE** On the design review committee being replaced with a consultant. I'm concerned about 1 person vs. 3 people. It could be reconstituted maybe as a paid position.

Lisa Pearson (**LP**) introduces the zoning board model as a template

**DE** Feels one public hearing does not give people the time to be informed on such a major change. Inconsistent with this Town's standard process on changes like this.

**WC** No zoning can guarantee the outcome, would just allow us to get started.

**DE** Do you have a master developer interested?

**WC** Yes, pending changes.

**DE** Recommend profit and loss impact for various changes, more workshops/ public hearings. Could also benefit from a consultant.

**LM** Build community support for the changes.

**GP** Are there any instances of additional town meetings being held?

**DE** It has happened.

**TH** motions to continue the amendments to the zoning bylaws in accordance with the changes attached hereto with regard to Ch. 300 Article XII, Salisbury Beach Overlay District, and Ch. 300 Article XIII, Inclusionary Housing Requirements to June 8, 2016 at 7:30 p.m.

**LM** seconds.

**Vote: 5-0 Unanimous. Motion Passed.**

#### **4. Other Business** - N/A

#### **5. Correspondence**

##### **a. Minutes from April 27, 2016**

**DE** motions to postpone minutes from April 27, 2016 to May 25, 2016 at 7:00 p.m.

**TH** seconds.

**Vote: 5-0 Unanimous. Motion Passed.**

#### **6. Reports of Committees** - NA

#### **7. Adjournment**

**TH** motions to adjourn the Planning Board meeting of May 11, 2016 at 10:10 p.m.

**LM** seconds.

**Vote: 4-0 Unanimous. Motion Passed.**

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

**Minutes Approved By:** \_\_\_\_\_ **Date:** \_\_\_\_\_