

TOWN OF SALISBURY
Zoning Board of Appeals Hearing
Colchester Room @ Town Hall, 5 Beach Rd
Meeting held remotely via Zoom

MEETING MINUTES- PUBLIC HEARING

Hearing Date: February 9, 2021 @ 7:00 pm

Members Present: Susan Pawlisheck (Chair), Derek DePetrillo (Secretary), Drew Dana, Paul Descoteaux & John Schillizzi

Additional Persons Present: Scott Vandewalle, Building Commissioner, Kate White ZBA Admin

Chair Pawlisheck called the meeting to order at 7:00 pm.

Madam Chair asks for a motion from the Board to hear the two new public hearing cases before the continued hearings.

MOTION: Mr. Dana makes a motion to move forward cases 21-05 and 21-06. Mr. Schillizzi seconds the motion.

VOTES: Chair Pawlisheck, Mr. DePetrillo, Mr. Dana, Mr. Schillizzi and Mr. Descoteaux vote in favor of the motion. Members express their vote individually and verbally. 5 in favor, 0 opposed. Motion carries unanimously.

1. New Public Hearing

Case No. 21-06 Petition for Relief – Special Permit to request the allowance of an in-home occupation.

Address: 64 Baker Rd
Map: 10, **Lot:** 210
Applicant(s): Tipwipa Gallagher

Applicant, Tipwipa Gallagher, would like to have an in-home massage therapy business with one massage table.

Madam Chair asks the Board if they have any questions or concerns.

Mr. DePetrillo: Have you spoken with the board of health or any other boards in regards to this?

Ms. Gallagher: Yes, I have a massage therapy license.

Building Commissioner clarifies that the health board does not have immediate jurisdiction over massage facilities that does fall to the state.

Mr. Descoteaux asks Building Commissioner if there are any limitations on locations.

Building Commissioner: no, they just need to obtain a license from the state.

Madam Chair: she is requesting a Special Permit because it is under the table of uses.

Building Commissioner: no, it is a home-based business and a home-based business needs to have a special permit to exist.

Mr. DePetrillo asks the applicant what hours and days of the week the business would be operating. In addition, the number of clients anticipated.

Ms. Gallagher: four hours a day.

Building Commissioner: the applicant resides in the R2 residential district, which is strictly single family and under the definition, we have the home based business for limited use. This is not under the Table of Uses.

Madam Chair asks the applicant if there will be just one client at a time and if she has parking to accommodate that client.

Ms. Gallagher: yes.

Madam Chair: how big is your driveway?

Applicant's husband responds to Madam Chair: the driveway is 70' long and at least 30' wide

Mr. Dana asks which days of the week the business would be operating.

Ms. Gallagher: Monday - Friday

Mr. DePetrillo: hours of operation?

Ms. Gallagher: 10:00am – 5:00pm

Mr. Schillizzi asks if there will be signage advertising the business.

Ms. Gallagher: No.

Madam Chair asks if there are any abutters with questions or concerns.

Madam Chair asks for a motion.

MOTION: Mr. Dana makes a motion to approve the Special Permit for Case No. 21-06 at 64 Baker Rd, with the following conditions: operating hours will be Monday through Friday, 10:00am through 5:00pm; the use requested is listed in the Table of Use Regulations as a special permit in the district for which the application is being made; the requested use is essential and/or desirable to the public convenience *or* welfare; the use will not create undue traffic congestion or unduly impair pedestrian safety; the requested use will not overload any public water, drainage or sewer or other municipal system so as to adversely affect health, safety and general welfare of the Town; the special regulations for the use, as set forth in the Special Permit Table, or within the Bylaw section listing requirements for this Permit, are

fulfilled and completed; the requested use will not impair the integrity or character of the district or adjoining districts so as to adversely affect health, safety and general welfare of the neighborhood; the requested use, by its addition to a neighborhood, will not cause an excess of that use that could be detrimental to the neighborhood. Mr. DePetrillo seconds the motion.

VOTES: Chair Pawlisheck, Mr. DePetrillo, Mr. Dana, Mr. Schillizzi and Mr. Descoteaux vote in favor of the motion. Members express their vote individually and verbally. 5 in favor, 0 opposed. Motion carries unanimously.

Case No. 21-05 Petition for Relief – Special Permit to request the allowance of a 5' x 60' temporary sign.

Address: 187 Lafayette Rd

Map: 19, **Lot:** 296

Applicant(s): Brad Kutcher and George Haseltine

Applicant Brad Kutcher presents his proposal to affix a 5' by 60' temporary to the temporary fence currently in place. The sign will contain the address, the name of the company, a brief description of who they are and what they are doing. The names and numbers for four or five of the major contractors working on the job will be displayed on the sign to allow the public to reach out with questions. In addition to the aforementioned information, the company website will be displayed on the sign. The sign will allow people to be aware of what is going on at the site and will be a good way to introduce the business to the community. It potentially could alleviate calls that would probably be directed to the town hall.

Madam Chair: So it is your intention to take it down once your temporary fencing is down.

Mr. Kutcher: That is correct, yes. This is a temporary sign and it will be there for a period of roughly six months. After that, we will be back before the Board with a sign application for our permanent fixture there.

Madam Chair asks the Board if they have any questions or concerns.

Mr. Descoteaux: is it the size of the sign that brings this applicant in front of the Board or because it is a sign?

Mr. Kutcher; the size of the sign.

Mr. Descoteaux: what would it have to be in order for you not appear before us?

Mr. Kutcher: 32 or 48 square feet.

Building Commissioner: the maximum size would be 32 square feet or the size of a sheet of plywood.

Madam Chair asks if any abutters have questions or concerns.

Madam Chair asks for a motion.

Building Commissioner clarifies that

MOTION: Mr. DePetrillo makes a motion to approve the Special Permit for Case No. 21-05 at 187 Lafayette Rd as the use requested is listed in the Table of Use Regulations as a special permit in the district for which the application is being made; the requested use is essential and/or desirable to the public convenience *or* welfare as it will advertise contact information; the use will not create undue traffic congestion or unduly impair pedestrian safety; the requested use will not overload any public water, drainage or sewer or other municipal system so as to adversely affect health, safety and general welfare of the Town; the special regulations for the use, as set forth in the Special Permit Table, or within the Bylaw section listing requirements for this Permit, are fulfilled and completed; the requested use will not impair the integrity or character of the district or adjoining districts so as to adversely affect health, safety and general welfare of the neighborhood; the requested use, by its addition to a neighborhood, will not cause an excess of that use that could be detrimental to the neighborhood. There is no sign currently in this area. Mr. Descoteaux seconds the motion.

VOTES: Chair Pawlisheck, Mr. DePetrillo, Mr. Dana, Mr. Schillizzi and Mr. Descoteaux vote in favor of the motion. Members express their vote individually and verbally. 5 in favor, 0 opposed. Motion carries unanimously.

2. Continued Public Hearing

Case No. 20-30 Petition for Relief – Comprehensive Special Permit to construct a residential development of 76 units in accordance with M.G.L. Ch. 40B.

Address: Forest Rd, 6 Forest Rd, 10 Forest Rd & 18 Forest Rd

Map: 20, **Lots:** 45, 44, 43 & 91 (Respectively)

Applicant(s): 6 Forest Rd, LLC

Representing the Planning Board are the Chair, Don Egan and the Vice Chair Marty Doggett. Don Egan presents the Planning Board's recommendations regarding the 40B development from the Planning Board meeting on January 13, 2021. The memo presented to the Board references the 40B design guidelines published by the state, the Salisbury Subdivision Control Bylaw, the Salisbury Site Plan Rules and Regulations and the Zoning Codes for dimensional controls in a sub division.

Mr. Egan explains the two types of recommendations that the Planning Board is making; some pertain to the design guidelines and standards and the others are to be considered to evaluate the project in terms of the master plan. In summary, the design recommendations pertain to the design of the road, curbing, more detailed landscape plan prepared by a landscape architect, the design of the parking spaces and a less dense development. The Planning Board also recommends that there be a mix of building styles, colors and materials, compliant lighting, engage in peer reviews, affordable units be dispersed throughout the development and the consideration of public access to the adjacent Greenbelt property. The Town of Salisbury has been successful in producing affordable housing; the Town has

exceeded the 10% goal every year since 2016. There are current projects underway that will add units to the affordable housing inventory and add a substantial amount to Salisbury's Affordable Housing Trust Fund. This type of development, which does not comply with the underlying zoning, is inconsistent with the Town's Master Plan. Reference the memo for further detail.

Terry Marengi, 9 Garafalo Drive: continues to be the voice for the neighborhood and expresses that major concern is the size of the development.

Steven Pivacek, 14 Forest Rd: went door to door to speak with his neighbors, he found that the main concern is with the density of the project.

Deirdre & Mark Ironfield, 4 Garafalo Drive: major concerns with the size of the project, the traffic, safety and the extra children the development will bring to the neighborhood.

Lori & Stewart Mowbray, 3 Garafalo: have environmental concerns as well as the infrastructure of the roadway system, the undue traffic and burden on Town resources; water, school police, fire and plowing; this development will provide no benefit to the Town.

Tim Neal, 28 Gerrish Rd: expressed opposition to project.

Greg Bidgood, 12 Forest Rd: has the same list of concerns as previously mentioned.

Ryan & Kristen Spinney, 2 Morgan Ave: concerned with traffic the development would create.

Madam Chair requests that Steve Paquette address some of the concerns; density, traffic, and the design of the project.

Steve Paquette explains that he is in the middle of assessing options for the density. The issue of traffic and safety is clearly paramount and the professional traffic study is under review by a consultant of the Town. The fiscal impact study shows the proposed development will not generate the number of school-aged children the neighborhood is concerned with; the proposed units are two bedrooms. There would be a greater fiscal impact if the development decreased the number of units and increased bedroom counts in those units. Steve offers to make himself available to the neighbors and meet as group.

Madam Chair: Lisa Pearson, do you have anything that you wanted to add to this evening?

Ms. Pearson clarifies, that there have been meetings with the department heads and she is still working on getting letters from Fire and DPW. The first iterations from the peer engineer and the peer traffic reviewer have been received. Steve is working on the comments on both of those. There is the possibility of doing the peer architecture review, which was recommended by the Planning Board. Lisa recommends that a potential workshop and a site visit be addressed.

Discussion on the scheduling of site visits and a workshop. Susan will coordinate the site

visits with the Board Members and Mr. Paquette. The workshop is scheduled for Thursday, February 25th at 5:30pm. Chair Pawlisheck and Mr. Descoteaux will represent the ZBA.

Ms. Pearson discusses the issue with the trail connection with green belt. She had the opportunity to talk to the Greenbelt people and Steve and they were able to clarify some misunderstandings. There is access to the Greenbelt property through Beach Rd, but it is not a public access. Steve will update his PowerPoint with a trail similar to the one that was proposed before, which shows four parking spots that goes along his property and would connect with the Town property and then with the Greenbelt property. He is not proposing to do anything to connect it to Beach Road. The benefits are still there of opening up this Greenbelt property to Salisbury residents and actually other residents.

Madam Chair asks for a motion.

MOTION: Mr. Dana makes a motion to continue Case No. 20-30 for 6 Forest Rd until the March 9th meeting. Mr. Schillizzi seconds the motion.

VOTES: Chair Pawlisheck, Mr. DePetrillo, Mr. Dana, Mr. Schillizzi and Mr. Descoteaux vote in favor of the motion. Members express their vote individually and verbally. 5 in favor, 0 opposed. Motion carries unanimously.

Case No. 21-02 Petition for Relief – Variance given the topography and soil condition of the lot, the head houses exceed the height requirements.

Address: 504 No End Blvd

Map: 36, **Lots:** 138

Applicant(s): David Daly

C/O: Lisa Mead of Mead, Talerman & Costa LLC

Representing the applicant is Attorney Lisa Mead of Mead, Talerman & Costa LLC, Olympia Bowker of Mead, Talerman & Costa LLC, project engineer - Matt Hamor and project architect – Aileen Graf.

Attorney Mead and Ms. Graf reintroduce the applicants proposed project at 504 No End Blvd. The applicant is seeking a variance from height requirements to allow structures to have head houses (enclosed stairways) for access to the roof top decks. The original proposed head houses were at a height of 39' where maximum height requirement is 35'. The modified plans compress the top floor, reducing the highest point of the head houses to 38'4". The design of the head houses has been modified as well; reducing the volume. The first third of the head house now meets the 35' height requirement. The next third is at 36'9" and the final third is at 38'4".

Madam Chair thanks the applicant for considering the Boards concerns and making improvements to the design of the head houses.

Madam Chair: Questions from the Board?

Mr. Dana: Not a question, just to echo your sentiments Madam Chair, I would like to thank the applicant for going back and relooking at this. It shows that they take a strong interest in the community.

Madam Chair asks for a motion.

MOTION: Mr. DePetrillo makes a motion to approve the Variance for Case No. 21-02 at 504 No End Blvd due to the shape of the lot; specifically the property includes three different FEMA flood zones. Mr. Dana seconds the motion.

VOTES: Chair Pawlisheck, Mr. Dana, Mr. DePetrillo, Mr. Schillizzi and Mr. Descoteaux vote in favor of the motion. Members express their vote individually and verbally. 5 in favor, 0 opposed. Motion carries unanimously.

3. **Minutes**

4. **Correspondence and Other Board Business**

5. **Items Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting**

6. **Adjournment**

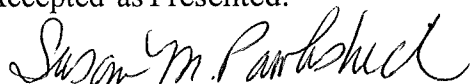
- The Board reserves the right to consider items on the agenda out of order. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

MOTION: Mr. Descoteaux makes a motion to adjourn the meeting. Mr. Schillizzi seconds the motion.

VOTES: Chair Pawlisheck, Mr. DePetrillo, Mr. Schillizzi, Mr. Dana and Mr. Descoteaux vote in favor of the motion. Members express their vote individually and verbally. 5 in favor, 0 opposed. Motion carries unanimously.

Respectfully submitted by Kate White, Board Secretary and accepted at the March 23, 2021 meeting of the Zoning Board of Appeals.

Accepted as Presented:



Chairperson Susan Pawlisheck

Cc: Town Clerk