



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: May 25, 2021 @ 7:00 pm

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

Additional Persons Present: Town Council, Amy Kwesell, from KP Law, Applicant's Attorney, Melissa Robbins from Farrell & Robbins, Abutter's Attorney, Dennis Murphy, from Hill Law, Scott Vandewalle, Building Commissioner and Kate White ZBA Admin

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

Chair Pawlisheck asks for a motion to hear agenda items out of order.

MOTION: Mr. DePetrillo makes a motion to move the continued case, Case No. 20-30 for the 40B project on Forest Rd, to the second item on the agenda. Mr. Descoteaux seconds the motion.

VOTES: Mr. DePetrillo, Mr. Descoteaux, Mr. Schillizzi, Mr. Dana and Chair Pawlisheck 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. 21-13 Petition for Relief – Variance to request relief from the side-yard setback requirement.

Address: 23 Gerrish Rd

Map: 22, **Lot:** 28

Applicant(s): Chris Beevers

Chris Beevers explains his request for relief from the side-yard setback for the construction of an accessory structure. The applicant would like to build a 182 square foot roof over an existing outdoor kitchen that cannot be moved. The structure would be located inside of the fenced in pool area. A 1996 permit indicates that the fence is 10 feet from the property line.

The Board discusses the topography of the lot, setbacks and the lack of a hardship with the request.

MOTION: Mr. DePetrillo makes a motion to deny the request for variance for Case 21-13 at 23 Gerrish Rd. Mr. Schillizzi seconds the motion.

VOTES: Chair Pawlisheck, Mr. Schillizzi, Mr. DePetrillo and Mr. Descoteaux vote in favor of the motion. Mr. Dana votes in opposition. Members express their vote individually and verbally. 4 in favor, 1 opposed. Motion carries.

2. Continued Public Hearing

Case No. 20-30 Petition for Relief – Comprehensive Special Permit to construct a residential development of 64 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

Town Council, Attorney Amy Kwesell of KP Law summarizes the legalities of a 40B / Comprehensive Permit. Attorney Kwesell explains that in order to deny a comprehensive permit there has to be a legitimate local concern. An example of a past case, the local concern was that the septic system designed for the development was a threat to an abutter's drinking water well. Attorney Kwesell further explains the when an applicant presents their case; the Town has the ability to condition the application to protect the best interest of the Town. An outright denial of a 40B means that the developer can appeal to the Housing Appeals Committee and it is very rare that the HAC rules in the Town's favor. Attorney Kwesell suggests that the Board hears the outstanding items, work on those items and make sure the Board is comfortable with those and then discuss moving forward.

Chair Pawlisheck requests updates on the outstanding items from last meeting.

Jeffrey Dirk Managing Partner of Vanasse & Associates Inc – transportation consultants. To date they have submitted three (3) review letters to the Board regarding the two traffic assessments and the site plan assessments. There is now a request for a traffic study at the Gerrish Rd and Forest Rd intersection and that review/analysis remains outstanding for that component of the project. The applicant revised the site plan after this assessment and addressed the consultants concerns. Mr. Dirk indicated that he is waiting for the Fire Department to determine the revised site plan is satisfactory and that the emergency vehicles will have the ability to circulate the project site. The last item that remains outstanding is the curvature of the road; they had made suggestions to the applicant in regards to re-designing those curves.

Steve Paquette responds that he will get the information regarding the curvature of the road and the intersection at Gerrish Rd and Forest Rd to the transportation consultant tomorrow.

Attorney Melissa Robbins of Farrell & Robbins, representing the applicant, went over the list of outstanding items requested from the applicant.

1. Does the development require a water study?

The required stormwater management plan has been completed by the applicant's professional engineer and has been reviewed by the Town of Salisbury's professional engineer. No additional water studies are required.

2. Will there be noise pollution?

The development will be regulated during construction by final permit conditions that limit hours of construction and noise pollution in conformance with the construction times and days generally allowed by the Town of Salisbury.

3. Will there be a socio-economic impact study?

Since the time of the issuance of the Project Eligibility Letter from Mass Housing, the development has decreased from 76 units to 64 units. There will not be an additional socio-economic study performed.

4. School age children

In accordance with 760 CMR 66.04, no response to this question is required.

5. Bus stop safety

The school department will determine if any children within the new development will use an existing bus stop or if an additional bus stop is necessary at the end of the roadway.

6. Lighting.

Lighting plan for the development has been submitted. The proposed lighting on site will be dark sky compliant eliminating any rise of light spillover into abutting properties.

7. Density comparison to similar developments in Salisbury.

The proposed development consists of 26.94 acres. The total number of proposed units is 64, which corresponds to an average density of 2.37 units per acre.

8. Additional traffic study information.

As Jeffrey Dirk of Vanasse & Associates stated, the applicant is working to collect additional information regarding an intersection north of the site at Forest Rd and Gerrish Rd. Once completed that information will be provided to the Town's peer review consultant for review and comment.

Abutters: Dan & Lynn Welch – 50 Lafayette Rd, Shai Woodman – 46 Forest Rd, Sean Hopkinson – 77 Lafayette Rd, Ryan & Kristen Spinney – 2 Morgan Ave, Bob & Kathy Straubel – 3 Trout Way, Kerry and Lisa voiced their concerns about school age children and Town of Salisbury contribution to Triton budget, density of project, the census and low income unit requirement, wildlife impact, ecological impact, protection to surrounding bodies of water, sewer betterment fees, filling in wetlands, and drainage.

Attorney Dennis Murphy with Hill Law retained by Terrence Marengi addresses the following topics:

- Project economics - the seller and developer agreed in writing that the project is economic at 40 units.
- Safe Harbor - at the time of application, Town of Salisbury was over the 10% and therefor in Safe Harbor. Feels that the Board should right size the project with conditions.
- Requests that all documents referred to at this meeting be viewable on the Town's website.
- Mr. Condon's house lot has not been separated from the entire project through ANR and therefore should be restricted as an affordable unit.

Discussion in regards to the purchase in sale, Mass Housing appraisals, the need of affordable unit inventory, the ability that the Board has to condition the project, the process for writing the decision, sewer betterments, the sewer infrastructure for the project and the consideration of reducing the number of units in the project.

Chair Pawlisheck lists the open items:

- Transportation – internal to the project
- Traffic for Gerrish Rd intersection
- Water model from Weston & Sampson
- Water runoff
- Preconstruction meeting for construction activity
- All documentation pertaining to project is available online
- A study for a 50 unit project
- Extension for the Board

MOTION: Mr. DePetrillo makes a motion to continue Case No. 20-30 for the 40B project on Forest Rd until the June 8, 2021 meeting to discuss the water and traffic reports. Mr. Descoteaux seconds the motion.

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

3. Minutes

April 13, 2021 Meeting Minutes

MOTION: Mr. Descoteaux makes a motion to approve the April 13, 2021 meeting minutes as written. Mr. Schillizzi seconds the motion.

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

April 27, 2021 Meeting Minutes

MOTION: Mr. Dana makes a motion to approve the April 27, 2021 meeting minutes as written. Mr. Descoteaux seconds the motion.

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

4. **Correspondence and Other Board Business**

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

6. **Adjournment**

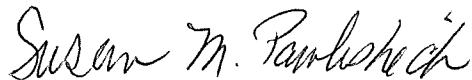
- The Board reserves the right to consider items on the agenda out of order. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

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

VOTES: Mr. Dana, Mr. DePetrillo, Mr. Schillizzi, Mr. Descoteaux, and Chair Pawlisheck 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 June 22, 2021 meeting of the Zoning Board of Appeals.

Accepted as Presented:



Chairperson Susan Pawlisheck

Cc: Town Clerk