



TOWN OF SALISBURY
Zoning Board of Appeals Hearing
Colchester Room @ Town Hall, 5 Beach Rd
Meeting was hybrid (in person and remote via Zoom)

MEETING MINUTES- PUBLIC HEARING

Hearing Date: July 27, 2021 @ 7:00 pm

Members Present: Susan Pawlisheck (Chair), Derek DePetrillo (Vice Chair), Drew Dana, Paul Descoteaux, John Schillizzi and C.J. Fitzwater (Alternate)

Additional Persons Present: Town Council, Amy Kwesell, from KP Law, Applicant's Attorney, Attorney Melissa Robbins, Abutter's Attorney, Attorney Dennis Murphy, Scott Vandewalle, Building Commissioner, Lisa Pearson, Director of Planning and Kate White ZBA Admin

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

1. Continued Public Hearing

Case No. 20-30 Petition for Relief – Comprehensive Special Permit to construct a residential development of 56 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

Attorney Murphy summarizes his letter addressed to the Board regarding the following three concerns on behalf of the abutters:

1. The Board should immediately suspend hearing this application until evidence of site control has been substantiated – or not – by Mass Housing.
2. The Board should deny a dead-end waiver, and not approve more than forty units because applicant concedes the project would be economic at that density.
3. Even though the Board did not challenge the Safe Harbor at the outset of the public hearing. It may still condition or deny the project based on 10% statutory minima.

Attorney Robbins addresses the concerns:

1. The signed purchase in sales agreement extension was submitted to the Board on June 21, 2021 and July 26, 2021.
2. The rule that is stated in 760 CMR 56.04(6) issuance of a determination of a Project Eligibility shall be considered by the Board or the Committee to be conclusive evidence

that the Project and Applicant have satisfied the project eligibility requirements of 760 CMR 56.04(1). Road layouts have been substantially reviewed by peer reviews as well as Town departments and Town Boards. In addition, the roadways were adjusted to address all comments and concerns.

3. The issues with Safe Harbor have previously been addressed.

Attorney Kwesell briefly comments that the issues with Safe Harbor have been previously discussed, she was not involved for all of the roadway adjustments and reviews, and agrees that the purchase in sales agreement extension provided by Attorney Robbins satisfies site control requirement.

Chair Pawlisheck closes the public hearing for discussion.

MOTION: Mr. DePetrillo makes a motion to grant Case No. 20-30 for the 40B project on Forest Rd with conditions. Mr. Descoteaux seconds the motion.

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

MOTION: Mr. DePetrillo makes a motion to accept the list of waivers as outlined on Exhibit A for Case No. 20-30. Mr. Descoteaux seconds the motion.

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

MOTION: Mr. DePetrillo makes a motion to allow the Chairperson to sign the decision individually for Case No. 20-30. Mr. Descoteaux seconds the motion.

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

2. Minutes

July 13, 2021 Meeting Minutes

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

VOTES: Mr. Dana, Mr. Descoteaux, Mr. DePetrillo, Mr. Schillizzi 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. **Correspondence and Other Board Business**

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

5. **Adjournment**

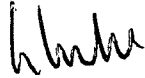
- The Board reserves the right to consider items on the agenda out of order. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

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

VOTES: Mr. Dana, Mr. Descoteaux, Mr. DePetrillo, Mr. Schillizzi, Mr. Fitzwater and Chair Pawlisheck vote in favor of the motion. Members express their vote individually and verbally. 6 in favor, 0 opposed. Motion carries unanimously.

Respectfully submitted by Kate White, Board Secretary and accepted at the August 10, 2021 meeting of the Zoning Board of Appeals.

Accepted as Presented:



Chairperson Susan Pawlisheck

Cc: Town Clerk