

Lisa Pearson

Director of Planning and Development
lpearson@salisburyma.gov

Connie Brawders

Assistant Planning Director
AsstPlanner@salisburyma.gov

Sue Johnson

Planning Board Secretary
planningdept@salisburyma.gov

Phone: 978-463-2266

Fax: 978-462-3915



Planning Board:

Don Egan, Chairperson

John "Marty" Doggett, Vice Chairperson

Gil Medeiros, Clerk

Lou Masiello

Deborah Rider

John Schillizzi, Alternate

Planning Board

Town of Salisbury

5 Beach Road

Salisbury, MA 01952

SPECIAL PERMIT APPROVAL

December 23, 2020

Town Clerk

Town of Salisbury

Salisbury, MA 01952

RE: Special Permit Approval

Applicant: **Albanese Brothers Inc.**

Address of Applicant: **P.O. Box 518, Loon Hill Road, Dracut, MA 01826**

Owner: **Colchester Properties, LLC**

Address of Owner: **98 Elm Street, Salisbury, MA 01952**

Address of Project: **148 Lafayette Road (Map 22, Lot 4), Salisbury, MA 01952**

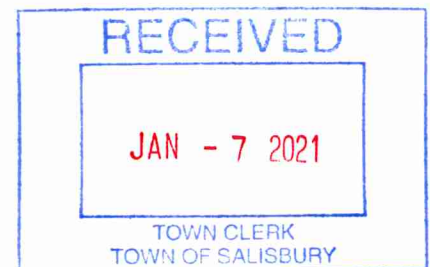
Zoning District: **Lafayette Main Commercial Subdistrict B (LM Subdistrict B)**

To the Town Clerk:

This is to certify, at a duly noticed public hearing of the Salisbury Planning Board as regards Special Permit opening on December 9, 2020 and closed on December 9, 2020, by a motion duly made and seconded, it was voted:

"We, the Salisbury Planning Board, as requested by Albanese Brothers Inc, under the provisions of Article III of the Zoning By-Laws of the Town of Salisbury, to consider a Special Permit approval pursuant to §300-35 for properties addressed at 148 Lafayette (Assessors Map 22 Lots 4), as shown on plans ("The Plan") entitled:

"Plan to Accompany a Notice of Intent showing the Proposed Vegetation Management Plan for 148 Lafayette Road, dated 12/06/2018, for Colchester Properties (98 Elm Street, Salisbury, MA 01952), prepared by Millennium Engineering, Inc (62 Elm Street, Salisbury, MA 01952) with notations by Albanese Brothers, Inc made on 10/19/2020, consisting of one (1) sheet", do hereby vote:



I.

SPECIAL PERMIT APPROVAL

To approve the proposed site plan pursuant to the Lafayette-Main Commercial District, Subdistrict B Article XVIII of the Zoning By-Laws of the Town of Salisbury:

1. The Planning Board has determined that the application satisfies all the special permit conditions enumerated in §300-35 of the Zoning By-Laws of the Town of Salisbury. Specifically, the Planning Board found:
2. The requested use is essential and/or desirable to the public convenience or welfare.
3. The requested use will not create undue traffic congestion or unduly impair pedestrian safety.
4. The requested use will not overload any public water, drainage, or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety, or the general welfare.
5. Any special regulations for the use set forth in the Special Permit Table are fulfilled.
6. The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare of the neighborhood.
7. The requested use will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood.

G. Medeiros **motioned** to approve the special permit application for 148 Lafayette Street.

L. Masiello **seconded** the motion.

Don Egan, Chairman, YES

John “Marty” Doggett, Vice Chair., YES

Lou Masiello, YES

Gil Medeiros, YES

Deborah Rider, YES

Vote on Special Permit: **5-0** Special Permit: **Granted**

II.

MATERIALS

8. The Plan dated December 6, 2018 and submitted on November 17, 2020;
9. Special Permit Application with Attachments A, B, and C describing the proposed use of premises submitted November 17, 2020 signed by lessee (Albanese) and owner (Colchester);
10. Quitclaim Deed (South Essex County Registry of Deeds Book 35653/Page 184) for owner Colchester Properties, LLC, 98 Elm Street, Salisbury, MA 01952 submitted, November 17, 2020;
11. Abutters certified list submitted November 4, 2020;
12. Letter of request for Special Permit for infrastructure staging at 148 Lafayette Road dated 11/09/2020 from Marcella Albanese, President of Albanese Brothers, Inc received by Town Clerk 11/17/2020;
13. Example of Stabilized Construction Entrance;
14. Tax Payment & Betterment Certification dated 11/04/2020 by Treasurers Office.

III.

FINDINGS

15. Currently, 148 Lafayette Road, is a vacant 1.377-acre site located in the Lafayette-Main Commercial District Subdistrict B.
16. The special permit application purpose is for use of 148 Lafayette as a temporary constructing/laydown staging area for the storage of manholes and pipe for the Lafayette Road/Route 1 sewer project.
17. Albanese Brothers, Inc., have contracted with the Town of Salisbury for the construction of the complete sewer project.
18. Albanese Brothers, Inc., was granted a Special Permit by the Planning Board on August 26, 2020 for the temporary use of property located at 155 Lafayette Road.
19. This special permit will be valid for the life of the Albanese Brothers, Inc. contract with the Town of Salisbury and this Special Permit will run concurrently with the Special Permit granted on August 26, 2020 for the use of 155 Lafayette Road.

IV.

SPECIAL PERMIT CONDITIONS

The following Conditions shall be required at the Applicant's sole expense, unless otherwise noted:

20. To ensure public safety and the safety of their employees, vehicular and pedestrian crossing of Lafayette Road between this site and their other construction staging site located at 155 Lafayette Road is prohibited.
21. The Applicant is responsible for complying with all applicable Town of Salisbury Conservation Commission reviews and approvals.
22. At the conclusion of the Lafayette Sewer project the Applicant is required to restore the site to its pre-existing condition, or better.
23. This special permit will not transfer to any successor in interest or successor in control of the property subject to this approval and to any contractor or other person performing work.
24. After the administrative appeal period, this decision shall be recorded in the Southern Essex Registry of Deeds.
25. Prior to beginning of work, the Applicant shall submit a copy of the recorded special permit decision to the Planning Department.
26. Due to the temporary, non-public use of the site as a construction staging area, the site plan was approved without any requirements for lighting. The approved plan does not depict any lighting. If the Applicant determines that lighting is necessary for their use of the site, a proposed lighting plan must be submitted to the Planning Department and any such proposed lighting must be dark sky compliant.

PRIOR TO ANY SITE WORK

27. The Applicant shall coordinate with the Planning Department a pre-construction meeting with the Town staff prior to the start of any construction to review these conditions and any final construction sequencing, details, and plans for this Project.
28. The Applicant shall coordinate with the DPW Director all Town and public easements for water, drainage and sewer, if applicable.
29. The work authorized hereunder must have active development or at least substantial progress toward implementation of the approved Site Plan occurring within three (3) years or the approval becomes void. This approval may be extended by the issuing authority for an additional two-year period if, in the opinion of the issuing authority, there is just cause to approve an extension.

DURING CONSTRUCTION

Hours of Construction shall be adhered to and said hours shall be posted in a conspicuous place at the entrance prior to any work on the site. These Hours are:

Hours of Construction Operations:

30. Construction activity shall not take place on-site or in any building contained therein except during the following hours:

Mondays through Fridays: 7:00 AM to 5:00 PM,

Saturdays: 8:00 AM to 5:00 PM,

Sundays and Legal Holidays: none

These can be amended with written permission of the DPW Director.

31. Town staff or their designee shall have reasonable access to inspect the site to determine compliance with this Decision. All water, sewer and drainage facilities shall be subject to inspection by the Town, and all water and sewer facilities shall be constructed in accordance with Town specifications.
32. Construction activities shall be conducted in a workmanlike manner at all times. Blowing dust or debris shall be controlled by the Applicant through stabilization, wetting down, and proper storage and disposal methods.
33. Erosion and sedimentation control measures presented in the plan shall be adequate to retain all sediment within the site and away from wetlands, constructed wetlands, watercourses, and water bodies, both during and after construction.

MODIFICATION OF SPECIAL PETMIT

34. In the event that the Applicant intends to modify the approved special permit, the Applicant must comply with MGL Chapter 40A.


_____, Chairperson
Don Egan,
Salisbury Planning Board

Date: 12/28/2020

cc: Applicant,
Building Inspector,
DPW Director
File

APPEAL NOTICE

Appeals of this decision shall be made in accordance with the M.G.L. Ch. 40A, §17 and shall be filed within twenty (20) days of the date of filing of this decision in the Office of the Salisbury Town Clerk.

By law, this decision shall not take effect until a copy of such notice has been certified by the Town Clerk that; Twenty (20) days has elapsed since the decision was filed and no appeal has been filed.

The Petitioner shall present and record the certified decision at the Essex Registry of Deeds in Salem MA. The cost of the recording shall be borne by the Petitioner. A registered copy must then be presented to the Building Inspector in order to apply for an appropriate permit.

This Decision will lapse if Substantial use of the Petitioned Relief is not made within two (2) years for a Special Permit and the work authorized hereunder must have active development or at least substantial progress toward implementation of the approved Site Plan occurring within five years or the approval becomes void. This approval may be extended by the issuing authority for an additional two-year period if, in the opinion of the issuing authority, there is just cause to approve an extension.