

**Salisbury Planning
Board Meeting Minutes**

Date: Wednesday, March 11, 2020

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

Time: 7:00 p.m.

PB Members Present: Chair Don Egan (**DE**), Vice Chair John “Marty” Doggett (**JMD**), Clerk Gil Medeiros (**GM**), Louis Masiello (**LM**), Deb Rider (**DR**), and Alternate John Schillizzi (**JS**).

PB Members Absent: None

Also Present: Assistant Planner Bart McDonough (**BMD**) and Planning Board Secretary Sue Johnson (**SJ**).

DE brought the meeting to order at 7:00 p.m. in the Colchester Auditorium, Salisbury Town Hall. Announced, per opening meeting law, that the meeting was being recorded.

1. New Business

- a. Signing of plans and permits – Nothing to be signed
- b. Adjustment of the Maximum Inclusionary Housing Contribution Payment pursuant to §300-79(d) of the Zoning Bylaw of the Town of Salisbury

BMD stated that every year the Board is tasked with adjusting the maximum contribution rate into the affordable housing trust which is a maximum of \$21,000.00. BMD discussed how the rate is calculated. BMD stated based on the data the current rate of \$21,000.00 will remain the same for 2020.

LM motioned to keep the 2020 maximum contribution payment at \$21,000.00 as the 2020 adjustment rate exceeds the current cap of \$21,000.00.

DR seconded.

Vote: 5-0, motion passed.

2.. Public Hearings—7:10 pm

- a. **(Case Continuance) Special Permit and Major Site Plan Review**—To consider an Order of Remand, issued by the Massachusetts Land Court, requesting a Special Permit and Major Site Plan Review to allow the use of the property at 8, 16 and 18 Broadway and 6-28 Oceanfront South as a mix-used redevelopment comprising 235 residential units and 7,187 square feet of commercial space, pursuant to §300-67 of Article VII and §300-109 of Article XVII of the Zoning Bylaws of the Town of Salisbury and pursuant to M.G.L. c. 40A §9.

DE stated that the applicant has requested a continuance until 3/25/20 at 7:10pm.

GM motioned to continue until 3/25/20 at 7:10pm.

LM seconded.

Vote: 4-0, motion passed.

- b. **(Case Continuance) Special Permit and Major Site Plan Review**—238 Lafayette Road (Assessor Map 23, Lot 17)—Request made by Ganesh Wellness, LLC.

Eric Botterman (EB) provided a brief update on the project. EB discussed that the applicant is working to purchase the adjacent lot for parking and if this happened they would add a sidewalk from new parking lot along Lafayette to 238 Lafayette. There was a long discussion regarding the possible purchase of the adjacent lot, parking and access from new lot to store.

GM motioned to continue until 4/28/20 at 7:10pm.

JS seconded.

Vote: 5-0, motion passed.

- c. **(Case Continuance) Minor Site Plan Review** —139 Elm Street (Assessor Map 9, Lot 18)—Request made by Li Realty Trust.

DE stated that the applicant requested a continuance until 4/8/20 at 7:10pm.

LM motioned to continue until 4/8/20 at 7:10pm.

DR seconded.

Vote: 5-0, motion passed.

3. Other Business

- a. Cont. follow up and discussion on 2-10 Sycamore Lane (20 Ferry) project.

Brad Kutcher (BK) addressed the items in Town Engineer's letter.

Fence – The fence has been moved. There are 4-5 posts that were loose which were tagged and will be stabilized within the next few weeks.

Site Grading – BK said that he met with Joe Serwatka (JS) this week and the as-built plan submitted reflects that the road was built as designed. BK stated that they put 10 tons of riprap in the culvert and that JS told him that it is working as designed. Regarding the grading on the right-hand side there has been additional topography change that was not done by them after the fact but additional landscaping was done by one of his customers which changed the topography.

As-Builts – The as-builts have been updated to reflect the decks and patios.

Sump Pumps – There are 2 sump pumps, one at 4 Sycamore which empties into a drywell the other sump pump was put into 8 Sycamore which was part of the purchase and sale agreement but has not been activated.

Spot Lights – There are 2 spotlights on the site. The spotlights behind # 4 Sycamore will have a hood on it which sheds the light on their property only and BK stated that he has paperwork to support this. DE asked if the lights have been installed and BK said no he has the lights and is waiting for Planning Board approval.

There was discussion regarding the berm and water ponding between the Board and the applicant. Abutter Sheila Albertelli (SA) stated that she has lived at 10 Douglas for 17 years and has not had flooding until now and believes it is because of the grade changes. She said she had pictures of her horse paddock before the development without puddling and after the development with puddling. SA wants to make sure that the applicant knows she has deeded access rights to the

right of way from Ferry Rd to her property and wants that to be made clear in the condo docs. SA stated that man. SA does not like that the right of way was cleared. BK stated that it was his understanding that this is a driveway for the house on the right-hand side and there was no easement that leads to SA's property. SA disagreed and BK suggested having their attorney's talk it out. DE stated that the Board needs to refer to the approved site plan to see if the trees that were cut down were shown to be preserved. BK stated that he did not cut down the trees and stated that one of the homeowners did to build a shed. DE asked if the homeowner's association was turned over yet. BK said no. DE stated that the project is still BK's responsibility. DE said that if there were any hardscapes added or changes that the plans would need to be revised and a request for site plan modification would need to be presented to the Board for approval. DE stated that at the site visit there was a proposal to build a berm to address the flooding and that it appears that the water is coming from Sycamore Lane and believes that can be determined by a civil engineer. BK stated that he would work with JS and his engineer to resolve. LM asked where the new berm would go. BK showed where on the plan. LM asked where that water would go. BK said it would have to go into a drywell. DE asked BK if he would come back at a future meeting with a proposal to resolve. BK said yes, he would speak with his engineer and coordinate with JS. DE asked BMD to have JS validate the tree preservation. DE said in terms of the right of way he wants to be sure that it is properly addressed. DE asked SA to have her attorney send a letter to BK regarding the right of way and copy the Board to verify if it is properly shown on the plan. GM asked where the trees that were cut down. BK pointed out the area on the aerial plan. Lisa Leslie (LL) stated that she has flooding under her shed now which she has not had before and believes it is the result of the grading for this development particularly units 8 and 10. LL has concerns that the new owners are not complying with the dark sky compliant lighting. LL stated that mature trees were removed on the site near the right of way and the silt fence and a picture was shown of the trees after being cut down. DE stated that the Board is going to look into this to see what was approved and if it is inconsistent with what was approved the Board would ask the applicant to do some remediation. DE stated that the Board is trying to get this development into compliance with the dark sky lighting and hopefully the proposal that the applicant has presented will address this issue. LL stated that she requested that dark sky compliant lighting and tree removal be put into the condo docs. BK stated that dark sky compliant lighting is in the condo docs. BK stated that he did not know who cut down the trees in the picture that was shown and went on to state that this work was not done by him. DE asked the abutters that were present if they knew who cut down the trees. SA said that she was told that the owners of # 6 hire a service to come in to cut down the trees. Melissa Katsapetses (MK), 8 Sycamore Ln, said that there is more clearing that needs to be done behind her fence that she installed and stated that they were supposed to be removed in the approved landscaping plan. MK stated that she and BMD walked the property and there was another 20 feet that needs to be cleared. BMD stated that this had been discussed in multiple site visits and went on to state that there is a patch of vegetation that they (BK, Conservation Agent Michelle Rowden and BMD) thought might be a good idea to keep to help mitigate any flooding issues. BMD stated that the plan does call for it to be removed but there is a stormwater issue he would like to see if something could be put there to replace it to help with the stormwater issues. DE stated that the Board will ask BK to incorporate reviewing this issue along with the berm. MK said that nobody has talked about her 2 spotlights which were part of her closing agreement and were installed by BK after she purchased the house. MK stated that they are not in compliance. BK stated that they wired for a spotlight but he never installed a spotlight. BK stated that when the Board said that he had to switch to dark sky compliant lighting he switched all of the fixtures over and capped off her light fixture. BK stated that he told MK

that floodlights are not allowed. BK stated that he believes the light was installed after the fact and reiterated that neither he or his electrician installed MK's floodlights. MK stated that she had a legal document and walked it over to show DE which stated that BK installed the spotlights. DE stated that the document can't override the site plan approval. DE stated that the Board's decision supersedes the deed or anything like that. DE asked MK what she is asking the Board to do about her proposed spotlights. MK stated that she did not install the lights and that BK did. BK stated that he would replace with downward cast lights and stated again that they had these lights capped for the inspection. MK asked if this would be at the expense of the builder. BK stated that they would discuss it. DE stated that BK agreed to make the change and that it is not under the Board's purview about who bears the cost. DE stated that they will need to figure it out.

GM motioned to continue until April 8, 2020 at 7:10pm

DR seconded.

Vote: 5-0, motion passed.

4. Correspondence

DE stated that on Monday evening (3/9/20) he gave the Board of Selectmen (BOS) the semi-annual update which included an update on the Planning Board revolving fund project.

DE thanked BMD for his many years of service with the Town and the Planning Board. DE stated that BMD had done a great job and it was a pleasure to have worked with him and wished him luck.

6. Adjournment

GM motioned to adjourn.

JS seconded.

Vote: 5-0, motion passed.

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

Minutes approved by: _____

Date: _____

