

**Salisbury Planning
Board Meeting
Minutes**

Date: Wednesday, March 25, 2020

Place: Remotely via Zoom

Time: 7:00 p.m.

PB Members Present: Chairperson, Don Egan (DE), Vice Chairperson, John “Marty” Doggett (JMD) , Clerk, Gil Medeiros (GM) , Louis Masiello (LM) and Deborah Ryder (DR) and Alternate Member John Schillizzi.

PB Members Absent: None.

Also Present: Director of Planning Lisa Pearson (LP) and Planning Board Secretary Sue Johnson (SJ).

DE brought the meeting to order at 7:00 p.m. remotely via zoom. Announced, per open meeting law, that the meeting was being recorded.

1. New Business – 7:00 pm

- a. Minor site plan review: 12 Folly Mill Road (Lot # 48) (Assessor’s Map # 12, Lot # 48) – Request made by Folly Mill Twelve, LLC.**

Attorney Lisa Mead (ALM), Mead Talerman and Costa, stated that she was representing the applicant and introduced the engineer Thad Berry (TB) and the property owner Kevin Karpenko (KK). ALM stated the Applicant is applying for minor site plan review for an activity resulting in the disturbance of more than one acre of land on the Property. ALM stated that the Applicant seeks to restore and stabilize the Property which was formerly used as a gravel pit to now be used for agricultural activities. ALM stated that the area to be disturbed is approximately 5.5 acres and the Applicant has filed a Small Project Earth Filling Permit with the Town Manager. ALM stated that 1880 cubic yards of loam have been transported to the Property and stated that no earth filling has occurred yet. ALM shared her screen to show the plans and TB discussed the project, the grading, where the loam would be spread and explained that the loam would be screened prior to being spread. DE asked LP if the Town Engineer (TE) had sent his comments and asked if drainage would be part of the comments. LP stated that the TE has the plans and has not yet provided his comments and drainage should be part of his comments. DE suggested that a Board member may want to do a site visit and JMD stated that he would visit the site. LP stated that she would arrange the site walk. DE suggested continuing until the next meeting on 4/8/2020 and stated that between tonight and the next meeting the site walk would have taken place and the TE’s comments would be received.

DR motioned to continue until 4/8/2020 at 7:10pm.

JMD seconded.

Discussion:

Susan Fish (SF) of 8 Folly Mill Road asked if she and her husband Gary Fish (GF) could also walk the site. LP replied that they could and suggested reaching out to the applicant to arrange their visit. GF stated that trucks have been bringing in fill for the past year and is wondering why they were not notified until this week. LP stated that the Town was notified of the activity and reach out to KK to explain the process that should have been followed and stated that the application that was received after the fact.

Vote: DR-Yes, LM-Yes, JMD-Yes, GM-Yes and DE-Yes – Motion passed.

2. Public Hearings—7:10 pm

DE asked for a motion to take the public hearings out of order.

JMD motioned to take the public hearings out of order.

DR seconded.

Vote: DR-Yes, LM-Yes, JMD-Yes, GM-Yes and DE-Yes – Motion passed.

- a. **Major site plan filing** – 195 (Assessor Map 9, Lot 67) & 201 (Assessor Map 9, Lot 46) Elm Street – Request by Arakelian Family, LLC.

Bruce Arakelian (BA) stated that nothing had changed from the plan the Board saw approximately one year ago. BA stated that the storage facility use was approved and would like to move forward before the approval expires. DE asked when BA could provide a lighting and landscaping plan. BA replied that he would work on getting these to the Board. LP stated she is waiting for comments to come back from the department heads and the TE. LM asked how trash will be handled and when the Board will see architectural drawings showing the building elevations. BA said the buildings will all be one story and drawings can be provided. In regards to trash BA stated that people will be responsible to take care of their own trash. BA stated there will be a dumpster on site for his use. JMD asked about traffic flow and signage. BA stated that he would add to the plan for the next meeting.

LM motioned to continue until 4/8/22 at 7:10pm

JMD seconded.

Vote: DR-Yes, LM-Yes, JMD-Yes, GM-Yes and DE-Yes – Motion passed.

- b. **Cont. modification to a definitive subdivision plan**—28 Rabbit Road (Assessor Map 10, Lot(s) 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 105, 106, 107, 108, 111 112, 113, 114, 115, 116, 117, 123,124, 126, 127, 128, 129, 130, 131, &132—Request made by ZAP Development, LLC

GM recused himself. Attorney Lisa Mead (ALM) stated that she was representing the applicant. ALM stated that a new plan was submitted, shared her screen and showed how the lots were reconfigured and asked to keep the paper street. ALM stated that the applicant is seeking for approval of the plan presented.

DR motioned to approve the modification to a definitive subdivision.

JMD seconded.

Vote: DR-Yes, LM-Yes, JMD-Yes, and DE-Yes – Motion passed.

- c. **Minor Site Plan Modification** - 1 Washington Street, formerly 158 Beach Road, (Assessor Map 17, Lot 23)—Request made by Coastal Lane LLC

Matt Steinel (MS) from Millennium Engineering stated that he was representing the applicant. MS stated that originally there was a 6 ft tall solid vinyl fence that ran along the property which was installed without approval. MS stated that at the last Planning Board meeting the applicant had chosen to remove the fence and just have the privacy dividers between the yards which was approved. MS stated that some of the Board members liked the fence and suggested that the applicant come back in front of the Board with a revised proposal. MS stated that the plan being presented tonight has been revised to show a 4 ft tall vinyl fence with 2 gates 1ft closer to the building along Beach Rd. DE asked if a revised landscaping plan was provided. MS replied yes. There was a brief discussion about fencing. LM suggested a picket fence. MS said he would present the idea to the applicant. DE stated that he feels the landscaping is too linear and asked if more articulation could be added. MS stated that there is only a 4 ft. strip where they can plant vegetation. LP said that the contractor was supposed to finish installing landscaping in the right of way and it does not appear to be finished. DE stated that there are still some unfinished issues that need to be resolved. DE asked for a motion to continue until 4/8/20 at 7:10pm.

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

LM seconded.

Vote: DR-Yes, LM-Yes, JMD-Yes, GM-Yes, and DE-Yes – Motion passed.

- d. **Cont. 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 Bylaw of the Town of Salisbury and pursuant to M.G.L. c. 40A § 9

Attorney David Gallagher (DG) of Regnante, Sterio LLP stated that he was representing the applicant. A draft decision was received from Town Counsel which the applicant updated with some language changes. DE shared his screen and showed the draft decision. There was a lengthy discussion regarding conditions and language changes to the conditions. There was a discussion about the easement use and proposed signage to be added. DE asked how trash removal would be handled. Steve Paquette (SP) stated that a trash management narrative was submitted to the Board today which was displayed on the screen. SP discussed location and how often they would be picked up. LM suggested that the Health Inspector (HI) review the narrative submitted. LP stated that she would follow up with the HI. Wayne Capolupo (WC) stated that the commercial units would not use the residential dumpsters and would need to present a trash management plan as part of their business plan. DE stated that he did not like that trash from the commercial units would be picked up curbside. Tim Lissauskas (TS), 15 Ocean Street, asked how would recycling

be handled. WC replied that they anticipate that 2 of 4 dumpster would be for recycling and went on to state that residents will be required to recycle. TS asked how many trash pick ups per week. WC replied at least 2 or whatever it will take. TS asked what the project will look like between the phase 1 and phase 2. WC stated that the concrete pad that currently exists would be in place prior to breaking ground on phase 2. TS asked if moving and box trucks would use the easement. SP replied that that these trucks would enter through Ocean St and emergency vehicles would use the easement. WC discussed easement use and Dale Gienapp (DG) reviewed the flow of traffic coming in from Ocean St. Jeanne D'Orsi (JDO) discussed the easement use and traffic flow. DE stated that the traffic consultant found that the use of the Ocean St. entrance and exit would not create any adverse impacts. DE went on to state that the easement use was a private civil matter. DG stated that it is their intention to use the easement for ingress and egress and believe they have the right to do and will continue to try to work with Ocean Echo to resolve. JDO asked where the air conditioning units would go. SP stated that they have not gone to construction documents yet and mechanical and electrical plans have not been completed yet but their placement will meet the regulatory requirements for noise. LP stated that she had a point of clarification about the traffic and stated that the way the plan is looking to be approved right now is that the easement is not for emergency egress only it is for 2-way traffic which our traffic studies have never addressed. LP stated that the original study addressed on-way traffic. LP stated that the decision would be approving 2-way traffic on the easement for all traffic. SP stated that it wouldn't be all vehicles because they recognize that the easement limits the number of units that have a legal right to the easement. LP stated that the current decision being contemplated does not address limiting the access of the easement to certain units. DE stated that per Town Counsel this is a private civil matter between the two condo's and that is why the contemplated decision did not address this. The was a lengthy conversation regarding the hearing process.

LM motioned to approve the remand petition and the draft site plan with the conditions as modified in this discussion.

GM seconded.

Vote: DR-Yes, LM-Yes, JMD-Yes, GM-Yes, and DE-Yes – Motion passed.

2. Adjournment – 9:40pm

GM motioned to adjourn.

LM seconded.

Vote: DR-Yes, LM-Yes, JMD-Yes, GM-Yes, and DE-Yes – Motion passed.

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

Minutes approved by: _____

Date: _____