

**Salisbury Planning  
Board Meeting  
Minutes**

**Date: Wednesday, April 22, 2020**

**Place: Remotely via Zoom**

**Time: 7:00 p.m.**

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**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 opening meeting law, that the meeting was being recorded.**

**1. New Business – 7:00 pm**

- a. Signing of plans and permits**
- b. Modification of definitive subdivision plan—8 Bartlett (Assessor’s Map 17, Lot 105) and 10 Bartlett Street (Assessor’s Map 17 Lot 212)—Request made by David Elgart**

David Elgart (**DE**) stated that the modification request is to change from a stone driveway to a reclaimed asphalt driveway and reduced the width of the driveway to add an infiltration trench. **LP** read the comments received from the Town Engineer and stated that the Planning Department is awaiting comments from the DPW Director. **DE** stated that he has had a few email exchanges with the DPW Director who directed him to the Conservation Commission and they approved the change.

**GM** motioned to approve.

**JMD** seconded.

**Vote: JMD-Yes, GM-Yes, DR-Yes, LM-Yes and DE-Yes.**

**2. Public Hearings—7:10 pm**

**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 he was representing himself. **DE** read through the applicants' responses to the Town Engineers comments. There was a lengthy discussion regarding the work that had been completed for the previously approved project which was never closed out and what would need to be done to meet updated regulations. **LP** stated that she would work on a plan to close out the prior project or merge with this application before the next Planning Board meeting. **DE** requested that the applicant works with the Planning Department to address the following concerns: address or close out prior project, lighting, building design, traffic flow and landscaping prior to the next meeting.

**GM** motioned to continue until 5/13/20 at 7:10pm

**JMD** seconded.

**Vote: JMD-Yes, GM-Yes, DR-Yes, LM-Yes and DE-Yes.**

**B. Cont. special permit and major site plan review – 238 Lafayette Road (Assessor Map23, Lot17) – Request made by Ganesh Wellness, LLC.**

**LP** stated that the applicant has requested a continuance until 5/27/20 at 7:10pm.

**GM** motioned to continue until 5/27/20 at 7:10pm

**DR** seconded.

**Vote: JMD-Yes, GM-Yes, DR-Yes, LM-Yes and DE-Yes.**

**C. Cont. minor site plan review – 139 Elm Street (Assessor Map 9, Lot 18) – Request made by Li Realty Trust**

Matt Steinel (**MS**) from Millennium Engineering stated that there was no update to present tonight and requested a continuance until 5/27/20 at 7:10pm.

**JMD** motioned to continue until 5/27/20 at 7:10pm

**LM** seconded.

**Vote: JMD-Yes, GM-Yes, DR-Yes, LM-Yes and DE-Yes.**

**D. 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 he was representing the applicant Kevin McDonald (**KM**) who is also in the audience. **MS** shared his screen showing the plan that was presented at the previous meeting with the modifications

they are requesting which include landscaping along Beach Road and removal of the solid fence that currently resides along the property line and pulling it in on the property. **MS** stated that the Board had asked for a picket style fence. **MS** showed the 4 ft picket fence style that the applicant picked out which will replace all fencing on the property except for the sloped dividers between the yards. **GM** asked if they resolved the parking issues. **MS** stated that the applicant will send out certified letters to the homeowners stating that there is no parking on the sidewalk. **DE** stated that no fence has been approved yet. **DE** also stated that the Board did not request a picket style fence but a picket style fence was discussed. **DE** stated that the proposed landscaping seems linear. **DE** stated that he would like to see the fence run parallel with the building; not run along property line. **DE** stated that he provided the applicant with a sketch containing options for fence layout and landscaping. **MS** gave responses to the issues that **DE** just discussed. **MS** stated that unit 3's sale is pending and the other units have already sold. **MS** stated that the issue the applicant has is that three units that are already sold and are occupied have a product they have seen and limited yard space. Moving the fence would significantly decrease their yard space and take away from what they were purchasing. **MS** stated that this is a big concern for the applicant. **MS** stated that they are requesting the plan be approved as presented tonight and not move the fence in by 2 feet. **DE** stated that fencing was not on the initial proposal. **MS** stated that they do not want to take away yard space from the people that are currently living there. **DE** stated that with all due respect to the applicant did something not approved. **DE** said whatever occurred with **KM** and the buyer was never approved by the Town. **DE** stated that the Board is trying to give a compromise to the applicant. **DE** stated that the applicant got themselves into a situation where they presented something to the buyers which wasn't permitted. **KM** stated that he understood and asked if the Board would consider maintaining as much of the yard as possible. **KM** suggested angling the fence in the corners. **DE** stated that this could be a compromise and asked **MS** to explain the proposed changes to the Board for clarity. **MS** stated that he would get a revised plan to the Board as soon as possible. **MS** discussed all of the proposed changes stated that they would update them on the plan. **DE** asked the Board if they were amenable to the proposed changes. **JMD** thought it was a good compromise. **GM** did not agree with the fence running parallel with the building and thinks it would look better running along the property line. **DR** agreed with proposed changes. **LM** agreed with proposed changes. **DE** asked **LP** about bonding process so that the applicant could close on their last unit. **LP** stated that the applicant would need to provide revised plans, fencing and landscaping estimates to the Board. **MS** stated that they already have the landscaping estimate and will provide to the Board and in regarding to the fence the applicant can get an estimate. **MS** stated that he would get the revised plan to the Board by the end of the week. **DE** stated that the Board needs to vote on the amount of the bond. **MS** suggested that the board authorize **LP** to establish the bond amounts as follows: Fence = 100% of the quote submitted & Landscaping = 110% of the quote submitted. **LP** stated that she could do that and present to the Board for final approval. **DE** did not like this proposed process. **DE** asked the applicant what the estimated costs were

for landscaping and fencing. **MS** said \$6,600.00 for landscaping and **KM** said \$4,000.00 for fencing. **KM** stated that the last unit got pushed out until the middle of next week and believes they could have the fencing completed prior to the closing. **DE** suggested the applicant pay a \$10,000.00 bond for landscaping and a \$5,000.00 bond for fencing.

**DE** suggested that the motion should state, to approve a minor site plan modification consistent with the changes that were proposed tonight, including the angling of the fence, and fence placement of 9 feet 9 inches parallel to the building. Provision of a bond in the amount of \$10,000.00 for landscaping which will be held for 2 growing seasons and a \$5,000.00 bond for fencing. The final plan and bonds must be submitted to the Planning Department by 2:00pm on Monday (4/27/20).

**JMD** motioned to approve.

**DR** seconded.

**Vote: JMD-Yes, GM-Yes, DR-Yes, LM-Yes and DE-Yes.**

**E. Minor Site Plan Modification – 211 Beach Road (Assessor Map 28, Lot 42) – Request made by Beach Realty Trust**

Kevin Neville (**KN**) stated that he was representing himself. **KN** discussed the proposed changes to water and sewer. **KN** stated that they also want to change the flooring in the carport (under building) from concrete pad and crushed stone to all crushed stone. **DE** asked if the change to use crushed stone only approved by Conservation. **KN** replied that it had not been approved yet and believes that it will be. **DE** agreed that he thought the change would be approved by Conservation. **LP** stated that comments were received from the Town Engineer and there are changes from the existing plan which was approved back in 2009 to the current plan. **KN** stated that he had not yet received them. **LP** emailed **KN** the comments from the Town Engineer. **LP** stated that the Board is waiting on comments from the DPW Director.

**GM** Motioned to continue until 5/13/20 at 7:10pm.

**LM** seconded.

**Vote: JMD-Yes, GM-Yes, DR-Yes, LM-Yes and DE-Yes.**

**F. Special Permit for Medical Marijuana Dispensary – 107 Elm Street (Assessor Map 9, Lot 104) – Request made by Alternative Therapies Group**

Attorney Jeff Roelofs (**JR**) stated that he was representing the applicant. **JR** stated that he was here tonight with Dan Talbot (**DT**) from Alternative Therapies Group (**ATG**) and Paul Alunni (**PA**) from Millennium Engineering. **JR** stated that they are requesting to renew the medical marijuana special permit that was granted to **ATG** in April 2018 and are requesting to incorporate into the operations a small cultivation proponent which is a separate modification request that came in after they filed the renewal

request. **JR** stated the only operations that the Town has seen from **ATG** to date are from recreational marijuana use which was approved by the Board in August 2018. **JR** stated that there has been preliminary approval for the medical marijuana license the state Cannabis Control Commission (**CCC**) but final approval has not been issued. **JR** stated that it is possible that if they do not get this permit renewed and the cultivation component approved and documented that might delay the state licensing and would like to try to get this resolved at this meeting. **JR** stated that there was a separate community host agreement with the Town for the medical marijuana dispensary which was updated in December 2019. **JR** stated that the key aspects of the small cultivation component are that it will not involve anything outside of the building, it is an expansion of the leased area within the building and will not involve any additional employees. **JR** stated that there will be an outside consultant that will come in a few times a week to monitor the cultivation activities. **JR** discussed the traffic issues and accidents. **JR** stated that they met with the Police Chief to discuss measures which could be implemented to address the issues. **JR** discussed the measures 1. rent parking spaces from the car wash across the street for employee parking and 2. add signage. **JR** stated that these measures have been implemented and have made an improvement in traffic flow. **JR** stated that a recreational use facility just opened in Amesbury which probably decreased the traffic to **ATG**. **JR** stated that due to Covid-19 shut down orders all recreational facilities are currently shut down but medical facilities are still operational. **DE** asked how many square feet the cultivation area would be. **DT** replied the cultivation area is 200 square feet and the entire modified area is 1900 square feet which is considered a tier 1 operation under the state regulations. **DT** stated that this will be added to their lease. **DE** stated that he has concerns about employees crossing Route 110 (Elm Street) from the car wash at 106 Elm Street. **DE** stated that the spaces at 106 Elm Street are already allocated for another use. **DT** stated that they will monitor the traffic flow. **LP** suggested meeting with **DT**, a Board member, herself and the Police Chief to discuss possible solutions to the traffic issues. **DE** suggested adding a condition to make sure this meeting happened within a 60-day timeframe from when the recreational marijuana facility reopens. **LP** disagreed with waiting until they reopen and stated that while they are closed is a great time to deal with the traffic issue. **DE** stated that he had not considered this option and agreed with **LP**. There was a lengthy discussion about traffic and safety. The Board agreed to add a condition to the renewal to include a traffic study within 60 days.

**LM** motioned to renew the special permit for 2 years with the condition that a traffic study be conducted utilizing the services of a traffic engineer, Town Planner and Police Department within 60 days.

**JMD** seconded.

Discussion:

**DE** asked **LP** if the motion was inclusive enough. **LP** suggested additional language regarding the site plan modification.

**LM** amended the motion to include that site plan modification if needed be provided with the study.

**JMD** seconded the amended motion

**Vote: JMD-Yes, GM-Yes, DR-Yes, LM-Yes and DE-Yes.**

**GM** motioned to amend the special permit to include the cultivation area.

**LM** seconded.

**Vote: JMD-Yes, GM-Yes, DR-Yes, LM-Yes and DE-Yes.**

### **3. Other Business**

#### **Request for Certificate of Completion —106 Elm Street (Assessor Map 17 Lot 24)—Request made by Christopher Deluca**

Paul Alunni (**PA**) updated the Board, showed the as-built plan and discussed their response to the Town Engineer's comments and showed the changes made on the plan. **PA** stated a corner of the granite curbing encroaches on the Elm Street right of way. **PA** stated that MassDOT was ok with this but requested the Mr. DeLuca acknowledge that he understands this is MassDOT property and that if they need it moved he would need to move the curbing. **PA** stated that he would provide the Board with the email from MassDOT. **DE** asked about renting parking spaces to 107 Elm Street. **PA** stated that he was unaware of the spaces being rented and read a text message from Mr. DeLuca which read that there is no contract agreement with 107 Elm Street, it was short term to help with the traffic issue. Mr. Deluca texted that he would refrain from allowing 107 Elm Street to park at the car wash moving forward. **LP** explained that there are 7 spaces, 2 spaces were for residential and 5 spaces are for the car wash.

**LM** motioned to approve the Certificate of Completion with the condition that the Town Engineer review the applicant's comments and approve the as-built plan.

**GM** seconded.

**Vote: JMD-Yes, GM-Yes, DR-Yes, LM-Yes and DE-Yes.**

### **4. Correspondence**

a. **None.**

### **5. Executive Session**

### **6. Adjournment – 10:30pm**

**GM** motioned to adjourn.

**JMD** seconded.

**Vote: JMD-Yes, GM-Yes, DR-Yes, LM-Yes and DE-Yes.**

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

**Minutes approved by:** Don Jan

**Date:** 3/18/21