

**Salisbury Planning Board  
Meeting Minutes**

**Date: Wednesday, August 26, 2020**

**Place: Remotely via Zoom**

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

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

PB Members Absent: None

Also Present: Assistant Planner Michele Grenier (**MG**), 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 – nothing to be signed**
- b. **ANR – 98 Main Street (Map 11, Lot 32) – Request made by Rick and Andrea True**

Matt Steinel (**MS**) stated that he was representing the applicant **MS** stated that each lot will be .56 acres with frontage. **MG** stated that the application meets the requirements.

**GM** motioned to endorse the ANR.

**JMD** seconded.

Vote: **DR**-Yes, **GM**-Yes, **LM**-Yes, **JMD**-Yes, & **DE**-Yes – motion passed

**2. Public Hearings—7:10 pm**

- a. **Site Plan Review Filing – 2 Broadway (Map 32, Lot 54) – Request made by Joe’s Playland/Abdulla Enterprises for the construction of 25 or more parking spaces.**

Frank Abdulla (**FA**) stated that the proposed parking lot is would replace the go-cart lot. **FA** stated that they had a preliminary drawing done by Millennium Engineering which shows approximately 46 parking spaces including 2 handicap spaces. **FA** stated that it is a well-lit area. **JMD** asked if the parking lot would be permanent or temporary. **FA** stated that their long-term goal for the land is to develop it but in the interim they would like to make it a parking lot to cover their expenses. **LM** asked if the entrance and exit for the parking lot would be on Railroad Ave. **FA** stated yes. **JMD** asked **FA** to discuss the lighting on the property. **FA** stated that it is the same lighting used for the go-cart lot and is a well-lit area. **DE** shared his screen to show the layout of the parking lot. **DE** asked what the size of the parking spaces on the plan. **LP** stated that the plan shows 9’x18’. **DE** stated that parking spaces need to be 10’x20’ to comply with the zoning bylaw. **DE** asked what kind of landscaping they are proposing to screen this from the

public way. **FA** stated that right now it is fully gated and they were thinking about putting out some planters. **DE** stated that in the planning board rules and regulations a parking lot should be screened from the public way with the use of landscaping. **DE** went on to state that a landscape plan is part of the Site Plan Review Application unless a waiver is requested. **DE** stated that no waivers were requested for this application. **DE** stated that the lighting that exists there today is not compliant with the current standards of Dark Sky Lighting. **DE** stated that one of the objectives of Site Plan Review is to bring all new development into compliance with current standards. **FA** stated that they were planning to change to LED lighting. **DE** suggested **FA** to work with the Planning Department to make sure it is compliant with current standards. **DE** stated that this location was previously approved for a parking lot when owned by the Thomson Group. **DE** stated that the intent may be that the parking lot would be temporary however the site plan review has no provision for granting any type of temporary approval. **DE** stated that the previous approval for a parking lot was granted 7 – 10 years ago. **DE** stated that if the Board approves the application the parking lot could become permanent. **DE** went on to state that he has no doubt that **FA** wants to build something down the road that would fit into the redevelopment of Salisbury Beach however, plans and circumstances could change and if the parking lot becomes a viable business the applicant could decide to continue with the use as a parking lot. **DE** stated that he feels the Board should take a longer view of this rather than approaching this as temporary in nature. **DE** suggested that the applicant works with the Planning Department to bring the plan into compliance with current site plan review requirements. **DE** asked **LP** if the applicant needed to go through Conservation. **LP** replied no they are not looking to repave or do anything outside of the existing area. **DE** stated that we could continue this and give the applicant an opportunity to address these concerns that were raised this evening or the Board could reject the application because it does not comply with the submittal requirements. **LP** stated that the Board could vote on it and asked why it did not meet the submittal requirements. **DE** replied that it is a major site plan application and there is no landscape plan, lighting plan and location of dumpsters or trash receptacles are not indicated. **LP** stated that the applicant is not looking to make these changes to the site. **FA** stated that he understands the Board's concerns but the parking lot is going to be a temporary use. **FA** asked if he could get a waiver for the landscaping. **DE** stated that he understood what **FA** was saying but it could become a permanent use because there is no provision in the site plan approval process for approving something on a temporary basis. **GM** stated that this is an application for a parking lot and does not believe so many restrictions need to be put in place. **DE** stated that to some extent he could agree with **GM** but there are no protections for this not to become a permanent fixture and it is occupying one of the most prominent locations at the beach center. **DE** stated that the Town has gone through a tremendous effort to improve the character of the beach center. **GM** stated that he does not agree with requiring landscaping for a parking lot. **LM** stated the Board has requirements that must be met or waived and because it is a major site plan review the lighting and the landscaping do have to be addressed. **LM** stated that the area is paved and it would be difficult to landscape and suggested as using some type of material to screen the fence or address a waiver to the landscaping. **LM** stated that he is not that worried about the lighting because it is a commercial area. **LM** stated that the applicant should submit waivers or we can't approve it because it does not comply with what the Board has to do for site plan. **DE** asked **LP** if parking lots were a permitted use in this district. **LP** stated that there are multiple lots in this area. **GM** asked if the Board could put a time limit on the approval. **DE** replied that they could if it was a special permit but not for site plan approval. **JMD** asked if it was possible to approve with conditions that the parking spaces adhere to code, LED lighting would be accepted and for the applicant to work with the Planning Department on a screening idea instead of landscaping. **DE** does not feel that this is a good space for a parking lot because the beach center is the showpiece of Salisbury and we could get stuck with this for 20 years. **GM** suggested that they could approve the application with changes and give them a timeframe of 2 years to complete the changes. **GM** stated that if the changes were not completed they would need to come back in front of the Board. **GM** also

stated that he does not agree with covering the fence for security reasons. **DE** stated that **GM's** suggestion was creative and might work. **DE** suggested the possibility of adding a bond to ensure that the work is completed in two years. **GM** asked "a bond for what"? **DE** replied the landscaping plan. **GM** does not agree with any type of landscaping and believes the bond should be for lighting. **GM** stated that this is only a parking lot and the Board should not make it harder on the applicant to move forward. **DE** stated that there is no provision to approve something in this manner. **DE** stated that they are not proposing to impose anything unique on the applicant, they are asking the applicant to meet the requirements of Site Plan Review and the plan as presented does not meet these requirements. **LM** stated that if the board conditions a landscaping plan the applicant will lose parking spaces. **LM** went on to state that is why he suggested the screening of the fence from public view. **DE** stated that he thinks that the Board should give the applicant an opportunity to come up with a landscaping plan. **LP** stated that the applicant has just submitted a waiver via email. **DE** stated that on the Cable Ave side there is an existing structure where the beach mural is and feels that this area would not need to be addressed for screening. **LP** stated that instead of the bond the Board could tie the conditions to the business license which is renewed yearly and if the applicant does not comply the Board of Selectmen would not renew their business license. **DE** stated that the Board does not have jurisdiction over business license. **LP** stated that the Building Inspector enforces our site plans and signs off on all of the business licenses to state that if they comply or don't comply with zoning and the decision with the conditions could be submitted to the building inspector and the Board of Selectmen so they are aware of the temporary nature of this. **DE** would like the Planning Department and the applicant to come back at the next meeting with a plan and draft decision to address the issues. **JMD** asked **FA** how critical the fence was. **FA** stated that it is critical. **DE** motioned to work with the Planning Department and come back with a revised proposal. **GM** commented that the fence would help protect pedestrians walking by if someone hit the gas instead of the break. **GM** stated that the entire Board has not yet weighed in about moving forward tonight and asked to get a consensus of exactly what the Board is looking for the applicant to work on with the Planning Board. **DE** stated that he has a motion on the floor and asked if there was a second.

**LM** seconded.

Discussion: Chuck Takesian (**CT**) stated that the Abdulla's purchased this as a go-cart ride and their tenant abruptly left and are stuck with a piece of land with a paved lot and parking is needed down at the beach. **CT** stated that **DE** referenced that the center is the showpiece of the beach, **CT** replied that the beach is not there yet and he believes you can put a time limit on Site Plan Review. **DE** stated that he is not aware of a way to put a time limit on Site Plan Review and suggested that **LP** check with Town Council. **LP** stated that the bylaw can be reviewed but believes that **DE** is correct about not being able to impose a timeframe but could address this through conditions and not release the Certificate of Completion until these have been met. **DE** stated that there was a motion on the floor that has been seconded. **DE** reviewed the motion again stating that the Board is asking the applicant to work with the Planning Department to come up with a way to address some of the concerns that were raised today and also give the Planning Department time to consult with Town Council for possible methods of attaching a time limit. **LM** stated that he seconded the motion and agreed with **DE's** motion to explore these ideas with the Town Planner and come back with waivers if needed. **GM** suggested that the Board check with the applicant regarding their timetable because summer is near the end. **DE** asked **FA** when they would like to be able to open. **FA** replied as soon as possible to raise some money to pay the taxes on the property. **FA** stated that they have done a lot to clean up the site. **DE** asked if they received a license from the Board of Selectmen for this. **FA** replied not yet because they had to go through the Planning Board first. **LM** stated that they did a nice job cleaning up the lot. **JMD** stated that he thinks the Board should give them a conditional approval. **GM** motioned to amend **DE's** motion to give them temporary approval for 2 weeks

until they come back in front of the Board. **DE** is not sure if that would be legal. **GM** stated that if he was not sure it is legal he would like his motion to stand. **DE** asked **GM** if he could site something from the bylaw that has this provision. **GM** said no. **DE** asked the Board if there was a second to **GM's** amendment. The motion to amend failed because no Board members seconded the amended motion. **DR** suggested having a draft approval before the next meeting. **DE** asked **LP** when she could have this ready. **LP** asked for clarity from the Board. **DE** stated that the applicant needs to work with the Planning Department to address lighting, landscaping or screening, the size of the parking spaces and the temporary use issue. **LP** asked why they could not handle the temporary use issue through a bond or their business license. **DE** called for a vote.

**Vote: GM-No, JMD-No, LM-Yes, DR-No, DE-Yes - motion failed.**

**DE** asked if a Board member would like to motion to approve the site plan application subject to the following conditions, the parking space size needs to be brought into compliance with the zoning bylaw (10'x20'), all lighting on the site or within control of the site become dark sky compliant and not cause glare or interference in the public way. The applicant shall devise a minimal landscape screening or enhancement that improves the aesthetics of the property particularly along Broadway and the corners of Cable and Railroad. The approval is valid for no longer than two years and would require renewal or non-renewal of the business license enforceable by the Building Inspector. **JMD** suggested in regards to the landscaping change the wording to work with the Planning Department and **LM** agreed.

**JMD** motioned to approve the site plan application subject to the following conditions, the parking space size needs to be brought into compliance with the zoning bylaw (10'x20'), all lighting on the site or within control of the site become dark sky compliant and not cause glare or interference in the public way. The applicant shall work with the Planning Department regarding the landscape change. The approval is valid for no longer than two years and would require renewal or non-renewal of the business license enforceable by the Building Inspector.

**DR** seconded.

Discussion: **LP** stated that Site Plan Review can't be limited to two years and went on to state that at a two-year point then they would begin to work on these conditions not that their business license would be revoked at that point. **DE** stated to **LP** that in two years you want to see the applicant come back with a landscape plan. **LP** stated that after two years they would come back with a plan if they wanted to continue running a parking lot. **LP** stated that the Board has approved phased projects in the past and in this case the landscaping and lighting plan would be part of phase 2 if they are going to make it permanent. **LP** stated that Phase 1 would be opening the lot with 10'x20' parking spaces. **JMD** replied if the Board is concerned with aesthetics why would we wait two years. **LP** replied that if it was only going to be a temporary use lighting and landscaping would not be necessary. **DE** stated that he would like to amend the motion to have Town Council advise the Board whether or not the possibility of enforcing the two-phase approach through the licensing process is enforceable and if it isn't then this approval would need to come back to the Board for amendment. **GM** stated that he does not think that Town Council needs to get involved and that the Board should change to motion to show the two-phase suggestion by **LP**. **DE** stated that we have a motion and stated that he was going to call for a vote. **DE** asked **JMD** how he would like to vote and **JMD** asked what are we voting on.

**DE** stated that the current motion is to approve the site plan as submitted with conditions that the applicant devise a minimal landscape plan, bring the lighting into compliance with dark sky compliant lighting, resubmit the plan to show the parking spaces as 10'x20' to meet the zoning

requirements and to include language that is enforceable through the business license process that if it does not come into compliance after 2 years the license would not be renewed.

**Vote: LM-Yes, JMD-Yes, DR-Yes, GM-No and DE-Yes – motion passed.**

**b. Continued Special Permit and Major Site Plan Filing - 187 Lafayette Road (Map 19, Lot 296) - Request made by Root & Bloom for a recreational marijuana cultivation and product manufacturing facility.**

Adam Costa (AC) of Mead, Talerman & Costa stated that he was representing the applicant. DE asked the Board if they had reviewed the draft decision. The Board replied yes. DE stated that it seems that one of the main issues has been odor control and the aesthetics of the building. AC thanked MG for circulating a draft decision yesterday and that he provided her with some suggested revisions and believed she had also received some revisions from DE. AC stated that MG shared a compiled version of the draft decision incorporating the suggested changes just prior to this meeting. AC stated that with respect to the substance of the decision and the conditions that for the most part they would agree and have no objections to the drafted conditions. AC stated that there are many clerical issues in the draft he received just prior to the meeting that need to be corrected. Brian Kealey (BK), 9 Del Logan, stated that he has spoken with Brad Kutcher (Brad) about the proposed conditions but has not seen them and may have questions further into the meeting. DE asked LP if we need to address the clerical issues now or is it an administrative issue that can be corrected later. LP stated that it would be worked out later. DE shared his screen and showed the proposed draft conditions. AC discussed condition # 5 which states "If the applicant intends to remove any trees other than what is shown on the site plan, they will provide the planning department with a written plan which demonstrates that the maximum number of trees on the site will be preserved. The plan must be accepted by the Planning Department prior to any work being performed. The applicant is encouraged to work with the planning department in the development of said plan." AC stated that there are very few trees on the site and does not think it applies. LP stated that it is a standard condition and could be struck if the board would like. DE polled the Board to get their opinion on whether or not the condition should be kept. The majority of the Board felt that the condition should stay. BK stated that he and his wife spoke with Brad about this and would like the trees along the property line to remain and would like the condition to stay in the decision. AC stated that there is an interesting layout to the subject property as it relates to the adjacent properties including the Kealey's and 2 other properties AC went on to say that there is an intervening property recognized on the plans as now or formerly Dean R. Ackerman (Map 19, Lot 297) which is a triangular parcel between the applicant's property and the Kealey's property which they do not own and have no authority to cut down trees nor do they have a reason to. AC shared his screen and asked Chris York (CY) how many feet were between the applicant's property and the Kealey's property. CY replies approximately 30 feet. BK stated that he was aware that Dean Ackerman owned a sliver of land there and did not know what the intention was moving forward. BK believes it is the intention of the applicant to purchase this land. George Hazeltine (GH) stated that he was the owner of 187 Lafayette with Brad. GH stated that they do not have clear title on the back triangle but do own the rights to that land and would be happy to accept a condition not allowing them to cut down the trees on that triangle. AC discussed condition # 6 regarding bollards. DE asked the applicant if there were windows along the side of the building with the handicapped spaces. Adam Sitterly (AS) replied that there are windows along this side of the building. AC stated that the applicant has no objection to conditioning bollards along this side of the building. AC discussed condition # 7, the hours of operation. AC stated that this is not a retail establishment and there will be limited staffing before 6:00am and after 7:00pm. AC stated that there will not be pickups or deliveries of product or materials afterhours. LP stated that she thought there were going to be 3 shifts. AC replied yes there will be. AC discussed condition # 22 and stated that they want to as transparent as possible in regards to growing schedule and

processing schedule but need to be mindful of security. **AC** stated he is concerned with providing this information with a public board. **DE** stated that it could be reworded to make available for inspection and coordination purposes by the Planning Department. **DE** reviewed the conditions that have to do with odor for the abutters and the public. **BK** thanked the Board and applicant and asked if they could create a baseline of odors which are normal to the neighborhood prior to production. **AC** replied that every odor has its own signature and there are mechanisms in place to control cannabis odor specific to this facility. **AC** stated that he is not sure how to establish a baseline and believes that the conditions that **DE** just reviewed would be sufficient. **DE** believes this is covered under the condition that says "If the Town of Salisbury Building Inspector, Health Agent or Planning Board deem additional inspections by independent consultants necessary, such inspections and associated reports shall be at the expense of the permit holder".

**GM** motioned to close the public hearing for Special Permit and Site Plan Review

**JMD** seconded

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

**LM** motioned to approve the Special Permit

**GM** seconded

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

**GM** motioned to approve the Site Plan Review

**JMD** seconded

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

**c. Continued Flexible Residential Development Special Permit and Definitive Subdivision Filing - 9 Gerrish Road (Map 22, Lot 19) - Request made by DeStefano Development LLC c/o Lisa Mead, Mead Talerman & Costa, LLC**

**DE** stated that the applicant submitted a request for continuance until 9/9/20 at 7:10pm.

**LM** motioned to continue until 9-9-20 at 7:10pm

**DR** seconded

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

**d. Continued Minor Site Plan Review – 139 Elm Street (Map 9, Lot 18) – Request made by Li Realty Trust to add 23 new parking spaces.**

**DE** stated that the applicant submitted a request to continue until 9-23-20 @ 7:10pm.

**GM** motioned to continue until 9-9-20 at 7:10pm

**JMD** seconded

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

3. **Other Business**

4. **Correspondence**

5. **Adjournment**

JMD motioned to adjourn.

DR seconded

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

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

Minutes approved by: 

Date: 10/7/20