



Salisbury Planning Board

December 27, 2023

Salisbury Town Hall, 5 Beach Road Colchester Room & Remotely Via Zoom

7:00 PM

Meeting Minutes

PB Members Present in Person: Chair, John “Marty” Doggett (**JMD**), Vice Chair, Gil Medeiros (**GM**), Clerk, Warren Worth (**WW**), and John Schillizzi (**JS**)

PB Members Present via Zoom: Deb Rider (**DR**)

PB Members Absent: Alternate, Angelica Medina (**AM**)

Also Present: Director of Planning Lisa Pearson (virtual), and Planning Board Administrative Assistant, Ellie Cornoni

JMD brought the meeting to order at 7:02 p.m. remotely via zoom. Announced, per opening meeting law, that the meeting was being recorded.

1. New Business – 7:00 pm

- a. 9 Gerrish Road / Winterberry Circle (Map 22, Lot 19) – Winterberry Circle Extension and Partial Release of Surety and Release of last Certificate of Occupancy – Applicant is requesting; 1.) to extend the deadline to complete the roadway by six months to June 30, 2024; 2.) the release of the last Certificate of Occupancy; 3.) a bond reduction. **Applicant:** DeStefano Development Group, LLC
 - Attorney Lisa Mead, of Talerman, Mead & Costa, LLC, spoke on behalf of the applicant.
 - She stated they are before the Board for the three reasons listed in the description of the agenda item.
 - She stated a condition of the decision for the Special Permit for the final occupancy permit is to deed off the open space to the Conservation Commission. She stated in order to do that under [MGL] Chapter 40, Section 8c, there needs to be permission from the Board of Selectmen in order to accept the land. She said they did this back in 2022 but it was not conditioned to do it until before the last occupancy permit request. She said they [the applicant] were in front of the Conservation Commission last week which continued their hearing because they wanted to wait until the project was before the Planning Board.
 - She addressed the comments from the Planning Director ;
 - She stated one of the comments was about there being construction materials on the site. She said there are materials there but being stored neatly until the work is finished.
 - She stated there was a comment about a light post being down. The light post next to the rail trail walkway was knocked down in October but was put up right after.
 - She stated there was a comment about the entrance to the rail trail was incomplete however as of yesterday it was completed. The area behind the

- fence has been stabilized as well. The pathway to the rail trail has been completed including the bog bridge and stairs.
- The as-builts are set to be completed in January. The schedule for spring is the final coat of pavement on the roadway and driveways will be done, the sidewalk on Gerrish Road will be done and any patches that need to be hydro-seeded will be done. She noted that this schedule is weather permitting.
 - Attorney Mead went through a list of remaining items and their costs:
 - Topcoat of pavement for road and driveways - \$45,000
 - Remaining Landscaping - \$5,000
 - Remaining Fencing - \$5,000
 - Final as-build plan - \$20,000
 - Gerrish Road Sidewalk [415 linear feet] - \$21,205
 - She stated the bond is being held a \$216,675 and that they are requesting a reduction to \$96,205 per the remaining items and their costs.
 - **JMD** asked what the surface is that was put down for the Railtrail.
 - Attorney Mead stated it is crushed stone/ stone dust, this is what was approved by conservation commission.
 - **JS** stated the letter request has a different bond reduction number than what is being asked now.
 - Attorney mead stated they updated the numbers by adding the as-builts and the sidewalk on Gerrish Road.
 - **DR** asked about the cost of the sidewalk.
 - Lisa Pearson stated that the cost of the sidewalk will need to be reviewed by the DPW Director.
 - Attorney Mead stated this number was figured by the cost of the sidewalks that were built within the subdivision. She stated in the decision it states the sidewalk would be either self-constructed or funded.
 - Attorney Mead stated she is willing to make the reduced bond \$125,000 which would cover the cost of the sidewalks. She stated there is every intention to get this project done.
 - Lisa Pearson stated she does not believe the bond should be reduced at all and recommends the items on the list to be completed before the release of the last Certificate of Occupancy.
 - Attorney Mead stated they are before the board to discuss the remaining items and their costs.
 - Lisa Pearson stated the Conservation Commission cannot accept the open space until the rail trail is complete.
 - **WW** asked Lisa Pearson if they can keep the bond the same but release the Certificate of Occupancy.
 - Lisa Pearson stated, it's her opinion the Certificate of Occupancy should not be released. She reiterated, the items needing to be completed before releasing the final Certificate of Occupancy, per the decision, have not been done.
 - Attorney Mead stated the applicant has been on schedule even through the hardships encountered throughout this project.
 - Mark Donahue – father and attorney of the buyers of the last lot of Winterberry Circle gave public comment giving a history of purchase of the house.
 - **DR** stated she understands the Planning Director's frustration and the Planning Board's frustration where this has happened before, where unfortunately buyers are put in the situation of expecting a home when the project is not complete. But she is comfortable releasing the Certificate of Occupancy with a sufficient bond.

- WW, JS and GM echo DR's statement.

GM motioned to accept; the extension of the roadway to June 30, 2024 and grant the final Certificate of Occupancy, but deny the reduction of the bond for the Definitive Subdivision at 9 Gerrish Road/ Winterberry Circle. WW seconded this motion. Roll call was taken, all members (5) voted in favor. Motion passed.

2. Public Hearing - 7:10 pm

3. Other Business

a. Meeting Minutes : 3/9/22 & 12/13/23

GM motioned to approve the minutes for the March 9, 2022 Planning Board meeting. JS seconded this motion. Roll call was taken, 4 members voted in favor, 1 abstained (WW). Motion passed.

JS motioned to approve the minutes for the December 13, 2023 Planning Board meeting. WW seconded this motion. Roll call was taken, all members (5) voted in favor. Motion passed.

b. Update on Open Space and Recreation Plan

- Lisa Pearson announced there was a meeting last week discussing the 5-year action plan. She recommended the Board members look at the updates and the old Open Space and Recreation Plan and submit comments. There will be another meeting in January and hopefully have a draft for the community to review.

4. Old Business

5. Correspondence

a. MBTA Zoning Meeting January 11, 2024 at 7:00 PM

6. Adjournment

GM motioned to adjourn. JS seconded this motion. Roll call was taken, all members voted in favor. Motion passed.

Meeting adjourned at 7:45 pm

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

Minutes approved by: _____

Date: _____

