



Date: September 13, 2023

Place: Salisbury Town Hall, 5 Beach Road & Remotely Via Zoom

Time: 7:00 pm

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

PB Members Present via Zoom: Alternate, Angelica Medina (**AM**)

PB Members Absent: None

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

JMD 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. **75 Ferry Road (Map 15, Lot 95)** - Accessory Apartment Special Permit – Request for a special permit to construct a 723 SQ FT accessory apartment. **Applicant:** Kyle & McKenzie Johnston

- Matthew Steinel, Millennium Engineering, spoke on behalf of the applicant.
 - There was a mobile home on the lot that has been demolished. The applicants are going to add a new 3-bedroom home with a 1-bedroom apartment in the basement.
 - They have been approved by the Conservation Commission.
 - There is a scheduled meeting with ZBA later this month.
- **WW** asked to confirm that there are two forms of egress in the apartment.
 - Matthew Steinel responded, yes.

GM motioned to recommend the Accessory Apartment Special Permit for **75 Ferry Road**. **WW** seconded this motion. Roll call was taken, 4 members voted in favor, one abstained (**JS**). Motion passed.

b. **Zoning Amendments**

- Taken out of order, discussed later in the meeting.

2. **Public Hearing - 7:10 pm**

- a. **159 Beach Road (Map 28, Lot 1)** – Site Plan Review Application – Proposed construction of 14 lot with 10 duplexes and 3 single family homes for a total of 23 units. **Applicant:** Larkin Real Estate Group, Inc. (continued from 8/24/22, 9/28/22, 10/26/22, 11/9/22, 12/14/22, 3/22/23, 4/26/23, 5/24/23, 6/14/23, 6/28/23, 7/26/23)

- Don Borenstein, Johnson & Borenstein, LLC, gave a brief overview on behalf of the applicant.

- He stated currently there is no curbing on either side of the property.
- In 2021 the applicants came before the Board and had an ANR endorsed for 14 lots, the building inspector and ZBA both appealed the 14 lots stating it required Site Plan Review sending this plan to Land Court.
- The first site plan proposed 23 units consisting of 10 duplexes and 3 single family units. He stated that after that proposal they received a lot of comments from the Planning Board and abutters.
- The second plan consisted of 25 units which was met with many comments from abutters, The Planning Board and peer reviewers.
- Jim Hanley, Civil Design Consultants, Inc., presented on behalf of the applicant.
 - He stated these plans show only 3 curb cuts on Old County Road.
 - He stated they had added a decent amount of additional landscaping since the last time they were in front of the board.
 - He stated one of the best aspects of this site is there is very good soil. He stated each roof and driveway area will be sent to the subsurface area in between two of the duplexes.
 - He stated they are maintaining the sidewalk along beach road, they have an application for MassDOT.
 - He stated that there are no handicap ramps as of right now but that is something they will work with MassDOT to address.
- Attorney Borenstein stated that these are all 2-bedroom duplexes as opposed to the 2- and 3-bedroom ones from the previous plans.
 - He stated this project will be contributing to the affordable housing trust. He stated they will either contribute monetarily or by creating affordable units once the site plan review process is completed.
- **JMD** asked if the units will be rented or sold.
 - Attorney Borenstein stated that this will be a condominium association. He does estimate there will be units that will be rented.
- Attorney Borenstein stated that he believes they have met all the peer reviewers' comments. He addressed the trash bin item, stating the barrels would be kept outside of their units. There would be a private trash company that would pull into the private driveways where the receptacles would be outside of their units.
- **GM** asked if they could see the architectural plans for the single-family unit.
 - Attorney Borenstein stated that they do not have those plans at the moment but will have them for the next meeting.
- **GM** asked the old growth trees on the property.
 - Attorney Borenstein stated the intention of the new plans would be to keep as many trees as possible.
 - **GM** stated that some of the trees being shown to be needed to be cut down are on Town Property. There is a beautiful old tree on town property that is shown on the footprint of the building. GM stated in order to take down these trees it will require a street tree hearing through the DPW.
 - Attorney Borenstein stated that these hearings will follow Site Plan Review. If in the unlikely event that we are unlikely to remove the trees we would be back in front of the Planning Board.
- **GM** asked if it could be put into the condo documents that the trash is not to be put on Old County Road.

- Attorney Borenstein stated that there are no condo documents yet but yes, that could be put into that. He believes that the trash pickup being in the shared driveways is the best way to keep the barrels off the street.
- **GM** asked if there are going to be any ADA accessible units.
 - Attorney Borenstein said he is not sure but can get the information.
- **JMD** asked Lisa Pearson about the tree public hearing.
 - Lisa Pearson stated that the DPW Director is the Tree Warden that would hold the public hearing. There is not a notification process to the abutters but it would be possible to forward them our abutters list and ask to alert them.
- **JMD** asked the applicants if they would put a bond up for the landscaping in order to ensure that the plantings lives and thrive.
 - Attorney Borenstein stated yes that is something they would work with the board as a condition.
- **DR** stated that on the lighting plan there is still spillage to the neighbors.
 - Jim Hanley stated there is a small amount of spillage over the property line.
 - DR stated that the Board has asked applicants to have a zero-foot candle footprint on their neighbors.
 - Jim Hanley stated that the photometric does not take into account the vegetation.
 - **DR** said that the lights will be higher up and can spill over the vegetation.
 - Jim Hanley said they will take a look at that.
- **DR** asked about the parking for single family home.
 - Jim Hanley said there can be 2 cars in the garage and 4 cars in the driveway.
- **DR** asked about no parking signs on the Beach Road side would be preferable.
- **DR** asked about the recommended conditions stated in the traffic peer review.
 - Attorney Borenstein stated they have no issues with those recommended conditions.
- **JMD** asked about adding a bus stop to the site for the kids.
 - Jim Hanley stated that MassDOT would have to approve what is being provided.
 - Attorney Borenstein asked where do the children from Michael's Way get picked up for school.
 - Lisa Pearson stated they get picked up at the picnic tables which is the grassy area on the plan at the corner of Old County and Beach Roads.
- **JMD** asked about adding a sign to the site saying "welcome to Salisbury beach"
 - Attorney Borenstein stated they have not discussed this at team meetings but they are open to discussing the sign in the Town's right away.
- Ron April – 1 Michael's Way – gave public comment with concerns about the project.
- Richard Daigle – gave public comment with concerns about the project.
- Cheryl Papandrea – 41 Old County Road – gave public comment with concerns about the project.
- Chuck Shaw – Old County Road – gave a presentation with his concerns about the project.
- Ray Champagne – 151 Beach Road – Gave public comment with concerns about the project.
- David Ulsher – 1 Old County Road – Gave public comment with his concerns about current state of the property and relocating the recycling center.
- Linda McCarthy – Atlantic Ave – gave public comment with concerns about the project.
- Michael Colburn – 5 Caitlin Circle – gave public comment with concerns about the project.
- Kimberly – 7 Old County Road – gave public comment with concerns about the project and mailboxes.
- Attorney Borenstein addressed some items from public comments.

- He stated that they can put in their condo documents that their residents will not be able to park on both sides of Old County Road and are willing to put signs stating such.
- He stated that they will have a mail center. These shared driveways are not proposed as public ways.
 - Lisa Pearson stated that the Assessor will assign an address and corresponding unit addresses.
- Jim Hanley stated that there has been a lot of review done on this project and the result of these comments are before the board currently.
 - He stated that the sidewalk will not take away from the width of the road, it will be put onto the edge of pavement to the end of the Town's right of way.
 - He stated as of right now the lot drains into Beach Road's drainage system, they are proposing that this site's runoff go into their own sub surface drainage system.
 - He stated that this property is currently not in the Flood Plain according to FEMA's updated map.
 - He stated that the beach traffic is rough but they have gone through the proper channels of study.
 - He stated that the zoning bylaw requires there be 2 parking spots per unit.
- GM asked about fire suppression.
 - Jim Hanley stated that whatever the building code is will be satisfied.
- Planning Staff will make sure to get final comments from fire and police for next meeting.

DR motioned to continue the Site Plan Review Application for 159 Beach Road to the September 27, 2023 Planning Board meeting. GM seconded this motion. Roll call was taken, 4 members voted in favor, 2 abstained (JS and WW). Motion passed.

b. Zoning Amendments

- Cheryl Papandrea spoke about the proposed zoning amendment.
 - She said she would like to look at a zoning map change on Old County Road.
 - She said she did not realize there was a difference between residential and beach commercial zoning.
 - She said her proposal is for the properties located on the current beach commercial side be changed to residential.
- GM said if it does change there would be different restrictions on properties.
- WW asked if this proposed amendment would affect the MBTA zoning districts.
 - Lisa Pearson said yes, but she has not been using this area as part of the statistics for compliance with the MBTA zoning laws.
 - The next steps would be to see if there could be a new zone created more specific to the area without making the current residents more challenged when trying to alter their own properties.
 - Right now, this is currently a map change, it will need to be filed, go before the Board of Selectmen then if recommended it will go to the next Town Meeting.
- Lisa Pearson gave an update on the most recent MBTA 3A zoning bylaw draft. Stating it is getting closer to being ready to go to Fall Town Meeting.

3. Other Business

a. **Minutes:** 12/22/2021, 02/09/2022 & 08/23/2023

DR motioned to approve the December 22, 2021 Planning Board meeting minutes. JS seconded this motion. Roll call was taken, 4 members voted in favor 1 abstained (WW). Motion passed.

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

WW motioned to approve the August 23, 2023 Planning Board meeting minutes. JS seconded this motion. Roll call was taken, all members (5) voted in favor. Motion passed.

4. Old Business

5. Correspondence

6. Adjournment

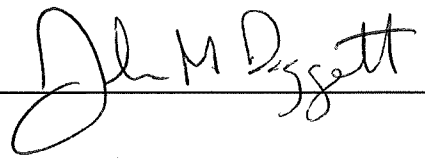
GM motioned to adjourn. JS seconded this motion. Roll call was taken, all members (5) voted in favor. Motion passed.

Meeting adjourned at 9:56 pm

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

Minutes approved by:

Date:



9/27/23