



Date: September 27, 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**), Deb Rider (**DR**), John Schillizzi (**JS**)

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

PB Members Absent: Clerk, Warren Worth (**WW**),

Also Present: Director of Planning Lisa Pearson, 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. Shavaun Callahan, Chief Water Operator, presenting Dewberry.

- Shavaun Callahan introduced herself as the Chief Water Operator.
 - She stated that she looks into the supply of water for all residents especially in a time where the town has been being developed with many large developments.
 - She introduced Lou Mammolette from Dewberry.
- Lou Mammolette, PE, gave a presentation on the company Dewberry.
 - He gave a brief introduction of himself and the company.
 - He stated what is being worked on in Salisbury is Hydraulic Modeling and Analysis.
 - He stated the company helps clients better understand of their current system operations and help with designs of infrastructure improvements and asset management plans.
- **JMD** asked how is the data collected and analyzed.
 - Lou Mammolette stated that the model is a computer software. They start with information already on hand, record data, mapping, etc. A lot of communities are doing what Salisbury is interested in doing which is utilizing the program on a by need basis. He stated nothing sophisticated is used in the field really. We own equipment that is used and the Town owns some equipment as well.
- Lisa Pearson stated that this company is going to be part of the review process of large projects moving forward.
- **DR** asked if there would be any form of warning system for areas that are being developed to see how many more units they can withstand.
 - Shavaun Callahan stated that this model will help determine if the town should approve a development depending on if the system can handle it and if there will be any impact on existing citizens.
 - She stated that the project coming up [159 Beach Road] is wanting to connect to a 12” ac pipe and the only other one in that area is a small cast iron pipe, neither one of those are ideal to connect to but the model will determine which would be the best-case scenario. What the model is doing is showing what the development should be doing to accommodate their development or if they should even be approved and can survive there.

- She stated that they are working together with Dewberry to map all the pipes, their ages and what they are made of in order to determine which ones are more likely to fail first and to fix them before they fail will save the Town a lot of money.
- Lou Mammolette stated it is not a device that is the early warning, it is the planning.
- **AM** asked if the model would take in mind single family homes which can add up to the amount of units of a development.
 - Lou Mammolette said the system would pick up on the data of newly added homes. Developments coming in do come with larger impacts and it is understood that being fair and equitable but a bigger development will come with bigger impacts.

2. Public Hearing - 7:10 pm

a. **159 Beach Road (Map 28, Lot 1)** – Site Plan Review Application – Proposed construction of 9 duplexes and 1 single family home for a total of 19 units. **Applicant:** Larkin Real Estate Group, Inc. (continued from 3/22/23, 4/26/23, 5/24/23, 6/14/23, 6/28/23, 7/26/23, 9/13/23)

- Andrew Lechner, from Johnson and Borenstein, LLC., stated he is filling in for Don Borenstein tonight.
 - He stated that the last meeting there was one item was left to address which was the lighting spilling over onto abutters properties. He hopes they can close the public hearing and have any outstanding comments be conditions in the decision.
- Bill Hall with Civil Design Consultants, LLC spoke on the new lighting plan.
 - He stated that at the light meeting there were issues with lighting specifically with units 14 through 19 with spillage off the back deck. With the revised plan, the spillage has been reduced due to a new light fixture for those back decks. He said that the plans cannot incorporate the 13 arborvitaes that will be on the property line but with those the spillage will decrease to 0.
- **DR** asked whether or not the lights on the back were motion sensor.
 - Bill Hall stated yes, they are motion detected.
- **DR** asked how big the arborvitaes are being put in on the property line,
 - Bill Hall stated there are 13 to be planted at 8-10 feet tall each to start.
- **DR** stated she has asked before that the board would like to see in the condo documents stating that the occupants cannot switch the lights out on the deck. She asked if the applicant would be ok with that being a condition.
 - The Applicants responded, yes.
- **GM** asked if the applicant had time to review the Water Company's comments.
 - Bill Hall stated no he has not had time to address their comments.
 - Lisa Pearson stated that the board would make it a condition of the decision in regards to the hydraulic analysis.
- Bill Hall stated that for the driveway that services units 10 through 19 there are two existing pines that are in the right away. And a single existing pine that is to be removed for the single-family home. And one dead tree to be removed.
 - **JMD** asked about the tree being replaced after they are taking down.
 - Bill Hall stated that they have spoken to the tree warden and a plan would be set before the removal of the tree. And this would be an acceptable condition.
 - **JMD** added that a bond being in place for the replaced trees and landscaping to make sure the plantings survived the first or even second year is a possible condition.
 - Bill Hall responded saying that is a reasonable condition.
- **GM** asked about the single-family dwelling having a portion of the driveway being in the town right away.

- Bill Hall explained they are working within the boundary they have. It is a very unconventional right away. He stated there is space in the garage for parking and at least 20 feet from the face of the dwelling not in the right of way for parking.
 - Lisa Pearson stated the other two driveways are similar to that. Every driveway usually has an apron onto the town right of way. This will just need to be approved by DPW.
- Andrew Murphy, Captain of Fire Prevention, stood up at the podium in order to answer questions from the Board.
- **GM** expressed his concern about the Fire Department accessing this property with the normal traffic and summer traffic.
 - Captain Murphy stated that the traffic is a part of Salisbury Beach, what the Fire Department looks at is how to access the project and access to fire equipment.
 - He stated there is access to all dwelling units through Old County and Beach Road.
 - He stated he believes there is a hydrant within a couple hundred feet of the property.
 - He stated one and two families are not required to have sprinklers.
- Lisa Pearson stated, other things that came up at the last meeting were recreational facilities, bus stops. Some other things that were discussed were making conditions of having the DPW and Police Department look at parking on Old County Road, there still needs to be MassDOT approval, trash removal stays private within the shared driveways and not on Old County Road, payment into the inclusionary housing fund and creating the bus stop and recreational facilities and the sign that was agreed upon last meeting.
- Chuck Shaw – 13 Old County Road – gave public comment on their concerns and about this project.
- Richard Daigle – gave public comment on their concerns about this project.
- Dan Welch – 50 Lafayette Road – gave public comment on their concerns about this project.
- Ron April – 1 Michael's Way – gave public comment about their concerns over this project.
- **GM** stated his concerns are with the two open items of the tree removal and water analysis.
 - Lisa Pearson stated that these items will be conditions. If they are not met the other then the applicant will need to return before the board to amend the plan. The applicant does not need to have these permits before we issue a decision since the decision will be dependent on these permits. They will have to come back before the board if they need to modify the decision.
 - **GM** shared more concerns over the project density and public safety issues.
- **JMD** suggested they close the public meeting and go through the conditions.
- Lisa stated that these outstanding items about hydraulic analysis and tree removal can be conditions of the decision.
 - **GM** asked what would happen if the tree removals were denied and/or if the hydraulic model came back saying the water system could not handle this development.
 - Lisa Pearson responded saying, they [the applicant] would come back before the Planning Board with an amendment and there would be consideration about minor or major modification. Major modifications need public hearings. Minor modifications would not require a public hearing.
- **JMD** stated that they can go through the conditions, make modifications or additions.
- Chuck Shaw – Old County Road – gave public comment about his concerns over closing the public hearing.
- Richard Daigle – gave public comment on his concerns on the project.

DR motioned to close the Public Hearing for the Site Plan Approval for 159 Beach Road. GM seconded this motion. Roll call was taken, 4 members voted in favor, 1 recused (JS). Motion passed.

- **JMD** went through the conditions with the Board members asking for comments if/when they had any:

1. This approval shall apply to any successor in interest or successor in control of the property subject to this approval and to any contractor or other person performing work.

2. Contact information for any successor in interest or successor in control shall be provided to the Planning Department as soon as changes are known.
3. This approval is not final until all administrative appeal periods from this approval have elapsed, or if such an appeal has been taken, until all proceedings have been completed.
4. The work shall conform to the plans and conditions referenced in this approval. No change to an approved plan shall be made until the applicant receives written permission from the Planning Board.
5. Applicant must obtain compliance with all zoning requirements before a building permit is issued.
6. The applicant shall have five (5) years to complete full-build out for the project. If the applicant has not completed the project within the five (5) years, the applicant shall be required to request an extension from the Planning Board. The Planning Board may give an extension of up to two (2) years on the first request and one (1) year for subsequent requests. As part of the request, the applicant shall include a detailed update on the project's current state and a detailed construction schedule to finish full build out.
7. Snow shall be stored on site per plan and the snow shall not block roadways, sidewalks/pathways, parking areas, turnarounds, or stop the drainage from properly functioning. If the snow storage areas are at capacity, snow is to be carted off site. This will be the responsibility of the applicant.
8. The applicant shall include a snow management plan in the condominium documents.
9. The Applicant shall submit an updated Stormwater Management Report for the final approved site plans.
10. The Applicant shall submit an Operations and Maintenance Plan for the Stormwater Management System.
11. The Inspection & Maintenance Log included in the Operation and Maintenance Plan shall be conducted for each BMP as specified in the log.
12. The Inspection & Maintenance Log shall be submitted yearly, in October, to the Planning Department, Department of Public Works, and the Conservation Commission. If there are any issues or actions that should be addressed, they shall be addressed and a follow up inspection shall be conducted to show they were addressed. This is to ensure the stormwater system and the rain gardens, as shown on the plans, are maintained and functioning properly. This condition shall be included in the condominium documents.
13. The applicant shall submit draft condominium documents for review to ensure the proper conditions have been included in the documents.
14. The applicant will not allow short term rentals for these units.
 - **GM** asked for the definition of a short-term rental.
 - **AM** stated MGL does not define short term rental length of time.
 - Lisa Pearson stated that in the beginning of this process the applicant was implying they were going to have short term rental units or rental units on the site. she is unaware if they are going to pursue that.
 - The applicant stated there is a 6-month minimum for the rentals.
 - Lisa Pearson suggested keeping this condition as well as adding that it be put into the condo documents.

15. The applicant shall install dark sky compliant lighting and shall not allow the installation of any lights other than what is shown on the approved lighting plan.
- **DR** suggested adding that this shall be stated in the condominium documents.
16. Based on the most recent lighting plan there is a minimal lighting overflow that the engineer states will be mitigated by landscaping and fencing. If this is an issue when the lighting is complete the Planning Director and Applicant will review on site.
17. There is minimal open space and recreation facilities on site but the applicant will provide the Planning Department with \$_____ per unit at occupancy to provide off site recreational opportunities at the old skateboard park.
- Lisa stated the applicant stated they will provide \$500 per unit.
18. The project as designed requires the removal of street trees. The applicant will provide a copy of the decision to remove the necessary street trees prior to the beginning of site work.
- **JMD** recommended stating any trees that are removed, the applicant shall be required to replaced.
 - Lisa Pearson stated that the applicant will provide a copy of the Tree Warden's final decision to remove any necessary street trees prior to any site work. She suggested adding that the trees removed shall be replaced with equitable specimens or monetary compensation.
 - Lisa Pearson stated that the bond will be for the whole landscaping plan. The bond will be taken before they file for their certificate of completion.
19. This is a high-density project and to encourage safety and use of public transportation the applicant will provide a bus stop on the beach road side. The final location will be identified prior to issuance of a building permit.
20. This is an entry way to the Beach the applicant will provide a Welcome to Salisbury Beach sign. The final location and design will be submitted to the Planning Director for approval.
21. Due to concerns for safety on Old county road the applicant will provide a sidewalk. The planning board will send a letter to the DPW and Police chief asking them to review elimination of parking on one side of Old County Road.
- **DR** stated we strongly urge the departments to ban parking based on their study.
 - **GM** stated he would like to see the sidewalk on the project's side of the street.
 - There was discussion about sidewalk and bus stop placement.
 - **AM** asked where the bus stop would be.
 - Lisa Pearson said the bus stop should go on Beach Road. The kid's bus stop be at the town right of way.
22. Due to the concerns of the Abutters the trash cans will be place on the internal roads only not on Beach or Old County road and the Condo association will contract with one company to pick up all trash for the development.
23. Each unit will have 2 10x20 foot clear parking spaces. In order to ensure this is not a concern the applicant will submit the final piling plan to the Planning department for review. There will be no pilings or obstructions to any of the parking spots on the site.
- Lisa Pearson stated the Water Department's comments will be added as a part of the decision at this point as well as any outstanding comments from the Town Engineer, Joe Serwatka.

