

**Salisbury Planning Board
Meeting Minutes**

Date: Wednesday, April 24, 2019

Place: Colchester Auditorium, Salisbury Town Hall, 5 Beach Road

Time: 7:00 p.m.

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

PB Members Absent: None

Also Present: Assistant Planner Bart McDonough (**BMD**) and Planning Board secretary Sue Johnson (**SJ**).

Don Egan brought the meeting to order at **7:12 p.m.** in the Colchester Auditorium, Salisbury Town Hall. Announced, per opening meeting law, that the meeting was being recorded.

1. New Business

a. Signing of Plans / Permits - None

b. Approval Not Required—65 Central Ave—Peter C. Miele Jr.

Eric Botterman (**EB**) from Millennium Engineering stated that this property has gone through land court and would like the Board’s signature this evening. **BMD** showed the parcels on the screen to the Board. **DE** asked if this was in the Beach Commercial district. **BMD** replied yes. **DE** asked if the lots meet the 20’ of frontage. **BMD** replied yes.

LM motioned to endorse the application for an Approval not Required under the Subdivision Control Law for 65 Central Ave.

GM seconded.

Vote: 5-0, motion passed.

c. Approval Not Required—35 Gardener Street—JFH Contracting, LLC & Nicole Oliveira

EB stated that this property is in the Village Residential Overlay District both lots meet the 60’ of frontage required and both meet the 10,000 sf of property required. **EB** stated that one lot has 13,000sf and the other lot has 27,000sf. **EB** stated that this meets all of the zoning requirements.

GM motioned to endorse the application for an Approval not Required under the Subdivision Control Law for 345 North End Boulevard.

JMD seconded.

Vote: 5-0, motion passed.

2. Public Hearings: 7:10 pm

a. Cont. minor site plan review—28 Rabbit Road—Zap Development Inc.

GM recused himself. **EB** stated that the reason that it has taken so long to come back before the Board was that Mary Rimmer (**MR**), the Town’s wetland scientist, and Tom Hughes (**TH**), their

wetland scientist had to agree to the wetland lines as part of the conservation process. **EB** went on to state that in that process **TH** had an idea to present to the Conservation Commission to fill in some of the fingers of wetlands to access more uplands and this happened just as winter was upon us. **EB** stated that this is the history of why it has taken so long to come back in front of the Planning Board. **EB** stated that with the wetlands that they are proposing to fill (which they will replicate as part of the Conservation Commission plan) opens up approximately 35,000sf of additional storage area and have done associated stormwater management with that. **EB** stated that they made a resubmittal 1 week ago and have not received comments back from the Town Engineer (**TE**). **EB** stated that in the resubmittal they responded to the **TE**'s comments from the fall and believes that they will be able to work out any issues with the **TE**. **EB** stated that at the first meeting there was discussion about lighting and went on to state that they are proposing to have no lighting. **EB** stated that per the **TE** they are showing a snow storage area on the plan but does not believe they will be plowing in the winter. **EB** stated that they have eliminated the dumpster as no trash will be generated on the site. **JMD** asked what is going to happen with the house on the property. **EB** replied that it is a separate lot and is going to stay there for now. **EB** went on to state that at some point David Pearson (**DP**) will either renovate or tear it down and build a new house. **EB** stated that it will remain residential. **JMD** asked if there would be a fence around the lot with the house. **EB** showed the landscaping plan on the screen and stated that there would be landscaping behind that property and went on to state that it is **DP** intention to keep the property in his name and not sell it. **GP** asked what will be stored and where will it be stored on the site. **EB** stated that the areas on the plan that are dotted are gravel which will be used for storage of construction material and equipment. **EB** stated that there are no areas designated for specific items. **GP** asked what the dust factor would be and how often trucks will be going in and out. **EB** replied that he did not believe that there would be a dust factor and they are anticipating at most a truck per day. **LM** asked if they would be paving the entrance. **EB** replied that they updated the plan to show that they are paving the first 50' of the driveway. **GP** asked if they had heard back from the Police regarding lighting. **BMD** stated no. **DE** asked why there was no curbing being proposed at the entrance. **EB** replied that MassDOT would like to see no curbing on Rabbit Road. **DE** asked about the length of time a piece of equipment would be stored there. **EB** replied that it would vary depending on the projects. **BMD** asked what types of equipment would be stored. **DP** replied that the attachments for the excavators would be stored on this site. **DE** asked about the landscaping. **EB** stated that the landscape architect they hired was Kim Turner and he walked the site with her and she understood their need to screen the site which is what is being represented on the plan.

GP motioned to continue until 5/8/2019 at 7:10pm.

JMD seconded.

Vote: 5-0, motion passed.

b. **Cont. special permit—2 Joy Road—A1 Restaurant Ventilation, Inc. (A1RV)**

DE stated that **GP** would be utilizing the Mullin Rule. Brian Murray (**BM**) from Millennium Engineering stated that they submitted a letter and revised plans on 4/17/2019 describing all of the changes that were made on the plan. **BM** stated that they identified the following 5 items that were issues from the previous meeting:

- 1 – Lighting
- 2 – Dust Control
- 3 – Noise Control
- 4 – Hours of Operation
- 5 – Aesthetics

BM stated that in regard to lighting the owner and applicant are committed to providing dark sky compliant lighting. **BM** stated that in regards to dust control they are proposing to place recycled asphalt on the site and the level of vehicles entering and exiting will be much fewer than the previous tenant. **BM** stated that relative to noise control there will be no fabrication operations done

outside. **BM** stated that the garage door facing south will be closed during all fabrication operations and they will locate their shearing operation away from the garage door. **BM** stated that the applicant is requesting fabrication hours from 7am to 4:30pm Monday through Friday and 7am to 12pm on Saturdays. **BM** went on to state that they do not expect to have to do fabrication every Saturday and will be closed on Sundays. **BM** stated that **A1RV** would like access to the property from 6am to 6pm. **BM** stated that **A1RV** has spoken to their delivery supplier and have requested that deliveries be made between 8:30am and 2:30pm. **BM** stated that **A1RV** is committed to future capital improvements that will replace the shearing machines and go to plasma cutters. **BM** stated that the owner and applicant have agreed to replace the wooden fence along Joy Road with an 8' high chain link fence with privacy slats and clean up in front of the fence. **BM** stated that they will also clean up the building and install skirting. **BM** stated that all damaged garage doors and windows will be repaired. **BM** stated that the applicants' intention is to be a good neighbor. **DE** stated that he appreciated the thorough response regarding the issues that were brought up at the last meeting. **GP** asked if they could submit pictures of the types of dark sky compliant fixture that will be installed. **BM** stated that they could. **GP** asked how the recycled asphalt would be maintained. **BM** stated that the applicant would need to check this on a yearly basis and would add as needed. **DE** read the special permit criteria.

GM motioned to close the public hearing.

JMD seconded.

Vote: 5-0, motion passed.

LM motioned to approve the special permit and include the draft decision document as well as conditions in the Millennium Engineering letter dated 4/17/19 and furthermore subject to final review by the Chair working with the Planning Department.

GM seconded.

BMD stated that he would have a draft for **DE** to review on Friday and will send to the applicant on Monday.

Roll Call Vote:

GM - Yes

JMD - Yes

GP - Yes

DE - Yes

LM - Yes

Motion passed.

- c. **Cont. zoning amendment**— To see if the Town will vote to amend the Town of Salisbury Zoning Bylaw by modifying Article 1 General Provisions: §300-5: Definitions, or take any other action relative thereto.

BMD explained that the goal is to have all of the definitions moved to one area and read the proposed definition of outdoor advertising. **LP** recommended that this be continued until the next meeting to allow time to clarify the specific language regarding the digital facing size of the signs.

GM motioned to continue until 5/8/19 at 7:10pm.

LM seconded.

LP stated that the only things that will end up on the warrant are the changes.

Vote: 5-0, motion passed.

- d. **Cont. zoning amendment**— To see if the Town will vote to amend the Town of Salisbury Zoning Bylaw by modifying Article III Use Regulations, §300-12: Table of Uses, or take any other action relative thereto.
BMD summarized that the purpose is to combine the Table of Uses into one Table of Use.

GM motioned to close the public hearing.
JMD seconded.
Vote: 5-0, motion passed.
- LM** motioned to recommend to Town Meeting.
GP seconded.
Vote: 5-0, motion passed.
- e. **Cont. zoning amendment**— To see if the Town will vote to amend the Town of Salisbury Zoning Bylaw by modifying Article XXIV Lafayette-Main Commercial District, or take any other action relative thereto.

GM motioned to close the public hearing.
LM seconded.
Vote: 5-0, motion passed.
- GP** motioned to recommend to Town Meeting.
JMD seconded.
Vote: 5-0, motion passed.
- f. **Cont. zoning amendment**— To see if the Town will vote to amend the Town of Salisbury Zoning Bylaw by modifying Article XIII A Special Provisions for Village Center District, or take any other action relative thereto.

JMD motioned to close the public hearing.
GP seconded.
Vote: 5-0, motion passed.
- GM** motioned to recommend to Town Meeting.
GP seconded.
Vote: 5-0, motion passed.
- g. **Cont. zoning amendment**— To see if the Town will vote to amend the Town of Salisbury Zoning Bylaw by creating a new zoning bylaw entitled Parking Regulations, or to take any other action relative thereto.
LP stated that the new parking regulations would apply to all areas in Town that do not currently have their own parking regulations. **LP** stated that they have revised the language for visitor parking, parking space size and valet parking lots. **LP** stated that this does apply to the Beach Commercial District and recommends it be continued to the next meeting to fix the language to make this district exempt.
GM motioned to continue until 5/8/19 at 7:10pm.
LM seconded.
Vote: 5-0, motion passed.

3. **Other Business**

a. **Discussion regarding potential zoning amendments:**

BMD stated that the Board has already discussed this tonight. **DE** stated that currently there are no other meetings scheduled.

4. **Correspondence**

a. **Minutes:** March 27, 2019 – not completed

5. **Executive Session**

a. Executive session under G.L. c.30A, §21(a)(3) to discuss strategy with respect to litigation: Big Block Development Group v. Town of Salisbury Planning Board.

DE stated that there was nothing new to discuss.

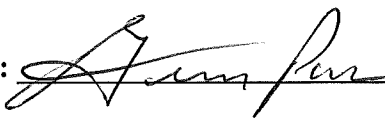
6. **Adjournment**

GP motioned to adjourn

JMD seconded.

Vote: 5-0, motion passed.

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

Minutes approved by: _____

Date: 6-26-2019

