

**Salisbury Planning Board
Meeting Minutes**

Date: Wednesday, May 22, 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**), Clerk John “Marty” Doggett (**JMD**), Louis Masiello (**LM**) and Gil Medeiros (**GM**).

PB Members Absent: Alternate Deb Rider (**DR**)

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

Don Egan brought the meeting to order at **7:00 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. Accessory apartment special permit recommendation—44 True Road—Anne E. Brissette**
BMD stated that the applicant is petitioning to construct a 459sf in-law apartment. **BMD** stated that currently it is a ranch style house and are proposing to add a second floor for the in-law apartment. **LM** asked if there was a garage. **BMD** stated that there was not a garage and went on to state that there was approximately 390sf for parking and the applicant states that there is enough room for 3 cars to park. **LM** asked if there was another area for cars to park. Ann Brissette (**AB**) explained that there were 2 additional parking spots on the left side of the house that they currently use.

LM motioned to draft a letter recommending to the Zoning Board of Appeals that the application for an accessory dwelling unit at 44 True Road has an adequate lot size to accommodate the new improvements and that its inclusion will not adversely impact the existing primarily single family residence neighborhood characteristics.

GM seconded.

Vote: 5-0, motion passed.

- c. Minor site plan modification—57 Railroad Avenue—The Daly Group, LLC**
Joel Quick (**JQ**) of Mead, Talerman and Costa stated that he was representing the applicant. **JQ** stated that they submitted a new site plan with some minor changes to what was approved by the Board on March, 14, 2019. **JQ** went on to state that the main change is that the building is expanding in size from 41’ to 42’ which would reduce the size in between the middle of the buildings by a couple of feet. **JQ** stated that due to this change the snow storage area between the buildings has been reduced from 10.3 to 5.3 cubic yards. **JQ** stated that the other change is that there will be no windows in the middle in order to meet fire code. **JQ** stated that the buildings are approximately 1 foot lower to grade on each end. And due to this the stairs have changed a little bit. Katie Cruz (**KC**) of Hancock Associates stated that she was the civil engineer for the project and stated that the first floor elevations were above the FEMA elevation. **LM** asked why the building was lowered. David Daly (**DD**) from the Daly Group replied that once they went to the next stage of construction it was realized that the two front buildings near Railroad Ave would need to change to meet flood plain requirement. **GP** asked if the units were already sold. **JQ** replied no. **DE** stated that the 4’ space between the buildings was very small and asked if they had considered joining the

buildings to make it 1 large building. **DD** stated that they did look into doing this but the cost would be greater due to having to install a sprinkler system and the insurance cost would be higher, **DD** went on to state that this does meet local and state zoning codes. **DE** stated regarding snow storage between the buildings how would they go about removing the snow from this area. **DD** stated that they do have Bobcats with a 36" shovel so logistically they could get in there to remove snow. **DE** asked if snow removal offsite was a line item in the condo budget. **DD** replied yes. **JQ** stated that the condo documents would list the obligations of the condominium association. **DE** stated that he would love to see the budget if possible. **DD** replied that they have to come back in front of the Board for the final Certificate of Occupancy and went on to state that they would incorporate the budget with the language about the snow storage. **DE** stated that he made note of 2 conditions due to these changes; 1 is to change the driveway apron to concrete and 2 before any certificates of occupancy the applicant would need to show the Board a budget with a line item that specifically states removal of snow off site. **DE** stated that the separation between the buildings really bothers him and would like to see the buildings combined which he feels would be a better fit with the neighborhood. **GM** stated that if it meets zoning and code he does not see what the issue is. **DD** stated that the project meets zoning code, state code and we meet the local bylaws. **DD** went on to state that they have done everything on this project to appease the Board. **DE** stated that he would like to add a 3rd condition that the Town Engineer (**TE**) review the plans submitted on 5/22/19.

GP motioned to approve the minor site plan modification for 57 Railroad Avenue with the added 3 conditions outlined by **DE**.

JMD seconded.

Vote: 4-1, motion passed. DE opposed.

d. Approval of inclusionary housing payment pursuant to section 300-79 of the Zoning Bylaws of the Town of Salisbury—57 Railroad—The Daily Group, LLC

JQ stated that they have submitted in their analysis what they expect to sell their units for and it is above the \$300,000.00 and went on to state that the total amount is estimated to be \$139,720.00. **JQ** stated that they also submitted a covenant to Town Council. **JQ** stated that they needed to amend the covenant because Daly Group LLC does not presently own the property. **JQ** stated that the covenant was amended just to bind the current property owner and once it is conveyed also to bind Daly Group LLC. **BMD** stated that they are waiting on Town Council. **DE** stated that he would like to reconsider the site plan approval and add a condition stating that the inclusionary housing covenant must be approved by Town Council.

GM motioned to reconsider the site plan approval vote.

JMD seconded.

Vote: 5-0, motion passed.

LM motioned to amend the previous site plan approval and add a 4th condition that the inclusionary housing covenant must be approved by Town Council.

GM seconded.

Vote: 5-0, motion passed.

JMD motioned to approve the inclusionary housing covenant agreement subject to Town Council approval.

GP seconded.

Vote: 5-0, motion passed.

2. Public Hearings—7:10 pm

a. Cont. minor site plan review—28 Rabbit Road—ZAP Development, LLC

GM recused himself.

Eric Botterman (**EB**) of Millennium Engineering stated that he was representing the applicant. **EB** stated that since the last meeting they had responded to the **TE**'s comments. **EB** stated that they had received an email from the Police Chief stating that lighting was not required because there is no building there. ***EB** stated that the **TE** suggested that they provide a plan showing where the paving will be on the access driveway. **EB** stated that their final plan will depict this.* **EB** stated that the **TE** had a question about stormwater. **EB** stated that they had a bunch of test pits dug and the water table was 6" to 8" higher than normal which is acceptable. ***EB** stated that during construction if they experience higher groundwater the plans will be revised accordingly and would be subject to approval by the Planning Board and Conservation.* **DE** asked **EB** if they had responded to the **TE**'s letter from May 18th. **EB** replied no, they do not believe a response is necessary. **BMD** asked **EB** to address the **TE**'s comment about the landscaping plan. **EB** stated that the intention of the landscaping along that side of the property is to screen as per the Board's regulations. **EB** stated that they have no intention of clearcutting to the property line and went on to state that the vegetation that can remain is going to remain. ***EB** stated that there are 2 trees coming down in the storage area and they do not expect to have to remove any additional trees only shrubs. **BMD** suggested that if they did have to take down additional trees that they would have to replace them with new trees having at least a 3" wide trunk. **EB** stated that they could do that.* **DE** read the conditions.

LM motioned to approve the application for a minor site plan 28 Rabbit Road with the conditions previously read by **DE**.

JMD seconded.

Vote: 4-0, motion approved.

b. Special Permit and major site plan review—3 Bridge Road and 4 Beach Road—Liberty Real Estate Strategy, LLC and Downeast Investments, LLC

Rob Ciampitti (**RC**) introduced his team who will present their revitalization project for Salisbury Square. Nick Cracknel (**NC**) described the current state of the 2 lots and explained that they have filed a notice of intent for 4 Beach Road with the conservation commission. **NC** showed the proposed site plan on the screen and stated that they are proposing 3 buildings on these 2 lots with shared access, utilities and some shared parking. **NC** stated that the 2 buildings on the 4 Beach lot would be built for 13 townhouses (1 building would have 8 units and the other would have 5 units). **NC** stated that there are nearly 2 parking spaces allocated to each unit and some shared parking coming in from Beach Road. **NC** stated that the building proposed for Bridge Road is approximately 10,000sf and 3 stories high. **NC** stated that the ground floor would be used for retail or office space and the upper floors are intended to be for office use. **NC** stated that the retail/office space building would have about 26 off street parking spaces. **NC** stated that utilities and dumpsters would be screened and located in the rear of the building. **NC** stated that there are sidewalk improvements on Bridge Road. **EB** stated that they had received the **TE**'s comments approximately 1 month ago and responded about 1 week ago. **EB** stated that they feel they have addressed the **TE**'s comments. **EB** stated that many people may not know that this stretch of Beach Road is not state highway and is actually owned by the Town. **EB** went on to state that the state does have

control over the signals in Salisbury Square. **EB** stated that he met with District 4 highway permitting people and it was agreed that coming out onto Bridge Road would be right turn only. **EB** stated that across from where Town Hall is where the state highway begins on Beach Road. **EB** stated that in regards to utilities he had a conversation with the DPW director and she preferred that they not cut into the pavement on Beach Road but may reconsider as it would be easier to tie into Beach Road. **EB** stated that the plans currently show an 8" water line that ties into the water line in Salisbury Square. **EB** stated that they would tie into the sewage on Bridge Road in front of the Salisbury House of Pizza. **EB** stated that the gas is going to tie in on Beach Road. **EB** stated that each unit will have its own water, sewer and gas services. **EB** stated that there are 2 proposed dumpsters on site one for the front building and 1 for the condo's. **EB** stated that there will be 3 light poles on site which will not have spillover onto the other properties and the rest of the site will have dark sky compliant wall lighting. **EB** stated in regards to stormwater the soil is sandy with a deep water table (approximately 5' deep). **EB** went on to state that there are 2 infiltration areas; one is behind the commercial building and the second is in front of the 8 unit residential condo building. **EB** stated that there will also be underground storage next to the commercial building. **EB** stated in regards to landscaping they have approximately 100 plantings planned which includes 11 trees. Kendall Eaton (**KE**) asked if the applicant had done any digging on the site and asked if they found any contaminated soil. **KE** also asked if they had done a traffic study. **RC** stated that they have retained Simmons Environmental to conduct an examination of all **DEP's** records for this site. **RC** stated that there was a cleanup, remediation and soil tests done then handed the Board a copy of the report from Simmons Environmental. **RC** stated that Simmons Environmental concluded that the work done in the remediation, the cleanup and removal of the tanks was appropriate and sufficient to meet the **DEP's** standards and guidelines. **EB** addressed **KE** question about traffic. **EB** stated that there will be vehicles entering and exiting on Beach Road across from Town Hall and went on to state that they have not done a traffic study and do not believe a traffic study is warranted. **DE** stated that the Board would review and may require a traffic study further down the line. Barbara Bradley (**BB**) stated she lives in the Village of Salisbury Square and that she had concerns about entering and exiting on Beach Rd during the summer because there is so much traffic and also asked if the applicant could show where this property abuts the Village of Salisbury Square. **EB** stated that there will be vehicles entering and exiting on Beach Road across from Town Hall and went on to state that Beach Road is known to be busy from Memorial Day to Labor Day. **EB** stated that they will have to permit the driveway through DOT because it is on the state highway. **BMD** explained to **BB** where the properties abut. **LM** asked if the parking for the condominiums was going to be assigned. **EB** stated that will be determined when the condo docs are written but typically there is assigned parking. **LM** stated that he did not think there would be enough parking for the visitors for the condo's and asked if there would be room for visitors to park in the retail parking area. **EB** stated that there are 26 parking spaces for the front retail/office building. **EB** went on to state that it will be shared parking. **GP** stated that there is only one light proposed for the back building and asked if it was adequate. **EB** replied yes and showed the lighting grid. **GP** asked how many residential units only have one space. **NC** stated that the end building with 5 units has 9 parking spaces and stated that the 8 unit building has 14 spaces. **GP** asked where the visitor spaces were. **NC** replied along the driveway coming in from Beach Road (4 spaces) and in the evening there will be additional visitor parking in the retail/office parking lot. **GP** asked about cover over the front entrances. Bill Nolan (**BN**) stated that the front entrances will have a cover and the rear exit will not due to its proximity to the lot line. **GP** stated that it would be great if they could show more community space on the design. **BN** stated that it was a good suggestion and that they would look into it. **GM** stated that he did not see snow storage on the plan. **EB** stated that snow storage is represented on the plan and can be discussed at the next meeting. **DE** stated that he would also like to see more community space. **GP** stated that she would like to see some copula's added or spires to break up the roof line. **NC** stated that they would look into this. **BMD** suggested that they show the easement going to Beach Road on the revised plan.

GM motioned to continue until June 12, 2019 at 7:10pm.

JMD seconded.

Vote: 5-0, motion passed.

3. Other Business

- a. Discuss scheduling zoning workshops for the summer
DE suggested concentrating on the rules and regulations. **BMD** stated that the Board does not need to make a schedule to have a workshop right now but it would need to be scheduled 24 hours in advance in order to post it and suggested discussing at the next meeting on June 12, 2019. **DE** stated that the Planning Board needs to come up with rules and regulations for the Lafayette and Main District & the Beach Overlay District and will further discuss on June 12, 2019.
- b. Endorsement to pursue a planning assistant grant to develop a stormwater and wetland bylaw.
BMD stated that the purpose of grant is to help the Town with the provision on funds to contract outside consultant to assist in the drafting of a comprehensive stormwater and wetland bylaw.

GM motioned to endorse.

LM seconded.

Vote: 5-0, motion passed.

4. Correspondence

- a. **Announcement:** Meeting to discuss the state of transportation in the Merrimack Valley on June 3, 2019—Merrimack Valley Planning Commission (MVPC)
- b. **Minutes:** April 10, 2019 - continued

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 – nothing new to report.

6. Adjournment

GP motioned to adjourn.

LM seconded.

Vote: 5-0, motion passed.

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

Minutes approved by: _____

Date: _____

Donald
8/14/19