

**Salisbury Planning Board
Meeting Minutes**

Date: Wednesday, August 24, 2022

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, Deb Rider (**DR**), Clerk, John Schillizzi (**JS**), Gil Medeiros (**GM**), Louis Masiello (**LM**) and Alternate, Warren Worth

PB Members Present Online: none at this time

PB Members Absent: none at this time

Also Present: Assistant Planner, Danny Ruiz (**DR**) and Planning Board Secretary Ellie Cornoni (**EC**).

JMD brought the meeting to order at 7:00 p.m. in person and remotely via zoom. He announced, per opening meeting law, the meeting was being recorded.

1. New Business – 7:00 pm

JMD moved items from “Other Business” out of order

2. Other Business

b. 158 Beach Rd. aka 1 Washington St.

- **DR** gave an update on 158 Beach Road
 - Town Counsel was beginning to review and will have update for next meeting.

c. Master Plan

- **DR** gave an update on the Master Plan.
 - Awaiting a first draft of master plans revisions.
 - Taking draft around to Salisbury government committees as well as community groups for feedback before finalizing.

d. Lafayette & Main Zoning – Design guidelines

- **DR** gave an update on Lafayette and Main Zoning
 - Barrett planning Group is looking to give the Planning Department an update next week and figure out the next steps.

JMD opened the Public Hearings

3. 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.

WW recused himself from this public hearing due to being an abutter for this project

- Don Bornstein – from Johnston and Bornstein – representing the applicant spoke gave a brief introduction:
 - He stated this project was put before the board in September of 2021 where the PB endorsed the ANR plan.
 - In October 2021, the applicant applied for building permits for first 14 lots. – they needed a Site Plan Review even though they were only constructing one duplex – currently land court is still looking over their appeal.
 - Presently they are staying their land court appeal and presenting a new plan.
- Bill Hall, Civil Design Consultants, Inc., spoke on behalf of the applicants as the engineer:
 - This plan is for a subdivision for 14 individual lots with construction happening on 13 of them.
 - Proposed 9 single family units – 4 duplexes and the remaining lot will be a landscaped park.
 - Privately maintained sewer system.
 - Stormwater- roof runoff into inner area trenches / sandy areas good for infiltration.
 - This is still under DOT review- to see if there needs to be reconfiguration of intersections, curb cuts and/or infiltration sections.
- **GM**
 - Asked where the snow storage would be for the properties.
 - Hall answered saying there are two spots on the property for snow storage as well as limited space between driveways
 - Asked what the plan is for trash removal and storage.
 - Patrick Larkin (one of the applicants) stated they would be hiring one vendor for trash removal for the development. Each unit would have their own individual barrels for pick up.
- **JS**
 - Asked how and where the construction materials would be stored.
 - Hall answered by saying there is going to be two phases to construction. The first phase would use the back lot for storage then the construction would go unit by unit for each of the remaining lots.
- **LM**
 - Asked if these are going to be rental units.
 - Hall answered yes, they are going to be year-round rental units.
 - Patrick Larkin stated, there will be a similar program to a HOA / property managers association in that all individual lots are under one manager (Larkin LLC). There will be no short-term rentals.
 - Asked if there will be any added trees because the trees in that lot now are large, old and beautiful and it would be a shame to lose such natural wonders.

- Hall referred to landscape plan and stated that a long Beach Road there are five trees going to be planted and some smaller trees adjacent to lots.
 - Asked about Public parking spots.
 - Hall answered they can look into what it would take to make the Town's spot at the end of the lot a public parking area.
- **DR**
 - Stated, the driveways are in the Town's right away- will they be allowed to park there. She also stated she has reservations about people parking on old county road.
 - Hall answered that the parking would be up to the Planning Board.
 - She asked what type of lights will be on the abutters side of the buildings.
 - Hall answered they are LED wall lights. We can look into if they can be motion censored.
- **JMD**
 - Asked if policies for patios and sheds will be written into the HOA documents saying there will not be any sheds.
 - Hall answered there is not much room for sheds so that can be accommodated. There are decks but no room for patios.
 - Asked if mailboxes will be centralized or per unit.
 - Hall answered that stipulation can be up to the PB.
 - Asked to explain further the electricity and sewer situations.
 - Hall responded by saying they are currently waiting on National Grid to specify where transformers will be for the development.
 - He said each unit will have individual sewer coming out the rear of the unit collecting at a central manhole. On the abutter side of the development.
 - The unique sewer idea is to avoid fresh water and sewer closeness, that is why they are coming out the back.
 - Asked how the units will be air conditioned.
 - Hall stated that each unit will have mini splits which are wall mounted units that provide central air and heat.
 - Voiced his concern about traffic in the area. Specifically, if the residents of these units would have to back out of their driveways on Beach Road.
 - Hall stated the DOT is limiting the driveway for units 12-13 to 16 foot wide driveways and yes, they would have to back onto the road to exit.
 - **JMD** reiterated his concern about the danger of backing out of these driveways because Beach Road can be heavily trafficked in the summer.
 - Asked what the property line would be like near the abutters.
 - Hall stated they are opened to planting hedges or screening/fences.
- **GM**
 - Stated there are units on beach road that have the back out driveway that are having issues with pulling out.
 - Stated there are already issues with snow removal, making Old County Road dense if tenants have visitors or multiple cars per unit.
 - Stated the public parking is still up in the air because it will need to be approved by the Board of Selectman since it is Town land.

There is a general consensus of uneasiness on the density of the units.

- **JMD**
 - Asked DR about the public parking spots.
 - DR answered there was no definitive answers about approving the public parking.
- **GM**
 - Asked how the association is going to work if the applicants retain a unit in the development.
 - Attorney Bornstein spoke to this question:
 - Each unit will be owned and rented out by Larkin but will be held to rules similar to condo association adhering to rules as well as paying dues for HOA type improvements.
 - Larkin family will be onsite as property managers, which is unique and impactful.
 - This is being referred to as a “Unified Development”.

Floor Opened to Public Comment

- Chuck Shaw – 13 Old County Road – passed out two packets with factoids and pictures in them of the topic area. They gave public comment in general opposition to the density of the project.
- Raymond Champagne – 151 Beach Road – gave public comment voicing concerns about the project.
- Richard Daly – 191 Beach Road – gave public comment voicing concerns about the project.
- Kimberly Cipolla – 7 Old County Road – gave public comment voicing concerns about the project.
- David Holscher – 1 Old County Road – gave public comment voicing concerns about the project.
- Dan Welch – 50 Lafayette Road – gave public comment voicing concerns about the project.
- **LM** stated he is concerned about fire hazards regarding sprinkler systems in the garages as well as concerns over the density.

GM motioned for a peer reviewed traffic study to be obtained for 159 Beach Road before the next presentation. DR seconded this motion. Roll call was taken, all members voted in favor. Motion passed.

LM motioned to continue the public hearing of the SPR for 159 Beach Road to the September 28, 2022 Planning Board Meeting. JS seconded this motion. Roll call was taken, all members voted in favor. Motion passed.

***JMD** would like note the next two agenda items are . Applicant is making informal presentation on Flexible Residential Development Special Permit. This encourages preservation of open spaces, more compact development taking better advantage of topography. The property in question is over 5 acres.

Per the bylaws, the Board will make a decision on which plan would be more beneficial to the Town to suggest but the applicant will choose which plan they would like to pursue. *

- b. **100 Forest Road (Map 26, Lot 5 & 7)** – Flexible Residential Development Special Permit – Construct a 7 Flexible Residential Development with an associated Open Space in the back of the project.
Applicant: Old Silver Estuary On Little River LLC

- Eric Botterman with Millennium Engineering spoke on behalf of the applicant:
 - At this point in time the applicant is not intending on pursuing the FRD.
 - The big difference is on the FRD there are 7 units on 5 lots and on the conventional subdivision there are 6 units on 5 lots.
- **JMD** asked about calculations on open space allotment with the FRD.
 - Botterman stated the open space is about 19 acres, upland area is about 14 acres... 75% of open space would be upland as opposed to wetlands.
- **LM** asked if there is a way to give access to public to the Open Space.
 - Botterman stated the overall is to provide access to the open space for the public

GM motioned to continue public hearing of the FRD for 100 Forest Road to the September 28, 2022 Planning Board meeting. LM seconded this motion. Roll call was taken, all members voted in favor. Motion passed.

- c. **100 Forest Road (Map 26, Lot 5 & 7)** – Definitive Subdivision Application – Proposed construction of a 710 FT, 26 FT wide roadway servicing a 6-lot subdivision. **Applicant:** Old Silver Estuary On Little River LLC

- Eric Botterman from Millennium spoke on behalf of the applicant:
 - He started off by stating the original septic test pits were not applicable, this has taken time to find new viable test pits for the lots. Lot 3 still needs a viable test pit.
 - This might make the lot configuration change, it will continue to be 6 lots. if that is not sustainable they will revert back to the FRD.
 - There is a catch basin that will need to be figured out with DPW about the metal pipe going into abutting property.
 - The idea at this point is to sell the buildable lots not building homes.
 - Has lighting on the roadway and landscaping per town requirements.
 - At this point no proposals of lights on the driveway.
- **DR** asked if they had done any testing for wells
 - Botterman responded no they have not.
- **DR** asked who would be responsible for building the shared driveway once the lots are sold.
 - Botterman responded that is something that will have to be worked out.

Floor Opened to Public Comment

- Barry Coker – 98 Forest Road – gave a public comment questioning water drainage on this project, barriers for privacy on the edge of property as well as septic systems being close.

- Botterman stated there can be screen-age on the driveway seeing as it is close to the abutting property line. He stated he is unsure about the drainage and how it will be conducted, he heard his concern. He stated he will go to the town and will confirm there will be no impact on his septic system.
- Joe Palowich – 10 Corporal Patten Way – gave public comment voicing his concerns for the project regarding drainage, number of units per lot and water level around where proposed driveway and lot 4 are.
- Dawn Atkinson – 6 Corporal Patten Way – gave public comment voicing concerns about lot structure.

GM motioned to continue the DSA for 100 Forest Road until the September 28, 2022 Planning Board meeting. DR seconded this motion. Roll call was taken, all members voted in favor. Motion passed.

4. Other Business

a. **Minutes** – none at this time

e. Small Scale Ground Mounted Solar Panel Bylaw Discussion –

- **DR** gave an explanation of the agenda item stating he will be putting together a draft bylaw to put before the board to review. It has been a discussion item in order to get feedback or any ideas for the draft bylaw.
 - **GM** recommended adding carports into the bylaw as well.
 - **RD** recommended amending current bylaw to umbrella all types of solar
 - **GM** recommended not excluding any zones.
 - **LM** voiced a concern on how to address abutters
 - **DR** stated that has been addressed in other communities by providing foliage fencing

Floor Opened to Public Comment

- Mark Warcewicz – 35 Bayberry Lane – Stated he is the resident that approached the Planning Department regarding the on ground solar panels. He suggested that each case should be determined individually. He would like to see special circumstances taken into consideration.
 - **DR** responded by saying Planning Board does not have authority to waive setbacks, that is the authority of the ZBA.
- Michael Colburn – 5 Caitlin Circle – gave public comment in favor of this expanding this bylaw.

f. Reorganization of the Planning Board

DR motioned to nominate JMD as Chair of the Planning Board. GM seconded this motion. JMD accepted the nomination. There were no objections. Roll call was taken, all members voted in favor. Motion passed. JMD takes seat as Chair of Planning Board.

JMD motioned to nominate DR as Vice Chair of the Planning Board. LM seconded this motion. DR accepted the nomination. There were no objections. Roll call was taken, all members voted in favor. Motion passed. DR takes seat as Vice Chair of the Planning Board.

LM motioned to nominate JS as Clerk of the Planning Board. DR seconded this motion. JS accepted the nomination. There were no objections. Roll call was taken, all members voted in favor. Motion passed. JS takes seat as Clerk of the Planning Board.

5. **Old Business** – none at this time
6. **Correspondence** – none at this time
7. **Adjournment**

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

Meeting adjourned at 10:14pm

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

Minutes approved by:

Date: