

**Salisbury Planning Board
Meeting Minutes**

Date: Wednesday, April 14th, 2021

Place: Remotely via Zoom

Time: 7:10 p.m.

PB Members Present: Chairperson, Don Egan (**DE**), Vice Chairperson, John “Marty” Doggett (**JMD**), Clerk, Gil Medeiros (**GM**), Louis Masiello (**LM**), Deb Rider (**DR**)

PB Members Absent: Alternate

Also Present: Assistant Planner, Connie Brawders (**CB**) and Planning Board Secretary Sue Johnson (**SJ**).

At 7:04 (DE) notified the board that they are running ahead of schedule @ 7:04. (DE) requested to take business out of order due to a continuance request.

Request for site plan modification from Root to Bloom:

Request by applicant for a modification to the parking plan which was approved at 187 Lafayette Road, Map 19, Lot 296. (DE) asked (CB) for confirm that the town has received the official documents from the applicant. (CB) acknowledged the request was receive on the afternoon of 4/14/22. (DE) identified next meeting of 4/28 as the date of continuance. Motion to continue by (GM). 2nd by (JMD), Vote of Board, (DR) yes, (JMD) yes, (GM) yes, (LM) yes, (DE) yes.

Schedule continued to run early. (DE) took the opportunity to discuss the modification of current Planning Board rules. (DE) drew attention to (CB) staff notes in which she suggested a working sub committee would benefit the process. (DE) also highlighted a couple of areas that the board had previously discussed for improvement. Suggestions; Review all current rules & regulations, Certificate of Completion, Enforcement mechanisms that may or may not be available. Notification to owners, potentially abutters when a certification of completion is being contemplated. (DE) notified the board members that he will be asking members of the Planning Board to volunteer for the sub-committee. Board took a slight break before the official start of the meeting @ 7:10

Public Hearing - 7:10 pm

Motion to open public hearing by (GM). 2nd by (DR). Vote (JMD) yes, (DR) yes, (LM) yes, (GM) yes, (DE) yes.

1. **Site Plan** for a Major Project at **504 North End Boulevard**: Request by applicant to remove two (2) existing, non-conforming, multifamily structures and replace with nine (9) single-family detached dwelling units located at 504 North End Blvd [Map 36, Lots 138 A-L), a 22, 498+/- SF site, located in the High Density (R-3) zoning district and Flood Plain Overlay district. Owner: 504 North End Blvd., LLC, 229 Stedman Street, Lowell, MA 01851.

Applicants: Jonathan Miller, Principal of NE Blvd, LLC & Principal David Daly of Daly Construction LLC.- Attorney Lisa Mead, from Mead, Talerman & Costa, Newburyport presented for the applicants.

Attorney Lisa Mead introduced the two principal applicants along with Matt Hammer of Lamplex Engineering; Engineer for the project. Eileen Graf of Graf Architectural; Architect for the project & Libby Bowker from Mead, Talerman & Costa who will handle the wetland and civil aspects of the project.

Attorney Mead reviewed the old site as it currently exists. It's further noted that 3-Fema flood zones intersect the property. Those zones are noted as VE, X & AO.

Attorney Mead highlighted the following details of the proposed plan.

Width of driveway - 24 ft driveway, 18 parking spots (2 per unit), 4 visitor parking spots.

Pre- approved by Zoning Board. Project has received a special permit to modify the pre-existing, non conforming use buildings. Applicants are currently in front of Conservation commission. Applicants have attended several conservation meetings and have conducted an on-site visit. Comments have already been received by the DEP. New buildings will meet the construction requirements of the new FEMA flood zone. Total proposed units will be reduced from 12 to 9. And the project will lessen the burden on the water /sewer system. And the project will reduce impact to traffic.

Proposed development is 33.8 lot coverage, allowance is 60%

Attorney Mead presented a slide presentation which reviewed existing, non conforming buildings and noted the concrete foundations, proximity to the dune and further noted that they were built prior to the current FEMA regulations.

Mr, Matt Hammer reviewed existing buildings, elevation, dune, flood zones on site. And repeated much of Atty. Meads presentation. Mr Hammer additionally noted landscaping from the road way to the dune area. The landscaping will consist of Beach Plum, Rosa Ragoza and American beach grass . New access to beach will be a prepared pathway rather than over the dune. Lessening the impact to the dune. The beach dune area will include snow fencing @ a 45 degree angle. Walkway will be located between unit 8 and 9 and used for common use for direct access to the beach.

Entrance of the project will include a split rail fence on either side of the project. Driveway will be gravel, 20 ft wide with 2- 2ft clam shell shoulders on either side. Total width, 24 ft. The clam shell material will extend under each proposed unit. Snow storage and visitor parking is proposed for the entrance of the project. It's noted that the visitor parking is intended as seasonal and the plan converts that area to snow storage in the winter months. Mr Hammer noted that the grading of the project fell under the MASS DEP which required that it move from a traditional dry well to stone trench drainage system. Each unit will have water, sewer and fire suppression system. Water, sewer and electric will be located under ground on the southerly lot line.

(DE) asked the applicant to complete their presentation. Followed by comments by the Asst. Town Planner before opening the discussion to questions from the board.

Eileen Graf, reviewed architectural designs for the project. Ms. Graf noted units 2,4,6,8 to the right side and the mirrored reverse of units 1,3,5,7 on the left side. Unit 9 will be located closest to the water. Unit 9 will be larger, longer and narrower. Ms. Graf noted floor plans are elevated. 1st floor includes bedrooms & bath, covered roof over entry, bay window & decks. 2nd floor to include kitchen, living room, dining room. Units are designed to focus outward to either side of property. Goal is add more air and light. Roof top deck will have a 360 view. Design is coastal contemporary with a capped roof and Maibec shingle. Exterior railings will be black posts & stainless cable. Exterior staircases are positioned street side.

Attorney Mead notified the board that the applicants are requesting waivers for the Landscape Plan, Photometric Plan and the Traffic Impact report.

Landscape Plan: Current Plan requires a certified Landscape Architect. Attorney Mead asks the board to consider a request to use a Landscape scientist as the landscape plan will have to meet all requirements of the conservation commission.

(JMD) would like to see more landscaping in current plan. (LM) More plantings to screen parked cars. Perhaps higher plantings. (GM) asked for clarification that a Landscape Architect needs a landscape scientist to provide plans. (DE) is concerned about granting waiver. Feels architect would bring dual approach. Architect would focus on curb appeal in addition to what would thrive in the area. (DE) Suggests working with scientist. And then if it works with board, then take a vote. (CB) isn't comfortable with this approach and suggested a clear vote is best. (CB) previously reminded the board to vote on waivers at this meeting or at a continuance. She noted that the vote should be clear and not left to "language". (CB) also noted that it's best for waivers to be noted on approved plans. Attorney Mead conveyed the proposed plan is a 2 fold approach of street view, existing plantings. And conservation which creates habitat & maintain dune structure. After acknowledging the concerns of the board, Attorney Mead asked to return with upgraded plans after more conversation with the board and conservation commission. (DE) Asked to table, grant or consultant. (CB) Noted that a Landscape Architect has to complete a more vigorous degree. (CB) Noted the plan is very sparse and felt that involving both the landscape scientist and architect would benefit the site plan..

(GM) asked if conservation commission can over ride the planning board decision. (GM) felt they may waste time if it can be rejected. Attorney Mead withdrew request for this waiver at this meeting.

Photometric Plan: Waiver is requested due to lack of impact. Only exterior lights are at the entry door of each unit. The fixtures are small, facing downward, dark sky compliant. (DE) noted all recent projects have experienced lighting issues after the plans have been approved. (DE) asked (CB) if she had comments. (CB) noted a disagreement/error on the lighting plan. (CB) noted lighting spec's note a wattage per bulb @ 100. Incandescent, black gooseneck. Lighting notes, 40w LED downward facing light garage. 40W LED downward facing doorway. Need clarification of lighting. (DE) asked to note error. (LM) noted board was referencing older proposed plans. (JMD) asked about lighting above the garage. (JMD) asked if the lights will spill over into the bedrooms of neighboring units. Attorney Mead confirms the lights are dark sky compliant. Attorney Mead asked to continue this waiver to a future meeting.

(LM) asks for a motion to put waivers on drawings. 2nd (JMD) .Vote (LM) yes, (JMD) yes, (GM) yes,(DR) yes, (DE) yes.

Traffic Study : (DE) opened discussion with a personal opinion and not as a chair. (DE) referenced Attorney Mead earlier comments that fewer units could lessen traffic or maintain same level. (DE) asked board what they'd like to do with the request. (DE) asked (JMD) to comment. (JMD) doesn't feel the study is necessary. (DR) agreed, (LM) not needed, (GM) not needed. (GM) Motion to grant, 2nd (LM). Vote, (GM) yes,(MD) yes, (LM) yes, (DR) yes, DE yes.

Traffic Waiver Granted.

(DE) asked (CB) for the updated staff report. ZBA has approved a plan w/ no more than 9 units. Relief 4 height as been granted. Awaiting conservation, sewer easement on site. Plan should label 24' driveway due to concerns of several dept. heads. Further convo with Town Engineer (consultant). Eliminate clam shell shoulders.

(DE) Noted sewer easement issue. (CB) noted that it appeared unit 2,4,6 will be constructed over an easement. (CB) noted that if there is a need to excavate, structures cannot moved. (CB) asked for opinion of town attorney. Attorney Mead noted the Town did takings to provide sewer to properties

on North End Blvd in the 1990's. Each taking was 10-20 feet wide. The actual recorded easement noted that the sewer purposes included but not limited to installation, construction, maintenance, repair, replacement, operation & abandonment. Town isn't taking further interest.. The proposed project locates sewer main to the edge of property and 10 ft to rear of buildings. The design allows ample opportunity to work, replace and service sewer lines. Sewer Dept. is opting to increase size of main. Matt Hammer noted his discussion with Jeff Ingalls/Salisbury Sewer Dept. who has not raised any concern. The installation area is flow thru and open air under each building. Should a unit need service, there isn't an issue servicing the line It's located between the property line and back of the buildings. (DE) asked if this project is relocating the sewer that services abutting property. Attorney Mead said they're replacing the main that services 504 No, End Blvd And the abutting property will hook into the new main. The existing sewer line for 498 No. End Blvd will not run under the proposed buildings (DE) asked for questions from board. (JMD) no, (LM) no, (GM) no, (DR) no, (DE) Would like accessor & DPW to weigh in. (GM) wanted to talk further about snow removal. Referenced Railroad Ave project. (GM) noted vendor will have to back in to push snow out of a property. Noted building facing water could be an issue as there isn't a place to place snow. (DE) concerns are snow storage/parking. Location of visitor parking, not permissible per guidelines. (DE) asked (GM) to speak further . (GM) ok to discuss @ next meeting. Attorney Mead asked to address more immediately. Attorney Mead noted that visitor parking is not required. By including, they would use area in off season for snow removal. Noted: Railroad Ave project is 5 ft between buildings and this project has a proposed 9ft between buildings. (DE) noted that parking is not permitted in any front set backs. And noted the board had not approved such a project in at least the last 10 years. David Daly asked to speak. He referenced the planting and guarantee they will be robust. He also conveyed there's an additional 20 foot buffer that can be used as snow storage. Attorney Mead noted they expect these units to be used seasonally. (LM) noted that there is no way to make that determination.. David Daly agreed and said a dual snow, seasonal parking plan seems best. (DE) asked for comments and observations. (JMD) no,(GM) no, (DR) no. (LM) asks if Fire Dept. has excepted plans. (CB) confirmed they have excepted plans. Buildings require sprinklers, no hydrant. (LM) Asked about trash handling. Jonathan Miller – Mello will pick up from individual homes. Did not mention need of a dumpster. (DE) asked (CB) to confirm with Board of Health if dumpsters would be required. (DE) spoke personally, not as board member. (DE) felt proposed project is too dense, massing is too great. Too many units in a small space. Referenced 57 Railroad Avenue. Feels Town runs the risk of repeating same mistakes. 9 ft between units is a concern. Landscaping is not adequate and doesn't meet site plan review. David Daly asked board to explain issues in his past project. (DE) noted snow removal & new owners have to truck snow away. Snow exacerbates the parking issue. A natural gas service had to be moved after the fact. Service was located under a building. David Daily said he hasn't received any complaints from neighbors. And continued by discussing his proposed plan at 504 North End Blvd with benefits of parking, space & snow storage. Attorney Mead further noted that the board and all of the new owners of the Railroad Ave project knew that snow would have to be hauled away. (DE) opens discussion to abutters. No one present

(DE) asked Attorney Mead if she'd like to return on 4/28. Date was agreeable to Attorney Mead. Motion to continue to 4/28 @ 7:10 by (LM) 2nd by (GM) Vote: (LM) yes,(GM) yes, (DR) yes, (JMD) yes, (DE) yes.

2. Other Business

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- a. Preliminary discussion of modifications to the Planning Board Rules and Regulations. (CB) was asked to confirm whether the board had 5,000 in the budget to hire consultant. (CB) could not immediately confirm. The funds were part of the 2019 budget and not used. The estimate for current project is anticipated exceed more than 5,000. (DE) asked for an approach suggestion for the sub committee. (GM) asks if there is a list that notes projects by level of importance. (DE) noted areas that he feels are of importance. Formalizing notification for property owners, particularly condo owners that are impacted by certificate of completion. Enforcement mechanisms for site plans. Formalizing the requirement in any bonding amount. An amount specific to an as built plan. (DE) noted Lafayette Main project and that new guidelines should have been developed with the new By Laws. They don't currently exist. (LM) suggested a consultant. Asked if visitor parking should be part of the new regulation. (GM) suggested enforcing & strengthening. (DR) Noted caution and broadview of all issues to get it done. (DE) asked for volunteers for sub committee. (JMD) volunteered, (DR) volunteered. (CB) noted that she spoke with (SJ) last Friday. (CB) noted that they are making progress on the fees that remain outstanding. (DE) Mr McDonoughs departure & Covid put the task on the side lines. Additionally noted; The \$100,000 in escrow fees sitting in an account where the applicants haven't submitted as built plans or requested final certificate of completion. (DE) asked for an update of the progress.

3. Old Business

a. Correspondence

(DE) discussed memo from Board of Selectman. Letter suggests that all boards rotate their Chairmanship. (DE) noted potential learning curve and the pro's and con's to a rotation. (DE) suggested attending classes. Plan to revisit discussion at July meeting.

6. **Adjournment** – 9:22 pm. Motion to Adjourn (DR). 2nd all board members. Vote: All in favor.

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

Minutes approved by: J. M. D. Ssett
Date: 11/21/22