

**Salisbury Planning Board
Meeting Minutes**

Date: Wednesday, May 26, 2021

Place: Salisbury Town Hall – Colchester Room

Time: 7:00 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**) and Alternate, John Schillizzi (**JS**)

PB Members Absent: None

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

DE brought the meeting to order at 7:00 p.m. remotely via zoom. Announced, per opening meeting law, that the meeting was being recorded.

1. New Business – 7:00 pm

a. Discussion of Community One Stop for Growth grant opportunities.

DE explained that this grant opportunity if received would facilitate the updating of the Master Plan. DE stated that in order to apply for the grant the Planning Department needs a letter from the Planning Board stating that there is a need for this update and that we are willing to participate in the process.

LM motioned to draft a letter in support of pursuing the opportunity for the One Stop for Growth Grant.

JMD seconded,

Vote: DR-Yes, JMD-Yes, LM-Yes, JS-Yes and DE-Yes

(JS voted as the alternate because GM was not yet in attendance.)

2. Public Hearings—7:10 pm

- a. Site Plan Review for a Major Project at 504 North End Boulevard: Request by applicant for 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, and 22 associated parking spaces [Map 36, Lots 138 A-L), on 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). Case opened April 14, continued to April 28, then May 12, 2021.**

DE stated that the applicant has requested a continuance until 6/9/22 at 7:10pm.

DR motioned to continue until 6/9/22 at 7:10pm.

LM seconded.

JS recused himself.

Vote: DR-Yes, JMD-Yes, LM-Yes, GM-Yes and DE-Yes

- b. Request by applicant for 1. Special Permit and 2. Minor Site Plan Approval for the installation of a wireless antenna array on the Town of Salisbury Water Tower, with associated ground appurtenances, at 91 North End Blvd (Map 33, Lot 38), a 0.230-acre site located in the Beach Commercial zoning district and Flood Plain and Wireless District C overlay districts. Applicant: April Grasso for Smartlink Group [o/b/o New Cingular Wireless PCS, LLC], 85 Rangeway Road, Bldg. 3, Ste. 102, Billerica, MA 01862.**

Attorney Ed Pare (EP) discussed concerns about the location and impact of the backup generator. EP stated that they have removed the generator from the plans and resubmitted new plans. DR asked if all of the DPW Director's comments have been addressed which did not include the generator. There was discussion about approving the special permit and site plan approval with the contingency of DPW approval.

GM motioned to approve the Special Permit and that the Planning Board find that it meets the special permit criteria (listed below) and contingent on DPW approval.

“(1) The use requested is listed in the Table of Use Regulations as a special permit in the district for which application is made or is similar in character to permitted uses in a particular district but is not specifically mentioned.

(2) The requested use is essential and/or desirable to the public convenience or welfare.

(3) The requested use will not create undue traffic congestion or unduly impair pedestrian safety.

(4) The requested use will not overload any public water, drainage, or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety, or the general welfare.

(5) Any special regulations for the use set forth in the Special Permit Table are fulfilled.

(6) The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare of the neighborhood.

(7) The requested use will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood.”

JMD seconded.

Vote: DR-Yes, JMD-Yes, LM-Yes, GM-Yes and DE-Yes

LM voted to accept the request to modify the Site Plan Review application, without prejudice, by withdrawing the installation of generator.

DR seconded.

Vote: DR-Yes, JMD-Yes, LM-Yes, GM-Yes and DE-Yes

JMD motioned to approve the Minor Site Plan Review without the generator.
GM seconded.

Vote: DR-Yes, JMD-Yes, LM-Yes, GM-Yes and DE-Yes

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- c. **Request by applicant, Jonathan Kearney, for a Special Permit for the storage of construction equipment, materials and products at 158 Lafayette Road (Map 22, Lot 1), a 0.758 +/- acre parcel, located in the Lafayette Main Subdistrict B zoning district and Recreational Marijuana overlay district. Applicant's agent: Atty. Douglas C. Deschenes, Finneran & Nicholson, PC, 30 Green Street, Newburyport, MA 01950.**

Attorney Doug Deschenes (DD) updated the Board on the following items that they had requested additional information on at the previous meeting:

- Septic System to be connected to sewer when available.
- As-Built Plan not found. Applicant willing to provide when assumes ownership.
- Dark Sky lighting. Provided specifications on proposed dark sky compliance lights and willing to replace any lights not dark sky compliant. DD was not able to provide a photometric plan for this meeting. Applicant was willing to commit to provide an as built photometric plan to verify compliance if required by the board.
- Parking currently has 9 designated spots. Parking analysis was provided. Applicant believes 9 spaces is sufficient but is willing to provide up to 17 if the Town requires. There is sufficient space to accommodate additional parking if needed.

DE & CB discuss if the change of use requires the photometric plan.

DE read the change of use regulations (chapter 300 section 161 A) and discussed with board.

LM motioned to approve the special permit for use proposed use.

GM second.

Discussion: DE proposed to incorporate condition for obtaining certificate of completion for the site plan including dark sky compliant lighting, landscaping improvements, etc. as they discussed during the public hearing.

LM motioned to withdraw his prior motion and motioned to approve the special permit for use proposed use with the condition of obtaining the Certificate of Completion for site plan including dark sky compliant lighting, landscaping improvements, providing an asbuilt, as discussed during the public hearing.

GM second.

Discussion on procedure for certificate of completion.

Vote: DR-Yes, JMD-Yes, LM-Yes, GM-Yes and DE-Yes

3. **Other Business**

a. Preliminary discussion of modifications to the Planning Board Rules and Regulations.

JMD updated board on action items:

- Survey Planning Board fees in surrounding areas for future update.
- Developing a work plan matrix

DR added discussion included increased coordination with ZBA.

JMD stated next meeting will be next week.

b. Discussion of the topic of resuming live meetings/public hearings.

Covid-19 restrictions on meeting to be rescinded on May 29, Emergency declaration not lifted until June 15. Authorization to hold meetings remotely is granted under the emergency declaration. Board discussed notification requirements of open meeting law and possibility of hybrid meetings. The possibility of continuing remotely after the emergency declaration is dependent on legislative changes; it is not currently allowed in open meeting law. Plan to continue remote for June 9th meeting with planned return to in person on June 23rd with deference to guidance from the state.

c. Discussion of 70 Brissette and non-compliance of Site Plan approval.

DE informed the board the Conservation Commission denied the project their request for Certificate of Compliance as the planting and parking was not compliant with the approved plan. Planning Board discussed letter to be sent informing of non-compliance with site plan.

DE read letter.

CB added she will be meeting with Agent Marchand and the owner on site June 1, 2021 to discuss the landscape shortcomings. CB met with Agent Marchand, Developer's representative and Joe Serwatka on site on May 17, 2021. Discussed sending letter to owners, condo association, building inspector, conservation, and DPW.

GM motioned to send the letter for non-compliance of site plan for 70 Brissette Ave to the condo association, attorney of record, and condo owners.

JMD seconded.

Vote: DR-Yes, JMD-Yes, LM-Yes, GM-Yes and DE-Yes

4. Old Business- None

5. Correspondence

a. Minutes: No minutes for review

b. The Planning Department has received a copy of the Environmental Notification Form on behalf of the Planning Board for Resilient Rings Island prepared by the Town and submitted to the Executive Office of Energy & Environmental Affairs.

DE asked if any board members wanted to submit a comment letter. No response from board. CB stated they can submit individual comments.

c. Notice from the City of Newburyport of a Joint Public Hearing with the Planning Board and City Council Planning & Development Committee on proposed amendments and add additions to the Zoning Ordinance.

Comment from Board Member: LM informed the Board on the Merrimack Valley Planning Commission's hiring of Jerrard Whitten as the new executive director.

6. Adjournment

GM motioned to adjourn at 8:35pm.

LM seconded.

Vote: 5-0, motion passed.

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

Minutes approved by: _____

Date: _____




