



**Date: Wednesday, November 9, 2022**

**Place: Salisbury Town Hall, 5 Beach Road & Remotely via Zoom**

**Time: 7:00 pm**

PB Members Present: Chairperson, John “Marty” Doggett (**JMD**), Vice Chairperson, Deb Rider (**DR**), Clerk, John Schillizzi (**JS**), Gil Medeiros (**GM**), Louis Masiello (**LM**), and Alternate, Warren Worth (**WW**)

PB Members Absent: None

Also Present: Assistant Planner, Danny Ruiz and Planning Board Administrative Assistant, Ellie Cornoni

**JMD** 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. **15<sup>th</sup> Street West & 209 North End Boulevard (Map 34, Lot 23)** – Form A (ANR) – The purpose of this plan is to convey proposed Lot X from land of Cierri Salisbury Realty Trust to 209 North End Boulevard (Map 34, Lot 23). Lot X will be combined with (Map 34, Lot 23) under the same ownership.
- Matt Steinel from Millennium Engineering spoke on behalf of the applicant:
    - He explained the intention of the ANR is to create Lot X consisting of 5,000 SF and then conveying Lot X to the 209 North End Boulevard.

**GM** motioned to endorse the approval of the ANR for **15<sup>th</sup> Street West & 209 North End Boulevard**. **LM** seconded this motion. Roll call was taken, all members (5) voted in favor. Motion passed.

**5. Correspondence**

- Danny Ruiz gave an announcement: On November 21, 2022 at 6:00 pm there will be a workshop on both the solar bylaw and the natural resource bylaw where people can come and ask questions and give feedback and their inputs. This will be held in the Colchester room at the Salisbury town Hall, 5 Beach Road, Salisbury, MA.

**2. Public Hearing - 7:10 pm**

- a. **Zoning Amendment Proposals for the Planning Board to consider recommending for the October 24<sup>th</sup>, 2022 Town Meeting:**

- i. To create Ground Mounted Solar Photovoltaic Installations Bylaw, or take any other action relative thereto.
- **JMD** stated the planning department is creating a solar bylaw that will be ready by Spring Town Meeting. There will be workshops and drafts throughout the winter to create a functional and legal bylaw that will serve the Town effectively.

**DR motioned to not recommend the Zoning Amendment Proposal for the Ground Mounted Solar Photovoltaic Installations Bylaw. LM seconded this motion. Roll call was taken, all members (5) voted in favor. Motion passed.**

- b. **163 Elm Street (Map 9, Lot 31)** – Site Plan Review Application – Construct 2 commercial buildings with an associated gravel storage area. **Applicant:** F&D Realty LLC (continued from 7/13/22, 9/14/22, 9/28/22, 10/12/22)

- JMD stated the applicant has requested a continuance to the December 14, 2022 Planning Board meeting.

**LM motioned to accept the 60-day extension and continue the Site Plan Review for 163 Elm Street to the December 14, 2022 Planning Board meeting. JS seconded the motion. Roll call was taken, all members voted in favor. Motion passed.**

- c. **66 Elm Street (Map 8, Lot 1)** – Site Plan Review Application - Proposal to raze the existing doggie daycare and reconstruct a new larger doggie day care building. **Applicant:** Carlyn Capolupo (continued from 10/12/22, 10/26/22)

- Douglas Deschenes, Esq, from spoke on behalf of the applicant:
  - He stated the applicant has submitted updated site plans, stormwater support, and a response letter to comments from the previous meeting.
  - He stated the applicant has provided the lease for the additional parking spaces at the business next door.
  - He stated the dumpster has been moved over 15 feet from the precious site plan due to the Board of Health decision. He stated there has been extra protection being added in the way of a fence surrounding it to keep it out of site from the street and the neighbors.
  - He stated the Conservation Commission has issued the applicant an Order of Conditions.
  - He spoke on the walking route from the addition employee parking spots in the Millennium Engineering parking lot. They will be walking along the public sidewalk then will walk up the driveway to the establishment. Douglas stated he and the applicant spoke on the matter and believe it to be safe for the employees to keep it the original way. The driveway will be safely plowed as well as not being transited during drop off / pickup hours.
- GM asked about the back-yard fencing, if it will be closed fencing incase a deer is out there the dogs do not bark

- TJ Melvin with Millennium Engineering replied to GM's question by saying: most of the fencing will be solid with the remainder being chain-link fencing. The chain link portions have the privacy screens.
- LM asked about the lease for employee parking expiring, what would happen if the landlord changes and the new tenant does not want to renew the lease.
  - Douglas stated the lease is solid for 20 years. He suggested the Board proposes a condition, in the event the lease as provided becomes invalid for any reason the business will have to insure the additional 11 spaces acceptable to the Board.
    - The Board agreed to tie this condition into the site plan review.
- LM stated there should be signage designating the two spots for the residential building.
  - TJ stated, that can be accommodated.
- WW asked when the dumpster pick up is.
  - Douglas responded the dumpster pick up has been just prior to 6AM every Tuesday morning for many years. There has not been any complaints about that.
- JMD asked about tree removal. He requested that the mature trees that are being removed be marked both on the site plan as well as in the field.
  - TJ stated that can be accommodated as an additional condition.

**GM motioned to close the public hearing for 66 Elm Street. LM seconded this motion. Roll call was taken, all members (5) voted in favor (JS recused). Motion passed. Public Hearing closed at 7:51pm.**

**DR motioned to approve the Site Plan Review Application for 66 Elm Street with the added conditions:**

- The applicant shall mark the trees to be removed with ribbon.
  - If the lease between Stand By Me Doggie Day Care, LLC, and Waldot Realty, LLC, does not get renewed, the applicant shall come back to the Planning Board to show how they will provide the additional employee parking spaces.
  - The applicant shall install signage to designate the parking space for the residential house.
  - The applicant shall submit to the Planning Department a copy of the MassDOT permit approval.
- WW seconded this motion. Roll call was taken, all members (5) voted in favor (JS recused). Motion passed.**

d. **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. (continued from 8/24/22, 9/28/22, 10/26/22)

- JMD stated the applicant has asked for a continuance to the December 14, 2022 Planning Board meeting.

**GM motioned to continue the Site Plan Review for 159 Beach Road to the December 14, 2022 Planning Board meeting. LM seconded this motion. Roll call was taken, all members (4) voted in favor (WW and JS recused). Motion passed.**

e. **45 Toll Road (Map 18, Lot 227) & 63 Main Street (Map 18, Lot 14)** – Major Site Plan Approval & Special Permit Modification - Proposal to widen parking lot by 4 feet, widen previously approved MassDOT driveway entrances to 24 feet, provide a connection to the 63

Main Street property for overflow parking, and close the existing driveway on Main Street.  
**Applicant:** Chirag Realty LLC (continued from 10/26/22)

- Chris York from Millennium Engineering spoke on behalf of the applicant.
  - The applicant will be recording the easements for both the parking spaces on the residential property as well as the easement for tying the water and sewer from the residential to the water and sewer of the new building.
- DR asked if the easement is already in the draft conditions.
  - Danny Ruiz responded, yes.
- JMD asked if there will be an as build plan
  - Danny Ruiz stated that was requested by the Town Engineer, this is in the conditions. The time frame for this depends on their schedules, typically a reasonable time frame is a month.
- JMD asked about an updated stormwater plan.
  - Chris stated he will update the stormwater plan to include the trench included on the updated plans.
- JMD asked which property controls the lights in the parking lots.
  - Chris replied that 45 Toll Road controls the lighting.
    - JMD stated he believes that should be set in stone.

**GM motioned to approve the waiver request from §465-13 I. (1) of the Town of Salisbury Site Plan Review Requirements for 45 Toll Road. LM seconded this motion. Roll call was taken, all members (5) voted in favor. Motion passed.**

**GM motioned to close the hearing for the Major Site Plan Approval & Special Permit Modification for 45 Toll Road. DR seconded this motion. Roll call was taken, all member (5) voted in favor. Motion passed.**

**JS motioned to approve the Major Site Plan Approval & Special Permit Modification for 45 Toll Road. LM seconded this motion. Roll call was taken, all members (5) voted in favor. Motion passed.**

**3. Other Business**

- a. Minutes – none at this time

**4. Old Business**

– none at this time

**6. Adjournment**

**GM motioned to adjourn. LM seconded this motion. Roll call was taken, all members (5) voted in favor. Motion passed.**

**Meeting adjourned at 8:15 pm**

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

**Minutes approved by:** J L M Dasset

**Date:** 12/15/22