



**Date: Wednesday, January 11, 2023**

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

**Time: 7:00 pm**

**PB Members Present in Person:** Chairperson, John “Marty” Doggett (**JMD**), Clerk, John Schillizzi (**JS**), Gil Medeiros (**GM**), Warren Worth (**WW**), and Alternate, Angela Medina (**AM**)

**PB Members Present via Zoom:** Vice Chairperson, Deb Rider (**DR**)

**PB Members Absent:** None

**Also Present:** Director of Planning Lisa Pearson, Assistant Planner, 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. **Lafayette & Main Design Guidelines** – Tyler Maren from Barrett Planning Group will be making a presentation on the draft design guidelines.
  - Assistant Planner, Danny Ruiz, gave an update on the Lafayette & Guidelines:
    - He stated the board was given an opportunity to submit comments for the guidelines which have been reviewed and submitted to Tyler for the next draft. There are also images available that were discussed at the previous meeting.
    - He stated at this meeting he will gather additional comments or feedback to provide the consultants.
  - **DR** stated she would like a better picture for the dumpster screen.
  - Danny Ruiz stated he would like to have the public hearing on the February 8, 2023 Planning Board meeting.
    - The Board agreed to have the public meeting on February 8, 2023.
- b. **114 Bridge Road (Map 14, Lot 10)** – Certificate of Completion – Request for a Certificate of Completion to close out a Site Plan Approval Decision for Enpro Services Inc. **Applicant:** Our Neighbor’s Table
  - Danny Ruiz gave an overview of the property situation:
    - Enpro Services Inc. has an active Site Plan Approval decision and a site plan modification that has not been closed out at 114 Bridge Road.
    - The Site Plan Approval decision also included a condition that the applicant would work with the town to provide an easement for the rail trail access. The project narrative for the original site plan review application says the will provide an easement for the rail trail

and associated parking spaces. The applicant never provided the town with an easement and this is still an open issue. This needs to be addressed as part of the Certificate of Completion (CoC).

- Enpro submitted for a Certificate of Completion on June 3, 2014. There was a site inspection that was conducted on June 14, 2014, by Joe Serwatka and the then Assistant Planner, Leah Hill. They produced a punch list of open items that needed to be addressed. The process for the CoC stalled out and didn't move forward. The old CoC request and punch list was included in your packets.
- Our Neighbor's Table bought the property and the Building Commissioner determined that they need to submit for a CoC to close out the old Site Plan Approval prior to them submitting for a new Site Plan Review Application.
- Him and the Town Engineer, Joe Serwatka, conducted a site inspection on Thursday January 5<sup>th</sup>, 2023.
- The applicant still needs to address the open issue of the town and public easements. The town easement should be recorded prior to the applicant submitting for a new site plan review application. This easement is for the existing access the town built behind the property when it did the Town Creek project. We are willing to work with the applicant to allow them to submit for a new site plan review application for the new development prior to having the public access and parking easement finalized. The applicant will have to get the easement approved by their Board which may take some time.
- The applicant, Lindsay Haight, the Executive Director of My Neighbor's Table gave a brief overview of the business and project. She said in brief, they are here requesting the previous Site Plan Review (SPR) opened by Enpro be closed out so they are able to submit their own SPR for their project.
- **JMD** stated he would like the Board to know the conditions in the CoC:
  1. The applicant shall record the Certificate of Completion at the registry of deeds.
  2. The applicant shall record the town easement prior to submission of a new site plan review application for the new development.
  3. The applicant shall be responsible for finalizing the public easement prior to receiving a building permit for the new development.
- The applicant stated their concerns about the conditions and how she cannot make a decision without My Neighbor's Table's Board having input.
- Planning Director, Lisa Pearson, explained to the Board and Applicant that the easement was a part of the original SPR. She stated the applicant and other involved parties know this before buying the property in February of 2022. The easement is very important because the Town has spent funds to make the public way from the Rail Trail to 114 Bridge Road. The three conditions were created by the Director of Planning, Building Inspector, Town Manager and Town Counsel.

**GM made a motion to approve the Certificate of Completion with no conditions for 114 Bridge Road.**

\*The Planning Board continued discussion after motion was made\*

- **GM** stated he does not believe the conditions are bad, he just does not think they should be implemented with this CoC.
- **AM** asked if the rule of the site plan following the land not the owner is part of Massachusetts General Law (MGL).
  - Danny Ruiz responded, yes.
- **JMD** asked is someone could explain the town easement and the public easement conditions in the CoC.
  - Lisa Pearson explained:
    - She believes the two easements (public and town) should be discussed/dealt with separately.
    - She stated, the Town of Salisbury built the public access from the Rail Trail to 114 Bridge Road. The public access should be discussed as part of the new site plan review for My Neighbor's Table, the recommendation is to have it be finalized before building permits are issued.
    - The town easement is already there and the reasoning behind the condition is because since it is already there it should be recorded by the new owners.
- **JMD** stated if these conditions were approved, then My Neighbor's Table would not be agreeing to anything right now but agreeing to discussion of these when they submit their SPR.
- Lisa Pearson stated the language can be clarified in the conditions; "the town" meaning town maintenance employees for monitoring and addressing the tide for flooding.
- Lisa Pearson added, these conditions were agreed to through due diligence ahead of time. There is nothing unfair.
- **WW** stated he believes the town access is extremely important. He thinks the public easement can be discussed when the applicant puts their SPR application in.

Michael Colburn – 5 Caitlyn Circle- gave public comment about the certificate of completion, recommending the issuance with no conditions.

**GM motioned to approve the Certificate of Completion with no conditions for 114 Bridge Road. AM seconded this motion. Roll call was taken, 1 member voted in favor (GM), 4 members voted not in favor (JMD, AM, JS, WW). Motion failed.**

**JS motioned to continue the Certificate of Completion for 114 Bridge Road to January 25, 2023 Planning Board meeting, with the caveat in the interim the Town Counsel and Counsel for My Neighbor's Table discuss the best course of action. WW seconded this motion. Roll call was taken, all members(5) voted in favor. Motion passed.**

## 2. Public Hearing - 7:10 pm

- a. **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, 11/9/22, 12/14/22)
  - **JMD** stated the applicant has requested a continuance to the January 25, 2023 Planning Board Meeting.

WW motioned to continue the Site Plan Review for 163 Elm Street to the January 25, 2023 Planning Board meeting. JS seconded this motion. Roll call was taken, all members (5) voted in favor. Motion passed.

- 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 (continued from 8/24/22, 9/28/22, 10/12/22, 11/9/22, 12/14/22)

- JMD stated the applicant has requested a continuance to the January 25, 2023 Planning Board Meeting.

GM motioned to continue the Flexible Residential Development Special Permit for 100 Forest Road to the January 25, 2023 Planning Board meeting. JS seconded this motion. Roll call was taken, all members (5) 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 (continued from 8/24/22, 9/28/22, 10/12/22, 11/9/22, 12/14/22)

- JMD stated the applicant has requested a continuance to the January 25, 2023 Planning Board Meeting.

GM motioned to continue the Definitive Subdivision Application for 100 Forest Road to the January 25, 2023 Planning Board meeting. WW seconded this motion. Roll call was taken, all members (5) voted in favor. 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, 11/9/22, 12/14/22)

- JMD stated the applicant has requested a continuance to the January 25, 2023 Planning Board Meeting.

GM motioned to continue the Site Plan Review for 159 Beach Road to the January 25, 2023 Planning Board meeting. JMD seconded this motion. Roll call was taken, all members (3) voted in favor, 2 members recused themselves (WW & JS). Motion passed.

### 3. Other Business

- a. Minutes – 12/14/2022

JS motioned to approve the December 14, 2022 Planning Board Meeting Minutes. WW seconded this motion. Roll call was taken, all members (5) voted in favor. Motion passed.

4. Old Business

- None at this time

5. Correspondence

- None at this time

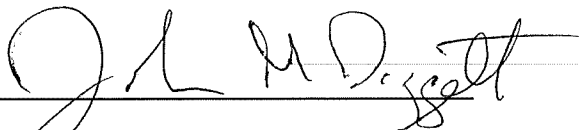
6. Adjournment

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

Meeting adjourned at 8:27 PM

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

Minutes approved by:



Date:

2/15/23