



**Date:** July 26, 2023

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

**Time:** 7:00 pm

**PB Members Present in Person:** Vice Chairperson, Gil Medeiros (**GM**), Clerk, Warren Worth (**WW**), Deb Rider (**DR**), John Schillizzi (**JS**), and Alternate, Angelica Medina (**AM**)

**PB Members Absent:** Chairperson, John “Marty” Doggett (**JMD**)

**Also Present:** Director of Planning Lisa Pearson, and Planning Board Administrative Assistant, Ellie Cornoni

**GM** brought the meeting to order at 7:03 p.m. remotely via zoom. Announced, per opening meeting law, that the meeting was being recorded.

1. **New Business – 7:00 pm**

\***GM** took agenda item number 3 “Other Business”, 4 “Old Business” and 5 “Correspondence” out of order.\*

3. **Other Business**

- none at this time

4. **Old Business**

- none at this time

5. **Correspondence**

- Director of Planning, Lisa Pearson, gave an update on the MBTA Zoning project.
  - She said this is a project where they Town is looking at different zoning districts based on the public meetings.
  - There is going to be a public meeting on August 10<sup>th</sup> to look at the zoning bylaw and explain the different districts to have the housing in. There are 4 in total; 1<sup>st</sup> is the Dean property on Bridge Road where the fiesta show stuff is, 2<sup>nd</sup> is the area surrounding the sewage treatment plant, 3<sup>rd</sup> is McKenna’s Mountain on the Seabrook line, and the 4<sup>th</sup> are parts of the current beach/commercial overlay district.
  - The hope is to bring the bylaw to the Fall town meeting. It is typically better to do zoning in the fall because in the spring the agenda is loaded with budget items.
  - She said that the goal is to do a bus tour this fall to look at the proposed sites and answer the public and board member’s questions.
- **GM** asked Lisa Pearson to go over the process when an applicant asks for a continuance.
  - Lisa Pearson explained that the board asks for written letters of continuance before the meeting to spare the applicants time as well as the board member’s time. She said this helps the applicant when they aren’t ready to present or something comes up and they are unable to. She stated she understands that it can be frustrating to the public

and to the consultants, but, she is unsure that not allowing the continuance would benefit either the board or the applicants.

## 2. Public Hearing - 7:10 pm

**\*GM took agenda item “d” out of order.\***

- 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, 3/22/23, 4/26/23)

- i. **GM** stated the applicant has requested a continuance to the September 13, 2023 Planning Board meeting.

**JS motioned to continue the Site Plan Review Application for 159 Beach Road to the September 13, 2023 Planning Board meeting. WW seconded this motion. Roll call was taken, 5 members voted in favor. Motion passed.**

- a. **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, 1/25/23, 2/22/23, 3/22/23, 4/12/23)
- Attorney Lisa Mead, Mead, Talerman & Costa, Newburyport MA, spoke on behalf of the applicant.
    - She stated last week they completed their work with the conservation commission.
    - They received their final review from Joe Serwatka, the Town Engineer, where they believe they have addressed all of his comments.
    - She explained they have a final list of waivers that were passed out to the board members at the meeting with one waiver that came up as a result of Joe’s final review.
    - She stated the waiver is for the soil test pits to be completed every 50 feet along the roadway, however the site has had hundreds of test pits but were not indicated as every 50 feet along the roadway. They are seeking a waiver seeing as conservation commission has given their final approval, and many test pits were completed on the site.
  - TJ Melvin of Millennium Engineering spoke about the soil testing.
    - TJ stated the biggest concern [ in Joe’s letter] is the soil depth to ledge in regards to the soil testing. They did about 15 or 16 test pits just for the road. He stated they have done approximately 100 of test pits for the drainage.
    - He said there is definitely ledge out there, in some places it is a few inches in other places it is 100 inches.
  - **GM** asked about the initial testing if the reports were submitted.
    - TJ Melvin replied, yes it was submitted with the July 5<sup>th</sup> submission.

- Lisa Pearson stated her recommendation is to allow Joe Serwatka to witness a few road way test pits, instead of redoing all of them, possibly just a few witnessed by Joe to make him feel more comfortable about his concern with the drainage.
  - Lisa Mead reiterated that there have been hundreds of test pits done and Joe had been out there for the septic test pits. She stated he has all the soil logs and the plans with the test pit locations on them.
  - Lisa Pearson stated that, in case that the town does except the road it would be better to have everything assured.
- Lisa Mead asked if the board could make the decision contingent upon 3 additional tests witnessed by Joe Serwatka prior to site disturbance.

**WW made a motion to approve a waiver request from Rule 6.4.4(21) with the requirement, that the Town Engineer, Joe Serwatka, witness 3 additional tests along the roadway before site disturbance, be added as a condition on the decision. JS seconded this motion. Roll call was taken, all members (4) voted in favor. Motion passed.**

**JS motioned to approve a waiver request from Rule 6.4.4(22) [no net increase in stormwater runoff]. WW seconded this motion. Roll call was taken, all members (4) voted in favor. Motion passed.**

- Lisa Mead stated the board leaned towards approving the waiver for the sidewalks
  - **DR** stated, she doesn't recall that notion.
  - Lisa Pearson stated she does not recommend this waiver. She said if the board does not feel the sidewalks would be applicable here in this subdivision she said the money for the sidewalks can go into the sidewalk fund in order to continue the sidewalks further up on forest road.
- **GM** asked Lisa Pearson how the funds for the sidewalk would be calculated.
  - Lisa Pearson stated they would calculate the linear feet on forest road Egret Drive.
- **GM** stated his concern is when the road is accepted the town would be responsible for plowing the sidewalks.
- Lisa Mead stated they could make a condition that prior to the last issuance of occupancy the money for the sidewalks will be deposited into the sidewalk fund.
- Lisa Mead stated these plans were designed off of the first few meetings with Chris York [from Millennium Engineering] who made these plans without sidewalks. She said the conservation commission has approved these plans without sidewalks. She said she would like to have a conversation about donating to the sidewalk fund. She said in order to add a sidewalk to this plan, they would have to go back in front of the conservation commission.
- **DR** stated she is a fan of sidewalks but in lieu of them at the subdivision then a donation to the sidewalk fund.
- Lisa Mead stated the donation would be approximately \$27,500.00 would be for the 50 +/- feet of frontage and the length of Egret Drive.
- **TJ** stated the linear feet would be roughly 600 linear feet.
  - Lisa Pearson stated there would be a condition where this number is run by [Director of the DPW] Jamie Tucculo and Joe Serwatka to work out a definitive number of linear feet.

- Lisa Mead stated this would be a waiver not to build the sidewalks but a condition in the decision to donate the money for the sidewalk fund prior to the issuance of the last occupancy permit.

**WW motioned to approve a waiver from Rule 6.4.4(18) with the condition; in lieu of sidewalks in the subdivision, the applicant would donate a monetary amount approved by the Town Engineer and DPW Director cost to the Salisbury Sidewalk Fund prior to the issuance of the last occupancy permit, in the Decision. JS seconded this motion. Roll call was taken, all members (4) voted in favor. Motion passed.**

- Lisa Mead stated the last waiver is for the HOA to maintain the drainage system. She said the waiver is looking for this to be the case only until the town takes over roadway.
- Lisa Pearson asked what is the maintenance expected of the HOA and if there is an easement with the Town for access to the drainage system.
  - TJ Melvin stated the portion the home owners are responsible for are the roof dry wells, and the rain gardens, each lot is not tied in to the drainage system. The stuff associated with the road, there is an outlet pipe on Lot 6 which there is an easement for the Town to access that. Everything else is located within the roadway.

**DR motioned to approve a waiver from Rule 7C.6.3's requirement that the Homeowners Association maintain the drainage system based on the roadway being accepted by the Town who would take over maintenance. JS seconded this motion. all members (4) voted in favor. Motion passed.**

- WW asked Lisa Mead if after the closest lots are sold will the common driveway be built at the same time.
  - Lisa Mead stated she does not know the answer to that question.
  - WW stated he recommends that a condition be there be lights on the bump outs.
  - Lisa Mead stated that the subdivision decisions have a condition that there always be a pre-construction meeting. She recommends that at this pre-construction meeting the applicant supply the schedule and lighting plan.
- Lisa Pearson stated concern about the roadway having building materials and debris and bonds.
  - Lisa Mead stated that if the road is not done and the lots are not done then the town has the right to not accept the road. However, the conservation commission still has control over the lots and common driveway. The purpose of the bond is for the construction of the infrastructure, not the sale of the lots.
- Lisa Pearson went through Joe Serwatka's July 25, 2023 review letter.

**DR motioned to approve the Definitive Subdivision Application for 100 Forest Road with the general conditions and conditions discussed throughout the hearings. JS seconded this motion. Roll call was taken, all members (4) voted in favor. Motion passed.**

**JS motioned to close the public hearing for the Definitive Subdivision Application for 100 Forest Road. DR seconded this motion. Roll call was taken, all members (4) voted in favor. Motion passed.**

- b. **14, 16, 18 North End Blvd (Map 33, Lots 248, 249, 250)** – Major Site Plan Review - Construction of two residential buildings with 5 units and 6 units for a total of 11 townhouse style residential condominiums. **Applicant:** Seacoast Property Management, LLC (continued from 4/12/23, 4/26/23, 5/10/23, 5/24/23, 6/14/23, 6/28/23)
- See below for discussion.
- c. **14, 16, 18 North End Blvd (Map 33, Lots 248, 249, 250)** – Special Permit - Special Permit request under the Beach Commercial Overlay District & Inclusionary Zoning for the construction of two residential buildings with 5 units and 6 units for a total of 11 townhouse style residential condominiums. **Applicant:** Seacoast Property Management, LLC (continued from 4/12/23, 4/26/23, 5/10/23, 5/24/23, 6/14/23, 6/28/23)
- Attorney Douglas Deschenes from Finneran and Nicholson, P.C., Newburyport, spoke on behalf of the applicant.
    - He stated that three big concerns to be addressed are:
      - snow storage
      - aisle width
      - photometrics
    - He stated the Town Engineer did not have any major concerns with his most recent review letter. He did not have any concerns with the increase in aisle width. He also Joe commented the snow removal plan was acceptable.
    - He stated they have put snow storage language in HOA documents stating that if there is too much snow for the storage areas there will be a private company take it off site.
    - He stated TEC questioned whether snow removal was adequate. They still also had concerns over the aisle width. In response to that they have expanded the aisle width to 25.5 feet wide while maintaining the 3-foot walkway behind the buildings.
    - He stated that architectural review group stated that they noticed that the designs stayed with new England style elements. He stated that the applicants incorporated cupolas to break up the roofing of the units to add a more modernistic approach and to address the architectural peer reviewer's concern the roofs lack any design.
      - They have submitted the revised plans to the architectural design reviewer but have not received updated comments.
    - He stated there was a lighting plan submitted that showed there is no light spilling beyond the boundaries. The lights are dark sky compliance and contained within the property lines.
    - He stated the two biggest changes to the plans were the aisle width increase and a space closer to the units for the trash barrels.
  - Ben Legare, the applicant, stated they did research on trash barrels. He stated the larger one if 95 gallons but still the same width of 26 inches to fit on the internal storage. There are going to be limits on the barrels in the HOA documents.
  - JS asked what is the trash bin height is when it's in the storage bin.
    - Ben Legare stated that the tallest one will be 6 to 6.5 feet off the ground. The platform is 3 feet off the ground.
  - WW asked about the widening of the aisle.

- Scott Cameron, The Morin-Cameron Group, stated the cars will still have to back in but will be more comfortable.
- **GM** asked about snow removal being over the guest spaces.
  - Scott Cameron stated this has been done in other condominiums.
- **GM** stated the cars are still going under the over hang of other units while turning in.
  - Ben Legare stated yes, the over hang will have rules stating there is nothing to be hung or stored under the overhang.
- Lisa Pearson asked why are the pilings on the last units not being used for all the units.
  - Ben Legare replied by saying the reason why they can't be used for all the units is because the AC units would have to be on the outside if that were the case. He said it's more aesthetic and neighborly this way.
- Aksel Solberg, HFA, hired by the town to do the architectural peer review gave comments on the project.
  - He stated he would like to provide general follow up.
  - He stated he makes no side-based comments. He just makes objective comments based on the Town's bylaws and the facts of the project.
- Aksel Solberg went through his initial peer review comments explaining his comments reiterating that he states objective facts based on the Town's design guidelines.
  - There were no questions from the board.
- Lisa Pearson stated the outstanding issue is from the traffic reviewer and whether or not it will work with the updated width. She recommended the board wait until they receive that. And whether or not the board would like to have the solar path analysis completed.
  - **DR** asked the applicant the ease of the solar path analysis.
    - Ben Legare stated there is no way to not cast any shadows on abutting properties. He stated they did keep in mind the shadows while designing the buildings.
    - Scott Cameron stated the tallest building next to the dwelling is 4 stories tall.
- Ben Legare stated they did a precedent due to the aisle width. He stated it meets the zoning.
  - Lisa Pearson stated there are safety concerns.
- **DR** stated she believes the board should wait until the traffic reviewer responds. They take public safety very seriously.
- **GM** stated he stands behind public safety.

**JS motioned to combine agenda items b and c and continue both the Major Site Plan Review (b) and Special Permit (c) for 14, 16, 18 North End Boulevard to the August 9, 2023 Planning Board meeting. WW seconded this motion. Roll call was taken all members (5) voted in favor. Motion passed.**

## **6. Adjournment**

**JS motioned to adjourn. WW seconded this notion. Roll call was taken, 5 members voted in favor. Motion passed.**

**Meeting adjourned at 9:20 pm**

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

**Minutes approved by:**  \_\_\_\_\_

**Date:** 8/23/23