

**Salisbury Planning Board
Meeting Minutes**

Date: Wednesday, June 9, 2021

Place: Remotely via Zoom

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**) and Deb Rider (**DR**).

PB Members Absent: Alternate, John Schillizzi (**JS**).

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. Request for Certificate for Completion for **57 Railroad Avenue** [Map 32, Lot 86] on behalf of owner, The Mansards at Salisbury Beach c/o Railroad Avenue, LLC, by Atty. Lisa L. Mead (**ALM**) [Mead, Talerman & Costa, 30 Green Street, Newburyport, MA 01950].

ALM presented a slideshow presentation to the Board and discussed the project. Eileen Graf (**EG**) presented the photometric plans and the revised elevation plans. Tom Hughes (**TH**) presented the landscape plan that was approved by the Conservation Commission. Matt Hamor (**MH**) presented and discussed the changes that were made to the Site Plan. ALM discussed the questions that were brought up at the 5/12/21 meeting. There was a lengthy discussion regarding design guidelines, flood elevations and not allowing parking in the snow storage area.

ALM stated that there was a punch list of items that needed to be completed listed in their Partial Certificate of Completion on 3/24/21. ALM stated that the peer review engineer has reviewed the site and everything required in the permit has been completed. ALM stated that an as-built plan was provided. ALM asked the Board to issue a full Certificate of Completion and release the bond. **DE** asked **CB** to discuss any outstanding issues. **CB** stated that the Board is waiting on comments from the DPW. The Board would like to hear from DPW and does not understand why it is taking so long for the DPW Director to get back to the Board with comments. Suzanne Rose (**SR**), 57 Railroad Ave, commented that the rain washing away the plantings on the dune. **DE** stated that erosion is not allowed under Site Plan Review. Matt Hamor (**MH**), Engineer with Landplex, stated that he has been out to the site several times and the site drains appropriately as designed. ALM suggested that the board add language into the Certificate of Completion that the applicant work with Conservation to add plantings to help prevent erosion. **DD** stated that they are willing to work with the homeowner's association on the erosion issue. **SR** commented that the rain washing away the plantings on the dune.

LM motioned to continue until 6/23/21 with the following items to be completed prior:

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- Comments from the DPW Director needed
- Assistant Planner and Conservation Agent to conduct a site visit and add a plan of remediation if needed

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

2. Public Hearing - 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 [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. (Cont. from April 14, April 28, May 12, May 26, 2021).

At the onset of the continuance, a verbal exchange was made between DE and ALM regarding allegations made by ALM toward the Planning Board.

ALM introduced her team. Aileen Graf (AG) presented a new photometric plan showing no spillover Tom Hughes (TH) discussed the landscape plan and Matt Hamor (MH) discussed the changes to the site plan. There was a lengthy discussion. Four members of the public spoke in favor of the project.

GM motioned to close the public hearing.

JMD seconded.

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

LM motioned to continue until 6/23/21 at 7:10pm with the issuance of a decision by 6/30/21.

GM Seconded.

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

- b. Request by applicant for Modification of Special Permit granted March 24, 2021 for Coastal Infusions, LLC for property located on **10 Fanaras Drive** (Assessor's Map 18, Lot 211), Salisbury, MA. The petitioner is seeking modification to the odor control mitigation process stipulated under the conditions of approval for Special Permit and Minor Site Plan.

* see below for minutes

- c. Request by applicant for Modification of Minor Site Plan approval granted March 24, 2021 for Coastal Infusions, LLC for property located on **10 Fanaras Drive** (Assessor's Map 18, Lot 211), Salisbury, MA. The petitioner is seeking modification to the odor control mitigation process stipulated under the conditions of approval for Special Permit and Minor Site Plan.

* see below for minutes

* Applicant/owner Chris Edwards described use of a liquid THC emulsification, introduced into the recreational cannabis production market for odor control/mitigation, in crafting an edible substance. In using this emulsification, available through a another duly licensed vendor, the step requiring extraction from biomass (pot plant) will no longer be necessary at 10 Fanaras.

Board member Louis Masiello recounted the site visit to the Scarborough, ME manufacturing facility conducted Friday June 4, 2021. Mr. Masiello was accompanied by Planning Board members Deb Rider, John Schillizzi, and Assistant Planning Director Connie Brawders.

GM motioned to continue the modification of Special Permit to 6/23/21 at 7:10pm.

DR seconded.

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

LM motioned to continue the modification of Site Plan Approval to 6/23/21 at 7:10pm.

JMD seconded.

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

3. Other Business

- a. Preliminary discussion of modifications to the Planning Board Rules and Regulations.
Tabled due to time of night.
- b. Discussion of the topic of resuming live meetings/public hearings.
LM would like to see the meetings be hybrid. DE agreed.
- c. Discussion of 70 Brissette and non-compliance of Site Plan approval.
CB read the following letter:

Dear Atty. Broadhurst,

It has come to our attention that your development is not in compliance with the Town of Salisbury Site Plan Approval granted for your property. The noncompliance was identified by the Conservation Commission at their recent public hearing for a request for Certificate of Compliance.

The site plan violations include non-compliance with the approved landscape plan and using the land adjacent to Murray Street for off-street parking. The landscaping was designed and approved as a method for screening and buffering the structure from the adjacent public way and to mitigate erosion. It was an integral part of the entire design approval. During the public hearing for the site plan on your condominium, the Salisbury Department of Public Works specifically requested that, for safety reasons, curb cuts and parking access should only be allowed on Brissette Avenue. The Planning Board concurred with DPW's recommendation and the approved design represents the proper driveway locations, aprons, and paving. In addition to representing a safety hazard due to insufficient site lines, accessing the property from Murray Street has damaged the paved area on the public street due to the lack of proper driveway aprons and driveway pavement.

Please accept this letter as the Town of Salisbury's formal request to comply with the approved site plan. Failure to bring the condominium into compliance could result in the denial of future building permits, a financial responsibility for repairs to public property damaged by unit owners, and whatever other action deemed appropriate by the Building Inspector.

We have referred this matter to the Building Inspector, Department of Public Works and the Conservation Commission for further action.

Please contact the Planning Department with any questions that you may have.

Sincerely,

*John "Marty" Doggett, Vice Chairperson
Town of Salisbury Planning Board*

*Cc: Eric Zahn, Katherine Zahn, 70 Brissette Avenue, Unit A, Salisbury, MA 01950
John McKay, Migbar Adugna McKay, 25 Bartletts Reach, Amesbury, MA 01913
Kyle Perzanoski, Emma Donnelly, 70 Brissette Avenue, Unit C, Salisbury, MA 01950
Deborah Hyde, 70 Brissette Avenue, Unit D, Salisbury, MA 01950
Mr. David Broadhurst
Town of Salisbury Conservation Commission
Town of Salisbury Building Inspector
Town of Salisbury Department of Public Works*

The Planning Board and Atty. Broadhurst concluded Atty. Broadhurst will reach out to residents and owners of the condominium to discuss seriousness of the violations. Atty. Broadhurst and residents of the condominium should appear before the Board in September or October to address the remediation plan for landscaping, as well as violations of the Site Plan approval. GM suggested having the homeowners come before the Planning Board at a future meeting.

4. Old Business -

5. Correspondence

- a. Minutes: None
- b. Guidance for Local Officials on Determining Voting Thresholds for Zoning Ordinances and By-laws prepared by the Executive Office of Housing & Economic Development.
DE noted that the information was provided to the Board in their packets.

GM announced that the Salisbury Art Stroll was being held on June 13th from 10am to 4pm at Partridge Brook Park.

6. Adjournment – 11:03pm

GM motioned to adjourn.

LM seconded.

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

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

Minutes approved by: J M Dissett

Date: 2/17/22

