

Salisbury Planning Board Meeting Minutes

Date: Wednesday, July 26, 2017

Place: Colchester Auditorium, Salisbury Town Hall, 5 Beach Road

Time: 7:00 p.m.

PB Members Present: Chair Helen “Trudi” Holder (TH), Vice Chair Gina Park (GP), Don Egan (DE), and Louis Masiello (LM).

PB Members Absent: John “Marty” Doggett (JMD), and Gil Medeiros (GM).

Also Present: Assistant Planner Bart McDonough (BMD), Planning Board Secretary Adriane Marchand (AM).

Chair Trudi Holder called the meeting to order at 7:05 p.m. in Colchester Auditorium, Salisbury Town Hall. Announced, per opening meeting law, that the meeting was being recorded.

1. Public Hearing 7:00 pm

a. Cont. Public Hearing - 123 Bridge Road, Sterling Ventures Inc.

TH recused herself from the Board as an abutter.

LM motioned to continue the public hearing for Sterling Ventures, Inc., at 123 Bridge Road to August 23, 2017 at 7:00 p.m.

DE seconded.

Vote: 3-0, unanimous. Motion Carried.

2. New Business

a. Signing of Plans / Permits

b. Approval Not Required—31 & 33 Bayberry Lane—Red Ridge Farm, Inc.

Mark Warcewicz (MW), 35 Bayberry Lane, was present.

BMD introduced the changes to the plan made due to an ownership conflict. Lots B74 (unbuildable) and B75 will be combined into one parcel. A lot line will be added to separate the combined parcel from lot 74.

LM motioned to endorse the Approval Not Required for Red Ridge Farm, Inc., 31 & 33 Bayberry Lane.

DE seconded.

Vote: 4-0, unanimous. Motion Carried.

c. Approval Not Required—107 Folly Mill Road—Paul LePere

Adam Costa (AC) of Mead, Talerman & Costa, LLC, was present representing the applicant.

Reintroduced the project proposing to create three (3) lots (103, 105, 109 Folly Milly Road) on a

property that has adequate area and frontage to satisfy zoning regulations. Included zoning information on the plan. The property the parcels are to be created from includes land, under the same ownership, located over the state border in Seabrook, New Hampshire. This lot would be subject to Seabrook's zoning laws. The assessor's main concern is access to this lot. There is currently no plan to develop the lots. When there is, access would be addressed as part of the permitting process.

DE asked for confirmation on how the Seabrook lot was accessed. **AC** replied by the driveway off of Folly Mill Rd.

DE asked how the Seabrook lot would be effected if the front lots were developed. **AC** replied it would require an access easement. **DE** suggested perhaps a subdivision approval would be a more appropriate means of creating the lots.

LM asked if the Seabrook home had a Salisbury address. Paul LePere (**PLP**) responded they have a Seabrook address and pay taxes to Seabrook.

TH asked if mail was delivered to Salisbury at the Folly Mill address for the Seabrook lot and if an ambulance was called would they access the Seabrook residence from Salisbury. **PLP** responded yes to both questions. **GP** also shared the concern for the safety issue created by creating lot 3 and also suggested that an ANR might not be the correct tool to address this. **AC** disagreed on the grounds that the rest of the lot is in a different state and not part of the ANR. If they resubmitted as a subdivision the plan would look no different. Instead recommended putting a condition on the ANR requiring that in the event of a sale an access easement would be provided. Consulted with the owner and applicant and confirmed that they would not appeal such a condition.

DE asked the Board if Town Counsel had provided any feedback on this issue. **BMD** responded Town Counsel advised the Planning Board to consider public vital access and safety when making the decision to endorse or not to endorse.

GP suggested holding off on separating the third lot that cuts off access and just creating Lots 1 and 2. **AC** stated that would not change the situation of the easement. **DE** stated he doesn't agree that an easement is the solution to the problem. The easement would set a dangerous precedence as a solution to this problem. Reads from the Subdivision Control Zoning Bylaw #1,2,& 3. Emphasizes the phrase "the proposed use of land abutting thereon" which does not specify the jurisdiction of the abutting land. He does not know how to solve this problem but he does see it as a problem.

DE motioned not to endorse the Approval Not Required for Paul LePere, 107 Folly Mill Road. The plans creates a non-conforming safety issue. The plan land locks an existing house lot with no access and creates a public safety risk.

GP seconded.

Vote: 4-0, unanimous. Motion Carried.

3. Old Business

4. Other Business

5. Correspondence

6. Adjournment

DE motioned to adjourn the July 26, 2017 Planning Board meeting at 7:51 p.m.
GP seconded.

Vote: 4-0, unanimous. Motion Carried.

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

Minutes Approved By:  Date: 9/13/17

