

**Salisbury Planning Board
Meeting Minutes
Wednesday, May 27, 2015 7:00 p.m.**

PB Members Present: Don Egan (DE), Chairman, Berenice McLaughlin (BHM), and), Brendan Burke (BB), and Lou Masiello (LM)

PB Members Absent: Helen “Trudi” Holder and Robert Straubel

Also Present: Leah Hill (LH), Asst. Planner, Lori A. Robertson, Planning Board Secretary

Time: 7:00 p.m.

Chairman Egan called the meeting to order at 7:09 p.m. in the Colchester Room, Salisbury Town Hall. **DE** announced, per the Open Meeting Law, that this meeting was being recorded and broadcast live via www.sctvmc.org/index.

1. New Business: N/a

a. Signing of Plans and Permits

1. Request to sign the street acceptance plans and mylar for Ocean Front South: **LH** stated in March 2014, the PB voted to recommend to the Board of Selectmen that they approve the layout of Ocean Front South for Town Meeting acceptance. This agenda item is to just sign the plan that was recommended for taking an Easement for Public Roadway and Utility purposes. No vote needed, just to sign mylar. **Mylar Signed.**

b. ACC-65 Folly Mill Road-Todd Wallace-Dube Plus Construction: Todd Wallace (TW) of Dube Plus Construction addressed the board on behalf of the applicant. We are looking to add an 18’x20’ accessory apartment. We do require a variance for setback. **DE** asked if the variance has been applied for. **TW** stated we are scheduled to meet for the variance on June 9, 2015. **DE** stated The apartment is not larger than 900 s/f. It will be 560 s/f. The lot minimum of 20,000 s/f is met, the parcel is 30,056 s/f. The parking 2 per dwelling unit is met, the applicant will provide 4. The apartment or main house is occupied by the owner of the lot.

1. LM motioned to recommend to Zoning Board based on passing the criteria for Accessory Apartment Bylaw Section 300-60. The apartment size, lot size, parking and it will be owner occupied and the accessory apartment fits in with the neighborhood.

BB Seconds – Vote on motion 4 – 0 unanimous.

C. Request for Certificate of Completion, 18 Fanaras Drive: Matt Steinel (MS) of Millennium Engineering addressed the board on behalf of the applicant. The applicant has a partial certificate of completion that they received last year in order to occupy the site. They posted a letter of credit to guarantee the completion of the outstanding work. The letter of credit expires at the end of June. Joe Serwatka went out in the winter, but there was so much snow so he based most of comments on the plan. As recently as this morning, he went back out and had the following comment: The swales along the west side have been wiped out by equipment storage. More importantly the run-off from the front of the site does not appear to get to the constructed wetland on the side due to grading issues and equipment storage. The applicant’s response is that he parks over there. There is no water going onto the street. The town engineer asked him to put speed bumps in at both sides to direct water away from the road. **DE** stated I remember the applicant being before us and their position about the speed bumps that nobody else in the industrial park had speed bumps and they didn’t think it was fair. **MS** stated I’m not sure, but now he says they work. Joseph Serwatka – February 24, 2015 letter:

1. The as-built plan should address whether condition 3 of the approval relative to granite bound installation at lot corners abutting Fanaras Drive:
Response: **The applicant has authorized Millennium to set granite bounds. Looking to be completed at the end of May.**

2. The engineer’s letter and as-built plan appear to show that the landscape area at the building does not conform to condition 8 of the approval. The board may want the applicant to make the corrections to the site.

Response: The original plan showed a 3' wide granite curbing that ran alongside of the building. There was a gap at where the entrance was. The applicant did not install the portion wrapped around the corner. The slope of the roof of the building the water pours off the front and back of the building. Water coming down without gutters will end up hitting the dirt and splattering upside the building. He would rather have the parking. **LM** stated I thought landscaping needed to be across the whole part of the building. The hot-top was supposed to go up to the turf. **MS** stated the granite was just the first 3'. **LH** stated the decision stated vertical granite curbing should be added to the front of the landscaping beds that abut the building to contain the landscaping as well as serve as protection of the building from the vehicles. The landscaped area which abuts the north side of the building is to wraparound from the existing area to the area in front of the 3 parking spaces. **MS** stated he felt that the runoff would make a mess of the building. **LM** stated with a gutter and downspout this problem could have been solved. **MS** stated yes, it could have.

3. *The engineer should address whether the site lighting conditions have been met per the approvals.*

Response: **The location of the new lighting has been added to the plan. Lights are downward facing and do not appear to result in glare on abutting properties. The applicant feels the lighting is adequate and is meeting the intent of the approval.**

4. *As noted in the engineer's letter, a dumpster enclosure has not yet been provided. The board may want to require this to be done as soon as weather permits.*

Response: **The dumpster is currently sitting on the pavement and will be moved to the back of the building on the pavement. The applicant believes this meets the intent of the approval as the building will block the dumpster from the public. MS** stated the applicant wants to be able to move the dumpster because he has equipment coming and going. **LM** asked if there as a concrete pad under it? **MS** stated no. **LM** stated the Board of Health would never approve it not being on a pad. **MS** stated I serve on a Board of Health and there is a regulation that most dumpsters need to be in an enclosed area. It is to keep people out of the dumpsters and using them. **DE** stated I thought there was a requirement that a dumpster needs to be on a pad. I would like to see it put somewhere permanently or a request for modification always on a paved surface. **BB** stated he is concerned that it would keep moving.

5. *The approval requires "any mechanicals shall be screened from public view by landscaping, fencing or materials consistent with the building". There are mechanicals at the rear of the building that the board may want to address.*

Response: **The mechanicals in question are at the rear of the building and not visible to the public. The new building is providing the screening you are seeking and meets the intent of the approval. The applicant feels the additional screening measures would be unnecessary and a waste of money. DE** stated put this on the modification request the fact that its in the rear and not screened.

6. *A chain-link fence and gates were installed along the frontage and portion of the side lot lines, as noted in the engineer's letter, and depicted on the as-built plan. These items were not part of the site plan approvals. The board may want the applicant/engineer to come before the board to discuss these items.*

Response: **Early on in the operation of the business the applicant dealt with issues of trespassing and theft. As a result he spoke with the chief of police, who agreed a fence was a good option, and then pulled the necessary permits to build the fence. The applicant purposely put up a more expensive fence as he wanted a nicer looking fence at the front of the business and view of the public. Although not part of the original approval, the applicant feels this is the best solution and requests permission to leave the fence in place. DE** stated there is a separate process to go through for getting a fence. This doesn't concern me. **MS** stated we are going to submit a new plan which have the fence detailed on it.

7. *The as-built plan does not depict adequate swales or site grading along the north, east, and south sides of the site to direct and treat pavement runoff to the constructed wetlands. A site visit should be conducted, after snow melt, to verify site grading.*

Response: **Now that the snow has fully melted Millennium Engineering was able to return to the site, see and locate more of the swale than was previously accessible. The plan now accurately shows the entire swale as requested. A portion of the swale located near the entrance to the property has been damaged and will need to be reshaped. Overall it appears that the swale is in close reasonable conformance with the design plans and is functioning as intended. MS** stated this is Millenniums fault. Our crew did not show enough of the swale. We went back and added topography and added additional length of swale. The applicant was made aware of tire marks going over the swale. **LM** asked will the tire marks stop. **MS** stated he will have it fixed. The swales run along the edge of pavement. **DE** stated I went out there this morning. I think saying tire marks are causing the issue is a drastic understatement. **DE** stated I would like to see updated plans. I think something needs to be done to make it work correctly. **LH** asked has there been a Certificate of Compliance issued? **MS** stated no. **DE** asked how do you prevent it being re-damaged. I would like to see a proposal to protect the swales. **MS** stated I can ask the applicant. He is not willing to put a fence along the pavement. The heavy equipment will damage the fence. **DE** stated I would like to him to work this out through the review process.

8. *The engineer should address whether the issue at the rear loading dock has been addressed. Retaining walls were approved on either side of the dock area but, to the best of my knowledge, the walls were never installed. During site construction, the engineer advised that he would address this issue with the owner.*

Response: **The retaining walls are in place however we do agree they are shorter in length than originally design. This was an adjustment made by the applicant. MS** stated I spoke with someone in my office and they are thinking Joe meant to say the walls were shorter in length than what was approved on the plan. It was a change for the trucks to get into the loading dock.

9. *Outlet structures for both constructed wetlands should be detailed to verify that they conform to the plan approvals.*

Response: **The invert elevations have been added to both outlet structures as requested. It is our opinion that the structures are functioning as designed. DE** stated we need to get concurrence with the engineer.

10. *Final grading around both constructed wetlands appears lower than approved. The engineer should address this issue to determine whether site alterations will be required when snow melts.*

Response: **Elevations around both constructed wetlands area within reasonable conformance with the design plans and it is our opinion that no additional grading is needed as both constructed wetlands are functioning as designed. Spot elevations have been added to the plan to help clarify grading. MS** stated he has it at the correct elevation. **DE** stated we will need to have this on the modification. Why was the engineer under the impression it was lower. **MS** stated we originally didn't show the spot grades.

11. *The engineer should provide additional as-built detail on sediment forebays and spillways.*

Response: **A spot grade was added to bottom of elevation of each sediment forebay and elevations added for the spillways as requested.**

12. *Utility as-built information should be shown on the plan, as is typical.*

Response: **Millennium Engineering cannot provide utility information you requested as we were not onsite at the time of and did not inspect the installation of the utilities. It is only typical to show utility information on the as-built plan that was inspected or is visible on the surface. Currently what is shown on the plan is all we can certify to at this time. LH** asked could cameras be used. **MS** stated we can show the connection to the drain manhole. **DE** stated personally I am okay with the way it is. We would have to take formal vote.

LM stated there are a lot of issues. Things were changed without any consultation with the board.

BB stated some things are minor but others such as the swale, granite bounds and dumpster bother me. It doesn't make sense to close this out. There is a process to change things and it's too bad it wasn't followed.

DE asked did your client give you what type of reduction he is looking for. **MS** stated a full reduction. Went over the amount with my boss and he stated that if the board didn't feel comfortable reducing it completely should reduce some because the remaining work doesn't add up to 45,000.00. **DE** asked what are the chances this will be completed before the next meeting. **MS** stated the work to the right hand side wouldn't be completed until September.

BB stated for a point of clarification the items we are asking Joe to put a dollar amount on should we give direction as to what those are. **LH** stated maybe Joe could do a line item for each comment. **LM** stated a cost estimate for the letter dated May 5, 2015.

DE stated in my opinion the items that are completed are #'s 3, 5, 6, 9 and 12 from Joe Serwatka's letter dated 5/5/15.

LM motioned to continue the request for Certificate of Completion, 18 Fanaras Drive until June 10, 2015. Also, that we ask our Town Engineer for a cost estimate to complete the items in the May 5, 2015 letter except for items 3, 5, 6, 9 and 12 which we feel has been adequately addressed.

BB Seconds the motion. Vote on motion 4 – 0 unanimous.

LH stated the applicant will return with modifications. **DE** stated we are asking the applicant to return to the board with a site plan modification application.

7:30 Public Hearing

a. Cont. Definitive Subdivision – 20 Ferry Road/Douglas Avenue-Elite Builders: **DE** stated we received a continuation request.

LM motioned to continue the public hearing for definitive subdivision – 20 Ferry Road/Douglas Avenue-Elite Builders to June 10, 2015 at 7:30 pm.

BB Seconds- Vote on motion 3 – 0 unanimous.

b. Extension Request SPR-233 Beach Road-233 Beach Road LLC, **LH** stated we had an issue brought up by an abutter's attorney regarding the master deed expiration date. At the last Planning Board meeting you asked for this to be sent to Town Counsel. We received a response late this afternoon that states they agree that the master deed deadline doesn't terminate. The other question is what date you would want for you extension. It does not appear to address the site plan approval has expired. I'm not sure they are planning to address this.

Steve Paquette (SP), 233 Beach Road LLC addressed the board. I had a discussion with the abutter who raised the question on the master deed. He is okay with this now. Since half of the project has already been built generally

speaking the permit would've expired if the project hadn't begun. Clearly the project is half built and occupied. **DE** stated I am not comfortable taking a vote on this until we hear back from Town Counsel.

DE motioned to continue the request for extension request SPR-233 Beach Road-233 Beach Road LLC until the June 10, 2015 meeting pending the discussion with Town Counsel or additional comments back from Town Planner as to why we can't get an opinion from Town Counsel.

BB Seconds-Vote on motion 4 – 0 unanimous.

c. Request for minor modification for SPR-233 Beach Road LLC, LM stated I feel Building "A" is a fantastic addition to the beach. I don't see that in Building "B". The architectural detail isn't there.

Steve Paquette (SP), 233 Beach Road LLC addressed the board. The biggest concern we have is the impact of elements on the existing building. The size of the existing building in terms of the space. Building "A" has been a maintenance bear. We tried to eliminate the common areas inside the building. A smaller building will allow for visitor parking. A smaller building also allows us to stage the construction.

Architect for the project, David Udelsman of Udelsman Architectural addressed the board on behalf of the applicant. The original building is a 16 unit - 4 story building with 32 parking spaces. The building was just short of 140' long and 84' in depth. The new design will have 29 spaces plus five visitor spaces. It will be 12 unit – 4 story building. The building will be 110' long with a depth of 65'. It provides more separation from the building. We felt the center tower on Building "A" did not need to be repeated on Building "B". We did take into consideration the elements from the weather. On the marsh side elevation we break up the roof line. We repeat the same kind of elements with rail, window and siding style.

DE asked if there was a time limit on a decision. **LH** stated I don't think the regulations speak to a specific timeframe. It needs to be reasonable. It also needs to be put out there what needs to be addressed so people can respond.

DE stated this goes back to the major and minor. I think we would be requesting everything as if it was a major. There is going to be design review fee. **LH** stated we have escrow fees from the original site plan. **SP** stated are you saying regardless as to whether or not this is a major or minor it is deemed a major or minor review that you would need to do those things. **DE** stated that is my opinion. This building is totally different. Probably different drainage, parking, etc. **SP** stated the pilings are the same. We did provide you with an engineered site plan. **DE** stated this is the Beach Overlay District Section 300-71. There are certain design standards. (He read some of the design guidelines). What we have done in the past is drawings have been submitted to Design Review Committee. There was discussion that a consulting architect should be employed to review new development.

SP asked if we were proposing a smaller building that didn't have the same questions about the roof, etc. would that make a difference between a minor or major. I started this some time ago without plans to the Planning Department.

DE stated you are certainly welcome to come back in two weeks with another presentation.

SP stated if we have to change course it means a different application. I would much prefer to continue as is.

DE stated our job is to make sure the plan is consistent with the Beach Overlay District. We need to come up with an idea because the Design Review Committee is no longer in existence. If it's the board addressing this, or an architect that is retained in a consultant capacity. **SP** stated we will plan to come back in two weeks and go item by item for the Beach Overlay District requirements and show how we will meet them with the smaller building.

DE stated I am still not ready to say if it is minor or major.

SP stated my architect David suggests that we continue to the next meeting and come back item by item with the Beach Overlay section of the bylaw and see if it meets your expectations.

DE stated it's a possibility that a consulting architect will need to be retained to review this proposal.

LM motions to continue the request for minor modification for SPR 233 Beach Road LLC to June 10, 2015.

BB Seconds-Vote on motion 4 – 0 unanimous.

- c. **Other Business:**
- d. **Correspondence:**
 - a. **Minutes from May 13, 2015**
- e. **Reports of Committees:** **LM** stated the environmental clean-up at 29 Elm Street, a second phase will be starting soon.
DE stated the next workshop for the Lafayette-Main Zoning will be at 6:00 June 10, 2015.
LH encouraging all residents to complete the survey for the open space plan on the town website.
- f. **Adjournment:**

BHM motions to adjourn at 8:55 pm

BB Seconds – Vote on motion 4 – 0 unanimous.

Chairman

Date