

**Salisbury Planning Board
Meeting Minutes
Wednesday, January 14, 2015 7:00 p.m.**

PB Members Present: Don Egan (DE), Lou Masiello (LM), Brendan Burke (BB), Berenice McLaughlin (BHM), and Helen "Trudi" Holder (TH),

PB Members Absent: 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 7:12 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:

DE stated that **LM** is utilizing the Mullins Rule as he reviewed the video, minutes and other evidence from the 12/10/14 meeting on this project and so is able to participate in this project and vote.

- a. Cont. Minor SPR-106 Elm Street-Christopher DeLuca:** Brian Knowles (BK) addressed the board on behalf of the applicant. We met with LM and LH to help finalize things. We proposed evergreen trees to provide screening between 106 and 108 Elm Street. We plan on evergreen low-growing shrubs out front. There will be a 12' light post for the entrance and exit area. We provided an entrance and exit for the carwash. We assigned the parking out back for the apartments. There will be seven parking spots in total. We provided a solid white line that says car wash stay to the left. During our meeting, LH had a comment about lighting for the proposed apartment parking spots. It will be from dusk to dawn. We have a couple of details for the shrub planting. We will provide whiskey barrels three out front and three out back. We are still working with DPW on the old section of Elm Street. **DE** asked if you had a chance to respond to Joe Serwatka's comments in his January 11, 2015 letter. The only remaining issue I saw was providing granite curbing. On the plan it is not on the state layout portion. **DE** asked if the state has been contacted. **BK** stated we are working with DPW. **BB** asked about the sewer line. **BK** stated Joe was wondering if we need a 6" line but DPW said 4" would be fine. **LM** asked about the easement for drainage. **BK** stated I gave a plan with the meets and bounds. An easement will just have to be drafted. **TH** asked if the residential area will be illuminated. **BK** stated There will be a 60-100 watt light on the stairs of the building. **TH** asked if there would be a crosswalk for the residents? **BK** stated no. **LM** asked if the plantings would be mature. **BK** stated for the screening it will be 4-6' in height. **DE** stated the Planning Department has concerns with the traffic flow. **BK** stated we have signage and striping. **DE** stated I wish there was a way you could make it more clear that you should only take a left to go into that bay if you are using that one. All the other ones you go to the back of the building. **BK** stated we have big entrances and exit signs. We have a sign that says carwash stay left. **LM** asked about an overhead sign. **DE** stated it doesn't meet our traffic standard. I just want to go on record to say this is a lousy traffic flow. If you were designing this with no site restrictions would you design it this way? **BK** stated no. **DE** stated we would like to see what the signage will look like. **BK** stated we are going to use the standard signs. **DE** stated I think they need to be bigger than normal because of the oddity of the lot. **DE** stated maybe some illumination to the signs too. Have notes from DPW regarding what he requires, including the grinding and resurfacing of the road-curbing, sidewalks. **BK** stated there are no sidewalks. **LH** stated it references sidewalks whether DPW or Mass-Highway would require. **DE** asked if the state had been contacted. **BK** stated the real estate department. They said it was very uncommon for an applicant to fix up a state road. **DE** asked if an application had been submitted to the state. **BK** stated we need to iron stuff out with the state. Your review agent made a comment stating the board may want to make this condition of approval with wording stating with work being completed prior to occupancy. **DE** stated I would like to add two things into the approval. 1. Prohibit any cars on the property with a for-sale sign or any cars that are in the process of being repaired or any unregistered vehicles. 2. Incorporate language that says failure to comply with any or all of the conditions of the site plan approval may result in the

PB going to the Board of Selectmen for recommendation of non-renewal of the business license. **BK** asked if this is put on all the site plans. **DE** stated we plan on doing so going forward.

DE stated we are past the 7:30 pm public hearing for Brendan Doherty, 82 Lafayette Road. Eric Botterman of Millennium Engineering stated we can wait.

DE stated we need the MassDOT situation addressed. We need to see on the plans specifically what is going to be done with the drainage and what you have agreed to with DPW. **BK** stated we had Don Levesque here at the last meeting and he stated what he was looking for. **DE** asked why this isn't on the plans. **BK** stated if you want a note added to the plan I will add it to the plan. **DE** stated It should be shown on the plan.

Applicant, Chris DeLuca (CD) of 106 Elm Street addressed the board. We do plan on striping the pavement. The first bay was your idea to come in the front. **LH** stated I disagree when Joe reviewed it the person in the easterly bay. You both said that is incorrect and the diagram of the car was facing the wrong way. **CD** stated the over-head sign if the ladder truck has to go through there at 18' wide. It won't fit. Why would I put used cars on this property. I already have a used car license on my other property. **CD** stated Don never said anything about curbs, sidewalks, etc. He asked if I was going to have an entrance or exit. I told him yes I was. Don asked if I would have a problem with curbing the front half and I don't have a problem with that. **DE** stated I want it on the plan. We would like DPW comments and any additional requirements from the state to be on the plan. If Don sends a memo stating what is on the plan it is what we agreed to then I don't have a problem.

Eric Botterman addressed the board. MassDOT will not give the permit until they have their approval from you.

DE stated I do think in the decision it should state that they need MassDOT permit. If the state imposes additional conditions the applicant must return back with a modified site plan. Typically we provide the applicant a draft of the approval. I guess we will continue to the next meeting and prior to the next meeting a draft decision.

- Based on updating the plans with the agreement of DPW-**BK** stated we will provide a plan showing the section we are going to repave
- Diagram of the proposed signs-**BK** stated I will make copies of the proposed signs.
- Business Hours-**BK** stated the applicant would like 7:00 am to 10:00 pm
- MassDOT imposes additional conditions the applicant will come back with a modified site plan.
- Traffic Flow-**DE** stated I am going to poll the board: **LM** stated I can approve it but it needs better signage and road markings. It can work, not perfect, but it can work. **DE** asked for the informal poll with LM conditions. 4 in favor. 1 abstained. (BHM).
- Easement for the infrastructure is proposed on 100 Elm Street.

LM motions to continue the SPR-106Elm Street to January 28, 2015 at 7:00 pm.

BB-Seconds-Vote on motion 5 – 0 unanimous. **Motion passed.**

7:30 Public Hearing: (8:40) SPR-82 Lafayette Road-Brendan Doherty: **DE** stated that **LM** is utilizing the Mullins Rule as he reviewed the video, minutes and other evidence from the 12/10/14 meeting on this project and so is able to participate in this project and vote.

Mr. Eric Botterman (EB) of Millennium Engineering addressed the board on behalf of the applicant. He stated Mary Rimmer and Mark West went out to the site to review the wetland lines. From what I understand there were no real changes. We went out to count the trees that we need to cut down 140 8" trees that need to come down. The 12" culvert that Joe Serwatka brought up. It was down in the 1960's before permits were required. We do have granite curbing in the front. The rest of the site is concrete curbing. We need to add the concrete curbing to the plan. DPW had a question about the 12" water line on Lafayette Road. We will give Joe the plan. We show the site connecting to the water line. We relocated the utility pole out front. There was discussion at a meeting

last week about the MassDOT requirements, regarding sidewalks. I know MassDOT plans on putting sidewalks in that area. As a condition we have no problem if you want to condition putting sidewalks in if the project doesn't get done within the next five years. Brendan has no problem putting the sidewalk in. **LH** stated we discussed at the meeting including it on the plan. **EB** stated the problem with including it on the plan is that the state is going to say if you put a sidewalk in the town is going to have to maintain it. The town has always said we are not going to maintain it. **DE** stated we need clarification from the state and town to what they want to see. **EB** stated he would make a contribution to a sidewalk fund if that takes care of the issue. **DE** asked if he would make the contribution now. **EB** stated he is willing to do that as long as he is never required to build the sidewalk. **EB** stated we still need Conservation approval. I would ask for conditional approval. **LH** stated we are still waiting for the final elevation (architectural) plans. **EB** stated we have no problem getting those to you. **LH** stated the sidewalk fund amount would be DPW \$75.00 a linear foot. **EB** stated we agree to that. **LH** stated also incorporate language that says failure to comply with any or all of the conditions of the site plan approval may result in the PB going to the Board of Selectmen for non-renewal of the business license. **EB** stated no issue with that. **LM** stated there is a comment about final sprinkler system plan to be developed for front building. **EB** stated yes, that would be part of the building permit process. **LH** questioned the curbing. **EB** stated granite at entrance and exit and concrete throughout the site. **LH** stated PB requires granite throughout the site. **EB** stated we can make everything in front of building is granite and everything behind the building is concrete. **LH** stated I have concerns with the wear of the concrete. Granite holds up much better, with snow plows, etc. **EB** stated I think concrete is more than adequate for this situation.

DE stated prior to any construction activity/prior to site work we would like the final architectural plans submitted.

LM motions to waive the requirement for granite curbing for those areas that are not visible from the street.

TH Seconds the motion. All members present voted in favor 5 – 0 unanimous. **Motion Passed.**

LM motions to approve the site plan for 82 Lafayette Road with the following conditions.

1. Subject to Conservation Commission approval
2. Subject to review of the final elevation architectural plans
3. Subject to the final sprinkler system plan being developed
4. The applicant provide funds to the Salisbury sidewalk fund for \$75.00 per linear feet
5. Subject to approval of MassDOT on the condition that the applicant revise the plans according to whatever direction is received from MassDOT and submit those revised plans to the Planning Department.
6. Failure to comply with any and all of the conditions of the site plan approval may result in the Planning Board going to the Board of Selectman for non-renewal of business license.

TH Seconds-All members present voted in favor 5 – 0 unanimous. Motion Passed.

- b. Request for Modification – 170 Beach Road-Atlantic Breeze Condominium II:** **DE** stated the applicant has requested a continuance until the next meeting January 28, 2015.
- c. Request for Modification-191 Beach Road-191 Beach Road LLC c/o Equity Alliance:** Mr. Joel Kahn (JK) addressed the board. He gave an update of the project. In 2007 #6 in the decision stated *the applicant/owner will pursue a shuttle bus for the residents of 191 Beach Road, to act as transportation to the State Reservation and other areas, as desired, with this language to be included in the Homeowner's documents. Upon the forming of the Homeowner's Association, the Association is to meet with the Planning Department to discuss implantation.* We are requesting the decision be amended by the Planning Board so we don't have to provide shuttle transportation. **JK** stated the key word is "pursue". We have pursued this and we feel this is a short walk to the beach. Another issue is we will have four full time employees at the site but they will have other responsibilities. We have insurance issues with this.

BB stated I agree with you with it's a short walk to some points. I am torn that on a major project that there is a condition and you bought it subject to the conditions. **JK** stated in parts of the decision it states the words "shall" and "may". It is very specific in the decision. It doesn't say it in this section.

TH stated what about a bike sharing company for other means of transportation. **JK** stated I really don't have a spot for that. This is a tight site.

LM stated I think the transportation goes with this type of project. People bring a lot of stuff to the beach and walking to the beach from the apartments will be tough. It also will reduce the traffic flow on Beach Road. Maybe this could be on a lease arrangement with a company for the 10 summer weekends.

DE stated maybe a shuttle service that used to run from Newburyport to the State Reservation. Maybe the solution is to contact them and stop on your property. **JK** stated I will look into that and also the bike sharing option (if I do that I will have to cut out two parking spaces). **DE** stated even the taxi service in town. Maybe they could stop at the apartments.

JK stated we will come back when we are going for the final CO in September or October for the final building to relook at this.

2. Other Business: N/a

3. Correspondence:

a. Minutes from December 10, 2014.

TH motions to accept the Minutes from December 10, 2014.

BB Seconds-Vote on motion 4 – 0 (LM abstained). **Motion Passed.**

b. Minutes from December 19, 2014.

BHM motions to accept the minutes from December 19, 2014.

LM Seconds-Vote on motion 3 - 0 (BB and TH 2 abstained). **Motion Passed.**

4. Reports of Committees: Discussed the upcoming meeting schedules.

5. Adjournment

LM motions to adjourn at 9:44 pm

TH Seconds – Vote on motion 5 – 0 unanimous.

Chairman

Date