

MINUTES OF THE SALISBURY BOARD OF SELECTMEN MEETING
MONDAY July 17, 2023 – 7:00 PM
SALISBURY TOWN HALL, 5 BEACH ROAD
COLCHESTER ROOM

PRESENT: Chairman Ronalee Ray-Parrott, Selectmen Michael Colburn, Donna Abdulla, Chuck Takesian and Terry Marengi, Jr.

ALSO PRESENT: Neil J. Harrington, Town Manager and Agnes Donovan, Secretary

I. Call to Order/Salute to the Flag

Chairman Ray-Parrott called the meeting to order at 7:00 PM in the Colchester Room, Salisbury Town Hall. She then announced, per the Open Meeting Law, that this meeting is being recorded and broadcast live.

II. Acceptance of Minutes: Regular Session and Executive Session – June 26, 2023

Motion by Selectman Takesian, Second by Selectman Colburn; unanimously voted to approve the Regular Session and Executive Session minutes of June 26, 2023.

Motion by Selectmen Colburn, Second by Selectmen, unanimously voted to take Agenda item V(i), Citation Presentations, out of order.

Chairman Ray-Parrott stated that our law enforcement personnel and firefighters put their lives on the line for the Town every day and they do amazing things that go above and beyond their job descriptions, so the Board wants to acknowledge and thank them for their work and efforts on behalf of the people of Salisbury. She then proceeded to the presentations.

The first citation was presented to Lt. Richard Dellaria, the handler of Herc, the Police Department's canine, in recognition of the eight years of dedicated service that Herc provided to the Town. Herc recently passed away.

Chairman Ray-Parrott then called on Fire Chief Scott Carrigan to explain the background for the next commendation. Chief Carrigan recounted that on April 29, 2022, Police Officer Jeremy Kelley and Firefighter Ben Krafton, who were both off duty, came upon an individual in distress having a cardiac event. They both stopped and began cardiac compressions and called 911. When the on-duty crew arrived, they stated that the off-duty personnel using CPR saved this individual's life. Ms. Ray-Parrott presented citations to Sgt. Kelley and FF Krafton, stating that the Selectmen offered their sincerest thanks and gratitude in recognition of their life saving actions on that day.

The next commendation was given to Police Sgt. Craig Goodrich, Firefighters Matthew Nichols and Steven Lesage and Fire Lt. Dan Souliotis for their on-duty efforts assisting a person having a cardiac event at the Beach Center on October 22, 2022. When the officers arrived at the scene, the individual was unconscious. Sgt. Goodrich, who was nearby, administered CPR and then on-duty personnel arrived and through teamwork efforts they were able to save the individual. This incident was captured on a body camera. In this case the individual, who was clinically dead, was up and talking within eight minutes because of the teamwork of Sgt. Goodrich and the on-duty fire personnel, Dan Souliotis, Matthew Nichols, and Steve Lesage. Chairman Ray-Parrott said the BOS offered its thanks and gratitude in recognition of their life-saving actions. Police Chief Thomas Fowler thanked the Board for this recognition event.

Chairman Ray-Parrott stated she would like to see this become an annual tradition.

MINUTES OF THE SALISBURY BOARD OF SELECTMEN MEETING
MONDAY July 17, 2023 – 7:00 PM
SALISBURY TOWN HALL, 5 BEACH ROAD
COLCHESTER ROOM

III. Public Comment

Beth Gandelman, 170 Beach Road, said she was disappointed that some selectmen would consider allowing a certain individual to continue on the Housing Authority. She said any person related to a hate group should not be allowed to serve on any Board serving the people of Salisbury. She said there is no space for hate in this community.

Terry Harrington, 5 Ferry Lots Lane, said that he is mad that this individual is on the Housing Board. He said there is no place for bigotry in Salisbury and he urged the Board to get rid of this individual. Deborah Maguire, Ferry Road, said this makes her sick. She said she does not know why the Board did not stand-up to this individual.

Monique Greilich, 170 Beach Road, addressed the Board and said the Board knew about this issue three years ago and did nothing to discourage this. She said the Board should be ashamed of themselves. She said it was about right and wrong.

IV. Old Business

- a. M.J.F. Bowery Corp., d/b/a Ten's Show Club – Entertainment License – Outdoor Beer Garden – Live Entertainment and DJ (Seasonal)

Per the Board, this Agenda item remains on the table.

II. V. New Business

a. License Renewals:

General:

R. J. Tindle, Inc.- 118-122 Rabbit Road - 24 hours/day – 7 days a week

Motion by Selectman Takesian, Second by Selectman Abdulla; unanimously voted to approve renewal of the **General** License for R. J. Tindle, Inc.

Bishop Farm – 159 Beach Road - Daily 10:00 AM– 7:00 PM from May 30 – Sept. 30

Motion by Selectman Takesian, Second by Selectman Abdulla; unanimously voted to approve renewal of the **General** License for Bishop Farm.

b. New Licenses:

Parking Lot: Atlantic Hospitality Group, LLC – 13 North End Blvd. – Daily 24 Hours

Motion by Selectman Takesian, Second by Selectman Colburn; unanimously voted to approve the **Parking Lot** License for Atlantic Hospitality Group, LLC.

c. License Amendment

General: Webb Wellness Muscular Therapy, LLC – 135 B Elm Street (new address)

Motion by Selectman Takesian, Second by Selectman Colburn; unanimously voted to approve the General License amendment for Webb Wellness Muscular Therapy, LLC.

- e. **Liquor License Renewals** - None

- f. **New Liquor Licenses** – None

MINUTES OF THE SALISBURY BOARD OF SELECTMEN MEETING
MONDAY July 17, 2023 – 7:00 PM
SALISBURY TOWN HALL, 5 BEACH ROAD
COLCHESTER ROOM

g. Committee Appointments:

Affordable Housing Trust – Three terms expiring on 6/30/2025; two applicants - *Dianne Masiello and *Deborah Rider

Motion by Selectman Takesian, Second by Selectman Colburn; unanimously voted to re-appoint Dianne Masiello, and Deborah Ryder to the Affordable Housing Trust for a two-year term to expire on June 30, 2025.

Agricultural Commission – One term expiring 6/30/2026: one applicant - *Marianne Cyr

Motion by Selectman Abdulla, Second by Selectman Takesian, unanimously voted to reappoint Marianne Cyr to the Agricultural Commission for a three-year term to expire on 6/30/2026.

Cultural Council - Four terms expiring on 6/30/2026: one applicant - *Mary Whitmore

Motion by Selectman Takesian, Second by Selectman Colburn; unanimously voted to reappoint Mary Whitmore to the Cultural Council for a three-year term to expire on 6/30/2026.

Housing Authority – One term expiring 6/30/2028; two applicants - *Sam Racioppi and Jane Purinton
Chairman Ray-Parrott advised the Board and audience that Sam Racioppi withdrew his application.

Motion by Selectman Takesian, Second by Selectman Abdulla; unanimously voted to appoint Jane Purinton to the Housing Authority for a five-year term to expire on June 30, 2028.

Harbor Commission – One term expiring 6/30/2026; one applicant - *Chris Chapman

Motion by Selectman Takesian, Second by Selectman Colburn; unanimously voted to reappoint Chris Chapman to the Harbor Commission for a three-year term to expire on June 30, 2026.

*Incumbent

h. Update/Presentation: Planning Board

Planning Board – Marty Doggett, Chairman, appeared before the Board.

Mr. Doggett, reported activities since January 2023. He stated that since Angelica Medina was appointed to the Alternate's position there is a full board. He also stated that he is hoping the Town hires a replacement for Dan Ruiz, Assistant Planner, who recently left to take a job in another community. Finally, he noted that the Planning Board is in the middle of several high-profile projects.

Mr. Doggett said in the past 6 months the Planning Board has:

- Endorsed two ANR projects
- Completed two subdivisions tied to 100 Forrest Road
- They are working on three Site-Plan Reviews: 163 Elm Street, 159 Beach Road, and 10, 16 and 18 North End Boulevard. He said he is hoping to complete them before the end of the year.
- Approved three accessory dwelling units.
- Issued partial Certificates of Completion for the Carousel, a Daly construction project, a project on Elm Street, and Habitat for Humanity.

MINUTES OF THE SALISBURY BOARD OF SELECTMEN MEETING
MONDAY July 17, 2023 – 7:00 PM
SALISBURY TOWN HALL, 5 BEACH ROAD
COLCHESTER ROOM

Mr. Doggett stated that the Planning Board is working on a storm water erosion control bylaw, holding workshops on the State's new MBTA multi-family zoning law, and updating the Town's Open Space Plan, Housing production Plan, and Hazardous Mitigation Plan.

- i. Citation Presentations to Public Safety Personnel for Life-Saving Actions
Taken out of order – see above

- j. Planning Dept./MVPC Presentation re: MBTA Communities Multi-family Zoning Law

Lisa Pearson, Planning Director, addressed the Board.

She stated that the Town and Merrimack Valley Planning Commission are working on the new MBTA multi-family zoning issue and are drafting a bylaw to bring the Town into compliance, so that we will remain eligible for certain State grants and gain points that will help the Town in other grant applications. She reminded the Board that passing the new bylaw does not mean that the maximum number of multi-family housing units would be constructed. In order to be compliant with the new law, Salisbury has to have new multi-family zoning approved by December 2024.

Ms. Pearson reviewed four areas in Salisbury that may qualify for this new multi-family zoning. The first is property on Bridge Road just south of Salisbury Square, where currently the Fiesta Shows storage area is located. The second area is acreage surrounding the Town's sewage treatment plant on Elm Street. The third area is the so-called "McKenna's Mountain" property on the border of Seabrook. Seabrook line, and the fourth area is parts of the current Beach Commercial district. Ms. Pearson then reviewed "pros and cons" for each area and noted that the MVPC has a new software program that helps to determine impacts of new multi-family zoning districts. She said the Planning Dept. plans to obtain more input and feedback from the MVPC and the public in order to complete the compliance modes. Ms. Pearson said the current goal is to draft a new multi-family zoning bylaw to be presented at an upcoming Town Meeting.

Selectman Takesian asked about parking and specifically having 2.5 parking spaces per unit. Ms. Pearson said that if desired this would have to go into the model and be included in the bylaw. Selectman Marengi asked how the new multi-family zoning would impact the Town's water and sewer infrastructure and how it might impact the schools. Ms. Pearson said it would be important to do some modeling to make sure there would be enough water and sewer capacity. She added that Salisbury Elementary School has additional available capacity.

- k. Vote re: Right of First Refusal to Purchase Land (Assessors Map 12, Parcels 36 and 37) Under the Provisions of Chapter 61A from Elm Knoll Trust

Janathan Greeno, Director of Assessing, addressed the Board. He advised them that Elmknoll Trust had a purchase agreement to sell four lots at 59, 61, 63 and 67 Elm Street, pending their removal from Ch. 61A. He stated the Town has collected the necessary back taxes, and had done the liens and approvals were obtained from the Planning Board. However, the sellers never came before the Board of Selectmen for a vote on the Town's Right of First Refusal to purchase or not purchase the property. He advised the Board that they should vote to not purchase the properties in question.

MINUTES OF THE SALISBURY BOARD OF SELECTMEN MEETING
MONDAY July 17, 2023 – 7:00 PM
SALISBURY TOWN HALL, 5 BEACH ROAD
COLCHESTER ROOM

Motion by Selectman Takesian, Second by Selectman Colburn; unanimously voted that the Board vote not to exercise its Right of First Refusal to purchase land (Assessors Map 12, Parcels 36 and 37), under the Provisions of Chapter 61A, from Elmknoll Trust.

- l. Set Date for Public Hearing for Nuisance Dog Complaint from Donna Tomaso, 64 Mudnock Road

Motion by Selectman Takesian, Second by Selectman Colburn; unanimously voted to set a Public Hearing for a Nuisance Dog Complaint from Donna Tomaso, 64 Mudnock Road, for Monday, August 14, at 7:30 PM.

- m. Brad Kutcher re: Request to Transfer Recreational Marijuana License

Mr. Kutcher informed the Board that he and his partner wish to purchase the retail recreational marijuana license from Ganesh Wellness and operate the business in a new facility they are constructing at 191 Lafayette Road. He stated that Ganesh approached him about buying their license. He said he is here to ask that the Board approve a transfer of the existing Host Community Agreement (HCA) between Ganesh and the Town to his new business.

Town Manager Harrington explained that this is on the agenda tonight for informational purposes, so that the Board might have an opportunity to ask questions in a public forum. He reminded the Board that the Town has two existing recreational marijuana retail licenses, which is the limit, and said he will seek advice from Town Counsel on how to proceed. He also noted that the State law has changed with regard to payments from licensees to local communities in Host Community Agreements. Mr. Harrington said there can be no transfer or assignment of the existing HCA without the approval of the Town and Ganesh.

The Board took a brief recess.

- n. Vote re: Support of Legislation re: Funding of Local Cable Access Operations

Lance Wisniewski, Executive Director of SCTV, addressed the Board. He stated that he was before the Board seeking support for two bills currently before the Legislature. He is looking for letters of support from the Selectmen.

The first bill (S.1306) would change some wording in the state law and allow municipalities to simply make payments from Comcast directly to organizations such as SCTV. Currently, the law requires these payments to be appropriated at Town Meeting. This delays the transfer of funds to local cable TV operators. The other bill (S.34) would impose a fee on streaming media companies to provide local cable TV providers like SCTV with 40 % of their revenues. He said this is important because with companies moving away from traditional cable TV models and adopting more streaming services the current level of cable TV revenues from Comcast won't last forever.

Motion by Selectman Takesian, second by Selectman Colburn; unanimously moved to have the Board of Selectmen send letters of support for the two pending pieces of legislations.

VI. Sewer/Water

VII. Correspondence

MINUTES OF THE SALISBURY BOARD OF SELECTMEN MEETING
MONDAY July 17, 2023 – 7:00 PM
SALISBURY TOWN HALL, 5 BEACH ROAD
COLCHESTER ROOM

Selectman Abdulla read correspondence from Infinity (Comcast) advising the Town that there are changes to the TV lineup.

VIII. Hearings:

- a. 7:10 P.M. Public Hearing - Petition of National Grid - covering the installation of underground electrical facilities on Driftway

Motion by Selectman Colburn, Seconded by Selectman Takesian; unanimously moved to open the Public Hearing on the petition of National Grid re: the installation of underground electrical facilities on Driftway.

A National Grid representative appeared before the Board and stated he was appearing to ask for approval of installation of five hand-holds on Driftway. He stated that they were already installed at the request of the Town Manager. There were no comments/questions from the public.

Motion to close the Public Hearing by Selectman Donna Abdulla, second by Selectmen Marengi; unanimously voted to close the Public Hearing.

Motion by Cuck Takesian, second by Selectmen Colburn; unanimously voted to approve the Petition of National Grid re: the installation of underground electrical conduits on Driftway.

- b. 7:15 P.M. Public Hearing – M.J. F. Bowery Corp., d/b/a Tens Show Club – Liquor License Amendment for Alteration of Premises

Motion by Selectman Colburn, second by Selectman Takesian; unanimously moved to re-open the Public Hearing for M.J.F. Bowery Corp., d/b/a Tens Show Club – Liquor License Amendment for Alteration of Premises.

Robert DePesa, co-owner of MJF Bowery, appeared before the Board. He presented renderings to the Board of the layout of his proposed plan. He stated he has shared them with some abutters. He said he intends to utilize roughly 4800 square feet in the Ten's parking lot. He stated that all patrons will be over 21 years old. He said the proposed outdoor use will be roughly about 80 feet away from their closest abutter. In response to a question regarding parking on the gravel area, he stated that parking on the gravel area is mostly for employees.

The owner of Unit 10 of SBL (South Beach Landing) raised a concern regarding the food trucks. His concerns included fumes and smell. Mr. DePesa said the food trucks will be out front close to Rte. 1A.

Mike Fay of SBL addressed the Board. He raised concerns regarding the Entertainment License. Chairman Ray-Parrott answered his question and stated the Entertainment License was a separate item but under the jurisdiction of the Board of Selectmen. Mr. Fay raised concerns about the lack of details in the new diagrams. He also raised concerns about noise and hours of operation. He stated that there were many pieces of information missing from the plans. He raised concerns about the lack of noise/music mitigation, what type of entertainment there would be, unknown noise decimal levels, unknown hours, lighting, and parking. He said he hopes these concerns will be addressed.

MINUTES OF THE SALISBURY BOARD OF SELECTMEN MEETING
MONDAY July 17, 2023 – 7:00 PM
SALISBURY TOWN HALL, 5 BEACH ROAD
COLCHESTER ROOM

Mr. DePesa responded and said he did have the property professionally surveyed. He stated that he still has to go before the Conservation, Planning Board and other boards. He said he plans to comply with any noise regulations.

Deb Marrs, 15 A Ferry Road, asked how the proposed outdoor use would affect the re-sale value of abutting properties, especially South Beach Landing. She said it was an issue for the Board to think about.

Paula Oliveira, president of SBL condo association, said she expected more detailed information on the drawings so that everyone could see the project more clearly. She provided an example of a night last weekend when the police had to come and stop “craziness” from six kids who were jumping on roofs and climbing the fence. She stated that this is beyond what anyone would expect. She also said she was concerned that there is no noise mitigation in the plan and that the residents of SBL have to be taken into serious consideration. Selectmen Takesian assured her that the Board would be taking the concerns of the residents of SBL into consideration.

Al Oliveria of SBL asked what provisions will be in place to stop someone younger than 21 from entering the beer garden zone. Mr. DePesa said the entire area will be fenced in and that there will be security there and a manager on duty. Mr. Oliveria also asked about setbacks from the sidewalks and about flooding in the parking lot. Chairman Ray-Parrott said that Conservation and Planning Boards will manage the setback and flooding issues.

Mike Fay of SBL spoke again and asked about Town sound ordinances. He asked about the number of patrons who will be allowed. He asked why the Selectmen are moving forward with the application when there are so many unanswered questions.

Selectman Marengi said there is a noise bylaw for the Beach Commercial area and for the Town, but that in his opinion it is very vague because there were no specific sound level ratings included in the bylaw. He said the Town should look into amending the bylaw.

Selectmen Takesian stated that there are two different issues before the Board -- the Liquor and Entertainment licenses. He said that the Board has the ability to place conditions/restrictions on both licenses. Selectmen Colburn spoke and reminded Mr. Fay that the Conservation and Planning Board also will answer many concerns of the SBL residents. Chairman Ray-Parrot clarified that among the conditions that the BOS can impose are those relating to hours and noise.

Jill Gorley, 2 Caitlin Circle, addressed the Board. She said she wanted to bring up the issue of rodents. She stated that if you are going to have outdoor dining then you are going to have rodents.

Paula Oliveira said that serving alcohol contributes to the noise. She said she and her neighbors did not buy at SBL to have a whole establishment right under their nose.

Another resident asked if Tens could be made to hire police and have the police assigned to this business. The Town Manager remarked that the Town discontinued the policy of having police details at liquor establishments a long time ago.

MINUTES OF THE SALISBURY BOARD OF SELECTMEN MEETING
MONDAY July 17, 2023 – 7:00 PM
SALISBURY TOWN HALL, 5 BEACH ROAD
COLCHESTER ROOM

Motion by Selectmen Takesian, Second by Selectmen Colburn; unanimously moved to close the Public Hearing.

Selectmen Marengi said the Board should try to set workable conditions, rather than deny the application and have the matter be decided by the State.

Selectmen Abdulla stated that the applicant must correct/update his application before the Board could submit the application to the ABCC. She stated she would like to see a completed application, showing dimensions and location of food truck(s). In response to a question about the number of patrons allowed, Lisa Pearson, Planning Director, responded and said it would depend on the square footage and fire codes.

Motion by Selectman Takesian, Second by Selectman Colburn; unanimously voted that the Board grant approval to the amendment to the liquor license of M.J. F. Bowery Corp., d/b/a Tens Show Club, to include the area designated on the latest version of the application, and that the license not be issued until all boards, commissions, and agencies have signed off, and that the hours of operation be limited to ten o'clock every evening.

IX. Town Manager's Report

Mr. Harrington gave a brief overview of his written report, a copy of which is available in the Selectmen's office.

X. Selectmen's Report

a. Ratification of Signing of Weekly Warrants:

Motion by Selectman Takesian; Second by Selectman Colburn unanimously voted to ratify the signing of the following weekly Warrants W23-154 through W23-162; and W24-1 thru W24-3.

XI. Executive Session - none

XII. Adjournment

Motion by Selectman Takesian; Second by Selectman Colburn unanimously voted to adjourn at 9:35 P.M.

Documents provided at the meeting and on file in the Selectmen's Office:

Minutes of June 26, 2023

Copies of licenses as listed.

Town Manager's Report

Respectfully submitted:

Agnes Donovan, Secretary

Approved: Donna Abdulla
Donna Abdulla, Clerk