

**Salisbury Planning
Board Meeting
Minutes**

Date: Wednesday, May 13, 2020

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 Deborah Ryder (**DR**) and Alternate Member John Schillizzi.

PB Members Absent: None.

Also Present: Director of Planning Lisa Pearson (**LP**) 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. **Signing of plans and permits** – Nothing to be signed
- b. **Request for approval to transfer Alternative Therapies Group, Inc’s. special permits to Alternative Therapies Group II (ATGII) – 107 Elm Street (Assessors Map 9 Lot 24) and 111 Elm Street (Assessors Map 9 Lot 14) – Request made by Alternative Therapies Group, Inc. (“ATG”)**

Dan Talbot (**DT**) from Alternative Therapies Group (ATG) stated that they are requesting to transfer the 2 special permits (recreational & medical) for 107 and 111 Elm Street from ATG to ATGII due to a change of ownership.

GM motioned to approve the transfer of both special permits (recreational & medical) from ATG to ATGII.

JMD seconded.

Vote: DR-Yes, JMD-Yes, LM-Yes, GM-Yes and DE-Yes. Motion passed 5-0.

2. Public Hearings—7:10 pm

- a. **Major site plan filing** – 195 (Assessor Map 9, Lot 67) & 201 (Assessor Map 9, Lot 46) Elm Street – Request made by Arakelian Family, LLC.

Applicant requested a continuance to 5/27/20 at 7:10pm.

JMD motioned to continue until 5/27/20 at 7:10pm.

LM seconded.

Vote: DR-Yes, JMD-Yes, LM-Yes, GM-Yes and DE-Yes. Motion passed 5-0.

- b. **Minor Site Plan Modification** – 211 Beach Road (Assessor Map 28, Lot 42) – Request made by Beach Realty Trust

Kevin Neville (**KN**) stated the original approved plan was quite old and at a recent pre-construction meeting the need to bring the utilities and water main to current code was discussed and agreed. **KN** stated that the new plan also shows new driveway which they had received a curb cut permit from MassDOT and parking. **TJ**, **KN**'s engineer from the Morin Cameron Group, stated that they also added a deeper depth of crushed stone under the building to handle the roof run off.

KN discussed the revised lighting plan which reduces the lighting along their lot lines. **LM** asked if the DPW and Fire Department have reviewed the comment letter. **LP** stated that the DPW Director has given her verbal approval. **LP** stated that there are 2 open questions in the Town Engineer's letter that need the Sewer Departments sign off which could be handled as a condition to the approval. **DE** asked if there was a plan for visitor parking. **KN** replied no.

LM motioned to approve the plan submitted as a minor site plan modification subject to DPW's review of the sewer modifications.

JMD seconded.

Vote: DR-Yes, JMD-Yes, LM-Yes, GM-Yes and DE-Yes. Motion passed 5-0.

- c. **Zoning Amendment** – To see if the Town will vote to amend the Zoning Bylaw of the Town, Chapter 300, by amending Article VII Zoning Board of Appeals, §300-30 (Appointment; terms of office) or to take any other action relative thereto.

DE explained that there was a disparity between the Town Charter and the Zoning By-Law as to who appoints the members of the Board. **DE** read the bylaw. **LM** asked for clarification for the reason for the change. **DE** replied that in the Town Charter states that the Town manager appoints the board members and in the Zoning By-Law it states that the Board of Selectmen appoints board members. **DE** stated that the by-law needs to be updated to reflect the charter.

GM motioned to recommend the change to Town Meeting.

JMD seconded.

Vote: DR-Yes, JMD-Yes, LM-Yes, GM-Yes and DE-Yes. Motion passed 5-0.

- d. **Zoning Amendment** - To see if the Town will vote to amend the Zoning Bylaw of the Town, Chapter 300, by amending Article XXIII Medical Marijuana Overlay District or to take any other action relative thereto.

DE read the bylaw (below) and noted the removal of dwelling unit in the warrant language.

A. RMDs may be permitted in the MMOD pursuant to a special permit.

B. RMDs may not be located within 500 feet of the following, whether within the municipal borders of the Town of Salisbury or adjoining municipality:

- (1) School, including a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university;
- (2) Child care facility;
- (3) Library;
- (4) Playground;
- (5) Public park;
- (6) Youth center;
- (7) Public swimming pool;
- (8) Video

arcade facility; or ~~(9) Dwelling unit~~; (10) Any facility in which minors commonly congregate.

- C. The distance under this section is measured in a straight line from the nearest point of the property line of the protected uses identified in § **300-151B** to the nearest point of the property line of the proposed RMD.
- D. The distance requirement may be reduced by 25% or less, but only if:
- (1) The applicant demonstrates that the RMD would otherwise be effectively prohibited within the municipality;
 - (2) The applicant demonstrates that the RMD will employ adequate security measures to prevent diversion of medical marijuana to minors who are not qualifying patients pursuant to 105 CMR 725.004.

JMD motioned to recommend the change to Town Meeting.

GM seconded.

Vote: DR-Yes, JMD-Yes, LM-Yes, GM-Yes and DE-Yes. Motion passed 5-0.

- 3. **Other Business** - None
- 4. **Correspondence** - None
- 5. **Executive Session** - None
- 6. **Adjournment**

GM motioned to adjourn.

DR seconded.

Vote: DR-Yes, JMD-Yes, LM-Yes, GM-Yes and DE-Yes. Motion passed 5-0.

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

Minutes approved by: _____

Date: _____