

**Salisbury Planning Board
Meeting Minutes
Wednesday, February 12, 2014 7:00 p.m.**

PB Members Present: Robert Straubel (RS), Brendan Burke (BB), Trudi Holder (TH), and Don Egan (DE)

PB Members Absent: Lou Masiello and Berenice McLaughlin

Also Present: Leah Hill, Asst. Planner and Lori Robertson, Planning Secretary

Time: 7:00 p.m.

Chairman Straubel called the meeting to order at 7:05 p.m. in the Colchester Room, Salisbury Town Hall. **RS** announced, per the Open Meeting Law, that this meeting was being recorded and broadcast live via www.sctvmc.org/index.

1. New Business

a. Signing of Plans/Permits: N/a

b. Minor SPR-76-78 Elm Street-Gaby Daaboul: Mr. Fred Ford (FF) of Cammett Engineering addressed the board on behalf of the applicant. We have responded to all the department and Joe Serwatka's comments. Some of the major changes:

1. **Drainage-** we provided a sediment forbay that will discharge to a grass treatment swale. The easterly side we have added an oil and gas trap-discharge into the existing sewer
2. **Landscape-** landscape plantings along the front/abovites shrubs on the back edge of the pavement. **LH** stated we would like the whiskey barrels to be the appropriate size. The decision states continuing the containers along the western edge of the property, separating this property from the abutting property. **FF** stated we didn't propose any along the buffer. **DE** stated usually the landscaping is for a buffer to the street. **BB** stated I agree with **DE**. I think it's a nice improvement without the buffer on the west.

DE motions to approve the draft decision for 76-78 Elm Street dated February 12, 2014 subject to the normal terms and conditions but striking the language in #16 that states containers are to continue on the westerly side of the lot line between this property and abutting property.

TH Seconds. Vote on motion 4 – 0 unanimous.

2. 7:30 Public Hearing

a. To amend the Zoning By-law of the Town of Salisbury by: Creating a new zoning bylaw entitled Medical Marijuana and to take any other action relative thereto: **RS** stated the Planning Department has incorporated the changes from the last meeting and added it to the draft bylaw. We will go through the Staff Report and go through the items:

1. Chief Fowler requested increasing the buffer from the proposal of 300' to 1,000' or having different buffers for distribution verses cultivation. **RS** stated the new draft states 1,000'. This includes dwelling units. I personally feel 1,000' will preclude Bridge Road and Beach Road, most of Lafayette Road, Elm Street and Rabbit Road. **TH** stated it's not a requirement to have a dwelling unit in there. **LH** stated or you could drop to 500' buffer. We did do a map that shows that places were children congregate but we didn't put dwelling units on that. We found that there was still a good amount of opportunity. **DE** states by putting the 1,000 it narrows the places where these can go. I am not sure if that is what the town wants. **RS** stated convenience stores and banks have a high robbery rate and we don't have a buffer zone for those. **BB** stated I think **RS** has good points. I am open to compromising. **DE** stated I would like to know the purpose of the buffer zone during the state hearing of their draft. I would also like to know if the town wants to encourage or

discourage a facility to locate here.

2. Selectman Fred Knowles asked whether there could be a hosting fee. In speaking with town counsel, they recommended that this not be done in the zoning bylaw, but in the licensing if so desired. **RS** stated I think it is best left as a licensing fee. The present bylaw draft we don't include any fees. **DE** asked who does the business licenses for the town. **RS** stated the Selectman. **DE** asked if we should send a letter to the Selectman stating we don't have this in the decision. **RS** stated they will see this in the final draft.
3. Selectman Donald Beaulieu asked in the list of uses that are to be buffered, is that any daycare or licensed day care? **RS** stated Town Counsel stated that the wording used in the list, "Child care facility" is a defined term used in state law and so should utilize this wording. This covers licensed facilities.
4. Selectman Freeman Condon asked about site plan requirements for RMDs. **RS** stated we made a change on the draft bylaw that states Section 5 the PB now shall be the special permit granting authority for RMD permit. The 1st application in addition to the materials required 300-112 the zoning bylaw include....Section 112 is the site plan review bylaw. It states Section 300-112 starts out assuming that the Building Inspector has determined that site plan review major/minor is required and site plan review is not required for someone who just buys an existing building and doesn't make any major renovations. In that case you wouldn't have site plan. I think it should state regardless of the applicability of 300-111 of the Zoning Bylaw, the applicant shall supply all materials required under 300-112 and shall also include the other items...
5. Joanne Housiantis asked about beach being included in the buffer area, or at least removing the commercially zoned parcels on the north side of the beach. **RS** stated we removed the parcels that are zoned Commercial and located on the north-east side of the town. **DE** stated on a side note we should consider changing the zoning for that area, so nobody puts a business in the condos.
6. Angel asked about the buffer protection for new businesses coming in after the locating of the RMD. **RS** stated in speaking with town counsel, the buffer zones is for the initial location of the dispensary, not the other way around.

LH stated we also think Joy Road should be removed since it's all residential houses, this can be done since we are proposing an overlay district.

No residents present.

DE motions to continue the zoning bylaw hearing until February 26, 2014 at 7:30 pm.

TH Seconds. Vote on motion 4 – 0 unanimous.

3. Old Business:

4. Other Business

- a. Open Space Plan – 2014 **RS** stated we need a volunteer to attend the meetings on behalf of the PB. **TH** volunteered.

5. Correspondence

a. Minutes from January 22, 2014.

TH motions to accept and sign the minutes from January 22, 2014

BB Seconds – Vote on motion 4 – 0 unanimous.

b. Abutting Municipalities Zoning Public Hearing Notices

Amesbury-February 24th public hearing

Newburyport-February 19th public hearing

6. Reports of Committees

7. Adjournment

DE motions to adjourn at 8:06 pm

BB Seconds – Vote on motion 4 – 0 unanimous.

Chairman _____

Date _____