

**Salisbury Planning Board
Meeting Minutes
Wednesday, May 8, 2013 7:00 p.m.**

PB Members Present: Dave Holscher (DH), Berenice McLaughlin (BHM), Louis Masiello (LM) and Robert Straubel (RS), Don Egan (DE)

PB Members Absent: None

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

Time: 7:15 p.m.

Chairman Holscher called the meeting to order at 7:15 p.m. in the Colchester Room, Salisbury Town Hall. **DH** 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. Request for Modification to Site Plan-23-25 Fanaras Drive-TH Glennon. Mr. John Sarkis (JS) a hired project manager addressed the board on behalf of the applicant. I have submitted a request for a modification to the site plan. I am requesting the condition of the installation of the sidewalk be stricken from the permit. The other condition of the building heights be amended The buildings are swapping heights.

Sidewalks-I am hoping you received my letter stating my intentions, I would like to strike the entire paragraph page 3 of 7, conditions, Par.6. I want to apologize for not dealing with this within the 20 days. I had some personal issues.

DH stated we received a letter from Neil Harrington, Town Manager, dated May 6, 2013 which states to strike the entire paragraph 3 of 7, conditions, paragraph 6 and also to strike the contribution to the sidewalk fund.

JS stated the PB authority to impose offsite improvements is limited to issues of health, safety and welfare presented by the use of the development of subject parcel. This parcel is under 2 acres in the industrial park. Our position is the use and development of this site present no issues to health, safety and welfare which necessitate the particular condition of a sidewalk. I find it very difficult to accept the rational that a sidewalk be placed. There are currently no sidewalks in the industrial park. I will also note, that the Town Manager has come to the same conclusion.

DE states I believe you are basing your argument on a legal principle which isn't really your justification for not wanting to do it. I believe the real reason is that you find this too costly to your client.

JS stated as a PB member in my town we think very deeply of the financial affects to the applicant.

DE stated I would be much more amendable to agree if it proved a financial hardship rather than trying to destroy the whole site plan bylaw. I believe the real reason is because it cost too much money. **JS** stated I believe this sidewalk is not necessitated. **DE** states the Masterplan states that the one of roles of the boards in Salisbury is to have sidewalks within developments. **JS** states the project does not necessitate the offsite improvement. **DE** states you keep mentioning "offsite", why is this offsite? **JS** stated it is off the premises. The condition was for it to be in the right of way. The better way for the Town of Salisbury to construct sidewalks would be for all the owners agree to a betterment to put the sidewalks in throughout the entire park. **DE** stated if you go back through the records it is almost universal

that we have placed that condition on it.

LM stated I agree with Don. I believe that there is safety issue. It is in our masterplan because the residents want sidewalks not just in residential areas. I feel it is our role to implement the masterplan anyway we can.

RS states I believe Mr. Sarkis has made a good argument. It revolves around the definition of necessitate. The idea is that people in industrial parks want to use sidewalks if they are there is important, but that does not make them necessary. I agree with the betterment idea. I disagree with the argument of the financial burden being a criteria for site plan decisions. If that were the case the cheapest buildings would always go up around Salisbury. The developers would take the cheapest way out.

DH states I am torn. I work in an industrial park and to put undue burden on a business. In my industrial park there is an enormous amount of foot traffic and cars speeding which makes for a dangerous situation for walkers.

LM asked about contributing to the sidewalk fund. **LH** stated yes, was in the decision as an option. **LM** asked about the amount of contribution negotiable? **LH** stated he is asking for that to be waived.

DE stated part of the site plan approval process is a negotiation and we weigh the benefits of all aspects of the project as presented. We have the leeway to waive certain requirements. **Section 300-112** Conditions it does say in granting the approval such conditions may include but are not limited to....

LM states one sidewalk starts the process.

DH states we have a public hearing at 7:30 p.m. We will get to that soon. Applicant agrees to that.

JS states 300-112 (G) requirements for offsite improvements to improve the capacity and safety of roads intersections pedestrian way, water sewer drainage and other public services which are directly necessitated by the proposed development.

BHM asked if other locations needed to put in sidewalks in the industrial park. **DH** stated at Andover Healthcare they put in pathways.

DE Motioned to grant to strike the condition 1.) A letter is sent to the Town Manager asking him to embark on a study on how best to facilitate walking trails within the industrial park.

RS Seconds the motion.

DE Withdraws the motion. RS withdraws his seconds.

DE motions to accept the clients application as site plan review minor modification granting the approval of the change of the height of the building and eliminate the requirement of the sidewalk condition with the added request that a letter is sent to the Town Manager on behalf of the PB asking to embark on a study how best to facilitate safe walking within the industrial park either by comprehensive sidewalk plan or walking trails.

RS Seconds. Vote on motion 4 – 0 unanimous.

2. 7:30 PM Public Hearings

(opened at 7:45 p.m.)

- a. **To see if the Town will vote to amend the Zoning Bylaw by amending Chapter 300 ; Attachment 1, dated 8/1/12, under Agricultural Uses, Raising or keeping of livestock, horses and poultry not including the raising of swine or fur animals for commercial use, to change C2 District from special permit(s) to Permitted.**

Joan Whitley (JW) of Main Street addressed the board. We are here tonight for the purpose of residential hens. The original wording was not what we intended. We did not intend the whole area to be opened up into livestock. We have changed: Amending Chapter 300; Attachment 1, dated 8-1-12, by amending the text of the fifth section under Agricultural Uses to read as follows: "Raising or keeping of livestock, horses and poultry not including the raising of swine or fur animals for commercial use, provided that raising or keeping of hens (no roosters), for personal use is permitted in Zone C2." We are hear open to suggestions.

DH stated this particular wording is something we are not allowed to vote on this as it is presented to us. **LH** stated what is on the agenda is what went through the formal process. This is what they are saying is your goal. As we all understood, they just want a few chickens. We could help them move forward in the future.

RS asked is this what they are proposing to the town meeting. This changes the wording in the Agricultural Use Section and it affects every zone in the town not just C2.

DE stated I think Leah's idea for summer meetings a good one. I think doing this the right way is beneficial to the town.

LM states my concerns is the no limit on the chickens. I agree that we should be meeting to make this work.

RS states that the problem when this wording was done, raising or keeping of livestock, horses and poultry not including the raising of swine or fur animals for commercial use was eventually added after the original bylaw was written, and the wording "the raising of swine and fur animals" was inserted where it used to read keeping of livestock, horses and poultry for commercial use. They inserted that phrase and didn't put in a comma after the word animals. The way it reads now you can raise these animals. You can raise these animals as long as you keep them yourself.

JW stated it depends on which department head you speak to. You get different answers. The building inspector stated I needed either a special permit or change the zoning.

RS states the building inspector is who decides.

JW distributed pictures of the area.

DH stated that **DE** is using the Mullins Law.

Bill Sealey of Pike Street addressed the board as an abutter. He discussed the vote at the last meeting.

DE Motioned to not recommend this to Town Meeting since it is already permitted, therefore the issue is superfluous.

RS Seconds the motion. **Vote on motion 5 – 0 unanimous. Not Recommended to Town Meeting.**

LM asked for clarification.

DE stated that is our interpretation of the zoning bylaw.

- 3. **Old Business:** N/a
- 4. **Other Business:** N/a
- 5. **Correspondence:**

- a. **Planning Board minutes from April 24, 2013 to be accepted and signed**
RS motions to accept and sign the minutes from April 24, 2013 PB meeting.
LM Seconds – Vote on motion 4 – 0. (DE abstained) Motion Passed.

- 6. **Reports of Committees:**
- 7. **Adjournment:**

RS motions to adjourn at 8:30 p.m.
BHM Seconds-Vote on motion 5 - 0 unanimous.

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

Minutes Approved By: _____ **Date:** _____