

**Salisbury Planning Board
Meeting Minutes
Wednesday, October 9, 2013 7:15 p.m.**

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

PB Members Absent: Lou Masiello

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

Time: 7:15 p.m.

Chairman Straubel called the meeting to order at 7:15 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. Request for Extension of Time- Definitive Subdivision – 8 Bartlett Street- Barbara Souther- (Applicant is not present). **RS** stated he asked the Planning Department if there was a chance that this was under an automatic extension because the decline in the economy. He noted he was told they had already been 2 extensions. **LH** stated the extensions that the PB granted coincided with the extensions anyway. **RS** stated this is a two lot subdivision. It should be noted that on Lot #1-construction of the garage is complete, Site work subject to the Conservation Commission Order of Conditions is complete and a Certificate of Compliance has been issued. Lot #2- Lot corners and iron pins along the rail trail have been set. 2. Rail trail split rail fence has been constructed. She is looking for a 36 month extension, which would take her to 2016.

DE motions to grant the 36 month time extension until October 31, 2016.

TH Seconds – vote on motion 4 – 0 unanimous (RS abstains).

c. Request for modification – 12 Beach Road – 12 Beach Road, LLC: **RS** stated the applicant is looking for the garage to be setback from the road. I went out on a site walk with the Planner and Asst. Planner the applicant didn't think the change was a big deal. **DE** asked if an application was received to amend the plan. **LH** stated we didn't receive an application. I would encourage the PB to write a letter requesting their presence at the next meeting. **DE** asked if this was just for the two units constructed? **LH** stated it is for that particular model house. **DE** stated in the Village Overlay District building articulation is a corner stone of the design criteria. It was part of the discussion and agreed upon regarding the design.

DE motions to send the developer a letter as discussed to attend the next meeting October 23, 2013.

BHM Seconds – vote on motion 4 – 0 unanimous.

2. 7:30 PM Public Hearings:

To see if the Town will vote to amend the Zoning By-law of the Town of Salisbury by adding a

new section TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS/REGISTERED MARIJUANA DISPENSARIES

BHM motions to open the public hearing.

BB Seconds – vote on motion 5 – 0 unanimous.

RS read into the record the purpose of the moratorium: By vote at the State election on November 6, 2012, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law provides that it is effective on January 1, 2013. On May 8, 2013, the State Department of Public Health promulgated Regulations that became effective on May 24, 2013. Currently under the Zoning Bylaw, a Medical Marijuana Treatment Center, identified in the State Regulations as a Registered Marijuana Dispensary, is not a permitted use in the Town of Salisbury, the State Regulations are expected to provide guidance to the Town in regulating medical marijuana, including Medical Marijuana Treatment Centers/Registered Marijuana Dispensaries. The regulation of medical marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of such use and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning By-law regarding regulation of medical marijuana treatment centers and other uses related to the regulation of medical marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Medical Marijuana Treatment Center/Registered Marijuana Dispensaries so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives. **DE** stated this gives the town time to come up with a process for these facilities. Is there a time-frame for a moratorium? **LH** stated the attorney general says it needs to correlate with a prudent planning process.

No residents present.

DE motions to close the public hearing.

TH Seconds-vote on motion 5 – 0 unanimous

BHM motions to recommend the warrant article to town meeting as stated in the moratorium wording.

DE Seconds – vote on motion 5 – 0 unanimous.

b. Planning Board Rules and Regulations – 2013

TH motions to open the public hearing.

BB Seconds- vote on motion 5 – 0 unanimous.

RS stated lets review some of the major changes:

Site plans-inspections - Joe Serwatka review the plans and also does onsite inspections. This is already a process that is happening through our decision but this would be a time to add to rules and regulations. **ANR Filings**- in talking with the Town of Andover they are doing ANR's in house. There is still the same legal parameters, application, filing fee and legal parameters about frontage is the same. The Planning Department would act as the authorized agent and sign the plans for the PB. **DE** stated I think this is a great idea for speeding up approvals for the residents of the town. **BB** stated I think it's a good idea. **RS** asked if the applicant could request a hearing before the PB. **LH** stated if its not an ANR we would write a letter stating it does not meet the requirements and the course of action is the filing of a

Definitive Subdivision. **DE** asked if the Planning Department received any feedback from developers in town. **LH** stated no, we put the draft rules and regulations on the website as suggested at the last meeting. I only received comments from the DPW Director and tried to incorporate his comments.

Sidewalk Changes-same design standards as in subdivision, if there is an existing sidewalk meeting up with an old sidewalk the material needs to match in speaking with DPW. **RS** stated there is also a change to the site plan which is similar to the ANR-**Minor/Major**- The Planning Department can determine whether or not a change is major or minor. If its minor we can do it in one meeting rather than two. If the Planning Department feels its major it would be a public hearing. **LH** stated site plan decision – need to be recorded at the Registry of Deeds.

BB motions to close the public hearing.

TH Seconds – vote on motion 5 – 0 unanimous.

DE motions to approve the proposed document referenced Salisbury PB Rules and Regulations 2013 which was published by Assistant Town Planner prior to this meeting. Effective date will be November 1, 2013.

BB Seconds – vote on motion 5 – 0 unanimous.

3. Old Business

4. Other Business

5. Correspondence

a. Minutes from June 12, 2013

DE motions to accept and sign the minutes from June 12, 2013.

BHM Seconds – vote on motion 3 – 0 unanimous (BB, TH abstained)

b. Minutes from September 25, 2013

BB motions to accept and sign the minutes from September 25, 2013.

TH Seconds – vote on motion 5 – 0 unanimous

6. Reports of Committees

7. Adjournment

BHM motions to adjourn at 8:15 pm

BB Seconds – Vote on motion 5 – 0 unanimous.