

**Salisbury Planning Board
Meeting Minutes
Wednesday, November 13, 2013 7:00 p.m.**

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

PB Members Absent: None

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

Time: 7:00 p.m.

Chairman Straubel called the meeting to order at 7:02 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. Zoning Workshop:

a. Medical Marijuana:

LP stated this workshop was to review a potential bylaw, overlay was the thought and where that might go in town. In the packets handed out to the PB members is a draft Medical Marijuana (MM) bylaw which is being used by other communities and created by town counsel. We have been told we cannot ban medical marijuana in the community. So, this workshop is to get some ideas of locations of distribution and cultivation of MM. What we found out from Town Counsel is you can't create a grow facility and sell to multiply distribution facilities. You have to sell it to yourself. There are 35 licenses that will be distributed evenly throughout the Commonwealth. We need to figure where this will fall under zoning. Do we need to come up with a definition? Also, in your packet is a map that shows where places children congregate in Salisbury. Leah did research as to what that means and found out this is anywhere there is structured lessons and time when kids would be there. It doesn't necessarily include a park unless you have camps/facilities going on in them. If we don't designate anything in our zoning the default is 500' from kids. Federal is 1,000'.

DE asked if the PB could differentiate for the purposes of zoning between the retail and growing of MM and zone them differently. **LP** stated yes. **DE** stated my concern is the growing could take place anywhere in town. I think it would be important to separate the two. **RS** stated one option would be to create an overlay district. **LP** stated I will look into this more but I think you would have to define the cultivation of medical marijuana as not an agricultural use. **LP** asked if the PB thinks the selling of MM belongs in our commercial district. **TH** stated I think it would have to be determined if you consider MM an agricultural product or an exemption to the agricultural. **RS** stated the law also allows the sale of devices to administer MM. **RS** stated this will be a secure site. As we learned in our workshop this will most likely be a cash business with the average person spending between \$500-\$1,000.

DE stated my first reaction was to put it in the Industrial Park. But, I don't want to scare away any businesses either. Maybe, Bridge Road or Route 110 to the Amesbury line. **BB** questioned whether it was legal in New Hampshire? **LP** stated she would look into that. **BHM** asked if it was covered by health insurance. **LP** stated no. **RS** stated I did mention we would break and discuss Rings Island zoning. **DE** stated I would like to come back to this before we

adjourn.

(picked up after Rings Island discussion-8:40)

RS stated we want to look at the agricultural growing aspect and how we could control it. Some people thinking Lafayette Road, Industrial Park or Bridge Road

Mr. Jerry Klima (JK) of 2nd Street addressed the board as a concerned citizen. I am under the impression the agricultural portion is difficult. This agricultural is going to look industrial. The industrial park maybe a good place for that, but not a good place for a dispensary. **LP** stated I am concerned about having growing and selling in one building. That would fall under one license. I am not sure why we couldn't restrict the time for pick up. **LM** stated I wouldn't want to restrict the hours. If someone needs medication at 9:00 at night they should be able to get it. **RS** stated we need to discuss if we want to make this overlay or special permit. **LH** stated if we look at the Adult Entertainment zone-there are restrictions with various distances. Adult Entertainment is through a special permit.

BHM wondered if it is a confidentiality thing. I am not sure a person/ customer will want to be seen going in and out of a MM business.

Discussion about using Crossroad Plaza for a site, using the vacant parcels across the street. **LH** stated to keep in mind the design of the building will affect the neighborhood. I think windows are important. **LP** stated CVS is a perfect example they didn't want windows but ended up compromising and having window facades.

David Donahue (DD) of 31 1st Street addressed the board. Does the town have to allow this? **LP** stated yes. If we don't create zoning it can be allowed anywhere. It was noted this was a cash business I don't think that should be allowed. **LP** stated its still against federal law. Credit cards companies will not want to do the transactions in fear they will not receive their payments.

LP stated if the public has any comments or concerns they can email either Leah or myself.

a. Rings Island Zoning:

LP stated in the Rings Island area there are many non-conforming lots. We are looking to make them more conforming. (Ring island zoning is R2 zone including, 150' of frontage and 1 acre lots. Very few homes are conforming) we are trying to help the owners so there is not a need to go before the Zoning Board for every small renovation on their house.

A map was presented that showed the following: yellow-nonconforming/lot size and frontage. Pink-non-conforming lot size. Green-conforming frontage.

Abutter, Jim Dondero (JD) of 16 2nd Street addressed the board. Do you know how many variances were applied for in Rings Island in the last year, five years? **LP** stated no. I am wondering if it's a problem. I personally haven't had an issue. I look at the Village Overlay District and that to me leads to intense development. My concern is Rings Island is a Historic Resource for the byway. I think anything you do has to protect the uniqueness that is there. What problem are you trying to fix? **LP** stated nonconformity. All those highlighted lots are non-conforming. **JD** stated this is a fact but I don't think that is a problem.

Abutter, Ray Pike (RP) of 7 2nd Street addressed the board. He asked how many variances

have been turned down. **LP** stated if I were living in the plains and I wanted to do the same thing you wanted to do you would have to pay \$1,000.00 because you are non-conforming and they are conforming. You get the same yes, but you are spending a lot more money. **RP** stated I have only heard two comments from neighbors and the current zoning inhibits over-development.

DE asked if there is a specific person who wants zoning changed to solve a particular problem that they personally experienced. **LP** stated no. **DE** stated there are benefits of having non-conforming lots. For example, if a neighbor wanted to build a two family home on their lot abutters would be notified and you would have a chance to voice your concern. I would hate to see a consequence destroy the nature of that community. **LP** asked how our existing zoning benefits that. **DE** stated you will have a hearing and people can say you are going to destroy the character of the neighborhood. I'm having trouble trying to figure out what we are trying to accomplish here.

LH stated the flip side if there is a vacant lot on Rings Island they need to build to the R2 district. Then they wouldn't look like the buildings on Rings Island now.

Abutter, David Donahue (DD) of 31 1st Street addressed the board. Its important to me that the character stays the same. As far as the variance process goes, it is lengthy, expensive but for these things I do feel its necessary. **LP** asked with you bringing the house 4' closer you changed the look of the neighborhood. **DD** stated no.

Abutter, Jerry Klima (JK) of 18 2nd Street addressed the board. I think the setback issue is a major concern. We rebuilt a porch that was on the house 100 years. We had to get a variance because the setback is 40' and we had 10'. I measured some of the setbacks in the area are 8'. **RS** asked if you were fixing an existing porch would you have to get a variance. **JK** stated no.

RS stated I think we need to find out how many variances have been applied for. **DE** stated I maybe in favor of changing the zoning if someone did a study of the characteristics that make Rings Island unique and that any changes are conforming with those characteristics.

Abutter, Wendy Pike (WP), 7 2nd Street addressed the board. I think a workshop would be beneficial in determining what type of zoning we want to change. Such as lot size, building an addition, etc. I am in favor of not paying a lot of money if someone else in another part of town is doing the same type of work as myself.

RP stated we had to go before the zoning board for a deck to make it less non-conforming. We still needed to go before the board even for that reason. Also, a neighbor had to go before the board for a deck for a wedding in front of their house.

BB stated when we establish the new zoning maybe could list out what items i.e. new porch, second floor and what would need to be done. Then we could apply to the new zoning what makes this area great.

LP stated it would be difficult to tell front yard and side yard setbacks. We don't have a survey of the streets. **RS** asked if we had the pictometry? **LP** stated we do. But when you get that small it's hard to tell. I think it makes sense to look at it more.

JD stated the impact is not on your wallet it's on the neighborhood. There is a protection element of the non-conformance. **LP** stated if the zoning board is going to say yes anyway, why would you want to spend the extra money to go there. **JD** stated you will be running into sight line issues. Neighbors are very protective of any views they may have. **LP** stated they would only need to go for a finding and they still would be granted yes. One of the questions is "is this detrimental to the neighborhood" and I would think yes. **LP** stated how is blocking someone's view detrimental to the neighborhood.

Abutter, Mark Audette of 14 First Street addressed the board. I believe it would be beneficial to streamline the process for the residents. I believe it should be made easier to make your property look better.

RP stated our property had terrible flooding and eventually we will be raising our house and blocking the site line of my neighbors.

RS asked if there were anymore comments for Rings Island. Seeing none we will continue working on this.

2. 7:50 PM Public Hearings:

- a. **SPR-44 Railroad Avenue-Michael Larkin, Tr., 44 Railroad Avenue Realty Trust.** **LH** stated the applicant would like to continue to the December 11, 2013 meeting. We received a letter stating they were working on comments from the last meeting.

DE motions to continue the hearing until December 11, 2013 at 8:00 p.m. at town hall.

LM Seconds-vote on motion 5 – 0 (**RS** abstained) unanimous.

3. **Old Business**
4. **Other Business**
5. **Correspondence**
6. **Reports of Committees**
7. **Adjournment**

BB motions to adjourn at 8:50 pm

BHM Seconds – Vote on motion 6 – 0 unanimous.

Chairman

Date