

**Salisbury Planning Board
Meeting Minutes
Wednesday, March 12, 2014 7:30 p.m.**

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

PB Members Absent: None

Also Present: Lisa Pearson, Planner and Lori Robertson, Planning Secretary

Time: 7:30 p.m.

Chairman Straubel called the meeting to order at 7:35 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. 7:30 Public Hearing

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** noted at the last PB members questioned the purpose of the buffer zone. Leah Hill, Asst. Planner contacted town counsel and town counsel said this about the buffer: *In general, my opinion is that the buffer is intended to prevent (or diminish) the likelihood of the marijuana from being available to minors, i.e., to protect a vulnerable population from possible harmful effects. There is no particular standard as to what the buffer should be and communities are considering (and adopting) a variety of distances. So, in my opinion, the question of the buffer distance is essentially a policy decision, dependent on the municipality's particular planning and public safety concerns. I do recommend, however, if the larger buffer (1000') is chosen that you have support from planning studies, the Town's public safety officials, and others as to the reasons why that distance was chosen. Such an explanation would support the choice of the buffer distance in the event of a challenge.*

DE noted that it doesn't seem like much research has been done between the buffer zones. I read some commentary between people that looked at the buffer zones in other states and it is more of a wait and see. Nobody did any studies stating if you lived next door to marijuana dispensaries you are more likely to have your children frequent it. I don't think we need to spend money on a study. I think we should use 500' and see how it goes. **LM** states I agree with you. **RS** and **LP** discussed if it was from the nearest property line or building. It was noted in the draft dated 2/20/14 it was from the nearest property line. **LM** stated I did review the minutes and reviewed the meeting on cable TV. **LP** asked if he filed a form. **LM** stated no. **LP** stated they you can't vote on this item.

DE motioned to recommend the draft model medical marijuana overlay district bylaw with the change to section 4 part B 500' buffer zone in place of the 1,000' buffer zone.

TH Seconds.

LM asked about paragraph 7-Exemption from Special Permit requirement: *A RMD that demonstrates it is protected pursuant to the agricultural exemption under G.L. c40A-section 3 is not required to obtain a special permit, but shall apply for site plan approval pursuant to Article XVIII of the Zoning Bylaw.* **LP** stated this allows if something happens in court cases it allows for this to stay in place and they can go wherever farms are allowed to go. It doesn't make our bylaw null and void. **LP** stated if it is deemed to fall under the agricultural exemption then it could go anywhere. **LM** asked how would this fall under the agricultural exemption. **LP** stated someone would have to fight it. We are saying it falls under our new topic.

No residents present.

DE motioned to amend the first motion to include close the public hearing and recommend the draft model

medical marijuana overlay district bylaw with the change to section 4 part B 500' buffer zone in place of the 1,000' buffer zone.

TH Seconds. Vote on motion 4 – 0 unanimous. (LM and BHM abstained).

DE motioned to recommend the draft model medical marijuana overlay district bylaw with the change to section 4 part B 500' buffer zone in place of the 1,000' buffer zone.

TH Seconds. Vote on motion 4 – 0 unanimous. (LM and BHM abstained).

2. New Business:

a. Signing of Plans/Permits-N/a

- b. Adjust Maximum Housing Contribution Payment-Inclusionary Zoning:** **RS** stated The Planning Board is charged with adjusting the rate of the inclusionary housing contribution each year, to be effective March 1. §300-80.C of the Zoning Bylaw states: "The annual adjustment shall be equal to the percentage change in the median sale price of single family homes in the Town of Salisbury during the previous calendar year, as reported by the Warren Group". 2012 median sales price of s/f homes: \$255,000 - 2013 median sales price of s/f homes: \$293,000
The percent change was a 14.9% increase. Last year's maximum rate was \$15,508.65 and this year's rate is now \$17,819.43 (an increase of \$2310.78). This will take effect March 1, 2014.

LM motions to confirm the new adjusted maximum housing contribution for inclusionary zoning to \$17,819.43 effective March 1, 2014.

BHM Seconds. Vote on motion 6 – 0 unanimous.

1. Old Business:

2. Other Business

3. Correspondence

- a. Chapter 91 License – Blackwater River Flood Control Project-LP** stated it is in the PB office if anybody would like to read it.

b. Minutes from February 12, 2014.

DE motions to accept and sign the minutes from February 12, 2014

BB Seconds – Vote on motion 4 – 0 unanimous. (LM and BHM abstains)

4. Reports of Committees

LP stated I have been working with **RS** on the Lafayette Road sewer project. Back in 2006 when we first started looking at upgrading the sewer, Heritage Park was not an issue. Now Heritage Park is under a DEP order because of their septic system. At the time Zoning review committee looked at the zoning on Lafayette Road and it was done without too much thought into the commercial development. At one time we hired consultants and included in your packets is the extensive work that happened at that time. The packet includes a more comprehensive development area. **LP** discussed sidewalks on Lafayette Road also. One key component of this is the zoning. We don't want to put in sewer and then react to what comes there. We would like to start discussing the zoning on Lafayette Road for an upcoming Town Meeting. Would you like to start this at your regular PB meeting or schedule a workshop before the PB meetings? **BHM** asked what would this entail? **RS** stated we would like input from the public. We were considering inviting stake-holders, and owners of the residential units. **LM** stated I think we should start out with the workshop at the meetings and if we get too busy we could move it to another time. **RS** stated maybe a roundtable format which will be more informal. **LM** asked if the PB had any role in the 25% design standard of the highway. **LP** stated we have plans in the PB office. You are welcome to come and look at them. She also stated we will schedule a workshop for Lafayette Road on March 26, 2014.

5. Adjournment

DE motions to adjourn at 8:25 pm

BB Seconds – Vote on motion 6 – 0 unanimous.

Chairman

Date

