

Salisbury Planning Board Meeting Minutes

Date: Wednesday, October 12, 2016

Place: Colchester Auditorium, Salisbury Town Hall, 5 Beach Road

Time: 7:00 p.m.

PB Members Present: Chairman Don Egan (**DE**), Helen “Trudi” Holder (**TH**), Gina Park (**GP**), Louis Masiello (**LM**),

PB Members Absent: John “Marty” Doggett (**JMD**)

Also Present: Bart McDonough (**BMD**), Assistant Planner, Adriane Marchand (**AM**), Planning Secretary

Chairman Don Egan called the meeting to order at 7:01 p.m. in the Colchester room, Salisbury Town Hall. **DE** announced, per opening meeting law, that this meeting was being recorded and broadcast live via www.sctvmc.org.

1. New Business:

a. Signing of Plans/Permits - none

2. Old Business:

3. 7:30 Public Hearing:

a. To see if the Town will vote to amend the zoning bylaws in accordance with the changes attached hereto with regard to Ch. 300 Article XII, Salisbury Beach Overlay District,

DE provided background of the zoning changes that are being discussed. Stated discussions began on the Beach Overlay District zoning changes before the May 2016 Town Meeting but it was not heard at that Town Meeting. The Town hired a consultant (Judi Barrett with RKG) to run workshops and make recommendations with the goal of creating a Town sponsored zoning proposal. Since then, there have been 5 public workshops which contributed to a town sponsored zoning proposal for the October 2016 Town Meeting. The Board is reviewing that proposal tonight.

The Citizen’s Petition Beach Overlay District zoning proposal that began the discussion in May 2016 will be heard on Monday, October 17, 2016 at 6:00p.m at the Salisbury Public Library.

The third article, a compromise between the two prior articles, was presented by the Town Manager and will have its public hearing on Monday, October 24, 2016 at 6:00p.m at the Salisbury Elementary School.

DE highlighted the significant changes to the existing Beach Overlay District zoning that were made in the Planning Boards zoning proposal. These included:

1. Allowing the Planning Board to issue a special permit for buildings in the district that would like to build to a height between the currently allowed 65 feet and the proposed height of 89 feet. Criteria will be laid out in the zoning bylaw.
2. The elimination of the design review committee. Proposed to replace it with the hiring of a consultant at the applicant's expense to complete the design guidelines review.
3. Introduction of the concept of prohibiting adverse shadow impact.
4. Reverting to two (2) onsite parking spaces required for units with two (2) or more bedrooms.

The less significant change included a reduction of the commercial space requirement that can be waived by special permit.

LM asked if the definition of adverse shadow impact is in the proposal? He saw a reference to restricting shadows from being cast 100 feet from project borders. Which was included in our proposal? **DE** answered that the Planning Board's proposal did not include the 100 foot measurement but the proposal proposed by the Town Manager did include it. **LM** requests measurement of the dune to be able to tell if the 100 ft. requirement is sufficient.

LM referenced page 4 of the proposal. **DE** read from the referenced page about the 89 foot height requirement in the proposal. **LM** asked why the language specifies the interior of the site, and not on the exterior of the site? **DE** clarified. **LM** asked how on page 5 section 367 B, 15% was selected as commercial floor space? **DE** explained the bylaw as it is now and points out 15% as a reduction. **LM** asked how they came to 20% in the bylaw. **DE** answered.

GP asked if the town had done any studies on the un-mitigatable circumstances that impact the area, such as the one road in, one road out situation, and the effect the increase in density will have on evacuation? Lisa Pearson (**LP**) the Director of the Salisbury Department of Planning and Development responded that the height increase would not affect the existing density allowed. The height increase is to allow for additional parking and to mitigate for raising the structure as flood regulations require. **GP** asked if the existing water and sewer infrastructure could handle the increase in density? **LP** answered the infrastructure should be able to handle the increase in usage but she would need to consult the DPW director. Added there would be upgrades and new connections and the infrastructure fund the developers contribute to would pay for sewer and water updates and other infrastructure changes the town may need to make. Discussion on access fees followed.

GP stated that according to the consultant the current zoning is very development friendly, but there are other issues in the zoning laws that could use improvement. Asked if it is even sensible to put forth this proposal and not fix those issues? Also stated the population at the beach is substantial and there is more of a need for services and commercial growth than residential growth. **LM** responded Broadway is and will continue to be commercial. **DE** added that Oceanfront South has to be commercially convertible as well.

LP clarified the market will call for commercial growth. It can expand beyond the minimum requirement extending to any floor.

DE further clarified that this proposal will not increase the density that is currently allowed under zoning. We are trying to achieve two things:

1. Through redevelopment we will have a more attractive community
2. Establish a critical mass of people with in a ¼ mile of the Beach Center.

The increased population in the Beach Center will allow for commercial growth to follow. Discussion on the desirability of residential verse commercial development follows.

Wayne Capolupo (**WC**) of 170 Beach Road responded to the point raised during the discussion about commercial use. Stated that they want as much commercial use as the market allows but the last thing they want is to overbuild and have empty store fronts. That would be detrimental to the downtown district. Stressed the importance of mixed use development.

Discussion on adverse shadow impact and the prohibited distance that should be included in the bylaw followed. **GP** Asked if dune grass can grow in shadows? **LP** sated it is expected to grow under the boardwalk. It won't be in shadow continuously. Jerry Klima (**JK**) agreed with **LP** and requested the Board consider the timing of the shadowing. Discussion on shadow studies followed. **DE** requested the requirement that the developer conduct a shadow study.

LP stated what the proposal does is show two (2) definitions of shadow impact. That needs to be clarified. **DE** requested the addition of the 100ft shadow restriction language to the proposal.

The Board then discussed the dates to be used. The debate being between the ending dates of August 1st or August 31st. **GP** and **LM** advocate for the later date. **WC** stated the presence of shade is negative or positive depending on who you ask. Amin Nabhan (**AN**), owner and operator of a parking lot at the beach stated that by 5:00p.m during the summer the lot is usually empty. Also attests that people are often looking for shade on the beach. **DE** added that he sees August 10th as a reasonable compromise and the shade will be incremental.

LP moved the discussion forward to the parking provision on page 5, point 4. It was omitted and needs to be added. **DE** agreed.

DE asked if the incremental shadow impact (point G under prohibited uses) had been removed. **LP** answers that it had. Its removal would be proposed on the town meeting floor. **DE** stated he would not vote for that. **WC** clarifies that point "G" is very prohibitive and cannot be waived with a special permit but would need a variance. Argued shade as a negative impact is in the eye of the beholder and should not be made illegal. **DE** asked if it could be added as a waiver? Discussion followed. **LP** stated it is not appropriate under prohibited use but it does belong somewhere in the proposal and she would find the proper placement.

LM motioned to continue the to see if the Town will vote to amend the zoning bylaws in accordance with the changes attached hereto with regard to Ch. 300 Article XII, Salisbury Beach Overlay District to October 24, 2016 Planning Board Meeting at 6:00p.m.

TH seconded.

Vote: 4-0 Unanimous. Motion Carried.

b. To see if the Town will vote to amend the zoning bylaws in accordance with the changes attached hereto with regard to Ch. 300 Article XIII, Inclusionary Housing Requirements.

Jerry Kilma (JK) Chair of the Affordable Housing Trust introduced the Board to the Housing Trust and to the proposal to change the inclusionary housing zoning that is on the warrant for Town Meeting. Introduced the bylaw as it is now and the history involved in the changes. Worked with Judi Barrett (RKG) a consultant hired by the town, to work out the changes to the bylaw through a series of meetings. The proposed changes are:

- Reduced the required percentage of affordable housing in the Beach Overlay District from 12% (1:8) to 10% (1:10).
- Require onsite developments outside of the Beach Overlay District but not required to have onsite units in the district
- Reduced financial contribution from 3.5% to 1% within the Beach Overlay District.
- Any rental development will contribute \$10,000 to the Trust except the Beach Overlay District which will contribute \$5,000.
- Opened the door for affordable housing tax incentives to be looked at in the future.

DE asked the impact these changes will have on the 40B 10% requirement. JK answered with 1 out of 10 units being affordable, that 10%. These changes will keep the town even.

LM motioned to recommend the proposal to see if the Town will vote to amend the zoning bylaws in accordance with the changes attached hereto with regard to Ch. 300 Article XIII, Inclusionary Housing Requirements.

GP seconded.

Vote: 4-0 Unanimous. Motion Carried.

5. Correspondence

a. Minutes from September 28th, 2016

TH motioned to accept the minutes for September 28, 2016.

LM seconded.

Vote: 4-0 Unanimous. Motion Carried.

6. Reports of Committees

7. Adjournment

LM motioned to adjourn the September 28, 2016 Planning Board meeting at 8:04 p.m.

TH seconded.

Vote: 4-0 Unanimous. Motion Carried.

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

Minutes Approved By: _____ Date: _____