

## **Salisbury Planning Board Meeting Minutes**

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**Date: Wednesday, October 17, 2016**

**Place: Salisbury Public Library, 17 Elm Street, Salisbury, MA**

**Time: 6:00 p.m.**

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**PB Members Present:** Chairman Don Egan (**DE**), Gina Park (**GP**), Louis Masiello (**LM**),

**PB Members Absent:** John “Marty” Doggett (**JMD**), Helen “Trudi” Holder (**TH**)

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

Chairman Don Egan called the meeting to order at 6:00 p.m. in the Salisbury Public Library Meeting Room. **DE** announced, per opening meeting law, that this meeting was being recorded and broadcast live via [www.setvmc.org](http://www.setvmc.org).

### **1. Public Hearing 6:00pm**

- 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, and Ch. 300 Article XIII, Inclusionary Housing Requirements.**

Wayne Capolupo (**WC**) introduced the Citizen’s Petition for modifications to the Salisbury Beach Overlay District Zoning. The goal of the petition is to spark growth in the Beach Overlay District. The changes requested included:

- Rising the maximum building height from 65 feet to 89 feet.
- Creating Density Neutrality by eliminating the parking bonus and requiring two (2) spaces for two (2) or more bedroom units.
- Requested exemption from Inclusionary Housing. This will be withdrawn on Town Meeting floor in favor of the Affordable Housing Trust zoning proposal.
- Removal of the Design Review Committee in favor of a professional review.
- Other smaller changes

**WC** and the other developers have been working with the Planning Board over the last 6 months in the hopes of a compromise but have decided to submit their Citizen Petition proposal. Still hope to withdraw it in favor of a compromise but until the compromise is reached he asked for the Planning Board to send it to Town Meeting.

**DE** thanked **WC** for the introduction and further briefed the Board on the Citizen’s Petition’s history. Have held a series of workshops to discuss the changes. It has been a good productive process that had good attendance from the public. Stated that the Article (14) provided by the consultant (Judi Barrett, RKG) on the Town Warrant is the Planning Board’s compromise. Following Article 14 came Article 16 submitted by the Town Manager, which further

compromised. The public hearing for that article will be on Monday, October 24, 2016 at 6:00p.m. at the Salisbury Elementary School in the Art Room. Article 14 was continued to that meeting as well. We would recommend continuing Article 17 the Citizen's Petition, which we are here to discuss tonight, to the meeting on October 24<sup>th</sup> as well. They can be discussed simultaneously and we can decide on one proposal to send to Town Meeting with agreed upon amendments to satisfy all parties.

**DE** asked **WC** if he had been provided with the proposed amendments to Article 14. Steve Paquette (**SP**) and **WC** agree they had not received the proposed amendments other than those in the Town Manager Article (Article 17). Lisa Pearson (**LP**) Director of the Planning Department clarified that the proposed amendments are the two (2) Articles (14 & 16) combined and adding in the parking provision.

**DE** asked **WC** what he believes is missing from the Town Manager's compromise (Article 16). **WC** said he is very comfortable with the Article but he was under the impression it wouldn't be adopted. **LP** reminded the Planning Board they were not comfortable with the compromise at the last meeting.

Discussion followed on the changes proposed, starting with agreement on re adding the parking provision and leading to the definition of adverse shadow impacts vs. no shadow impact.

Discussion proceeded to the dates of August 10 or August 31 for the period of time the shadow impact is to be regulated on the beach. **GP** disagreed with the earlier date and argued that the State Beach is a public attraction and should be protected though the summer season, which ends on August 31<sup>st</sup>.

**WC** provided additional shadow studies they had done sparking discussion on the topic.

**GP** worried that if the height change passed there would be nothing to prevent the change from happening all down the beach. **LP** responded that is not going to happen. The process that has brought them to this point has taken years. **LM** added for that to happen they would have to rezone the whole district. **WC** added that the precedent that is being set here is that that the Citizen Petition is being withdrawn in favor of a Town sponsored Article. **DE** agreed and added the changes have to be consistent with the Master Plan.

**GP** pointed out that none of the Articles have included density numbers. **LP** disagreed and stated density is in the special permit criteria. **WC** responded to **GP's** point that the zoning currently allows for any number of 1, 2, or 3 bedroom apartments to be built and no development in the area has happened. **LP** added that at this point, it cannot be amended to the Warrant Articles as there is nothing relating to it already in the Article.

Discussion on shadow impact reconvened. **DE** agreed with the modification as long as language is added that the shadow does not impact within 100 feet of the property line.

Discussion on the ending date of the prohibited shadow on the beach time frame followed. **GP** advocated for using the later date of August 31<sup>st</sup>. **DE** advocated the date of August 10<sup>th</sup> as a fair compromise.

Decide by vote: **DE, LM** for August 10<sup>th</sup> – **GP** for August 15<sup>th</sup>.

The Planning Board agreed to amend the zoning proposal on Town Meeting floor to the ending date of August 10<sup>th</sup>.

Discussion progressed to the commercial space requirement. **LP** asked **GP** if she wanted to expand it or leave it the same. **LM** asked how that number is to be interpreted. **WC** explained how the percentage of the lot was determined. Discussion moved forward to chapter 300 §67 **DE** quoted the existing bylaw and compared the language from the Town Manager's proposal, which stated the ground floor of the façade will be commercial. **LP** clarified the rear of the site

does not have to be commercial. Discussion followed on if this language is sufficient for commercial use.

**WC** moved the discussion on to item D under prohibited uses. Asked for it not to be included under prohibited uses. **DE** asked if they can move the item to the Design Guidelines section. **LP** agreed that it should be relocated to the Design Guidelines section as a mandatory point, but one that can be waived. **WC** offered support for the change.

**WC** reviewed the smaller language changes in the proposal.

1. Chapter 300 §67 paragraph D, changing the term “unoccupied architectural features” to “distinct architectural features”.
2. Chapter 300 §71 deleting the word “and” in a few places and “high quality public realm” as it is unclear.

The Board had no issue.

**WC** stated that after this discussion they feel comfortable moving forward with the Town’s amended Article.

**GP** asked for onsite or offsite parking clarification. **WC** responded parking will be onsite, the offsite provision was stricken. Discussion followed on parking language to include in the amendments.

**DE** requested a revised draft of the proposed amendments be circulated. **LP** agreed. Stated she would consult with Town Counsel and forward the recommended Article amendments. Discussion followed on which proposal is most likely to go to Town Meeting floor to be amended.

**LM** motioned to continue the Public Hearing for Article 17, to amend the Zoning By-law of the Town of Salisbury: 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, Citizens Petition to October 24, 2016 at 6:00 pm at the Salisbury Elementary School Art Room.

**GP** seconded

**Vote: 3-0 Unanimous. Motioned Carried.**

Comment from Ray Champagne who asked the Planning Board to please choose one Article to go to Town Meeting floor to limit some of the confusion having three Articles will cause.

The Planning Board asked for further clarification from **LP** on the time line moving forward to the Town Meeting. **LP** clarified.

## **2. Adjournment**

**LM** motioned to adjourn the October 17, 2016 Planning Board meeting at 7:40 p.m.

**GP** seconded.

**Vote: 3-0 Unanimous. Motion Carried.**

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

**Minutes Approved By:** \_\_\_\_\_ **Date:** \_\_\_\_\_