WARRANT FOR THE ANNUAL FALL TOWN MEETING
OCTOBER 24, 2016

A TRUE COPY ATTEST
Melinda J. Morrison
TOWN CLERK
TOWN OF SALISBURY

TO: Steven Sforza, of the Salisbury Police Department

GREETINGS:
In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of the Town of Salisbury who are legally qualified to vote in Town affairs, to meet at the Salisbury Elementary School at 100 Lafayette Road in said town on Monday, October 24, 2016 at 7:00 PM, to then and there act on the Articles in this Warrant.

ARTICLE ONE

To see if the Town will vote to amend the vote taken under Article 3 of the May 16, 2016 Annual Town Meeting by decreasing the total amount to be raised and appropriated from $23,782,025.00 to $23,487,025.00 to fund the FY2017 annual operating budget of the Town, which includes $10,510,569.00 to pay the Town's anticipated share of the Triton Regional School District's operating budget for FY2017, calculated in accordance with Mass. General Law Chapter 70, Section 6, and in accordance with the attached departmental breakdown of the budget; or to take any other action relative thereto
ON PETITION OF THE TOWN MANAGER

ARTICLE TWO

To see if the Town will vote to transfer the sum of $290,000.00 from Free Cash to FY2017 budget line item number 0100.0910.5199 (Insurance and Benefits – Personnel Salary Reserve) for the purpose of funding the FY2017 General Fund costs of collective bargaining agreements between the Town and: (1) AFSCME Local 939 (DPW) covering the period from FY2017 through FY2019; (2) AFSCME Local 939 (Emergency Telecommunications Dispatchers) covering the period from FY2017 through FY2019; (3) Teamsters Local 170 (Department Heads) covering the period from FY2017 through FY2019; (4) Teamsters Local 170 (Administrative Professionals) covering the period from FY2017 through FY2019; and (5) IAFF/PFFM Local 4694 (Firefighters) covering the period from FY2017 through FY2019 and FY2016; or to take any other action relative thereto.
ON PETITION OF THE TOWN MANAGER

ARTICLE THREE

To see if the Town will vote to transfer the sum of $50,000.00 from Free Cash to FY2017 budget line item number 0100.0124.5810 (Central Services – Equipment) for the purchase, upgrade and installation of computer software and related equipment and licenses related to the Town's GIS system, and to complete fiber optic network connectivity among Town-owned buildings, including any costs incidental or related thereto; or to take any other action relative thereto.
ON PETITION OF THE TOWN MANAGER

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ARTICLE FOUR

To see if the Town will vote to transfer the sum of $38,000.00 from Sewer Enterprise Free Cash to FY2017 sewer enterprise fund budget line item number 6000.0440.5240 (Purchase of Services – Building Repair and Maintenance) for the purpose of installing a fiber optic network and related equipment at the Town's wastewater treatment plant; or to take any other action relative thereto.
ON PETITION OF THE TOWN MANAGER

ARTICLE FIVE

To see if the Town will vote to transfer the sum of $50,000.00 from Free Cash to FY2017 budget line item number 0100.0123.5305 (Town Manager – Consulting Fees) for the purpose of hiring a consultant to assist the Town in redesigning the Broadway Mall at Salisbury Beach; or to take any other action relative thereto.
ON PETITION OF THE TOWN MANAGER

ARTICLE SIX

To see if the Town will vote to transfer the sum of $10,000.00 from FY 2017 budget line item number 0100.0220.5120 (Fire Department – Administrative Assistant) to FY2017 budget line item number 0100.0123.5305 (Town Manager – Consulting Fees) for the purpose of funding the cost of a search process for a new fire chief; or to take any other action relative thereto.
ON PETITION OF THE TOWN MANAGER

ARTICLE SEVEN

To see if the Town will vote to transfer the sum of $11,000.00 from Free Cash to FY2017 budget line item number 0100.0220.5240 (Fire Department – Building Repair and Maintenance) for the purpose of repairing a section of the roof at the fire station on Lafayette Road; or to take any other action relative thereto.
ON PETITION OF THE TOWN MANAGER

ARTICLE EIGHT

To see if the Town will vote to transfer the sum of $40,000.00 from Free Cash to FY2017 budget line item number 0100.0210.5118 (Police Department – Dispatchers) for the purpose of funding the cost of additional dispatching services at the new police station through the remainder of the fiscal year; or to take any other action relative thereto.
ON PETITION OF THE TOWN MANAGER

ARTICLE NINE

To see if the Town will vote to transfer the sum of $9,000.00 from Free Cash to FY17 budget line item number 0100.0413.5850 (DPW – Vehicles) for the purpose of replacing an existing power reversible snow plow, including all costs incidental or related thereto, for the Department of Public Works; or to take any other action relative thereto.
ON PETITION OF THE TOWN MANAGER

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ARTICLE TEN

To see if the Town will vote to amend the Code of the Town of Salisbury, as recommended by the Bylaw Review Committee in the document entitled "2016 Proposed Revisions to Code of the Town of Salisbury" by inserting the bold underlined text and deleting the strikethrough text as shown therein, which document will be on file with the Town Clerk's office and available on the Town's official website at http://www.salisburyma.gov, and which revisions include, but are not limited to: authorizing the Town Clerk to make non-substantive changes to numbering for internal code consistency in the General Bylaws; imposing minimal late fees for failure to license dogs timely, and exempting from such fees residents aged 65 years or older; correcting references to reflect current Town officials responsible for various tasks such as "Director of Public Health" and "Director of Public Works"; inserting a new bylaw requiring truss construction identification of buildings for fire safety; deleting outdated and duplicative matters otherwise addressed by the bylaws or found in the Town Charter; authorizing the Town Moderator to declare a 2/3 vote at Town Meetings without a hand count; as well as other revisions intended to clarify or bring provisions up to date; or to take any other action relative thereto.
ON PETITION OF THE TOWN MANAGER

ARTICLE ELEVEN

To see if the Town will vote to authorize the Board of Selectmen to acquire, for access and/or rail/trail purposes and by purchase, gift, and/or eminent domain, easements on a portion or portions of the parcel of land located at 114 Bridge Road, which is adjacent to the Old Eastern Marsh Rail Trail, shown on Assessors Map 14 as Parcel 10, and described in a deed recorded with the Essex South Registry of Deeds in Book 31727, Page 437; or to take any other action relative thereto.
ON PETITION OF THE TOWN MANAGER

ARTICLE TWELVE

To see if the Town will vote to (1) transfer the care, custody and control of the parcels of land shown on Assessors Map 22 as Parcels 20 & 21, excluding therefrom the portion of such parcels on which the library is situated, from the board or officer having custody thereof for the purposes for which such parcels are currently held to the Parks and Recreation Commission for park purposes, which parcels shall be held and designated for and dedicated to park purposes under the provisions of M.G.L. Chapter 45, Section 3; (2) raise and appropriate, transfer from available funds, and/or borrow the sum of $225,000 for the purpose of rehabilitating, improving, and/or restoring said park land and the structures and facilities thereon, and authorize the Treasurer, with approval of the Board of Selectmen, to borrow said sum under the provisions of M.G.L. Chapter 44, Sections 7 and 8, or any other enabling authority, a portion of which sum is to be reimbursed by the Executive Office of Energy and Environmental Affairs, Division of Conservation Services; (3) authorize the Board of Selectmen to file, on behalf of the Town of Salisbury, any and all applications deemed necessary for grants and/or

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reimbursements from the Commonwealth of Massachusetts under the PARC Grant Program (formerly, the Urban Self Help Act, 301 CMR 5.00) and/or any other funds, gifts, grants under any federal and/or other state program in any way connected with the scope of this article; and further (4) to authorize the Board of Selectmen to enter into all agreements and contracts and execute any and all instruments as may be necessary or convenient on behalf of the Town of Salisbury to effectuate said project; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

ARTICLE THIRTEEN

To see if the Town will vote to amend the Town's General Bylaws by amending Article 13, as adopted by the May 16, 2005 Annual Town Meeting, by changing the membership of the Salisbury Affordable Housing Trust Fund as follows:

Amend paragraph A by deleting the first sentence in its entirety and inserting in place thereof the following:

"There shall be a Board of Trustees of the Salisbury Affordable Housing Trust Fund established under Article 13 of the 2005 Annual Town Meeting, in this section called the Board, which shall consist of seven (7) trustees, including two members of the Board of Selectmen, appointed by the Board of Selectmen."; or to take any other action relative thereto.
ON PETITION OF THE TOWN MANAGER

ARTICLE FOURTEEN

To see if the Town will vote to amend the Zoning Bylaw by deleting the existing Article XII and substituting in its place the following new Article XII:

Article XII. Salisbury Beach Overlay District

300-61. Purpose.

The Salisbury Beach Overlay District is intended to spur redevelopment of under-utilized beachfront commercial property, to establish design guidelines for new development, to unlock the potential of creative development and architecture, to enhance the value of land and buildings, to encourage sustainable design and building practices, to provide a foundation for long-term private reinvestment, and create incentives for new mixed-use development while preserving the character of this historically lively oceanfront district at Salisbury Beach.

300-62. Boundaries; subdistricts.

The boundary of the Salisbury Beach Overlay District is shown on the Salisbury Beach Overlay District Map, which map is hereby incorporated in and made part of this section.

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A. The Salisbury Beach Overlay District is comprised of the following three overlay subdistricts, which are delineated on the Salisbury Beach Overlay District Map:

(1) Beach Center Development Subdistrict. This overlay subdistrict is generally comprised of certain parcels along Oceanfront North, Ocean Avenue, Railroad Avenue, Driftway, Central Avenue, Shea Street, North End Boulevard and Cable Avenue.

(2) Broadway Revitalization Subdistrict. This overlay subdistrict is generally comprised of certain parcels along Broadway.

(3) Oceanfront South Revitalization Subdistrict. This overlay subdistrict is generally comprised of certain parcels along Oceanfront South.

B. Overlay district map and lot listing. The Salisbury Beach Overlay District, the Beach Center Development Subdistrict, the Broadway Revitalization Subdistrict and the Oceanfront South Revitalization Subdistrict are delineated on the Salisbury Beach Overlay District Map and the lot listing attached as Exhibit I.

300-63. Existing zoning.

A. The Salisbury Beach Overlay District shall be overlaid over the existing Beach Commercial District within the boundaries shown on the Town of Salisbury Zoning Map. The owners of property in the Salisbury Beach Overlay District shall continue to possess all current zoning rights and be subject to the requirements applicable in the Beach Commercial District. In the event an owner desires to construct a building greater than 35 feet in height, as defined in § 300-5 of the Zoning Bylaw, or to use his property for mixed-use development, as defined in § 300-64 herein, the rules and regulations of the Salisbury Beach Overlay District shall apply and by filing an application for site plan review or a special permit for a development subject to such rules and regulations, the owner shall be deemed to accept and agree to them. It is intended that the Zoning Board of Appeals shall not grant height variances for development of habitable space over a height of 35 feet in the Beach Commercial District that would exempt the development from the Salisbury Beach Overlay District. Where the Salisbury Beach Overlay District provisions are silent on a zoning rule or regulation, the requirements of the underlying Beach Commercial District zoning shall apply.

B. Underlying zoning. The underlying zoning for the Beach Commercial District shall remain an integral part of the Salisbury Zoning Bylaw and shall be neither modified, repealed nor amended by this article.

300-64. Definitions.

Definitions of the underlying Beach Commercial District shall apply to all developments subject to the Salisbury Beach Overlay District Bylaw, except for the following:

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HABITABLE SPACE
An area of any structure that is legally accessible and intended for human occupancy for residential or commercial uses. Mechanical rooms, parking areas, storage areas and other passive accommodations shall not constitute habitable space.

HEIGHT
The vertical distance from the bottom of the lowest horizontal structural support member (excluding grade beams, cross-bracing and other foundation elements) as required under the State Building Code for construction in the flood hazard zone in which the property is located to the average height of the main roof structure. The referenced elevation for the lowest horizontal structural support member shall be based on the minimum height required under the State Building Code even if the actual elevation of the lowest horizontal structural support member is higher.

MIXED-USE DEVELOPMENT
Development that contains a combination of residential use and one or more permitted principal commercial uses which are retail or professional in nature. A combination of commercial parking facilities and residential uses shall not constitute a mixed use.

SHADOW IMPACT
Shadow impact shall mean a significant adverse shadow impact that occurs when the incremental shadow added by a proposed project falls on a sunlight-sensitive resource and substantially reduces or completely eliminates direct sunlight exposure, thereby significantly altering the public's use of the resource or threatening the viability of vegetation or other resources. For purposes of this Article XII, "shadow impact" shall include any incremental shadow cast on Salisbury Beach between July 1 and August 31.

PARKING SPACE
An on-site, or off-site, space having an area of not less than 162 square feet, with minimum dimensions of nine feet wide by 18 feet long measured from center to center.

300-65. Permitted uses.

Uses permitted in the Salisbury Beach Overlay District shall include all uses permitted in the underlying Beach Commercial District, except those specified in § 300-66 herein. Mixed-use development shall be a permitted use. Fish and shellfish, wholesale and retail sale, may be permitted by a special permit granted by the Zoning Board of Appeals.

300-66. Prohibited uses.

In addition to those uses prohibited in the underlying Beach Commercial District, the following additional uses shall be prohibited in the Salisbury Beach Overlay District:

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A. Drive-through retail establishment. Any commercial use which utilizes a vehicular drive-up window.

B. Casino. Any facility or establishment where any gambling or gaming occurs, with the exception of arcade-type establishments which tender coupons or tokens for on-site redemption for noncash prizes or novelties. Gambling and gaming include, without limitation, any other game of chance or skill, or both, played with cards, with dice or with any mechanical, electromechanical or electronic device or machine for currency, check, credit, or any other thing of value, including, without limitation, roulette, 21, blackjack, craps, poker, slot machines, and any other electronic gaming devices and any other games classified as Class II or Class III gaming under the Indian Gaming Regulatory Act, U.S.C. § 2701 et seq., but excluding the game of bingo conducted pursuant to MGL c. 271, any lottery game conducted by the State Lottery Commission in accordance with MGL c. 10, § 24, and games played with cards in private homes or residences in which no person makes money for operating the game, except as a player.

C. Automobile repair, sales, and service.

D. Car wash.

E. Chemical warehouse.

F. Motorcycle repair, sales and service.

G. Any use that creates an incremental shadow impact on Salisbury Beach between July 1 and August 31.

300-67. Dimensional regulations.

Dimensional regulations of the underlying Beach Commercial District shall apply in the Salisbury Beach Overlay District, except for the following:

A. Maximum height allowed: 65 feet and five stories of habitable space, except that the Planning Board may grant a special permit to increase the maximum allowable height to 89 feet and seven stories of habitable space upon finding that:

(1) The incremental shadow, if any, of the proposed structure will not have a significant adverse shadow impact on existing structures or landscaping;

(2) In addition to the upper floor setback required under Subsection E below, the proposed building provides for an upper floor setback in the front façade of an additional five feet commencing no higher than the ceiling height of the fourth story;

(3) The proposed upper floor setbacks, building width and height ratio, building spacing, and roof treatments are sufficient to mitigate the impact of the increase

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in height on surrounding properties, the street, and views of the water, and from the vantage point of pedestrians;

(4) The proposed increase in height occurs in one or more prominent locations, such as a street intersection or the corner of a building on the interior of a site, thereby providing distinction and contributing to a variety of heights in the district;

(5) The proposed building addresses all applicable components of the Design Guidelines in § 300-71; and

(6) The proposed increase in height is necessary to achieve the purposes of the Salisbury Beach Overlay District.

Unoccupied architectural appurtenances to which there is no permanent access (cupolas, spires, chimneys, flagpoles, etc.) and comprising not more than 25% of the building footprint in plan view shall be exempt from maximum height limits.

B. Mixed-use development. To encourage mixed-use development at Salisbury Beach, the following requirements shall apply:

(1) Beach Center Development Subdistrict: mixed-use development is optional in this subdistrict.

(2) Broadway Revitalization Subdistrict:

(a) Mixed-use development shall be required in this subdistrict.

(b) The ground floor of the façade shall be occupied by commercial uses only (other than parking).

(c) No off-street parking shall be visible from Broadway or any public sidewalk or pedestrian pathway.

(3) Oceanfront South Revitalization Subdistrict:

(a) Mixed-use development is optional and encouraged in this subdistrict.

(b) At least 15% gross floor area of habitable space on the ground floor level shall be elevated to the minimum elevation required under the State Building Code and shall include a ceiling height of not less than 13 feet measured floor to floor. The Planning Board may grant a special permit to waive this requirement if it determines that such waiver will not derogate from the purposes and intent of the Salisbury Beach Overlay District.

C. Hotel and motel uses. Hotel or motel developments shall provide a minimum of one parking space per room, all of or part of which may be off site anywhere in the Beach Commercial District.

D. Upper floor setbacks. A building with a height in excess of 35 feet shall have an upper floor minimum setback in the front facade of at least five feet commencing no

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higher than 35 feet or the ceiling height of the second story, whichever is lower, with the exception of access elements (stairways or elevator shafts) and unoccupied architecture features not to exceed 25% of the front facade area, in aggregate.

300-68. Public Improvements Fund.

For any development utilizing the Salisbury Beach Overlay District, the applicant shall make payments to the Town as set forth in Subsections A and B below to the Salisbury Beach Overlay District Public Improvements Fund. This fund, administered by the Town Manager, shall be used for qualified public capital improvements to any area open to the general public within the Salisbury Beach Overlay District, including, but not limited to, utility upgrades, sidewalks, streets, period lighting, landscapes, hardscapes, boardwalks, benches or canopies. The fund shall be a special revolving account separate from the Town's general fund. Water and sewer improvements shall not be considered qualified improvements for the purpose of this section as those facilities are addressed under a different fund.

A. Town-administered improvements.

(1) A one-time payment equal to $3,000 per permitted dwelling unit shall be paid to the Town of Salisbury Beach Overlay District Public Improvements Fund. Payment shall be made with respect to each unit prior to issuance of an occupancy permit for the unit, provided that payment may be made at the time of conveyance of each unit to an end user or upon occupancy by any tenant if appropriate security arrangements to guarantee such payment have been made as part of the site plan review process for the development. Such payments shall not exempt developers from providing any on-site or pedestrian- or vehicle-related improvements that are required as part of the site plan review process.

(2) To guide and prioritize public infrastructure improvements a Public Realm Infrastructure Investment Plan identifying and estimating the costs of the desired improvements shall be prepared and maintained by the Town Manager. Such plan and changes in it shall be subject to consultation with the Planning Board.

B. Developer-administered improvements. As an alternative to, or in partial satisfaction of, the required contributions to the Town of Salisbury Beach Overlay District Public Improvements Fund, with the written approval of the Town Manager, a developer, or group of developers, may perform public improvements included in the Public Realm Infrastructure Investment Plan, the cost of which will be credited against the infrastructure contribution per dwelling unit specified above. Creditable public improvements shall be agreed upon as part of the site plan review process and shall consist of capital improvements to any property which is open to the general public, but shall not include replacement of existing sidewalks and/or curbing along the frontage of a proposed development which shall be the responsibility of the developer. The developer shall be credited an amount equal to 115% of the direct cost of all qualified public improvements performed in advance of unit conveyances

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or occupancy and for which reasonable proof of actual cost is provided to the Town Planner. Any dispute as to the final amount credited to the developer for approved public improvements shall be decided by the Town Manager whose decision shall be final and binding. The developer shall be required to post a one-hundred-percent performance and payment bond satisfactory to the Planning Board, with advice from the Town Planner, prior to undertaking any of the improvements contemplated herein.

300-69. Site plan review.

A. All projects developed within the Salisbury Beach Overlay District shall be subject to the site plan review by the Planning Board in accordance with Article XVIII of the Zoning Bylaw. Prior to the Planning Board approving any application for a development plan under this bylaw, the Board shall find that:

(1) The plan meets the applicable planning standards established in Article XVIII of the Zoning Bylaw and the Design Guidelines established in § 300-71.

(2) The proposed development plan is consistent with the Public Realm Infrastructure Investment Plan for the Beach Commercial District.

(3) Proposed elevations and drainage improvements are consistent with federal, state and local storm damage prevention and stormwater management guidelines or regulations.

(4) Required contributions will be made to the Salisbury Beach Overlay District Public Improvements Fund and to the Town's Utility Access Fee Funds.

B. The Planning Board's approval and any conditions of the approval of any application for site plan review of a development under this bylaw shall be submitted in writing to the Building Inspector, the applicant and the Town Clerk. No occupancy permit shall be issued for any building or structure or portion thereof until all conditions of the Planning Board's site plan approval have been met and until a certificate of completion, in a form approved by the Planning Board, is completed and signed by the Board's inspector.

300-70. Planning Board regulations.

The Planning Board shall adopt administrative rules and regulations for the purpose of carrying out this Article XII and shall file a copy of such rules with the Town Clerk. The Planning Board's rules and regulations may provide for reasonable administrative fees for special permits and site plan review, and fees for employing outside consultants to assist the Board with technical review of applications submitted under this Article XII.

300-71. Design guidelines.

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As part of the required site plan review process or, where applicable, special permit process, applicants seeking to utilize the Salisbury Beach Overlay District shall submit text, narrative, plans, elevations, and/or section drawings to the Planning Board in accordance with the following guidelines:

A. Buildings, structures and site layout shall reflect traditional neighborhood design, with pedestrian friendly street design and that is inviting and pleasant for walking, bicycling, and other non-vehicular means of getting around, and safe and convenient for individuals with disabilities; discernible edges, a mix of densities and land uses, and high-quality public realm. Buildings may reflect both traditional and modern interpretations of vernacular coastal New England architecture for the purposes of promoting appropriate waterfront scale and character, including building materials, massing, density, scale, and roof lines.

B. Large expanses of blank walls shall not be allowed. Facades shall have frequent architectural articulation. Major such articulations shall be spaced no farther apart than 25% of the building length at street level (but in no case farther apart than 70 feet). Street levels lined with extensive windows and frequent well-designed entrances to street level uses are encouraged, permitting continuous public views and access in and out of buildings in order to create a lively street atmosphere. Window designs in a vertical orientation are encouraged.

C. Screening of ground floor parking from pedestrian view with appropriate doors, building elements and/or landscaping features is required for parking areas along public ways.

D. All projects shall be designed to minimize the size and number of curb cuts. Full-width curb cuts will not be allowed. In keeping with the theme of screening parking from the public view, efficient traffic patterns are encouraged to support ingress and egress from lots. Curb cuts may not exceed an aggregate of 24 feet for every 100 feet of frontage. Lots with less than 100 feet of frontage may have one curb cut, 14 feet in length.

E. Underground utilities for new and redeveloped buildings are required unless physically restricted or blocked by existing underground obstructions.

F. A straightforward use of natural, traditional or sustainable building materials is encouraged. Brick, stone, high-quality metals, cast concrete, wood, and cement fiberboard will achieve the greatest level of compatibility with the surrounding area and will best stand the test of time in terms of both changing community tastes and withstanding the historically vibrant commercial climate of the Salisbury oceanfront. Exterior material substitutions, in particular products and applications that are of higher quality than those described in these guidelines, are encouraged.

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G. Building facades shall include architecturally distinct styles promoting diverse design, particularly with rooftop appurtenances such as cupolas, turrets, spires, widow walks, etc.

H. A diversity of roof heights, gable orientations, and volumes in new buildings is required.

I. Traditional arrangement of facade components into base, middle, and top composition may be used to achieve compatibility and continuity within the surrounding architectural context. Additionally, projecting bays, recessed balconies, and roof shape variation shall be utilized to provide interest, individuality, and appropriate scale to new development.

J. Sidewalk amenities such as street furniture, lighting and awnings that encourage year-round pedestrian use and sidewalk-cafe-style seating to enhance the public realm are encouraged.

K. Rear vehicular access to ground floor parking is preferred to minimize curb cuts on principal streets. Use of streets other than Broadway and Oceanfront South for vehicle access is preferred. Use of shared access points is encouraged to minimize the number of curb cuts.

L. Placing buildings oriented parallel with the front setback line is required to keep a consistent "street wall," with primary entries oriented towards the street.

M. Building setbacks may be varied and are encouraged to recognize the siting and scale of adjacent development.

N. At the intersection of the building line with crossover streets, there may be variation to the building edges to allow for corner elements and circulation functions. The building edges may be articulated and organized in such a way to achieve an architecturally rich and contextually varied composition. Variation in the building edge beyond the minimum setback is encouraged.

O. The facade proportions used in new development shall incorporate compatible architectural details, storefront design, window openings, and roof shapes to balance the proportions of facades into pleasant and cohesive compositions.

P. Building elevations are required to incorporate architecturally appropriate techniques to articulate the massing of the proposed building, such as projecting bay windows, different material for the ground floor base, cornice lines, and/or material changes, etc.

Q. To the extent feasible, provisions shall be made to accommodate the construction and use of an elevated pedestrian walkway (boardwalk) along the oceanfront within the Salisbury Beach Overlay District boundaries stipulated in Exhibit I and to

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accommodate the future extension of the walkway along the oceanfront to the north and south of the overlay district.

R. To the maximum extent reasonably possible, the ground floor levels in mixed-use buildings shall be elevated to the minimum elevation stipulated by the State Building Code, and such elevations shall permit continuous sidewalks and/or boardwalks to be constructed along the building frontages that will permit easy access for pedestrians to building entrances and easy access to and from the boardwalks, the street, and the beach.

S. Ground floor noncommercial habitable spaces provided at the base of buildings in the Oceanfront South Revitalization Subdistrict should be initially designed so as to be capable of conversion at a later date to commercial use. The Planning Board encourages design features necessary for such conversion include, but are not limited to, proper ceiling height, construction assemblies meeting building codes for mixed uses, and accommodation for provision of future handicapped access.

Or to take any other action relative thereto.

ON PETITION OF THE PLANNING BOARD

ARTICLE FIFTEEN

To see if the Town will vote to amend the Zoning Bylaw by deleting the existing Article XIII and substituting in its place the following new Article XIII:

Article XIII. Inclusionary Housing Requirements

300-73. Purpose.

The purposes of this bylaw are:

A. To increase the supply of housing in the Town of Salisbury that is permanently available to and affordable by low- and moderate-income households;

B. To encourage greater diversity of housing accommodations to meet the needs of Salisbury residents and certain local employees; and

C. To develop and maintain a satisfactory proportion of the Town's housing stock as affordable housing units.

300-74. Definitions.

AFFORDABLE HOUSING TRUST FUND ("FUND")
An account established and operated by the Town for the exclusive purpose of creating, preserving, or rehabilitating affordable housing units in the Town of Salisbury.

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AFFORDABLE HOUSING
A dwelling unit that is affordable to and occupied by a low or moderate income household and meets the requirements for inclusion on the Massachusetts Department of Housing and Community Development (DHCD) Chapter 40B Subsidized Housing Inventory. Affordable units shall remain as affordable units in perpetuity or for the maximum period allowed by law. Such units shall have the same construction methods and exterior physical characteristics as, and be intermingled with, other units in the development.

AFFORDABLE HOUSING RESTRICTION
A contract, mortgage agreement, deed restriction or other legal instrument, acceptable in form and substance to the Town, that effectively restricts occupancy of an affordable housing unit to a qualified purchaser or renter, and which provides for administration, monitoring, and enforcement of the restriction during the term of affordability. An affordable housing restriction shall run with the land in perpetuity or for the maximum period allowed by law, and be entered into and enforceable under the provisions of G.L. c. 184, §§ 31-33 or other equivalent state law.

LOW OR MODERATE INCOME
Household income that does not exceed 80 percent of the area median family income, adjusted for household size, for the metropolitan or non-metropolitan area that includes the Town of Salisbury as determined by the United States Department of Housing and Urban Development (HUD).

QUALIFIED AFFORDABLE HOUSING PURCHASER OR TENANT
A Low- or Moderate-Income Household that purchases or rents and occupies an Affordable Housing unit as its principal residence.

300-75. Applicability.

A. The requirements of this Article XIII shall apply to:

(1) Any multifamily or mixed-use development or any residential development requiring a special permit from the Planning Board resulting in a net increase of three or more dwelling units on any parcel or contiguous parcels comprising a proposed development site;

(2) A finding or a variance from the Zoning Board of Appeals that results in a net increase of three or more dwelling units, whether by new construction or by the alteration, expansion, reconstruction, or change of existing residential or non-residential space, whether on one or more contiguous parcels.

(3) Any subdivision of land for residential development that would permit construction of three or more dwelling units in a conventional subdivision filed with the Planning Board under G.L. c. 41, §§ 81K to 81GG (Subdivision Control Law).

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B. Development shall not be segmented to avoid compliance with this section. Segmentation shall mean one or more divisions of land that cumulatively result in a net increase of three or more lots or dwelling units above the number existing 36 months prior to an application to develop any parcel or set of contiguous parcels held in common ownership or under common control on or after the effective date of this Article XIII.

C. Motel or hotel units shall not be considered as housing units under this bylaw. If requested by the Planning Board or the Zoning Board of Appeals, based on advice from the Assessor, the Building Inspector shall determine in writing the number of preexisting, legal housing units on a development site.

300.76. Development requirements.

In any development subject to this Article XIII, at least 10 percent of the dwelling units shall be affordable housing. Fractions shall be rounded up to the next whole number.

300-77. General provisions.

A. Consultation with Affordable Housing Trust. Applicants are encouraged to consult with the Affordable Housing Trust early in the development process concerning the Town's affordable housing needs and the optimum manner in which the Town's needs and the developer's affordable housing requirements can be met by the proposed development consistently with any affordable housing planned production plan then in effect in the Town. The Affordable Housing Trust may consult with and give advice to the Planning Board or the Zoning Board of Appeals during the development process and, as a part of the process, may submit written reports to the board reviewing any proposed development subject to the bylaw.

B. Comparability. Unless otherwise approved by the Planning Board or the Zoning Board of Appeals, as applicable, all on-site affordable housing units shall be dispersed throughout the site and shall be indistinguishable from market-rate units except in interior finish, fixtures and appliances. For both on-site and off-site units that are a part of any development proposal, the number of bedrooms in affordable housing units shall be comparable to the bedroom mix in market-rate units in the development.

C. Selection process. The selection of qualified purchasers or qualified renters shall be carried out under an affirmative fair housing marketing plan submitted by the applicant and approved by the Planning Board or Zoning Board of Appeals, following consultation with the Affordable Housing Trust. The marketing plan shall comply with the Department of Housing and Community Development (DHCD) Local Initiative Program (LIP) guidelines in effect on the date of the application for a special permit or other approval from the Planning Board or Zoning Board of Appeals.

300-78. Methods of providing affordable units.

For any development that is subject to this Article XIII, the following shall apply:

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A. On-site units. Construction of affordable units on the site of the project is the preferred approach to creating affordable housing and shall be required for any development that includes 20 or more dwelling units. However, on-site affordable units shall not be required in any development in the Salisbury Beach Overlay District or any development that includes 19 or fewer dwelling units.

B. The Planning Board or Zoning Board of Appeals, as applicable, may approve one or both of the following methods, alone or in combination. In no event shall the total number of units provided through such methods be less than the number of affordable housing units required under § 300-76.

(1) A housing contribution payment to the Affordable Housing Trust, determined in accordance with § 300-79, for any development with at least 3 but not more than 19 dwelling units.

(2) "Off-site units," or comparable affordable units on another site in Salisbury. Off-site units need not be located in the same district as the development. The approved location of the off-site affordable housing units shall be identified in the applicable board's decision. Preservation of existing dwelling units for affordable housing may be accomplished by purchasing deed restrictions and providing funds for capital improvements to create housing with equal or greater value as new-construction units.

300-79. Housing contribution payments in lieu of on-site units.

A. Approval. The inclusionary housing payment may be met if the developer makes a binding, written agreement with the Town of Salisbury (with appropriate payment security arrangements) to make affordable housing contribution payments to the Affordable Housing Trust Fund in lieu of building affordable housing units that is approved by (a) the Planning Board in the case of mixed-use multifamily and multifamily residential development, any residential development requiring a special permit, or a conventional subdivision, or (b) the Zoning Board of Appeals in the case of residential developments requiring a finding or variance.

B. Amount. Except as provided in Subsection C below for the Salisbury Beach Overlay District, the housing contribution payment for each market-rate housing unit in the development shall be equal to $10,000 for all housing units with a sales price of $300,000 or less and shall be equal to 3.5% of the selling price of all market-rate housing units with a sales price higher than $300,000, provided that the housing contribution payment for any market-rate housing unit shall not exceed a maximum of $21,000. The maximum per unit housing contribution payment amount shall be adjusted annually by the Planning Board as set forth herein. For any development that includes rental housing units, but does not include on-site affordable units or off-site affordable units, the housing contribution payment shall be equal to $10,000 for each rental housing unit in the development.

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C. Exception. Developments in the Salisbury Beach Overlay District shall be required to make a housing contribution payment of 1% of the selling price of each market-rate unit in the development or, in the case of developments that include rental housing units, the housing contribution payment shall be $5,000 for each rental unit

D. Adjustment. The Planning Board shall adjust the maximum housing contribution payment annually, effective March 1 of each year. 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 (or another independent reporting agency selected by the Planning Board if the Warren Group no longer reports such information), and rounded to the nearest tenth of a percent. For example, if the median sales price of single-family homes was $275,000 for the previous calendar year and was $250,000 for the calendar year before that, the Planning Board would adjust the maximum housing contribution payment by +10%. The adjusted maximum payment amount shall apply to all housing contribution payments made on or after March 1st of any year until the last day of February of the next year.

E. Method of Payment. The following methods of payment may be used at the option of the applicant:

1) The total amount due shall be paid upon the release of any lots or, in the case of a development other than a subdivision, upon the issuance of the first building permit; or,

2) The total amount due shall be divided by the total number of market rate units in the development. The resulting quotient shall be payable at, or prior to, the closing of each market rate unit. or,

3) A combination of the above methods if approved by the Planning Board or, where applicable, the Zoning Board of Appeals.

F. As an alternative to subsections B through D above, the applicant's housing contribution payment may be satisfied under an affordable housing tax incentive agreement approved by the Board of Selectmen.

300-80. Planning Board Regulations.

The Planning Board shall adopt rules and regulations to administer this Article XIII, following consultation with the Affordable Housing Trust. Such rules and regulations shall not be inconsistent with the Department of Housing and Community Development's (DHCD) regulations and guidelines under G.L. c. 40B.

300-81. Building permit and occupancy conditions.

A. Building permit conditions. All agreements with the Town of Salisbury and other documents necessary to ensure compliance with this Article XIII shall be executed and delivered to the Department of Planning and Development prior to and as a

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condition of the issuance of any approval required to commence construction. The Building Inspector shall not issue a building permit with respect to any project or development subject to this article unless and until the Department of Planning and Development has verified in writing to the Building Inspector that all conditions of this Article XIII, including any conditions that may be established by the Planning Board or Zoning Board of Appeals in any decision or approval, have been met.

B. Occupancy conditions. No certificate of occupancy shall be issued for any market-rate units in a development subject to this article until all deed restrictions, agreements with the Town of Salisbury and/or other documents necessary to ensure compliance by the applicant (and any purchasers of the affordable housing units) with the requirements of this bylaw have been executed and recorded and any required housing contribution payments with respect to the unit have been made. Occupancy permits for any market-rate housing units shall be issued at an equal ratio to the occupancy permits for required affordable housing units for the entire project.

C. Timing of construction: Where feasible, affordable housing units shall be provided coincident with the development of market-rate units, but in no event shall the development of affordable on-site or off-site housing units or payment of fees in lieu of units be delayed beyond the following schedule:

Market-Rate Unit %	**Affordable Housing Unit %**
Up to 30%	None required
30% to 50%	At least 10%
Over 50% to 75%	At least 40%
Over 75% to 89%	At least 70%
At 90%	100%

Fractions of units shall not be counted.

300-82. Adjustments

The Planning Board or Zoning Board of Appeals, as applicable, may grant a special permit to adjust the requirements of this Article XIII, as follows:

A. To award a density bonus for a development that includes more than the minimum number of affordable units required under § 300-76, if the affordable units are provided on site. For each additional affordable unit over and above the minimum, the board may approve 3 additional market-rate units, up to a maximum density bonus of 75 percent. Example: for a development of 12 housing units, compliance with this Article XIII would require 2 affordable units. The applicant who agrees to

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provide 2 more affordable units on site may request an additional 6 market-rate units (3 per additional affordable unit), bringing the total development to 20 units.

Or to take any other action relative thereto.

ON PETITION OF THE SALISBURY AFFORDABLE HOUSING TRUST

ARTICLE SIXTEEN

To see if the Town will vote to amend the Zoning Bylaw by deleting the existing Article XII and substituting in its place the following new Article XII:

Article XII. Salisbury Beach Overlay District

300-61. Purpose.

The Salisbury Beach Overlay District is intended to spur redevelopment of under-utilized beachfront commercial property, to establish design guidelines for new development, to unlock the potential of creative development and architecture, to enhance the value of land and buildings, to encourage sustainable design and building practices, to provide a foundation for long-term private reinvestment, and create incentives for new mixed-use development while preserving the character of this historically lively oceanfront district at Salisbury Beach.

300-62. Boundaries; subdistricts.

The boundary of the Salisbury Beach Overlay District is shown on the Salisbury Beach Overlay District Map, which map is hereby incorporated in and made part of this section.

A. The Salisbury Beach Overlay District is comprised of the following three overlay subdistricts, which are delineated on the Salisbury Beach Overlay District Map:

1) Beach Center Development Subdistrict. This overlay subdistrict is generally comprised of certain parcels along Oceanfront North, Ocean Avenue, Railroad Avenue, Driftway, Central Avenue, Shea Street, North End Boulevard and Cable Avenue.

2) Broadway Revitalization Subdistrict. This overlay subdistrict is generally comprised of certain parcels along Broadway.

3) Oceanfront South Revitalization Subdistrict. This overlay subdistrict is generally comprised of certain parcels along Oceanfront South.

B. Overlay district map and lot listing. The Salisbury Beach Overlay District, the Beach Center Development Subdistrict, the Broadway Revitalization Subdistrict and the Oceanfront South Revitalization Subdistrict are delineated on the Salisbury Beach Overlay District Map and the lot listing attached as Exhibit I.

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300-63. Existing zoning.

A. The Salisbury Beach Overlay District shall be overlaid over the existing Beach Commercial District within the boundaries shown on the Town of Salisbury Zoning Map. The owners of property in the Salisbury Beach Overlay District shall continue to possess all current zoning rights and be subject to the requirements applicable in the Beach Commercial District. In the event an owner desires to construct a building greater than 35 feet in height, as defined in § 300-5 of the Zoning Bylaw, or to use his property for mixed-use development, as defined in § 300-64 herein, the rules and regulations of the Salisbury Beach Overlay District shall apply and by filing an application for site plan review or a special permit for a development subject to such rules and regulations, the owner shall be deemed to accept and agree to them. It is intended that the Zoning Board of Appeals shall not grant height variances for development of habitable space over a height of 35 feet in the Beach Commercial District that would exempt the development from the Salisbury Beach Overlay District. Where the Salisbury Beach Overlay District provisions are silent on a zoning rule or regulation, the requirements of the underlying Beach Commercial District zoning shall apply.

B. Underlying zoning. The underlying zoning for the Beach Commercial District shall remain an integral part of the Salisbury Zoning Bylaw and shall be neither modified, repealed nor amended by this article.

300-64. Definitions.

Definitions of the underlying Beach Commercial District shall apply to all developments subject to the Salisbury Beach Overlay District Bylaw, except for the following:

ADVERSE SHADOW IMPACT
A significant incremental shadow cast on Salisbury Beach proper (the sand) beyond 100 feet from the project line of a proposed development between July 1 and August 10, as depicted by a competent shadow study. For the purposes of this section, "significant incremental shadow" shall be one which to a great extent reduces, or completely eliminates, sunlight exposure on the beach.

HABITABLE SPACE
An area of any structure that is legally accessible and intended for human occupancy for residential or commercial uses. Mechanical rooms, parking areas, storage areas and other passive accommodations shall not constitute habitable space.

HEIGHT
The vertical distance from the bottom of the lowest horizontal structural support member (excluding grade beams, cross-bracing and other foundation elements) as required under the State Building Code for construction in the flood hazard zone in which the property is located to the average height of the main roof structure. The referenced elevation for the lowest horizontal structural support member shall be based on the

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minimum height required under the State Building Code even if the actual elevation of the lowest horizontal structural support member is higher.

MIXED-USE DEVELOPMENT
Development that contains a combination of residential use and one or more permitted principal commercial uses which are retail or professional in nature. A combination of commercial parking facilities and residential uses shall not constitute a mixed use.

PARKING SPACE
An on-site, or off-site, space having an area of not less than 162 square feet, with minimum dimensions of nine feet wide by 18 feet long measured from center to center.

300-65. Permitted uses.

Uses permitted in the Salisbury Beach Overlay District shall include all uses permitted in the underlying Beach Commercial District, except those specified in § 300-66 herein. Mixed-use development shall be a permitted use. Fish and shellfish, wholesale and retail sale, may be permitted by a special permit granted by the Zoning Board of Appeals.

300-66. Prohibited uses.

In addition to those uses prohibited in the underlying Beach Commercial District, the following additional uses shall be prohibited in the Salisbury Beach Overlay District:

A. Drive-through retail establishment. Any commercial use which utilizes a vehicular drive-up window.

B. Casino. Any facility or establishment where any gambling or gaming occurs, with the exception of arcade-type establishments which tender coupons or tokens for on-site redemption for noncash prizes or novelties. Gambling and gaming include, without limitation, any other game of chance or skill, or both, played with cards, with dice or with any mechanical, electromechanical or electronic device or machine for currency, check, credit, or any other thing of value, including, without limitation, roulette, 21, blackjack, craps, poker, slot machines, and any other electronic gaming devices and any other games classified as Class II or Class III gaming under the Indian Gaming Regulatory Act, U.S.C. § 2701 et seq., but excluding the game of bingo conducted pursuant to MGL c. 271, any lottery game conducted by the State Lottery Commission in accordance with MGL c. 10, § 24, and games played with cards in private homes or residences in which no person makes money for operating the game, except as a player.

C. Automobile repair, sales, and service.

D. Car wash.

E. Chemical warehouse.

F. Motorcycle repair, sales and service.

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G. Any use that creates an incremental shadow impact on Salisbury Beach between July 1 and August 31.

300-67. Dimensional regulations.

Dimensional regulations of the underlying Beach Commercial District shall apply in the Salisbury Beach Overlay District, except for the following:

A. Maximum height allowed: 65 feet and five stories of habitable space, except that the Planning Board may grant a special permit to increase the maximum allowable height to 89 feet and seven stories of habitable space upon finding that:

1) The incremental shadow, if any, of the proposed structure will not have a significant adverse shadow impact on existing structures or landscaping;

2) The proposed upper floor setbacks, building width and height ratio, building spacing, and roof treatments are sufficient to mitigate the impact of the increase in height on surrounding properties and the street, and from the vantage point of pedestrians;

3) The proposed increase in height occurs in one or more prominent locations, such as a street intersection or the corner of a building on the interior of a site, thereby providing distinction and contributing to a variety of heights in the district;

4) The proposed building addresses applicable components of the Design Guidelines in § 300-71; and

5) The proposed increase in height is consistent with the purposes of the Salisbury Beach Overlay District.

Unoccupied architectural appurtenances to which there is no permanent access (cupolas, spires, chimneys, flagpoles, etc.) and comprising not more than 25 percent of the building footprint in plan view shall be exempt from maximum height limits.

B. Mixed-use development. To encourage mixed-use development at Salisbury Beach, the following requirements shall apply:

1) Beach Center Development Subdistrict: mixed-use development is optional in this subdistrict.

2) Broadway Revitalization Subdistrict:

a) Mixed-use development shall be required in this subdistrict.

b) The ground floor of the façade shall be occupied by commercial uses only (other than parking).

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c) No off-street parking shall be visible from Broadway or any public sidewalk or pedestrian pathway.

3) Oceanfront South Revitalization Subdistrict:

a) Mixed-use development is optional and encouraged in this subdistrict.

b) At least 15 percent gross floor area of habitable space on the ground floor level shall be elevated to the minimum elevation required under the State Building Code and shall include a ceiling height of not less than 13 feet measured floor to floor. The Planning Board may grant a special permit to waive this requirement if it determines that such waiver will not derogate from the purposes and intent of the Salisbury Beach Overlay District.

C. Hotel and motel uses. Hotel or motel developments shall provide a minimum of one parking space per room, all of or part of which may be off site anywhere in the Beach Commercial District.

D. Upper floor setbacks. A building with a height in excess of 35 feet shall have an upper floor minimum setback in the front facade of at least five feet commencing no higher than 35 feet or the ceiling height of the second story, whichever is lower, with the exception of access elements (stairways or elevator shafts) and distinct architecture features not to exceed 25 percent of the front facade area, in aggregate.

300.68 Public Improvements Fund.

For any development utilizing the Salisbury Beach Overlay District, the applicant shall make payments to the Town as set forth in Subsections A and B below to the Salisbury Beach Overlay District Public Improvements Fund. This fund, administered by the Town Manager, shall be used for qualified public capital improvements to any area open to the general public within the Salisbury Beach Overlay District, including, but not limited to, utility upgrades, sidewalks, streets, period lighting, landscapes, hardscapes, boardwalks, benches or canopies. The fund shall be a special revolving account separate from the Town's general fund. Water and sewer improvements shall not be considered qualified improvements for the purpose of this section as those facilities are addressed under a different fund.

A. Town-administered improvements.

1) A one-time payment equal to $3,000 per permitted dwelling unit shall be paid to the Town of Salisbury Beach Overlay District Public Improvements Fund. Payment shall be made with respect to each unit prior to issuance of an occupancy permit for the unit, provided that payment may be made at the time of conveyance of each unit to an end user or upon occupancy by any tenant if appropriate security arrangements to guarantee such payment have been made as part of the site plan review process for the development. Such payments shall not exempt developers

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from providing any on-site or pedestrian- or vehicle-related improvements that are required as part of the site plan review process.

2) To guide and prioritize public infrastructure improvements a Public Realm Infrastructure Investment Plan identifying and estimating the costs of the desired improvements shall be prepared and maintained by the Town Manager. Such plan and changes in it shall be subject to consultation with the Planning Board.

B. Developer-administered improvements. As an alternative to, or in partial satisfaction of, the required contributions to the Town of Salisbury Beach Overlay District Public Improvements Fund, with the written approval of the Town Manager, a developer, or group of developers, may perform public improvements included in the Public Realm Infrastructure Investment Plan, the cost of which will be credited against the infrastructure contribution per dwelling unit specified above. Creditable public improvements shall be agreed upon as part of the site plan review process and shall consist of capital improvements to any property which is open to the general public, but shall not include replacement of existing sidewalks and/or curbing along the frontage of a proposed development which shall be the responsibility of the developer. The developer shall be credited an amount equal to 115 percent of the direct cost of all qualified public improvements performed in advance of unit conveyances or occupancy and for which reasonable proof of actual cost is provided to the Town Planner. Any dispute as to the final amount credited to the developer for approved public improvements shall be decided by the Town Manager whose decision shall be final and binding. The developer shall be required to post a one-hundred-percent performance and payment bond satisfactory to the Planning Board, with advice from the Town Planner, prior to undertaking any of the improvements contemplated herein.

300-69. Site plan review.

A. All projects developed within the Salisbury Beach Overlay District shall be subject to the site plan review by the Planning Board in accordance with Article XVIII of the Zoning Bylaw. Prior to the Planning Board approving any application for a development plan under this bylaw, the Board shall find that:

1) The plan meets the applicable planning standards established in Article XVIII of the Zoning Bylaw and the Design Guidelines established in § 300-71.

2) The proposed development plan is consistent with the Public Realm Infrastructure Investment Plan for the Beach Commercial District.

3) Proposed elevations and drainage improvements are consistent with federal, state and local storm damage prevention and stormwater management guidelines or regulations.

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4) Required contributions will be made to the Salisbury Beach Overlay District Public Improvements Fund and to the Town's Utility Access Fee Funds.

B. The Planning Board's approval and any conditions of the approval of any application for site plan review of a development under this bylaw shall be submitted in writing to the Building Inspector, the applicant and the Town Clerk. No occupancy permit shall be issued for any building or structure or portion thereof until all conditions of the Planning Board's site plan approval have been met and until a certificate of completion, in a form approved by the Planning Board, is completed and signed by the Board's inspector.

300-70. Planning Board regulations.

The Planning Board shall adopt administrative rules and regulations for the purpose of carrying out this Article XII and shall file a copy of such rules with the Town Clerk. The Planning Board's rules and regulations may provide for reasonable administrative fees for special permits and site plan review, and fees for employing outside consultants to assist the Board with technical review of applications submitted under this Article XII.

300-71. Design guidelines.

As part of the required site plan review process or, where applicable, special permit process, applicants seeking to utilize the Salisbury Beach Overlay District shall submit text, narrative, plans, elevations, and/or section drawings to the Planning Board in accordance with the following guidelines. In order to determine substantial compliance with the design guidelines, the following categories shall apply to the Planning Board's review. Each category of guideline compliance must be met. An applicant shall be deemed to be in substantial compliance when the application achieves the minimum compliance requirement in each of the categories listed below

Type	§ 300-71 Subsection Reference	Standard
Category 1 Guideline	A, B, C, D, E, Q, R, S	Mandatory
Category 2 Guideline	F, G, H	2 out of 3
Category 3 Guideline	I, J	1 out of 2
Category 4 Guideline	K, L, M	2 out of 3
Category 5 Guideline	N, O, P	2 out of 3

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A. Buildings, structures and site layout shall reflect traditional neighborhood design, with pedestrian friendly street design and that is inviting and pleasant for walking, bicycling, and other non-vehicular means of getting around, and safe and convenient for individuals with disabilities; discernible edges, a mix of densities and land uses, and high-quality public realm. Buildings are encouraged to reflect traditional or contemporary vernacular coastal New England architecture for the purposes of promoting appropriate waterfront scale and character, including building materials, massing, density, scale, and roof lines.

B. Large expanses of blank walls shall not be allowed. Facades shall have frequent architectural articulation. Major such articulations shall be spaced no farther apart than 25 percent of the building length at street level (but in no case farther apart than 70 feet). Street levels lined with extensive windows and frequent well-designed entrances to street level uses are encouraged, permitting continuous public views and access in and out of buildings in order to create a lively street atmosphere. Window designs in a vertical orientation are encouraged.

C. Screening of ground floor parking from pedestrian view with appropriate doors, building elements and/or landscaping features is required for parking areas along public ways.

D. All projects shall be designed to minimize the size and number of curb cuts. Full-width curb cuts will not be allowed. In keeping with the theme of screening parking from the public view, efficient traffic patterns are encouraged to support ingress and egress from lots. Curb cuts may not exceed an aggregate of 24 feet for every 100 feet of frontage. Lots with less than 100 feet of frontage may have one curb cut, 14 feet in length.

E. Underground utilities for new and redeveloped buildings are required unless physically restricted or blocked by existing underground obstructions.

F. A straightforward use of natural, traditional or sustainable building materials is encouraged. Brick, stone, high-quality metals, cast concrete, wood, and cement fiberboard will achieve the greatest level of compatibility with the surrounding area and will best stand the test of time in terms of both changing community tastes and withstanding the historically vibrant commercial climate of the Salisbury oceanfront. Exterior material substitutions, in particular products and applications that are of higher quality than those described in these guidelines, are encouraged.

G. Building facades shall include architecturally distinct styles promoting diverse design, particularly with rooftop appurtenances such as cupolas, turrets, spires, widow walks, etc.

H. A diversity of roof heights, gable orientations, and volumes in new buildings is required.

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I. Traditional arrangement of facade components into base, middle, and top composition may be used to achieve compatibility and continuity within the surrounding architectural context. Additionally, projecting bays, recessed balconies, and roof shape variation shall be utilized to provide interest, individuality, and appropriate scale to new development.

J. Sidewalk amenities such as street furniture, lighting and awnings that encourage year-round pedestrian use and sidewalk-cafe-style seating to enhance the public realm are encouraged.

K. Rear vehicular access to ground floor parking is preferred to minimize curb cuts on principal streets. Use of streets other than Broadway and Oceanfront South for vehicle access is preferred. Use of shared access points is encouraged to minimize the number of curb cuts.

L. Placing buildings oriented parallel with the front setback line is required to keep a consistent "street wall," with primary entries oriented towards the street.

M. Building setbacks may be varied and are encouraged to recognize the siting and scale of adjacent development.

N. At the intersection of the building line with crossover streets, there may be variation to the building edges to allow for corner elements and circulation functions. The building edges may be articulated and organized in such a way to achieve an architecturally rich and contextually varied composition. Variation in the building edge beyond the minimum setback is encouraged.

O. The facade proportions used in new development shall incorporate compatible architectural details, storefront design, window openings, and roof shapes to balance the proportions of facades into pleasant and cohesive compositions.

P. Building elevations are required to incorporate architecturally appropriate techniques to articulate the massing of the proposed building, such as projecting bay windows, different material for the ground floor base, cornice lines, and/or material changes, etc.

Q. To the extent feasible, provisions shall be made to accommodate the construction and use of an elevated pedestrian walkway (boardwalk) along the oceanfront within the Salisbury Beach Overlay District boundaries stipulated in Exhibit I and to accommodate the future extension of the walkway along the oceanfront to the north and south of the overlay district.

R. To the maximum extent reasonably possible, the ground floor levels in mixed-use buildings shall be elevated to the minimum elevation required by the State Building Code, and such elevations shall permit continuous sidewalks and/or boardwalks to be constructed along the building frontages that will permit easy access for

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pedestrians to building entrances and easy access to and from the boardwalks, the street, and the beach.

S. At least 15 percent of the ground floor noncommercial habitable spaces provided at the base of buildings in the Oceanfront South Revitalization Subdistrict should be initially designed so as to be capable of conversion at a later date to commercial use. The Planning Board encourages design features necessary for such conversion include, but are not limited to, proper ceiling height, construction assemblies meeting building codes for mixed uses, and accommodation for provision of future handicapped access.

Or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

ARTICLE SEVENTEEN

To see if the Town will vote to amend the Town's Zoning Bylaw 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:

S 300-62. **Boundaries; Subdistricts.**

A (1) Beach Center Development Subdistrict: add "Oceanfront South."

(3) Oceanfront South Revitalization Subdistrict: delete in its entirety.

B. Overlay District Map and Lot Listing: Delete "and the Oceanfront South Revitalization Subdistrict".

S 300-63. **Existing Zoning:** Add:

C. **Inclusionary Housing Requirements:** For any project proposed under the Salisbury Beach Overlay District, **Article XIII of Ch. 300, Inclusionary Housing Requirements,** shall not apply.

S 300-64. **Definitions:**

Height: Delete the last sentence.

Parking Space: Delete in its entirety, replace with the following: An on-site, or off-site, space having an area of not less than 162 square feet, with minimum dimensions of nine feet wide by 18 feet long measured from center to center. An on-site parking space is one which is located within the physical confines of the subject parcel. An off-site parking space is one which is physically located within 1,000 feet of the development, entrance to entrance, over public ways.

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S 300-67. **Dimensional Regulations:**

A. Maximum Height Allowed: Replace "65" feet with "89" feet; Last sentence, replace "five" floors with "seven" floors; delete remainder of sentence "nor shall the floor of the highest occupied floor exceed a height of 49 feet."

C. Mixed-Use Development:

1. Beach Center Development Subdistrict:

b. Delete in its entirety

c. Delete in its entirety.

d. Replace with "Residential units of 2 or more bedrooms require 2 parking spaces one of which may be off-site. Units of 1 bedroom shall have a minimum of 1 on-site parking space".

2. Broadway Revitalization Subdistrict:

b. Delete in its entirety

c. Delete in its entirety. Replace with: All ground floor uses fronting on Broadway shall be commercial, parking shall not be an allowed commercial use nor shall onsite parking be visible from Broadway.

d. Delete in its entirety and replace with "Residential units of 2 or more bedrooms require 2 parking spaces one of which may be off-site. Units of 1 bedroom shall have a minimum of 1 on-site parking space".

3. Oceanfront South Revitalization District: Delete in its entirety.

E. Delete in its entirety. Replace with: Upper floor setbacks. A building over three stories in height have an upper floor minimum setback in the front façade of at least five feet commencing above the first floor but no higher than the ceiling of the third story with the exception of access elements (stairways or elevator shafts) and architectural features not to exceed 25% of the front façade area, in aggregate.

S 300-70 **DESIGN REVIEW COMMITTEE**

Replace: "Design Review Committee" with "Design Review Consultant" throughout. Replace all references to the "Committee" with "Consultant" throughout.

B. Composition. Delete in its entirety, replace with the following: The Design Review Consultant shall be appointed by the Town Manager in consultation with the

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Planning Board and applicant. The applicant shall pay the reasonable cost of the Design Review Consultant who shall not be involved in the project in any other capacity during permitting or construction.

S 300-71. **Design Guidelines:**

R. Delete "and the Oceanfront South Revitalization Subdistrict".

S. Delete in its entirety.

or to take any other action relative thereto.
ON PETITION OF WAYNE CAPOLUPO ET AL.

ARTICLE EIGHTEEN

To see if the Town will vote to amend Article 19 of the May 19, 2008 Annual Town Meeting to read that "The Town will vote to amend Article 6 of the April 9, 1990 Special Town Meeting as amended by Article 20 of the October 26, 1992 Annual Town Meeting" and replace, adopt and enact the following: "All sewer users, including seasonal residents and properties that are not using water as evidenced by their individual water metering, shall be charged sewer user fees strictly based upon their actual metered water usage and not by EQR (Equivalent Residential Dwelling Unit) flat fee charge method commencing with each individual user's first water bill, calculated and determined by the fully metered water data history available from Salisbury (currently Pennichuck) Water Services Company using the Town's annual EQR dollar rate in the billing formula. This water usage data shall be used to determine each user's first quarterly user bill and shall continue to be calculated in the same manner, based upon the water user's proportionate share of the actual fiscal year costs for operation and maintenance of the sewer treatment works-plant, based upon the individual user's proportionate contribution to the total treated wastewater that is obtained from all combined users. Adoption of this Article shall eliminate the one (1) EQR minimum charge; or take any other action relative thereto.
ON PETITION OF GRACEMARIE TOMASELLI ET AL

ARTICLE NINETEEN

To take any other action that may be lawfully taken at this meeting.

And you are hereby directed to serve this Warrant by posting attested copies in at least ten (10) public places in Town over two consecutive Sundays before the time of said meeting.

Hereof fail not and make due return of this Warrant with your doings thereon, to the Town Clerk at the time and place of said meeting.

A TRUE COPY ATTEST
Melinda J. Morrison
TOWN CLERK
TOWN OF SALISBURY

Given under our hands this 7 Day of October, 2016.

BOARD OF SELECTMEN

Wilma Mahoney McDonald,

Chuck Takesian, Vice Chairman

Ronalee Ray-Parrott

Henry Richenburg

Freeman Condon

Pursuant to this Warrant so directed by the Honorable Board of Selectmen of the Town of Salisbury, in and for, to me, Steven Sforza, Constable of the Town of Salisbury Police Department, in and for have on this date, the 7th Day of October, 2016, posted a copy of this notice in the ten (10) following places:

1. Town Hall
2. Marie's Restaurant
3. Public Library
4. Salisbury Housing Authority
5. US Post Office
6. William Hilton Center
7. Salisbury Elementary School
8. Police Station
9. Center Fire Station
10. Municipal Center

I hereby warn the inhabitants of the Town of Salisbury who are qualified legally to vote in Town affairs, to meet at the time and place mentioned in the said Warrant for the purpose therein expressed.

Sgt

Steven Sforza, of the Salisbury Police Department
Town of Salisbury, Massachusetts