

**Salisbury Planning Board
Meeting Minutes
Wednesday, April 22, 2015 7:30 p.m.**

PB Members Present: Don Egan (DE), Chairman, Berenice McLaughlin (BHM), and Robert Straubel (RS)

PB Members Absent: Lou Masiello (LM), Brendan Burke (BB), Helen "Trudi" Holder (TH)

Also Present: Lisa Pearson (LP), Planning Director, Leah Hill (LH), Asst. Planner, Lori A. Robertson, Planning Board Secretary

Time: 7:30 p.m.

Chairman Egan called the meeting to order at 7:30 p.m. in the Colchester Room, Salisbury Town Hall. **DE** announced, per the Open Meeting Law, that this meeting was being recorded and broadcast live via www.sctvmc.org/index.

1. New Business: N/a

7:30 Public Hearing:

- a. **To amend the Zoning By-Law of the Town of Salisbury by creating a new zoning bylaw entitled Lafayette-Main Commercial District and to take any other action relative thereto:** (LH stated there is a clipboard for a sign-in sheet) Garrett Hyer (GH) of RKG Associates addressed the board.

Went over the project background, existing zoning, and proposed districts from the last meeting April 8, 2015.

The changes that were made from April 8th were as follows:

- The boundaries of the Lafayette-Main Commercial District, consisting of LM, and sub-districts LM-A, LM-B, LM-C, and LM-D, shall be shown on a map titled "Lafayette-main Commercial District".
- **Table of Use Regulations:** Non-Exempt Agriculture, horticulture, floriculture (under 5 acres) permitted in the LM zone.

Horizontal mixed-use development-permitted in LM-D zone

Restaurant or other food service establishment with drive-through service-PB special permit approval-LM-A and LM-C.

Fish, shellfish, food processing, and wholesale sale. Not permitted LM

Renting/leasing of vehicles, equipment, household, and functional supplies. Not permitted LM and LM-D

Self-Storage. Permitted LM and not permitted LM-A, LM-B, LM-C and LM-D

- **Density and Dimensional Regulations:**

Minimum Lot Area (acres) LM-D 1/4 4

Maximum Front setback – LM-D 30'

For non-residential uses only: Minimum % Lot width occupied by principal building (s) at maximum front setback: LM-A 65% LM-B 60% LM-C 60% and LM-D 50%.

- 4. One dwelling unit shall be allowed for every 10,000 s/f of Net developable area in LM-D
- 7. Open spaces as defined in Section 300-82.3. At least 50% of the open space shall be landscaped open space located in front of or on the side of the building on the lot (or the building closest to the street, for lots with multiple buildings). The percentage of wetlands included in the open space shall not exceed the percentage of wetlands in the entire development site.
- Suggested Amendment to Section 300-5. Add the following definition:
Self Service Storage Facility: A building or group of buildings consisting of individual, controlled, access and self-contained units leased to individuals, organizations, or businesses for self-storage of personal property.
- If the use is not labeled in this table it is not allowed in this district.
- In terms of the map there was a border along Main Street. We removed the black outline.

Gordon Blaney (GB) of Main Street addressed the board. I think more time is needed to work on this. Auto repair, small engine repair has been excluded. **DE** stated the purpose of the meeting tonight is to gather that feedback and determine if it should be incorporated. That sounds like a reasonable request. **GB** stated mixed use horizontal some areas it says that it needs PB approval. One of the great things about Salisbury when I grew up that people lived and worked in the community. **DE** stated I think this is something we want to see in this town. It is permitted in all those districts except for "A". **GB** stated why would you need to bring it before the PB if it's in the commercial area. **LP** stated horizontal mixed use wasn't allowed in town until a recent zoning change. Our goal is to increase the density. Special permit is there for guidelines. **GB** stated if this is a project under 2,500 s/f does it have to go before site plan. **DE** stated if it's in LM-C-LM-B-LM district would not have to come before us for site plan. It would have to come before the permit. **GB** stated we receive between 3,000-9,000 in food taxes from restaurants. Why is there such restrictions on having a drive-thru in these zones? **GH** stated they are allowed in A and C. Drive thru allow for curb-cuts which makes it difficult for walking safely. **GB** stated it's hard to agree when we have Dunkin Donuts and CVS in the center of town. We had a meeting for a few of the people here tonight, they had a concern that the LM-B might be able to be reduced to 75' frontage. We have concerns about open space. What is the difference between a meadow and a pond/marsh. **DE** stated marsh/pond would be considered wetlands. **GH** stated open space as defined in your bylaw is anything that isn't man-made. **GB** stated there are concerns about the LM-A 65% minimum lot width occupied by principal buildings at maximum front setback. **GH** stated it's a design element. This is just for commercial buildings. **GB** stated after reading the master-plan everyone thought buildings with no cars out front looks good. I don't agree. **GH** stated it's a design element from the masterplan. **DE** gave examples of new development where parking in the rear has been done. **RS** stated I can't understand that you think the bank is unattractive with parking in the rear. **GB** stated I agree the bank looks nice. **LP** stated what is allowed at the bank would be allowed in the zone. We did add the ability to waive this.

Ronald Laffely (RL) of 22 Lafayette Road addressed the board. The definition of a Bed and Breakfast wouldn't make it possible to make a profit. You are limiting the number of guest rooms, owner occupied and asking that breakfast will be at no charge. To get into someone's business plan in the definition I don't think is appropriate. **DE** asked what you suggest we change it to. **RL** stated not get into what services are provided. **RS** stated if you don't meet the definition than you are hotel, motel or inn. **LP** stated the no additional charge for breakfast is not a big deal. We can look into adding more rooms. The goal in these zones is to keep these buildings small. 300-164 #8. **RL** stated usually if someone has a question about dimensional control or parking spaces its directed towards the building official. This way you have no appeal on this decision. **DE** stated I agree it should have the building inspector or Planning Board. **RL** stated can you explain what energy efficiency means. That isn't the stretch code coming in the back door. **DE** stated that is off the list. **RL** stated it's my understanding that five members of the community will decide what the rules and regulations within these districts. **DE** stated it's required a 4/5 vote. It doesn't go to town meeting but we can certainly have a workshop. **RL** stated people have heard about this at different times. Nobody was notified in writing. **LP** stated it was presented at the last town meeting. **DE** stated it has been going on for a while. It has been on Planning, newspaper, town meeting, town website.

Chuck Takesian (CT) of 9 16th Street addressed the board. There are a lot of single family homes in the district. They would be non-conforming. Anytime they want to make a change, add onto their house they would have to get a variance. On the parking issue, I know the legal address of CVS is Lafayette Road but their front is on Beach Road. Their parking is close to the front. **RS** stated wouldn't it look better if there wasn't parking there. We tried to keep them so the façade would have a green front.

Kevin Henderson (KH), Atlantic Avenue addressed the board. The open space requirement is 50% of wetlands. This town is basically all wetlands. Is the buffer zone considered open space? **LP** stated within the 100' of the wetland is considered upland.

Herman Fortin (HF) of 131 Rabbit Road addressed the board. I am representing Lena's Seafood and if we didn't have parking in the front the cars driving by wouldn't know we were open.

Jonathan Sweet (JS) of 79 Lafayette Road addressed the board. My father and I run a repair shop. What would happen if the buildings burn down. **LP** stated you would conform with the zoning. Scott Vandewalle (SV), Building Inspector stated residential would have more protection. Commercial may have to go through more process. Otherwise they would be expected to conform to new zoning.

Brendan (Thai Realty Trust) of 13 Toll Road addressed the board. Could I build a two family home? **DE** stated the existing zoning for Toll Road is residential that is not proposed to change.

Wayne Capulupo (WC) of 170 Beach Road addressed the board. I applaud the changes. There are some concerns with the single family homes not conforming with this new zoning. At town meeting it needs to be a 2/3 vote. I would strongly suggest that we consider the option of putting this on the October town meeting.

GB stated my vision was not see all of Lafayette Road residential houses. Let's just slow down. So the very next meeting residential was wiped off the list. **LP** stated we started this process in January. We have had four or five developers coming to multiply workshops to seek moving forward of developing certain parcels.

RL asked if it was denied at Town Meeting is there a time limit to wait to hear it again? **LP** stated two years.

DE asked who would like to see this postponed until the fall town meeting. And who likes the proposed zoning as is. (show of hands)

RL stated I was able to work with the Planning Department and was able to get a good solution for me. If everyone was able to do this there maybe more in favor.

LP stated we are trying to plan the sewer. **RS** stated I understand. To the developers if this moves forward to spring town meeting there is a possibility of it being voted down and it would need to wait 2 years to come back.

Brendan Doherty (BD) of 82 Lafayette Road addressed the board. If there is only a few issues I don't see why we can't figure them out and put this on the spring town meeting.

BHM motions to continue the hearing to amend the Zoning By-Law of the Town of Salisbury by creating a new zoning bylaw entitled Lafayette-Main Commercial District and to take any other action relative thereto to a special meeting on April 29, 2015 meeting at 7:00 pm at Town Hall.

RS Seconds- Vote on motion 3 – 0 unanimous.

2. **Other Business:**
3. **Correspondence:**
4. **Reports of Committees:**
5. **Adjournment**

RS motions to adjourn at 9:33 pm

BHM Seconds – Vote on motion 3 – 0 unanimous.

Chairman

Date