

**Salisbury Planning Board  
Meeting Minutes  
Wednesday, December 11, 2013 7:00 p.m.**

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

**PB Members Absent:** None

**Also Present:** Leah Hill, Asst. Planner, Lisa Pearson, Planning Director and Lori Robertson, Planning Secretary

**Time:** 7:00 p.m.

Chairman Straubel called the meeting to order at 7:02 p.m. in the Colchester Room, Salisbury Town Hall. **RS** announced, per the Open Meeting Law, that this meeting was being recorded and broadcast live via [www.sctvmc.org/index](http://www.sctvmc.org/index).

**1. Zoning Workshop:**

- a. Medical Marijuana:** **RS** stated the Planning Department provided a draft model medical marijuana overlay district bylaw. **LP** stated 1. Establishment-. The feeling we got from the board was that it made sense to have this in a commercial district Commercial District C-1, C-2, C-3, C-4 and light industrial. **BB** asked would the district be for the growing and dispensing. **LP** stated yes. **BB** asked if there was a limit on one or the other? **LP** stated no, it is regulated by the state. **BB** stated I was referring to either retail and/or growing. **LP** stated this is allowing the medical marijuana dispensary which **Registered Marijuana Dispensary-also known as Medical Marijuana Treatment Center, means not for profit entity registered under 105 CMR 725.100, that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana infused products ("MIPs"), tinctures, aerosols, oils or ointments), transfer, transports, sells, distributes, dispenses, or administrators marijuana, products containing marijuana, related supplies or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site (s) of dispensing, cultivating and preparation of marijuana.**

**Section #4-Locations- RMDs may not be located within 1,000/500/300 feet of the following:**

- (1) School, including a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university;
- (2) Child Care Facility;
- (3) Library;
- (4) Playground;
- (5) Public Park;
- (6) Youth center;
- (7) Public swimming pool;
- (8) Video arcade facility; or
- (9) Similar facility in which minors commonly congregate

**LP** stated also wanted to be added religious institution or residential/dwelling units. There is no definition for religious institution in our zoning bylaw and we were not clear what religious institution would mean. A question came and we are not sure if that falls under the definition of religious institution. We are trying to get clarification from the Building Inspector. We can wait for his determination or we can define it ourselves or we can include it or take it out. **RS** stated I don't think religious institutions as falling under that

definition as a place where children congregate. **LH** stated it might be covered under #9-similar facility in which minors commonly congregate. **RS** stated I am not sure that you can make a law that says they are different than other institutions. **DE** stated you could say any facility that conducts youth programs. **LP** stated so we will take out religious institutions. Also add in residential use/dwelling unit.

**Location within 1,000/500/300-** **RS** stated what about 500? No comments. **Decision to have it match the drug free school zone distance.**

**5. Procedure:** The (Board of Selectmen/Planning Board/Zoning Board of Appeals) shall be the special permit granting authority (SPGA) for a RMD special permit. **LP** stated planning board.

- b. The SPGA shall refer copies of the application to the Building Department, Fire Department, Police Department, Board of Health, the Conservation Commission, the Department of Public Works, and the Planning Board. These boards/departments shall review the application and shall submit their written recommendations. Failure to make recommendations within 35 days of referral of the application shall be deemed lack of opposition. **LM** stated Planning Board should be taken out.
- e. The special permit shall lapse within five years of its issuance. If the permit holder wishes to renew the special permit, an application to renew the special permit must be submitted at least 120 days prior to the expiration of the special permit. **LP** stated current special permit is two years. We want to keep it consistent and make it two years.

**LM** asked about the agricultural exemption- **LP** stated if they fall under that agriculture they will have to apply for a special permit. **LH** stated not if they are a dispensary.

**BHM** asked if this was grown in a greenhouse? **LP** stated no, in a building. **BHM** asked about water. **LP** stated it would be like any commercial building.

**LP** stated I do have a comment about the C2 district (which may have been taken care of by adding the dwelling unit/residential use) Joy Road-is C2 but it is completely residential. **RS** stated we could eliminate C2. **LP** stated I can email you a better map, so you can get a better view of the area.

**LP** stated my recommendation would be to pass this out to other boards/departments for their comments. Then we could schedule a public hearing in January.

No abutters/citizens present.

Discussion of which meeting should be utilized. 1<sup>st</sup> meeting in January will be a workshop. Public hearing maybe 2<sup>nd</sup> meeting in January.

**b. Rings Island Zoning:** **RS** stated the Planning Department prepared another exhibit they included two strategy options.

Option 1:

- The smallest frontage found is 30' (there are some lots that have no frontage, not taking those in to account). The smallest lot size found is 0.05 acres. Taking both in to account, would allow for 58 lots to conform to acreage and 54 to conform to frontage.
- This size is too small and is not recommended.

Option 2:

- Utilizing the frontage and acreage requirements for the Village Residential Overlay District, which allows for 60' frontage and 10,000/ sf=0.22 acres. Taking both in to account, this would allow for 38 lots to conform to both frontage and acreage.

**RS** read into the record a letter dated December 11, 2013 from Jerry Klima of 18 Second Street: *I'm visiting family out of state and won't be able to attend the December 11 Planning Board workshop on potential Ring's Island zoning changes. I have thought about the subject over the years and would like to contribute the following to the discussion. The current zoning of Ring's Island does not fit the historical*

*pattern of the development on Ring's Island. The current zoning describes a typical suburban real estate development and requires a 40' front yard setback and a minimum 1 acre lot size, while Ring's Island an old fashioned village, most of the houses on Ring's Island houses require going to the Zoning Board of Appeals for a variance or finding even for minor project that has no negative impacts. This costs extra money and takes extra time and creates uncertainty which could be avoided if the zoning provisions were revised to fit Ring's Island better. I think that developing zoning provisions that fit Ring's Island better would be a great benefit to the people of the island over the long term. I hope that Planning Board continues its work on this subject and, with input from Ring's Island residents, develops a zoning provision that better fits Ring's Island.*

Abutter, Larry O'Brien (LO) 26 First Street addressed the board. I am wondering why we are going through this process. At the last meeting, the idea of setbacks were discussed. Mr. Egan had asked about the total amount of variances applied for at the last meeting. **LH** stated I looked through the ZBA files, since 1984, there have been 25 applications for findings or variances. Of the 25, 24 were granted. **LO** stated I personally don't feel like variances are a problem. Mr. Dondero asked if the intent was development. If the intent is not development why are we seeking smaller lots? I would hate to see every available space is packed in.

**RS** stated we are not changing the size of the lots that are already there. The idea was if the current small lot sizes are allowable there, it would just make it easier for people to make alterations to their existing homes without having to go to Zoning Board of Appeals. (discusses zoning map for Ring's Island). **LM** stated you could take down existing house and build a mansion. **LP** stated there are not a lot of lots that have 20,000 s/f of land and 120' of frontage.

**LO** stated I bought my property knowing what the zoning was for this area. As an example, I would want to know if a commercial building was going in next to me. The zoning is there to protect.

Abutter, Lance Wisniewski (LW) of Second Street addressed the board. The information was not available to the public so we are at a disadvantage. Although the present zoning is expensive for people but that comes with a benefit. It helps preserve the island the way it is. If you make it easier for people you will change the character of the island. The biggest issue is the site lines. I would recommend leaving it the way it is now. The progress we make will not be in the right direction. I applaud the efforts of the Planning Board for their efforts. If it becomes too easy somebody else may become disadvantage.

**LP** asked if adding a design control would be beneficial. **LW** stated I'm not sure that would work.

Abutter, Steve Herr (SH) of 3 Fourth Street addressed the board. I applaud the board with this difficult task. I purchased my house on Ring's Island because I liked the area. I would hate to see the appearance of Ring's Island change. **LP** asked do you feel it helps going in front of the zoning board. **SH** stated that going before the board is going to keep the continuity of the neighborhood. I would have to say if you took a poll on Ring's Island most people would want to keep the zoning the way it is.

**DE** asked about creating a Ring's Island design board. **LP** stated I will look into that.

**RS** stated we have had two workshops on this issue. Almost everyone who has spoken is saying they don't want to do this. I question whether or not further effort on this issue is warranted.

**DE** stated I would like a more restrictive zoning. Specific language that protects the character of the neighborhood.

**RS** asked if there were anymore comments for Rings Island. Seeing none we will continue working on this.

## **2. 8:39 PM Public Hearings:**

- a. **SPR-44 Railroad Avenue-Michael Larkin, Tr., 44 Railroad Avenue Realty Trust.** **LH** stated the applicant would like to continue to the January 8, 2014 meeting at 7:15 p.m.

**DE motions to continue the hearing until January 8, 2014 at 7:15 p.m. at town hall.**  
**BHM Seconds- vote on motion 5 – 0. Unanimous.**

**New Business: (8:41p.m.)**

**b. SPR Discussion – Salisbury Public Library – 17 Elm Street** Maria Fernandez Donovan of Design Partnership addressed the board. The proposed building is on the same site. We will demolish the existing building. We are proposing to add a new parking lot on site. Currently the site has a circular driveway in and out. We tried to consolidate that to one driveway. On School Street we would like to have a driveway. The width needs to remain wide enough so it can remain two ways. We are also proposing the other side of the park will not be touched. The landscape will be low maintenance. We are also proposing a boundary between School Street and the library.

Ken Hodgson, Engineer went over the layout plan. Talked about the courtyard, patio, reading area, light delivery area, bike racks. He went over the catch basin in the parking lot. The water will be coming into an underground recharge area. The existing building is served by water, sewer, gas and electric. We may come through Bridge Road.

**LP** stated one of the big problems with the current library is parking. This new plan allows more parking on the site. We designed the library to have two fronts so you don't see the rear.

**BB** asked about dropping kids off. How does this flow work? **LP** stated we originally had proposed patrons going in and out on School Street. It is very dangerous. We are just trying to prevent people from trying to drive around and crossing lanes. Do you have a place to turn around? **LP** stated you have to turn around in the parking spot. **MFD** stated we have 31 spots. **LP** stated MassHighway has a say in what we put in the roads to have people stay in one lane. **RS** stated who requires that number of parking spaces? **LP** Mass Library Commission.

**BHM** asked about the granite block steps at the entrances. **MFD** stated yes. They are not slippery. **BHM** asked how they would not be slippery. **MFD** stated they will not be polished and the joints will help. **BHM** stated I live in a condo that has granite and it is quite slippery.

**RS** asked if Joe Serwatka would be reviewing this. **LP** stated we could talk to him.

**RS** asked what if the drainage and recharge units are full during the 100 year storm. **KH** stated they are charged for the 100 year storm. You would need to have two 100 year storms back to back. **RS** asked about the air condition units. What is the buffer between the abutters? **MFD** stated there will be low and high bushes. **RS** asked about the noise level of the air conditioners? **MFD** stated minimal. **BHM** asked about the type of evergreen trees. **MFD** stated some deciduous and evergreen. The intent is to block the view.

**RS** asked if they could get a copy of the elevations in their next packets. **MFD** stated yes.

**LM** asked about where will the dumpster be placed? **MFD** stated there will not be a dumpster. The cleaning company empties the trash in the building every night and takes it off site.

Discussion about telephone poles. Beneficial if they could be put underground.

**BHM** asked who was in charge of the landscaping. Is it the library or town? **LP** stated both. The town common committee will look at the rest of the common.

**RS** stated this will be a public hearing at the next meeting-January 8, 2014.

**3. Old Business**

**4. Other Business**

## **2014 Planning Board Schedule**

**LM motions to accept the 2014 Planning Board Schedule**  
**TH Seconds – Vote on motion 6 -0 unanimous.**

### **5. Correspondence**

- a. Minutes from October 23, 2013 and November 13, 2013**
- b.**

**BHM motions to accept and sign the minutes from October 23, 2013 and November 13, 2013**

**LM Seconds – Vote on motion 6 – 0 unanimous.**

- c. Amesbury Proposed Zoning Amendment Notice**  
Allow chickens for egg production in residential area.

### **6. Reports of Committees**

### **7. Adjournment**

**DE motions to adjourn at 9:20 pm**

**BHM Seconds – Vote on motion 6 – 0 unanimous.**

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**Chairman**

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**Date**