

**Salisbury Planning Board
Meeting Minutes**

Date: Wednesday, September 26, 2018

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

Time: 7:00 p.m.

PB Members Present: Chair Don Egan (**DE**), Vice Chair Gina Park (**GP**), Clerk John “Marty” Doggett (**JMD**), Louis Masiello (**LM**), Gil Medeiros (**GM**) and Alternate Deb Rider (**DR**).

PB Members Absent: None

Also Present: Assistant Planner Bart McDonough (**BMD**), Planning Board secretary Sue Johnson (**SJ**)

Don Egan brought the meeting to order at **7:00 p.m.** in the Colchester Auditorium, Salisbury Town Hall. Announced, per opening meeting law, that the meeting was being recorded.

1. New Business

- a. Signing of Plans / Permits** – Nothing to be signed
- b. Approval not Required** - 107 Folly Mill Road; Paul LePere; pursuant to the Judgment and Remand issued by the Land Court in Misc. Case No. 17 MISC 00459 (RBF).

Adam Costa (**AC**) stated that he represented Paul LePere (**PL**). **AC** stated that he had been before the Board previously and was back in front of the Board per order of the court. **AC** stated that the concern was with a piece of the property not divided by the ANR located in Seabrook, NH and went on to state that there is an existing house on that property and the question was could we show an easement access to that house. **AC** stated that the case was litigated and it was the judgement of the court that the Board is to sign the ANR. **DE** stated that this case had been before the Board on 7/27/2017 and the land court annulled the Board’s decision and remanded it to the Planning Board. **DE** went on to state that the issue was that it was unclear on what the Board could or should do when part of the land is located in New Hampshire which could potentially become landlocked with no access to any streets if the plan were to be approved as presented. **DE** stated that the court said that because the land is in New Hampshire that the Board did not have jurisdiction.

JMD motioned to endorse the application for an Approval not Required under the Subdivision Control Law for 107 Folly Mill Road.

GM seconded.

Vote: 5-0 motion passed.

c. Site Plan Modification Request—82 Lafayette Road; Brendan Doherty

Travis Shank (**TS**) spoke on behalf of Brendan Doherty and 82 Lafayette Road and went on to explain that he was a senior at Essex Tech doing a cooperative education learning program. **TS** explained the changes that they would like to do. **DE** stated that he thought this was excellent experience for Travis. **DE** stated that they are changing the gas and water service and there are no other changes to the property. **TS** replied no. **DE** asked **BMD** if the Town Engineer has weighed in on this. **BMD** replied that he had been out to the sight and has provided the Board with a letter. **BMD** went on to state that there was a lot of outstanding work that had to be done but the work that has been completed thus far is in accordance to the plans. **BMD** stated that what hasn't been constructed is the storm water management basins. **DE** asked why there was a need to change from a 6" to an 8" water service and has the same question about the gas. **TS** stated that it would improve water pressure and they could get a hydrant put in. **LM** questioned why the Board had not been informed. Branden Doherty (**BD**) stated that the Board had been informally informed and stated that it was discussed in the office and with the DPW. **BD** stated that the State allowed it as well because there was only a 6" tap out on the state highway and thought that a larger tap out would be better for fire suppression. **BD** stated the other reason to extend the utilities is to not to disturb the area where the retention pond is going when coming back with the phase two design. **DE** thanked **LM** for pointing this out and went on to state that any time there is any type of deviation from the plans that have been submitted and approved a site plan modification is required and sometimes it is in the form of a letter if it is a really minor modification and can be handled administratively in the Planning Department and if they make a determination that it needs review by the Planning Board you would need to submit changes for the Boards approval. **GP** said in regards to future development, wouldn't these buildings take up all of the buildable space. **BD** stated that the plan as it is shown was prior to zoning changes which gives them more land at the rear of the property and went on to state that updated plans would be submitted once they get further along.

LM motioned to determine that this is a minor modification.

GP seconded.

Vote: 5-0 motion passed.

GM motioned to approve the change.

JMD seconded.

Vote: 5-0 motion passed.

2. 7:10 Public Hearings

- a. Public Hearing:** To amend the Town of Salisbury Zoning Bylaw by modifying Article XIII Inclusionary Housing Requirements, or take any other action relative thereto.

1. **DE** asked **DR** to speak to the issues because she is serving on the Affordable Housing Trust Committee. **DR** stated that they reviewed this on Monday at the Affordable Housing Trust meeting and the committee did vote to support it. **DE** asked why the language needs to be changed. **DR** replied that there was confusion with the amount of frontage. **BMD** stated different types of developments where there was questions as to whether they would have to include affordable housing units or pay into the fund. **BMD** stated that residential developments that create more than three new units will activate the inclusionary housing bylaw.

LM motioned to close the public hearing.

GM seconded.

Vote: 5-0 motion passed.

LM motioned to recommend the inclusionary housing bylaw amendments to Town Meeting.

JMD seconded.

Vote: 5-0 motion passed.

- b. **Public Hearing:** To amend the Town of Salisbury Zoning Bylaw by modifying Article III Use Regulations, §300-12: Table of Uses, or take any other action relative thereto.

Residential Uses

DE stated that the first recommended change is under Residential Uses change “mobile home dwelling” to “mobile / manufactured home dwelling”. **DE** requested that the definition of manufactured home dwelling be added to the zoning definitions. **DE** asked if there was currently a definition of mobile home. **BMD** replied yes and read the definition. **DE** stated that it is being proposed to add the following uses to Residential: “mixed use horizontal” and “mixed use vertical”. **BMD** stated that these are currently in the Village Center bylaw and would like to expand them into other zones and districts. **DE** stated that we would be adding new definitions that require Planning Board special permit which means that we would have to adopt criteria for granting the special permit. Lisa Pearson (**LP**) stated that it would fall under the existing special permit granting criteria under 300-35. **LP** stated that the reason for adding it as a Planning Board special permit vs. a Zoning Board special permit is because these developments will cause the applicant to go under site plan review anyway and went on to state that people will apply for a special permit for the use but do not show you what the site is going to look like. **LP** stated how would the Board know if it meets the special permit criteria if you don’t see it. **LP** stated instead of having an applicant have to go through 2 separate public hearing processes where they would most likely go to the Zoning Board first to get their special permit and then come to the Planning Board which extends the time out for permitting to 6-8 months but if the applicant goes in front of one Board and then that Board will get all of the plans and information, the applicant would make their presentation and then the Planning Board can truly make a decision on both because the site plan is already coming in front of the Planning Board. **GP**

stated that she had not seen the definition of mixed use. **BMD** read the definition. **GP** asked what the ratio between commercial and residential was. **BMD** stated that there was no defined ratio. **DE** stated that there is also no reference to the number of dwellings. **LP** stated that we do not need to present at this Town Meeting it could wait until the next one. **DE** stated that since there are questions let's move on so we can review the rest of them.

Community Uses

DE stated that under Community Uses is a proposed addition of "assisted living or life care" and asked where the R2 district is. **LP** replied that all of the streets that existed when zoning was approved. **DE** asked how the districts were chosen. **LP** stated that she met with the Building Inspector, the Assessor and Town Manager and look at the maps and determined areas that we thought would be appropriate for these type of uses. **DE** stated that the following use has a proposed change "country, hunting, fishing, tennis or golf club without a liquor license" change to "membership club". **DE** stated that the next proposed use to add is "congregate elderly housing". **LM** asked **BMD** to add congregate elderly housing and hospital to the definitions. **BMD** replied that he would. **DE** stated that the next use is proposed to change from "public or Town owned power plant, water or sewer treatment plant and refuse facility" to "privately operated power plant, water or sewer treatment plant and refuse facility". **DE** stated that there is a huge difference between private and Town owned for this use and believes private should be removed and keep as public or Town owned. **GP** stated that this use should not be allowed everywhere and suggested that it be allowed in the Commercial and Industrial Zoning Districts. **DE** and **GP** do not think it belongs in the residential districts. **LP** stated that the Town's sewer treatment plant is in a residential district. **DE** asked why private was substituted for public or Town owned. **LP** stated that it was because municipal was moved into another category. **DE** stated that he believes this inadvertently created this debate and asked if we could just delete the whole thing and rely on the municipal language. **LP** said we could check into that. **DE** stated that there is a proposed new use "rehabilitation residence". **DE** stated that the following use "Town building except equipment garage" and rename as "Municipal Building" and remove the following use "Town equipment garage". **DE** stated that the next use being removed is "street, bridge, tunnel, railroad haul lines".

Agricultural Uses

DE stated that the next use that is proposed to be removed is "commercial stables, kennels, vet hospital or other similar commercial establishments in which all animals, fowl or other forms of life are completely enclosed in pens or other structures". **BMD** stated that it is being moved to commercial use. **DE** stated that the next uses that are proposed to be removed are "temporary greenhouse or stand for retail sale of products raised primarily on the premises" and "year round greenhouse or stand for wholesale and retail sale of agricultural or farm products greenhouse".

Commercial Uses

DE stated that the following uses are proposed to be added to commercial use “assisted living or life care” and “congregate elderly housing”. **BMD** stated that they are also listed under community uses and would most likely have a different business model vs. the business model for commercial use. **DE** stated that the following commercial uses are proposed to be added “bed and breakfast”, “bus terminals and other passenger transportation services”, “commercial stables, kennels, vet hospital, animal care or other similar commercial establishments in which all animals are completely enclosed in pens or other structures” and “commercial vehicle repair and maintenance”. **DE** stated that the following use is to be removed “department stores”. **DE** stated that following uses are proposed to be added to commercial use “dumpster; permanent” and “dumpster; temporary”. **LP** stated that some of the concerns are the length of time they are at a residence and the proximity to their abutter’s property. **DE** asked how a person would know that they need to apply for a permit. **LP** replied that the person would ask the Building Inspector if a building permit is needed and if it is not than a zoning permit would be issued and the person would be sent to the correct department. **DE** stated that the following uses are proposed to be added to commercial use “greenhouse”, “light industry, minor”, “light industry, major” and “miscellaneous transportation services, including but not limited to taxi, van, limousine, ambulance service and similar for hire vehicles”. **DE** stated that the following change is proposed to be deleted, “nonprofit recreational facility, not including membership club”. **DE** stated that the following change is proposed to be added “nursing home and rehabilitation center” and change “nursery school or other use for day care of children operating as a business” change to “day care facility”. **DE** stated that it is proposed to delete the following uses “storage of flammable liquids over 165 gallons Class A and Class B” and “hidden storage of vehicles, equipment, used and raw material, and structures for storing such, provided there is sufficient screening to prevent sight of such from the street and from the inhabited portion of adjacent property”. **DE** stated that the following uses are proposed to be added “hidden storage”, “hidden storage of vehicles and trailers”, “hidden storage of construction equipment, material and products”, and “open storage”. **DE** stated that he did not believe that hidden storage of construction equipment, materials and products should be allowed in the R3 district. **LP** stated that we could delete it. **GM** asked if this would hurt a construction company by not allowing them to bring home their construction equipment. **LP** stated that running a commercial business is not allowed in residential districts. **DE** stated that the following uses are proposed to be added “rehabilitation residence”, “retail regional”, roadside stands”, “self-service storage facility”, “storage trailer; 2 or less” and “storage trailer; 3 or more”. **DE** stated that the following use is proposed to be revised from “retail stores selling food, drugs and proprietary goods” to “retail; major & minor”. **DE** stated that it is proposed to delete the following use “signs: flashing, oscillating”. **DE** asked if residential storage trailers were in the old table of uses. **LP** replied no and stated that there was a permit for them where you could have them for a one year period and extend for a second year if necessary. **DE** stated that the following proposed use is being added “temporary greenhouse or stand for retail sale of products raised or grown primarily on the same premises”.

LM motioned to continue to the next public hearing on October 10, 2018 at 7:10pm in the Colchester Room.

GM seconded.

Vote: 5-0 motion passed

- c. **Public Hearing:** To amend the Town of Salisbury Zoning Bylaw by modifying Article I General Provisions, §300-5: Definitions, or take any other action relative thereto.

DE stated that most of the definition additions and changes have been discussed and suggested if the Board or the public had additional suggestions or changes to contact the Planning Department.

GM motioned to continue to the next public hearing on October 10, 2018 at 7:10pm in the Colchester Room.

LM seconded.

Vote: 5-0 motion passed

3. Correspondence

- a. Minutes: August 22, 2018
GP motioned to approve
JMD seconded.
Vote: 5-0 motion passed
- b. Minutes: September 12, 2018
GP motioned to approve
JMD seconded.
Vote: 5-0 motion passed

4. Executive Session

- a. Executive session under G.L. c.30A, §21(a)(3) to discuss strategy with respect to litigation: Big Block Development Group v. Town of Salisbury Planning Board
DE stated that the following people would be participating in the Executive Session: **GM, JMD, GP, DE, LM, DR, BMD, LP and SJ.**
LM motioned to go into Executive Session.
GM seconded.
Roll call vote:
GM
JMD
GP
DE
LM

5. Adjournment

Roll Call Vote:

LM – yes

DE – yes

GP – yes

JMD – yes

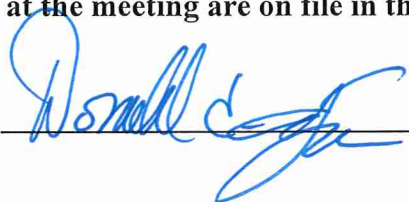
GM – yes

DR - yes

Motion passed.

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

Minutes approved by: _____



Date: _____

10/24/18

