

**Salisbury Planning Board
Meeting Minutes
Wednesday, September 30, 2015 7:00 p.m.**

PB Members Present: Helen “Trudi” Holder (TH), Acting Chairperson, Brendan Burke (BB), Lou Masiello (LM), Berenice McLaughlin (BHM), Gina Park (GP), Alternate

PB Members Absent: Don Egan (DE), Chairman

Also Present: Lisa Pearson (LP) Planner, Lori A. Robertson, Planning Board Secretary

Time: 7:00 p.m.

Vice Chairperson Holder called the meeting to order at 7:05 p.m. in the Colchester Room, Salisbury Town Hall. **TH** announced, per the Open Meeting Law, that this meeting was being recorded and broadcast live via www.sctvmc.org/index.

1. New Business:

a. Signing of Plans and Permits: N/a

7:00 Public Hearing:

a. To amend the Zoning Bylaw of the Town of Salisbury by creating a new zoning bylaw entitled Lafayette-Main Commercial District and to take any other action relative thereto.

LM motioned to open the public hearing to amend the Zoning Bylaw of the Town of Salisbury by creating a new zoning bylaw entitled Lafayette-Main Commercial District and to take any other action relative thereto.

BB- Seconds – Vote on motion 5 – 0 unanimous.

LP stated this is the first public hearing for this, but we have met many times during workshops. The original goal of this zoning was to encourage diverse, high quality and attractive commercial developments and mixed use developments on Lafayette Road, Main Street and Toll Road, substantially consistent with the Salisbury Master Plan; to meet the goods and services needs of the residents and visitors; and to create attractive, organized activity centers on Lafayette Road and Main Street. We will be voting on the final document at the October 14, 2015 meeting. At your last meeting you had comments about the trees and parking. This version does not include either of those documents. In regards to parking and trees that is something that needs to be looked at town wide and hope to work on that for a future Town Meeting.

Dale Gibson (DG), 134 Rabbit Road addressed the board. Just in the last couple of months we found out what was going on. We never received notification of any of these meetings. We live in the LM-A District. Some things proposed are not beneficial to us. There is a 150’ frontage minimum and we have only 100’. The rest of the districts have a 100’. I feel they should stay the same. I feel like we will not be able to add a garage, addition, deck. If this goes through, our property value will go down. This seems all beneficial to commercial. I’m concerned about the rights if we are going to sell.

LP stated single family houses are the most protected use in all of zoning. We have added another section from our zoning bylaw into this document to protect single family houses (300-157).

Judy Barrett (JB) of RKG Associates, addressed the board. Massachusetts State Law provides protection for single and two family dwellings. The protections that exist in the statute cannot be taken away by the town. If you have a single family dwelling on a non-conforming lot you can extend or alter it as long as what you are doing doesn’t substantially increase the non-conformity of the existing structure. The Board of Appeals gets to determine whether or not it is a substantial increase. If you want to add an addition and

those conform the building inspector can issue a building permit. I am much less concerned for an existing single family home than I might be for an existing use. As for the 150' of frontage, this is a policy issue. We have provided that yes, it says 150' but if you can provide shared access with an adjoining lot a 100' is fine.

Ron Laffely (RL) of 22 Lafayette Road addressed the board. I question some of the definitions. I can't understand why we are taking a definition from a distinctive district and go back to refer to that. When you have the same definition happening in two districts, why can't that be under the general definitions. Mixed use development vertical/horizontal. It should be in the beginning of the zoning ordinance. The other issue is on site solar. Maybe that could change to at grade. LP stated there is a definition on site solar in the Solar By-law. Concerned about not having a definition for all weather parking. Also concerned with (G) on page 9 includes trees. That is going to be taken out and will be a separate bylaw.

LP stated as far as cleaning up definitions we can look into that at spring town meeting. All the other issues fall under the Lafayette/Main design guidelines.

JB stated it is organized this way because it fits with the zoning bylaw. The bylaw is organized around districts. With respect to the all-weather surface that should be in the site plan guidelines.

Wayne Capulupo (WC) of 170 Beach Road addressed the board. He talks about 300-162. He believes the PB should reserve some discretion. If there is a reason to deviate somewhat they have the discretion to do so. It should be amended to include the words "without the concurrence of the PB". Under open space there is a requirement of 20% shall be protected open space except in the case where an MRD is served by sewer and then it increases to 50%. That is a huge jump. I would like to see it reduced to 40% and have it stating "the PB reserve the right onto itself to reduce it even further at its discretion". 300-162 (F) should include the words "which could be less." Paragraph (G) should read I don't think it's the intent of PB to determine what the lot areas are. That is proposed by an applicant and it is either or approved or denied by the PB. I think it should read "similarly lot area for individual dwellings should be subject to approvals of the PB as part of the special permit process to achieve the density allowed in "F" above.

JB stated I spoke with the Town Manager and I can tell you what I said, since the Town Manager is not here tonight. The first issue about 300-162 I feel you can't have a discretion that is wide open. You need to have specific criteria for making that deviation. As for the open space provision I think its fine to say 40% instead of 50% if a site has wastewater capability they can design a much tighter cluster. Therefore they should be able to give you more open space. I think its fine to slide to 40%. I wouldn't slide it lower than that. The lot area for individual dwellings I think is clear. I could modify the last sentence to say "similarly the PB shall have authority to reduce or waive the minimum lot area requirement established in sub-section F above." LP stated I think more clear language will help.

LM motions to continue the public hearing for To amend the Zoning Bylaw of the Town of Salisbury by creating a new zoning bylaw entitled Lafayette-Main Commercial District and to take any other action relative thereto until October 14, 2015 at 7:00 pm.

BB Seconds the motion. Vote on motion 5 – 0 unanimous. Motion Passed.

7:30 Public Hearing:

a. SPR-105 Rabbit Road-Ameresco, Inc. d/b/a MA Solar Highway LLC

LM motions to continue the SPR – 105 Rabbit Road – Ameresco, Inc. d/b/a MA Solar Highway LLC until the October 14, 2015 meeting at 7:30 pm.

BB Seconds – Vote on motion 5 – 0 unanimous.

4. Other Business:

5. Correspondence:

6. **Reports of Committees:** LM stated October 2, 2015 is the library grand opening at 10:00 am. Also SCTV is looking for a new board member. Please get in touch with Lance Wisniewski if you are interested.

7. **Adjournment:**

LM motions to adjourn at 7:50 pm

BB Seconds – Vote on motion 5 – 0 unanimous.

Chairman

Date

