

**MINUTES FOR THE ANNUAL TOWN MEETING
MAY 20, 2019
SALISBURY ELEMENTARY SCHOOL**

A quorum (125) being present, Moderator Jerry Klima called the Town Meeting to order at 7:42 p.m. The number of voters peaked at 294. Additionally, there were 28 non-voters present: John Morris, Robert Roy, Thomas McEnaney, Michelle Cresta, Jim Sullivan, Terry Kyrios, Lisa DeMeo, Jonathan Goodrich, Scott Carrigan, Joanne Ratcliffe, Jay Trinndafil, Elizabeth Pettis, Kara Kosmes, George H. from Lafayette Rd., James Ryan, James Ryan, Nerissa Wallen, Charlie Mabardy, Cheryl Gorniewicz, Darl Pett, Patty Fallon, Brian Fallon, Mary Zinck, Dave Zinck, John Sanborn, Jim Gallagher, Antonio Ferreira, Fiona Turner, Gary Knight, Alison Hano, Karen Snow and Scott Vandewalle.

Josephine Kohan, Liz Wood and Susan Tatro were checkers at the door with Karen Parent, Board of Registrar, and Assistant Town Clerk, Lynne Karpenko, assisting. Robert Carroll and Brud Janvrin served as counters throughout the meeting.

The first order of business, as per the Town Charter, was to elect a Deputy Moderator. Moderator Klima asked for a motion to ratify his selection of Reginald Santos to serve as Deputy Moderator until the May 2020 Annual Town Meeting. A Motion was made by Raymond Pike to appoint Reginald Santos Deputy Moderator until May 2020. The motion was seconded & carried by unanimous vote.

The Parks and Recreation Department reported on their activities throughout the year.

The readings of Articles eleven, fourteen, fifteen, sixteen and eighteen were waived.

ARTICLE ONE

Election of Officers – Tuesday, May 14, 2019

One Moderator (three-year term)

Two Selectmen (three-year terms)

One Triton Regional School Committee Member from Salisbury (Three-year term)

One Triton Regional School Committee Member from Salisbury (One-year term)

One Triton Regional School Committee Member from Newbury (Three-year term)

One Triton Regional School Committee Member from Newbury (Two-year term)

One Triton Regional School Committee Member from Rowley (Three-year term)

Question: Shall the Town of Salisbury be allowed to assess an additional \$450,000.00 in real estate and personal property taxes for the purposes of funding the operating budget of the Triton Regional School District, for the fiscal year beginning July 1, 2019?

ARTICLE TWO

To hear reports of the Boards, Committees and Commissions as may be presented.

ARTICLE THREE

To hear the report of the Warrant Advisory Committee and to raise and appropriate \$27,815,782.00 to fund the FY2020 annual operating budget of the Town, which includes \$12,648,939.00 to pay the Town's anticipated share of the Triton Regional School District's operating budget for FY2020, calculated in accordance with Mass. General Law Chapter 70, Section 6, and in accordance with the attached departmental breakdown of the budget; to appropriate \$2,525,000.00 to fund the FY2020 Sewer Enterprise Fund budget; to appropriate \$2,565,000.00 to fund the FY2020 Water Enterprise Fund budget; to transfer the sums of \$406,752.00 from the FY2020 Sewer Enterprise Fund budget and \$158,895.00 from the FY2020 Water Enterprise Fund budget to the General Fund; and to transfer the sums of \$29,000.00 from the Municipal Waterways Improvement and Maintenance Fund and \$43,545.00 from the Waterways Permit Fees Fund to the General Fund; or to take any other action relative thereto.

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Wilma McDonald

I move that Article Three be approved as herein stated

Seconded & Carried

ARTICLE FOUR

To see if the Town will vote to accept the provisions of Mass. General Laws Ch. 44, §53F¾, which establishes a special revenue fund known as the PEG Access and Cable Related Fund, to reserve cable franchise fees and other cable-related revenues for appropriation to support PEG access services and oversight and renewal of the cable franchise agreement, consistent with the franchise agreement between the Town and its cable television licensee, effective for Fiscal Year 2020, which begins on July 1, 2019; or to take any other action relative thereto

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Donna Abdulla

I move that Article Four be approved as herein stated

Seconded & Carried

ARTICLE FIVE

To see if the Town will vote to authorize the Treasurer to borrow the sum of \$13,500,000.00 in accordance with General Laws Chapter 44, Section 7, or any other enabling authority, for the purpose of extending sewer and constructing a sewerage system and related work to Lafayette Road (from School House Lane to the New Hampshire border) and a portion of Main Street, as shown on a plan entitled "Town of Salisbury - Route 1 and Adjacent Areas Sewer Project" prepared for the Town by Weston & Sampson and dated April 2019, a copy of which is on file in the office of the Town Clerk, as the same may be amended from time to time, including, without limitation, the cost of acquiring any land and/or rights in land, and any incidental or related costs; and to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain, or otherwise, and to accept the deeds of, the fee to and/or temporary and permanent easements in parcels of land in the parcels of land shown on said plan and such other parcels as may be

necessary or convenient to undertake said project, upon such terms and conditions as they shall determine for said purposes; and to authorize the Board of Selectmen, as the sewer commissioners, to assess the total project cost as betterments and/or privilege fees upon those who benefit from the project, such assessment to be made using methods set forth in G.L. c. 83 and/or Chapter 353 of the Acts of 2016, as the Board of Selectmen, as sewer commissioners, deems appropriate; and further to authorize the Board of Selectmen to apply for and accept any federal state and/or other grants or loans available for the project, and to enter into any and all agreements related thereto; and that any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payments of the costs of issuance of such bonds or notes, may be applied to payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Freeman Condon I move that Article Five be approved as herein stated

Seconded & Carried by a declared 2/3 majority vote

ARTICLE SIX

To see if the Town will vote to authorize the Board of Selectmen to lease/purchase and equip a new administrative vehicle for the Police Department for a term in excess of three years in accordance with the provisions of G.L. c.44, §21C, and as funding therefore, to transfer the sum of \$16,000.00 from the Police Outside Details fund to FY2019 budget line item number 0101.0210.5850 (Police Department – Capital Outlay – Vehicles) for the purpose of funding the first year payment of a four-year lease/purchase agreement, including all costs incidental or related thereto; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Ronalee Ray-Parrott I move that Article Six be approved as herein stated

Seconded & Carried by a declared 2/3 majority vote

ARTICLE SEVEN

To see if the Town will vote, pursuant to Mass. General Laws Ch. 60, §15, as amended by Section 15 of Chapter 182 of the Acts of 2008, to establish the following charge for each written demand for unpaid real estate and personal property taxes, sewer user, motor vehicle taxes and boat excise taxes, which fee will be added to and collected as part of the tax: \$30.00; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Charles Takesian I move that Article Seven be approved as herein stated

Seconded & Carried

ARTICLE EIGHT

To see if the Town will vote to amend the General Bylaws of the Town, Chapter 214, Signs, by inserting the following new definition after the definition of “Electronic Message Boards” in the list contained in §214-3:

ELECTRONIC OUTDOOR ADVERTISING

A use whereby an outdoor sign or billboard, whether double-faced, back-to-back, or V-shaped, with a screen(s) that is 200 square feet or larger, serves to advertise, direct or call attention to any business, article, substance, or service, or anything that is digitally or electronically projected, on or by a structure of any kind on real property or upon the ground itself, and that advertises services, products or commodities that are not available on said real property or parcel. Electronic Outdoor Advertising is a use to be regulated by the Zoning Bylaw and not the General Bylaw.

or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Wilma McDonald I move that Article Eight be approved as herein stated

Seconded & carried unanimously

ARTICLE NINE

To see if the Town will vote, pursuant to the provisions of Mass. General Laws Ch. 44, §53E ½, to amend Part 1, Chapter 200, Section 200-1 and Section 200-2(B) of the General Bylaws of the Town to establish and set an annual spending limit for the following new Revolving Fund, by inserting the row below in the appropriate location in the chart(s) appearing in said bylaw, and further, that such expenditure limit shall be applicable for each fiscal year until such time as Town Meeting votes, prior to July 1 in any year, to increase the same for the ensuing fiscal year.

Program	Authorized Representative or Board to Spend	Department Receipts	Purpose	Spending Limit
Recycle Center	Director of Public Works	Receipts from the sale of recycle center passes and other fees collected for recycle center activities	To pay for a portion of the recycle center's annual operational and maintenance costs	\$75,000

or to take any other action relative there.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Donna Abdulla I move that Article Nine be approved as herein stated

Seconded & Carried

ARTICLE TEN

To see if the Town will vote to authorize the Treasurer to borrow the sum of \$350,000.00 in accordance with General Laws Chapter 44, Section 7, or any other enabling authority, for the purpose of funding the rehabilitation, improvement and/or restoration of Liberty Street, including the payment of costs incidental or related thereto; and to authorize the Board of Selectmen to execute any instruments and take any other action necessary to effectuate the vote taken hereunder; and that any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Freeman Condon I move that Article Ten be approved as herein stated

Seconded & Carried by a declared 2/3 majority vote

A motion was made by Ronalee Ray-Parrott to waive the reading of Article Eleven; the motion was seconded and carried. Jerry Klima, Moderator, stepped down for the action taken on this article as he is a member of the Ring's Island Historic District Study Committee. Reggie Santos stepped up to act on this article.

ARTICLE ELEVEN

To see if the Town will vote to amend the Town's General Bylaws by adding a new Chapter 163, Neighborhood Preservation Districts, Article 1, Ring's Island Neighborhood Preservation District, to be numbered as appropriate in the General Bylaws and that would provide as follows, and to approve and adopt the Ring's Island Neighborhood Preservation District Map, dated April 19, 2019, on file with the Town Clerk; or to take any other action relative thereto.

ON PETITION OF THE RING'S ISLAND HISTORIC DISTRICT STUDY COMMITTEE

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Ronalee Ray-Parrott I move that Article Eleven be approved as herein stated

Seconded

Motion to Amend: Ray Pike

I move to amend Article Eleven as follows:

1. Add the following new paragraph after the first paragraph of Article I:

The Ring's Island NPD includes ONLY the NPD Properties listed in Appendix A. (These properties are shown in Green on the Ring's Island NPD Map.) The Ring's Island NPD does NOT include any properties on Ring's Island that are not listed on Appendix A and the owners of these excluded properties are NOT required to apply to the NPDC to make any alterations to the buildings on their properties.

2. Change the words "streetscape of Ring's Island" in Section 1A to "streetscape of the NPD Properties on Ring's Island."

3. Change the term “INTERESTED PARTY” to “NOTIFIED PARTY” in section 3, the term “Interested Party” to “Notified Party” in Section 14.

Motion was seconded and carried

Motion to Amend: Lucinda McCarty I move to amend Article Eleven as follows:

Add the following paragraph at the end of Section 6: NPDC Powers and Duties:

Within sixty (60) days after the members of the NPDC are appointed and sworn in, the members of the NPDC shall seek to obtain a signed agreement from an owner of each property on Ring’s Island confirming the owner’s agreement that his or her property should be included in the Neighborhood Preservation District. The NPDC shall file a petition to amend the Ring’s Island Neighborhood Preservation District Bylaw and Map at the 2019 Annual Fall Town Meeting to include as NPD Properties only those properties covered by such a signed agreement.

The motion was seconded and defeated.

The main motion as amended by the first amendment was approved by a majority vote

CHAPTER 163. NEIGHBORHOOD PRESERVATION DISTRICTS

ARTICLE I: RING’S ISLAND NEIGHBORHOOD PRESERVATION DISTRICT

The Town of Salisbury hereby establishes a Neighborhood Preservation District (“NPD”) that includes designated properties on Ring’s Island, to be administered by a Neighborhood Preservation District Committee (“NPDC”).

Section 1: Purpose

This bylaw is enacted under the Home Rule Amendment of the Massachusetts Constitution for the purposes of:

- A. Preserving and protecting the unique character and streetscape of Ring’s Island as a present-day neighborhood with roots as a colonial fishing village, while recognizing that;
 - 1. The homes on Ring’s Island were constructed and have evolved from the 17th century to the present day.
 - 2. The neighborhood’s character reflects that evolution and will inevitably continue to change.
 - 3. Homes will, and should, continue to evolve but not in a way that is detrimental to the island’s special character.

- B. Limiting the detrimental effect of Demolitions, and incompatible new construction and Substantial Additions on the character and streetscape of the Ring's Island NPD;
- C. Reviewing certain proposed alterations, which include Demolition, new construction and Substantial Additions, on any NPD Property, for appropriateness and compatibility with the existing buildings, setting, streetscape and neighborhood character; and
- D. Facilitating the preservation of the neighborhood character and streetscape through a combination of binding and voluntary non-binding regulatory review.

To achieve these purposes, the Town of Salisbury is designating the Ring's Island NPD to be administered as set forth in this bylaw.

Section 2: Scope

The Ring's Island NPD only covers properties whose owners indicated willingness to be included in the NPD prior to adoption of this bylaw. These properties are called NPD Properties and are listed in Section 17 and shown on the Ring's Island Neighborhood Preservation District Map, which is a part of this bylaw. Properties may be added to or removed from the Ring's Island NPD only by amendments of this bylaw.

Section 3: Definitions

For the purpose of this bylaw, the terms and words listed below shall have the following meaning:

ACCESSORY BUILDING: A detached building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.

ADVISORY REVIEW: A non-binding voluntary review offered by the NPDC for alterations as described in Section 8 of this bylaw.

BINDING REVIEW: Pursuant to Section 9 of this bylaw, a mandatory process which applies to Demolition, Substantial Additions, and new construction of NPD Buildings.

CERTIFICATE TO ALTER: A document issued by the NPDC allowing Demolition, new construction or a Substantial Addition that has been reviewed pursuant to Section 9 of this bylaw.

DEMOLITION: The act of pulling down, destroying, removing or razing fifty percent (50%) or more of a building, or commencing the work of destruction of fifty percent (50%) or more with the intent of completing the same.

INTERESTED PARTY: the applicant, abutters, owners of land directly opposite on any public way, and abutters to the abutters within three hundred (300) feet of the property line of the applicant as they appear on the most recent applicable tax list.

NEIGHBORHOOD PRESERVATION DISTRICT (“NPD”): An area of unique character and streetscape that is determined by the Town’s residents to be worthy of preservation.

NEIGHBORING BUILDINGS: NPD Buildings and other buildings constructed prior to 1940 any part of whose lot is located within three hundred (300) feet of the NPD Property.

NPD PROPERTY: Any house lot that is identified in this bylaw as a part of the NPD, including any subdivision thereof.

NPD BUILDING:

- (1) A principal building on an NPD Property or
- (2) an Accessory Building on an NPD Property that is part of the Visible Streetscape.

RING’S ISLAND: All of the lots on First Street, Second Street, Third Street, Fourth Street and March Road in Salisbury, MA.

SUBSTANTIAL ADDITION: Any addition to an NPD Building that is enclosed by walls and a roof and that increases the gross floor area of the NPD Building either by more than 1,000 square feet or by more than thirty percent (30%).

VISIBLE STREETSCAPE: Any part of an NPD Building that is visible from a public way and that is within sixty (60) feet of a public way.

Section 4: Designation of Neighborhood Preservation District (NPD)

The NPD shall include the lots shown on the map entitled “Ring’s Island Neighborhood Preservation District” dated April 19, 2019 and shown on the list of lot numbers appended to this bylaw. Amendments to the district may be made only by vote of Town Meeting.

Section 5: Neighborhood Preservation District Committee (NPDC)

The Board of Selectmen shall appoint a five-member NPDC to oversee the NPD pursuant to this bylaw. Initially, two members shall be appointed for one year, two for two years, and one for three years; each successive appointment shall be made for three years. The Board of Selectmen may also appoint up to two alternate members, initially for terms of one and two years, and for three-year terms thereafter. If any member is absent, unable to act, or recused from voting due to a conflict of interest, the NPDC chair may designate an alternate member to serve in his or her place.

The members of the NPDC shall be Salisbury residents and should include at least three residents of Ring’s Island with a preference for owners of NPD Properties. It would be desirable to have an architectural designer and a building contractor experienced in the renovation of older homes as members of the NPDC.

Section 6: NPDC Powers and Duties

The NPDC shall exercise its powers in reviewing the proposed Demolition, and/or new construction, including Substantial Additions, of NPD Buildings as set forth in this bylaw, and in accordance with the standards described in Section 10.

The NPDC may review other alterations to buildings on Ring's Island if the property owner requests a non-binding Advisory Review as described in Section 8.

The NPDC may promulgate rules and regulations consistent with the provisions of this bylaw, and set forth such forms and procedures as it deems appropriate for the regulation of its affairs and the conduct of its business, including requirements for the contents and form of applications for certificates, hearing procedures and other matters.

Section 7: Exemptions

The following are exempt from the requirements of this bylaw:

- A. Routine maintenance of buildings
- B. Repairs or improvements that do not require a building or demolition permit from the Building Inspector.
- C. Temporary buildings, such as trailers, manufactured buildings, tents, porta-potties, and similar structures.
- D. Interior building alterations.
- E. Exterior alterations that do not increase the size of the building, including, for example:
 - 1. Exterior building colors.
 - 2. Installation or replacement of windows, screens, storm windows and doors.
 - 3. Removal or replacement of gutters, downspouts, and window and door shutters.
 - 4. Removal or replacement of siding and roofing on a building.
- F. Structures that are not buildings or parts of buildings, such as fences, trellises, pergolas, yard ornaments, hardscape, and similar structures.
- G. Additions to a building that are not Substantial Additions.
- H. Substantial Additions that are not part of the Visible Streetscape.
- I. Accessory Buildings that are not part of the Visible Streetscape.
- J. Reconstruction of an NPD Building damaged or destroyed by fire, storm or other disaster, provided that the reconstruction is completed in a manner that is consistent with other local bylaws. For an NPD Property the owner is encouraged to reconstruct the building, to the greatest extent possible, to conform to its original size and appearance. If the planned reconstructed building would increase the gross floor area of the original building either by more than 1,000 square feet or by more than thirty percent (30%), it is not exempt from the requirements of this bylaw.

Section 8: Advisory Review

Property owners planning to undertake alterations to any building on Ring's Island that do not require a Binding Review who would like guidance in the design process are encouraged, but not required, to request an Advisory Review.

Advisory Review is voluntary and non-binding, and can be requested electronically.

An Advisory Review may include recommendations on how the proposed alteration could be made more consistent with the design standards.

Section 9: Alterations Which Require Binding Review

The following alterations require the submittal of an application for Binding Review by the NPDC:

- A. Demolition of an NPD Building or part of an NPD Building.
- B. New construction of buildings on an NPD Property, provided that only those elements of the new construction that would be visible from a public way are subject to Binding Review, including:
 - 1. a new NPD Building,
 - 2. reconstruction of an NPD Building following Demolition and
 - 3. New Accessory Buildings that would be part of the Visible Streetscape.
- C. Substantial Additions to an NPD Building that would be part of the Visible Streetscape, provided that only those elements of the proposed addition that would be visible from a public way are subject to Binding Review.

One printed copy of the application shall be submitted to the Town Clerk and should include a completed application form and photographs showing existing buildings and site conditions on the property. For new construction, applicants should also provide building elevations showing the proposed configuration and building materials; a plan showing the approximate footprint and relationships of buildings to other structures, exterior circulation, and points of entry; and any other plans which may help to demonstrate the proposed building design or Demolition.

Applicants shall also provide one printed copy of the application to the Building Inspector and such additional copies as may be specified in the rules and regulations.

Any parts of the application created or compiled using a computer must also be submitted to the NPDC electronically in the form of a .PDF (Portable Document Format) file or files. This includes, but is not limited to written descriptions, digital photographs, engineering or architectural drawings, building diagrams, plot plans, survey maps, and aerial photographs.

Within thirty (30) days of the date a copy of an application is filed with the Town Clerk, the NPDC shall hold a duly posted public hearing on the application. All Interested Parties shall be notified about the public hearing by first class mail sent no less than fourteen (14) days before

the public hearing. Following the hearing, the NPDC shall determine whether or not the proposed alteration is consistent with the design standards set forth in Section 10.

If the NPDC determines by majority vote that the proposed alteration meets the design standards, it shall issue a Certificate to Alter, which may be subject to reasonable conditions that the NPDC deems necessary and appropriate. If the NPDC does not achieve a majority vote that the alteration meets the design standards, it shall make a negative determination.

The NPDC's written determination shall be submitted to the applicant within twenty (20) days after the close of the public hearing, and no later than sixty (60) days after the filing of an application, unless a time extension is granted by the applicant. In making its determination, the NPDC shall provide a rationale for its action, including a description of how the alteration does or does not meet the design standards set forth in Section 10. The determinations of the NPDC relative to alterations described in this Section 9, whether positive, negative or conditional, shall be binding on the applicant.

Section 10: Design Standards

When reviewing an application, the NPDC shall consider the following standards, which are intended to guide the applicant in site development and building design, as well as the NPDC in its review of proposed alterations as described in Section 9 above:

A. Demolition

Demolition, partial demolition, or removal of buildings will be approved only under the following circumstances:

First,

1. The applicant for a demolition permit demonstrates that alternatives to demolition have been considered and that no alternative is reasonably feasible. Alternatives shall include renovation or adaptive reuse of an existing building; or
2. The building has been determined structurally unsound, based upon a written technical report prepared by an architect or professional engineer registered in the Commonwealth of Massachusetts that clearly demonstrates that the building or structure presents a risk to public health, safety and welfare; and

Second, the NPDC also approves the applicant's proposal either for

1. new construction to replace the building or part thereof to be demolished; or
2. restoration of the site of the building or part of the building to be demolished without replacing it.

B. New Construction

1. Height and Proportions —The height, proportions, and relationship of height to width of windows, doors, and other architectural elements should be compatible with the architectural style and character of Neighboring Buildings.

2. Relation of Structures and Spaces – The relation of a new building to the open space between it and Neighboring Buildings and to the street should be compatible with the existing relationships among Neighboring Buildings.
3. Shape – The shape of roofs, windows, doors and other design elements should be compatible with the architectural style and character of Neighboring Buildings.
4. Scale – When viewed from the street, the size of the building should be compatible with that of Neighboring Buildings.
5. Garages and Accessory Buildings – Garages and Accessory Buildings, all or part of which are within the Visible Streetscape, should be sensitively integrated into the overall development, and should not be the predominant design feature when viewed from the street.

C. Substantial Additions

1. Height and Proportions —The height, proportions, and relationship of height to width of windows, doors and other architectural elements should be compatible with the architectural style and character of the principal building.
2. Relation of Structures and Spaces – The relation of the addition to the open space between it and Neighboring Buildings and to the street should be compatible with the existing relationships among Neighboring Buildings.
3. Shape – The shape of roofs, windows, doors and other design elements of the addition should be compatible with the architectural style and character of the principal building.
4. Scale – When viewed from the street, the size of the addition should be compatible with that of the principal building.
5. Attached garages, all or part of which are within the Visible Streetscape, should be sensitively integrated into the overall development, and should not be the predominant design feature when viewed from the street.

Section 11: Procedures for Issuance and Filing of NPDC Determinations

Each Certificate to Alter (whether conditional or unconditional) or negative determination issued by the NPDC shall be dated and signed by its chair or such other person designated to sign certificates on its behalf. The NPDC shall send a written copy of its actions to the applicant and shall file copies with the office of the Town Clerk and the Building Inspector. The date of issuance of a Certificate to Alter or negative determination issued by the NPDC shall be the date of its filing with the office of the Town Clerk.

If the NPDC should fail to file a written determination within twenty (20) days after closing its public hearing and within sixty (60) days after the submittal of an application, or within such extended time as the applicant may allow in writing, an unconditional Certificate to Alter shall be deemed to have been issued in favor of the applicant.

Section 12: Enforcement

In addition to the duties previously set forth in this bylaw, the NPDC or the Building Inspector may issue enforcement orders directing compliance with this bylaw and may undertake any other enforcement action authorized by law. Upon request of the NPDC, and with the approval of the Board of Selectmen, the Town Counsel may take legal action on behalf of the Town for enforcement of this bylaw, or any order issued hereunder, in any court of competent jurisdiction.

Section 13: Relationship With Other Town Boards

(a) The NPDC authority as established in this bylaw shall not supersede or interfere with the regulatory authority of other Town Boards.

(b) The NPDC shall make every effort to coordinate its review with that of other Town Boards.

Section 14: Appeal Procedure

Any Interested Party may appeal the action of the NPDC. Appeals may be taken as provided by MGL Chapter 249, Section 4, as may be amended.

Section 15: Validity and Separability

The provisions of this bylaw shall be deemed to be separable. If any of its provisions, sections, subsections, sentences or clauses shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this bylaw shall continue to be in full force and effect.

Section 16: Rules and Regulations

The NPDC shall promulgate and publish such rules and regulations as are deemed appropriate and consistent with the provisions of this bylaw.

Section 17: Appendices

Appendix A: The NPD Properties included in the Neighborhood Preservation District are shown on the Ring's Island Neighborhood Preservation District Map dated April 19, 2019, which is a part of this bylaw and is on file with the Town Clerk. The included NPD Properties also are shown on the list of NPD Properties in Appendix A.

APPENDIX A: Included NPD Properties

The NPD Properties included in the Neighborhood Preservation District are listed below and are shown on the Ring's Island Neighborhood Preservation District Map, which is a part of this bylaw.

Parcel ID	Address
14-23	9 MARCH RD
14-118	11 MARCH RD
14-119	13 MARCH RD
7-58	12 MARCH RD
7-62	14 MARCH RD
14-120	15 MARCH RD
7-57	18 MARCH RD
14-114	23 MARCH RD
14-24	25 MARCH RD
7-23	3 FIRST ST
7-27	11 FIRST ST
7-28	13 FIRST ST
7-30	17 FIRST ST
7-31	19 FIRST ST
7-34	27 FIRST ST
7-37	33 FIRST ST
7-69	34 FIRST ST
7-38	35 FIRST ST
7-9	2 SECOND ST
7-8	4 SECOND ST
7-7	6 SECOND ST

Parcel ID	Address
7-41	9 SECOND ST
7-6	10 SECOND ST
7-42	11 SECOND ST
7-4	12 SECOND ST
7-55	13 SECOND ST
7-3	14 SECOND ST
7-56	15 SECOND ST
7-2	16 SECOND ST
7-1	18 SECOND ST
7-70	20 SECOND ST
7-54	2 THIRD ST
7-61	THIRD ST
7-43	5 THIRD ST
7-45	3 FOURTH ST
7-46	5 FOURTH ST
7-48	7 FOURTH ST
7-50	9 FOURTH ST
7-44	8 FOURTH ST

ARTICLE TWELVE

To see if the Town will vote to amend the Zoning Bylaws of the Town, Chapter 300, by amending the list of definitions contained in Article 1, §300-5 (Definitions) by inserting the text shown in bold and deleting the text shown in strike-through, as shown on the amended List of Definitions, a copy of which is on file with the Town Clerk; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Planning Board unanimously voted to recommend approval

Motion: Charles Takesian I move that Article Twelve be approved as herein stated

Seconded & Carried by a declared 2/3 majority vote

A motion was made by Ronalee Ray-Parrott to waive the reading of Article Thirteen; the motion was seconded and carried.

ARTICLE THIRTEEN

To see if the Town will vote to amend the Zoning Bylaws of the Town, Chapter 300, by amending §300-12 (300 Attachment 1), the Table of Use Regulations, by inserting the text shown in bold, deleting the text shown in strike-through, and adding columns for the Lafayette-Main Commercial District, consisting of LM and Subdistricts LM-A, LM-B, LM-C, and LM-D, as shown on the amended Table of Uses Regulations, a copy of which is on file with the Town Clerk; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Planning Board unanimously voted to recommend approval

**Motion: Wilma McDonald I move that Article Thirteen be approved as herein stated
Seconded**

Motion to Amend: Don Egan/Planning Board I move to amend Article Thirteen as follows: Change the designation of professional and business office building from not permitted to permitted in the LM-D district

The amendment was seconded and carried

The main motion as amended was approved by a declared 2/3 majority vote

A motion was made by Charles Takesian to waive the reading of Article Eleven; the motion was seconded and carried.

ARTICLE FOURTEEN

To see if the Town will vote to amend the Zoning Bylaws of the Town, Chapter 300, by amending Article XXIV (Lafayette-Main Commercial District), §300-159 (Definitions) and §300-160 (A) (Use regulations) by inserting the text shown in bold and deleting the text shown in strike-through as follows:

§ 300-159. Definitions.

As used in this Article XXIV, the following terms shall have the following meanings. Definitions of other terms used herein shall be in accordance with § 300-5 **Definitions.**

~~BED AND BREAKFAST—A private owner occupied residence with up to six guestrooms rented to the public for overnight or weekly accommodation for a fee, with breakfast served to guests. The guest rooms contain no cooking facilities and do not constitute separate dwelling units. The bed and breakfast is subordinate and incidental to the main residential use of the building.~~

~~MIXED RESIDENTIAL DEVELOPMENT—A planned development that includes two or more residential uses and protected open space, and provides for the construction of detached dwellings in Lafayette Main Subdistrict B.~~

~~MIXED-USE DEVELOPMENT, HORIZONTAL—As defined in § 300-82.3.~~

~~MIXED-USE DEVELOPMENT, VERTICAL — As defined in § 300-82.3.~~

~~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-service storage of personal property.~~

§ 300-160. Use regulations.

~~A. Table of Uses. The uses in the Lafayette-Main Commercial District are subject to §300-12: Table of Use Regulations. The following use regulations shall apply in the Lafayette-Main Commercial District.~~

Use	Subdistricts				
	LM	LM-A	LM-B	LM-C	LM-D
Exempt, Community, and Agricultural Uses					
Uses exempt under MGL c. 40A, § 3	P	P	P	P	P
Public utility except power plant, water or sewage treatment plant, or refuse facility	P	P	P	P	P
Public park, conservation area, or preserved open space	P	P	P	P	P
Town cemetery, including crematory	P	P	P	P	P
Street, bridge, tunnel, railroad haul lines	P	P	P	P	P
Agriculture, horticulture, floriculture Non-exempt agriculture, horticulture, floriculture (under five acres)	P	P	P	P	P
Residential Uses					
Detached dwelling. (In Subdistrict B, allowed only in a	P	—	PB	—	P

mixed residential development under § 300-162)					
Multifamily dwelling	P	—	P ¹	PB	P
Accessory uses					
Home occupation	P	—	P	—	P
Use	Subdistricts				
	LM	LM-A	LM-B	LM-C	LM-D
Accessory apartment	P	—	P	—	P
Bed and breakfast	P	—	P	—	P
Nonresidential Uses					
Vertical mixed-use development	P	—	P	P	P
Horizontal mixed-use development	PB	—	PB	PB	P
Nursing, rest, or convalescent home	—	—	P	—	P
Hospital or ambulatory health care center such as an outpatient surgery center or urgent care clinic	—	PB	—	—	—
Commercial Uses					
Bakery, deli, coffee shop, ice cream shop, sandwich shop, or similar establishment preparing and selling foods for consumption off the premises; not including drive through food service	P	PB ²	P	P	P
Bank	P	P	P	P	—
Bicycle shop, small appliance repair	P	—	P	P	—
Business or professional office,	P	P	P	P	—

excluding medical office					
Commercial amusements, such as cinema or live theater, video arcade, bowling alley	—	PB	PB	PB	—
Use	Subdistricts				
	LM	LM A	LM B	LM C	LM D
Fish, shellfish, food processing, and wholesale sale	—	—	—	P	—
Gas station, no convenience store	—	PB	—	PB	—
Gas station with convenience store	—	PB	—	PB	—
Hotel or motel	—	P	PB	PB	—
Indoor recreation, such as a gym, indoor pool, tennis court	—	P	P	P	—
Medical office or medical clinic	P	P	P	P	P
Personal service, such as a beauty salon or barbershop, dry cleaning and pressing or tailor shop	P	P	P	P	P
Renting/leasing of vehicles, equipment, household, and functional supplies	—	PB	PB	PB	—
Restaurant with food service located entirely within the building or on a patio or outdoor seating area operated in connection with an indoor service restaurant	P	P	P	P	P

Restaurant or other food service establishment with drive-through service	—	PB	—	PB	—
Retail store, up to 10,000 square feet gross floor area	P	P	P	P	P
Retail store, over 10,000 square feet gross floor area	PB	P	PB	P	PB
Use	Subdistricts				
	LM	LM-A	LM-B	LM-C	LM-D
Self storage facility	P	—	—	—	—
Wholesale trade	—	—	—	PB	—
Large scale solar photovoltaic installations	PB3	—	—	—	—
On-site solar photovoltaic installations	PB	—	PB	PB	—
On-site wind energy facility	—	—	PB	PB	—

Notes:

~~1-Except that no multifamily dwellings shall be located within 200 feet of the Lafayette Road right-of-way line.~~

~~2-Allowed by special permit if part of a larger development with other nonresidential uses, and the bakery, deli, coffee shop, etc., does not comprise more than 20% of the total gross floor area in the development.~~

~~3-All utilities shall be visually screened from Lafayette Road or Toll Road through any one or combination of the following: location, distance, plantings, or other buildings. Owner is responsible for visual screen on own property regardless of other circumstances in front of property. All other guidelines from Article XXII, Solar Photovoltaic Installations, shall be administered.~~

or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Freeman Condon I move that Article Fourteen be approved as herein stated

Seconded & Carried unanimously

A motion was made by Charles Takesian to waive the reading of Article Fifteen; the motion was seconded and carried.

ARTICLE FIFTEEN

To see if the Town will vote to amend the Zoning Bylaws of the Town, Chapter 300, by amending Article XIIA (Special Provisions for Village Center District), §300-82.3 (Definitions) and by §300-82.4 (Use regulations) by inserting the text shown in bold and deleting the text shown in strike-through as follows:

§ 300-82.3. Definitions.

Definitions of terms used herein shall be in accordance with § 300-5 Definitions.

The following definitions apply to development in the Village Center District:

~~FLOOR AREA, GROSS — The sum of the horizontal area of the several floors of a building, as measured to the outside surfaces of exterior walls, including halls, stairways, vents, elevator shafts, mechanical equipment rooms, inner courts, attached garages, porches, balconies, basement or attic storage areas, and other common space or uninhabitable space.~~

~~FLOOR AREA, NET — The usable or leasable floor area of a building, excluding halls, stairways, vents, elevator shafts, mechanical equipment rooms, inner courts, attached garages, porches, balconies, basement or attic storage areas, and other common space or uninhabitable space.~~

~~MIXED-USE DEVELOPMENT, VERTICAL — A single building in which the ground floor facing the street is used primarily for retail/ commercial or service uses, and other ground floor and upper floor space used for residential or office uses.~~

~~MIXED-USE DEVELOPMENT, HORIZONTAL — Two or more buildings on one lot which provide retail/commercial or service uses in building(s) facing the street and residential or office uses above the ground floor or in separate building(s) behind or to the side.~~

~~OPEN SPACE — The portion of a lot that is not covered with structures, access roads or driveways, sidewalks, patios, off street parking or any other material placed on or above the earth which substantially reduces or prevents the natural percolation of water. The open space shall be suitably landscaped with noninvasive, drought resistant plantings, which may include trees, flowers, shrubs, succulents or ornamental or other grasses.~~

~~ZERO LOT LINE — The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.~~

§300-82.4. Use regulations.

The following use regulations apply in the Village Center District, subject to site plan review in accordance with Article XVIII of this bylaw and § 300-82.8 below: A. Permitted uses

A. Permitted uses

- (1) Commercial uses. A building or buildings containing one or more of the following uses:
 - (a) Retail store for the sale of food, drug and proprietary goods, up to a maximum of 7,500 square feet of net floor area for an individual retail establishment.
 - (b) Restaurant or other place serving food, where food service is located entirely within the building or on a patio or outdoor seating area operated in connection with an indoor-service restaurant, up to a maximum of 3,500 square feet of net floor area for an individual restaurant establishment.
 - (c) Bakery, deli, coffee shop, ice cream shop, sandwich shop, or similar establishment in which all or a majority of the food service is food to be consumed off the premises, but not including drive-through food service.
 - (d) Business or professional office.
 - (e) Post office.
 - (f) Inn or bed-and-breakfast facility.
 - (g) Bank, including manned or automated drive-up facilities that are attached to the rear or side of a full-service banking office.
 - (h) Automated teller machine (ATM), not attached to a full-service banking office, provided that public access is available only from within a building and is operated in connection with other uses in the same building.
 - (i) Personal service, such as a beauty salon or barbershop, including sale of related goods; or a dressmaking, dry cleaning and pressing or tailor shop where no work is done on the premises for retail outlets elsewhere.
 - (j) Printing or copying shop.
 - (k) Laundromat.
 - (l) **Brew pub.**
- (2) Vertical mixed-use development.
- (3) Accessory uses incidental to a permitted use.
- (4) Uses exempt under MGL c. 40A, § 3
- (5) Community uses: as permitted in the Commercial District in accordance with § 300-12, Table of Use Regulations.

B. Uses allowed by special permit. The following uses may be allowed by special permit from the Planning Board, which shall be the special permit granting authority (SPGA) in the Village Center District:

- (1) For any permitted commercial use subject to a maximum net floor area requirement under Subsection A above, the Planning Board may grant a special permit to authorize an increase in net floor area, provided that no restaurant shall exceed 6,500 square feet and no individual retail establishment shall exceed 25,000 square feet.
- (2) Horizontal mixed-use development.
- (3) Drive-through service for a commercial establishment such as a pharmacy, located in the rear or side of the building, but not a drive-through food service establishment
- (4) New one-family detached dwelling.
- (5) **Brewery.**

or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Planning Board unanimously voted to recommend this article

Motion: Freeman Condon I move that Article Fifteen be approved as herein stated

Seconded & Carried unanimously

A motion was made by Ronalee Ray-Parrott to waive the reading of Article Sixteen; the motion was seconded and carried.

ARTICLE SIXTEEN

To see if the Town will vote to amend the Town's Zoning Bylaw by adding a new section entitled "Parking Requirements," to be number as appropriate in the Zoning Bylaw, and that would provide as follows, and further to amend the Table of Contents to add "Parking Requirements"; or to take any other action relative thereto

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee voted 2 – 3 not to recommend approval

Planning Board unanimously voted to recommend this article

Motion: Ronalee Ray-Parrott I move that Article Sixteen be approved as herein stated

Seconded & defeated by a hand count YES-56 and NO-40 (2/3 majority required)

Article _____ Parking Requirements

§ _____ Purpose.

The purposes of this article is to ensure that all uses are provided with sufficient off-street parking facilities to meet the needs of persons employed at or utilizing such uses; to ensure that off-street parking facilities are designed so as to reduce hazards to pedestrians and drivers; to

reduce congestion in the streets; to reduce nuisance to abutters from noise, fumes and headlight glare; and to reduce environmental deterioration to surrounding neighborhoods resulting from glare, heat, dust, accelerated storm water run-off and unattractive views.

§_____ Applicability.

This article shall apply to all new development, redevelopment, or when a change in the site use occurs. A change in use that does not require more parking than the former use and the property has been vacant or unoccupied for no more than five (5) years is exempted from the provisions of this article. The requirements in this article do not apply to the following zoning and overlay districts:

1. Village Center District
2. Salisbury Beach Overlay District
3. Village Residential Overlay District
4. Lafayette-Main Commercial District
5. Planned Office Development

Moreover, the subsequent zoning district and use shall be regulated as follows:

- A. The provisions of this Bylaw shall be applicable only to residential uses located in the Beach Commercial District.

§_____ Definitions.

Definitions of terms used herein shall be in accordance with § 300-5 Definitions.

§_____ Existing nonconformities.

Existing developments not meeting the requirements of this article shall be brought into full compliance when one (1) or more of the following events occur:

- A. An amendment to an existing approved site plan engendering a requirement for additional parking.
- B. A change in a site's use engendering a requirement for additional parking.

§_____ Minimum off-street parking requirements.

A development shall provide off-street parking in accordance with the following schedule of parking spaces:

- A. Off-street parking schedule:

Use	Minimal On-Site Parking Requirement
Residential Uses	

Multifamily dwelling	2 spaces per unit on-site plus 1 space for every 2 units. Fractional requirements greater than one-half (1/2) space shall be interpreted as a requirement for a total parking space.
Home occupations (see definitions)	2 spaces per unit plus 1 additional space on-site.
Community Uses	
Church or other religious purpose	1 space per 3 seats, based on occupancy load.
Congregate housing, nursing home, rehabilitation residence, assisted living or life care	1 spot per employee at largest shift plus 1 per 4 beds.
Educational purpose which is religious, sectarian, denominational or public	1 space per 3 seats in the classroom.
Hospital or urgent care facility	1 spot per employee at largest shift plus 1 per 2 beds.
Membership Club	3 space per 1,000 square feet of gross floor area.
Agricultural Uses	
Commercial stables, kennels, or other similar commercial establishments in which all animals, fowl or other forms of life are completely enclosed in pens or other structures	1 space per 200 square feet of public floor area with a minimum of 3 spaces.
Greenhouse or stand for retail sale of products raised primarily on the same premises	1 space per 200 square feet of public floor area with a minimum of 3 spaces.
Commercial Uses	
Bed and Breakfast	1 space per guest room or suite plus 1 space per owner and per employee on largest shift.
Bus terminal	1 space per 1,600 sq. feet of public parking area.
Campground	1 space per employee plus 1 space per campsite.
Child or adult day care	1 space per employee, plus 1 space per every 4 attendees.

Funeral home	1 space per 4 seats based on rated maximum capacity of facility or 1 per 50 sq. ft in parlor, whichever is greater.
Hotels, motels, bed and breakfast and cabins	1 space per sleeping room, plus 1 space for every 3 employees on largest shift.
Light industry or light fabrication	0.75 per employee in maximum shift plus 1 per company vehicle.
Medical office building, including veterinary care	1 space per employee plus 1 per examining room.
Motor freight terminal and warehousing	1 space per maximum allowed by license.
Motor vehicle repair and service	1 space per employee, plus 2 per bay.
Motor vehicle sales, rental and leasing	1 space per maximum number of vehicles allowed on license, plus 1 per employee plus 1 per every 15 display spaces.
Product assembly	0.75 of a space per employee in maximum shift plus 1 per company vehicle.
Professional and business office building	3 spaces per 1,000 square feet of gross floor area for the first-floor offices; an average of 2.5 spaces per 1,000 square feet gross floor area for upper-story offices.
Research and development laboratories	1 space per employee on shift of maximum employment plus 1 visitor parking space per 1,000 square feet of gross floor area.
Restaurant, brewery and brew pub,	1 space per 3 seats or 1 space per 50 square feet of public floor area (i.e., area reserved for actual consumption of food or beverages by the general public), whichever is greater.
Restaurants, fast-food	1 space per 200 square feet of public floor area (i.e., reserved for actual consumption of food and beverages by the general public), whichever is greater.
Retail stores & laundromat	1 space per every 250 square feet of gross floor area for the first 10,000 square feet; 2.5 spaces per 1,000 square feet of gross floor area; and 2 spaces per 1,000 square feet of gross floor area over 12,500 square feet.

Theaters, Function hall, assembly, nightclubs	1 space per 3 seats, based on occupancy load.
Waterfront marine and boat building, servicing, and repairing	1 space per employee plus 2 spaces per bay or work area
Wholesale trade and distribution	0.75 of a space per employee in maximum shift plus 1 space per company vehicle

- B. Where fractional spaces result, the required number of parking spaces shall be construed to be the next highest whole number.
- C. For a use not specifically listed in this section, the minimum required number of off-street parking spaces shall be as determined by site plan review or if not subject to site plan review then as specified by the Building Inspector based on a listed use with similar characteristics of parking demand generation. In such instances, the applicant shall provide adequate information by which the proposal can be reviewed, which includes, but not limited to the following:
1. Types of uses;
 2. Number of employees;
 3. Building design capacity;
 4. Square feet of sales area and service area;
 5. Parking spaces proposed on site;
 6. Parking spaces proposed elsewhere; and
 7. Hours of operation.
- D. The Planning Board may authorize, as part of site plan review, the reduction of the number of spaces required, provided that the applicant furnishes documentation demonstrating the demand of the proposed use(s). The Planning Board may also authorize a reduction in the number of spaces required, provided that the availability of mass transit to the lot and its potential use by pedestrians and cyclists is substantiated. Moreover, the Planning Board may, as part of site plan review, require additional parking spaces based on the characteristics of the particular use.
- E. For non-residential shared parking that is subject to a legally enforceable agreement or restriction, the Planning Board may authorize, as part of site plan review, a reduction in parking of up to 25% of the total required spaces for the uses served by said parking. If adequate parking is not provided on the lot to satisfy the parking requirements, a recordable lease or easement of adequate duration must be provided to the Planning Board. Shared parking is not permitted for residential uses.

§_____ **Compact vehicle, tandem and valet parking.**

The requirements for compact vehicle, tandem, valet and parking are as follows:

- A. The Planning Board may authorize, as part of site plan review, the reduction of the size of a parking space for the purpose of accommodating compact vehicles, provided that the Planning Board determines that the size reduction of the parking spaces shall not create undue traffic congestion or unduly impair pedestrian's health, safety and welfare.
- B. For the purpose of this article, tandem "stacked" parking is prohibited for purposes of meeting the required number of minimum parking spaces for commercial uses and for multifamily dwellings of three (3) or more units. Notwithstanding, The Planning Board, as part of site plan review, may permit tandem parking for the purpose of providing visitor parking or supplementary parking spaces surpassing the provisions of § _____ Minimum off-street parking requirements.
- C. The Planning Board may grant a special permit for a parking lot designated for the exclusive use of a valet parking service. In its review of the valet parking request, the Planning Board may waive the minimum number of required spaces, the tandem parking restriction, access requirements, landscape design and other requirements of this by-law.

§ _____ Location of off-street parking.

The following are requirements for the location of off-street parking:

- A. No off-street parking shall be located between the street and the front facade of any new building facing the street except by special permit from the Planning Board. Single-family homes and two-family homes are exempt from these requirements.
- B. Parking shall be located to the rear or side of the building, accessible from the rear of the building, or under a building. Where parking is located behind buildings in a mixed-use development with additional buildings located to the rear of the site, a quadrangle effect should be created with parking, landscaping, and walkways.
- C. The Planning Board may grant a special permit for an alternative off-street parking plan, including a change in the front yard setback to the extent required to accommodate said parking, provided that the parking is screened from pedestrian view with appropriate building elements, buffer areas, landscaping features, or a combination thereof.
- D. Curb cuts for parking access shall not exceed 24 feet or 25% of the property's frontage, whichever is greater. Each site shall have only one curb cut per street frontage, except where it is deemed that more than one curb cut is necessary for emergency access purposes or to enhance the site. Curbing shall be vertical granite at the access drive radii.

§ _____ Buffer areas.

For the purposes of this article, off-street parking shall be buffered from adjacent land uses, as follows:

- A. Any off-street parking or storage area which abuts a residential district or residential overlay district shall be separated from the adjacent property by a ten-foot buffer area. The buffer shall be suitably landscaped and maintained so as to create an effective year-round visual screen at least six feet in height in order to insulate the residentially zoned land from the off-street parking area.
- B. At minimum, any off-street parking and loading area shall be separated from adjacent properties by a four-foot buffer area planted with grass or similar ground cover, or adjacent properties may be connected by a landscaped walkway. Where adjacent parcels agree to share a common parking area with a common entrance and exit, the Planning Board may approve eliminating the minimum four-foot buffer on all common property lines.

§_____ Landscaping.

Off-street parking areas shall be landscaped in accordance with Salisbury Planning Board's Rules and Regulations. For parking areas with at least 20 parking spaces, there shall be one (1) tree per every ten (10) parking spaces. Said trees shall be distributed throughout the parking area to provide shade as well as allow for traffic calming measures within the parking area.

§_____ Stormwater management.

The applicant must follow all local and state regulations pertaining to stormwater, allow for the settling of sediment and ensure the removal of grease, oil and other pollutants. The applicant is encouraged to utilize Low Impact Development (LID) design including but not limited to rain gardens, cisterns, and bio-retention swales.

§_____ Snow storage and removal.

For the purposes of this article, the following requirements shall be submitted to the Planning Board for approval as part of site plan review:

- A. A site plan indicating the location of snow storage areas, detailing the areas' square footage and an estimate of the amount of snow they are intended to accommodate.
- B. A snow removal plan detailing the procedures the property owner shall follow in the event the designated snow storage areas have reached their intended capacity.
- C. A site plan demonstrating the snow storage areas draining into a stormwater management system designed in compliance with the requirements pursuant to §_____. Stormwater Management.

§_____ Surface.

All parking areas shall have a firm surface including, but not limited to, bituminous concrete, gravel or crushed stone. The Planning Board, as part of site plan review, may waive this

requirement for parking areas that will only be used between May and November 1 or for areas that are intended to be used as overflow parking.

§ _____ Handicapped parking.

Every business, commercial, institutional, public and nonprofit use shall be in accordance with Massachusetts General Law Section 40 Chapter 21 for the number of required handicapped spaces and all handicapped spaces shall be designed in accordance with the current American National Standards Institute (ANSI) requirements, including but not limited to space markings and signage.

§ _____ Shared access to parking.

Notwithstanding any other provisions of this article, common parking areas may be permitted by the Planning Board, as part of site plan review, for the purpose of servicing two (2) or more principal uses on the same or separate lots, provided that:

- A. A proposed contract, agreement, or suitable legal instrument acceptable to legal counsel, shall be filed with the Planning Board specifying the location of all spaces to be jointly used, the number of such spaces, the hours during the day that such parking shall be available, and the duration or limit, if any on such parking.
- B. Any reduction in area required for parking because of these joint use provisions may be required as reserved landscaped open space.
- C. Nothing in this section shall relieve the owner from providing parking facilities in accordance with this article if subsequently the joint use of parking facilities shall terminate.

§ _____ Irregular spaces.

In the instance the applicant demonstrates hardship relating to the land's soil conditions, shape or topography and is unable to fulfill, whole or in part, the requirements pursuant to § _____ Size, the applicant may petition the Planning Board to reduce the size of the parking spaces. The Planning Board may grant a special permit to reduce parking size, provided that the Planning Board determines that the size reduction of the parking spaces shall not create undue traffic congestion or unduly impair pedestrian safety.

§ _____ Electrical Charging Stations.

A new parking lot, or reconfiguration of an existing parking lot shall provide at least 1 onsite electrical charging station. The Planning Board, as part of site plan review, may waive this requirement when the applicant presents adequate details demonstrating that it will not serve to meet the public's needs

§_____ **Maintenance.**

Parking lots are to be maintained as needed, including curbing, pavement, landscaping, lighting and clearly painted lines and crosswalks as well as kept free from litter. The Building Inspector shall be the authority on ensuring that parking lots are maintained in keeping with this by-law.

§_____ **Lighting.**

All parking lots shall be illuminated in a manner to insure public safety. Such lighting must be dark sky compliant. All parking lots greater than 15 spaces must provide a luminaire design which shows there will be no spillover on to adjacent properties.

§_____ **Severability.**

If any provision of this by-law is held invalid by a court of competent jurisdiction the remainder of the by-law shall not be affected thereby.

ARTICLE SEVENTEEN

To see if the Town will vote to authorize the Board of Selectmen to grant to the Massachusetts Electric Company a permanent easement for access and the transmission of high and low voltage electric current as part of an Underground Electric Distribution System in, through, under, over, across and upon a portion or portions of the parcel of Town-owned land located at 100 Lafayette Road, being more particularly shown on Town Assessors Map 22 as Lot 13; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

**Motion: Charles Takesian I move that Article Seventeen be approved as herein stated
Seconded & Carried**

A motion was made by Ronalee Ray-Parrott to waive the reading of Article Eighteen; the motion was seconded and carried.

ARTICLE EIGHTEEN

To see if the Town will vote to authorize the Board of Selectmen to acquire, by purchase, gift and/or eminent domain, for recreational trail purposes, the fee, long-term leases, permanent recreational trail easements, and temporary and/or permanent construction, drainage, utility and related easements as may be necessary or appropriate to construct and use a recreational trail in, on and under the portion or portions of the parcel of land identified on Assessor's Map 10-179 and approximately shown on a plan of land entitled "Site Development Plans for Oak Common, 138 Elm Street (Route 110) Salisbury, Massachusetts (Assessor's Map 10, Lot 179)", prepared for Kimberly Realty Trust, a copy of which is on file with the Town Clerk; and, further, to authorize the Board of Selectmen to enter into all agreements and execute any and all instruments as may be necessary or convenient to effectuate the foregoing purposes; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

**Motion: Wilma McDonald I move that Article Eighteen be approved as herein stated
Seconded & Carried**

ARTICLE NINETEEN

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

**Motion: Ronalee Ray-Parrott I move that the annual town meeting be adjourned
Seconded & Carried**

Moderator Klima declared the annual town meeting adjourned at 8:54 pm

Respectfully Submitted,

/s/: Melinda J. Morrison

**Melinda J. Morrison
Town Clerk
May 21, 2019**