

**MINUTES FOR THE ANNUAL FALL TOWN MEETING
OCTOBER 26, 2015
SALISBURY ELEMENTARY SCHOOL**

A quorum (125) being present, Moderator Jerry Klima called the Special Fall Town Meeting to order at 7:10 p.m. with the checklist showing 131 registered voters. The number of voters peaked at 160. There were 17 non-voters present: Donald Levesque, Terry Kyrios, Neil Harrington, Angeljean Chiramida, Elizabeth Pettis, Thomas McEnaney, John W. Morris, Scott Vanderwalle, Christine Lindberg, Christopher Farmer, Brian Forget, Samantha DiBacco, Kelly DiBacco, Lara Mooney, Brendan Downey, Steven Maher, and Diane Flaherty.

Josephine Kohan, Susan Tatro, and Liz Wood were checkers at the door aided by Assistant Town Clerk Lynne Karpenko. Reggie Santos and Brud Janvrin served as counters throughout the meeting.

ARTICLE ONE

To see if the Town will vote to transfer the sum of \$15,000.00 from the Police Department outside detail account to FY2016 budget line item number 0100.0210.5850 (Police Department – Vehicles – Capital Outlay) for the purpose of funding a portion of the first year cost of a three-year lease/purchase agreement for a new cruiser for the Police Department, including the cost of equipping said vehicle and all other 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: Freeman Condon I move that Article One be approved as herein stated
Seconded & Carried by unanimous vote**

ARTICLE TWO

To see if the Town will vote to authorize the Board of Selectmen, Board of Assessors and Town Manager to negotiate and enter into an agreement for Payment-in-Lieu-of-Taxes (PILOT), pursuant to the provisions of G.L. c. 59, §38H(b), and any other applicable law, between the Town and MA Solar Highway LLC or its affiliates, successors or assigns, for the solar facility installed, owned and operated by MA Solar Highway LLC on land located at 105 Rabbit Road in Salisbury (Assessors Map No. 18, Lot No. 2), upon such terms and conditions and for a term of years as the Board of Selectmen, Board of Assessors and Town Manager deem to be in the best interest of the Town; and further to authorize the Board of Selectmen, Board of Assessors and Town Manager to take such action as may be necessary to carry out the vote taken hereunder; 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 Two be approved as herein stated
Seconded & Carried by unanimous vote**

ARTICLE THREE

To see if the Town will vote to amend the vote taken under Article 3 of the May 18, 2015 Annual Town Meeting by increasing the total amount to be raised and appropriated from \$21,684,063.00 to \$21,808,832.00 to fund the FY2016 annual operating budget of the Town, which includes \$10,098,977.00 to pay the Town’s anticipated share of the Triton Regional School District’s operating budget for FY2016, calculated in accordance with Mass. General Law Chapter 70, Section 6; and further to amend its vote to adopt the FY2016 sewer enterprise fund budget by raising the additional amount of \$45,000.00 from departmental receipts and increasing said budget from \$1,996,491.00 to \$2,041,491.00; and to amend its vote to adopt the FY2016 water enterprise fund budget by raising the additional amount of \$95,000.00 from departmental receipts and increasing said budget from \$2,721,980.00 to \$2,816,980.00; and to further amend said budgets all in accordance with the attached departmental breakdown of these budgets; 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 Three be approved as herein stated
Seconded & Carried by unanimous vote**

ARTICLE FOUR

To see if the Town will vote to authorize the Selectmen to file a petition with the General Court for special legislation, as set forth below, which will grant the Town of Salisbury five additional annual licenses for the sale of all alcoholic beverages to be drunk on the premises under section 12 of Chapter 138; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court; and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of this petition; or to take any other action relative thereto.

AN ACT RELATIVE TO LIQUOR LICENSES WITHIN THE TOWN OF SALISBURY

Be it enacted by the Senate and House of Representatives in General Court, and by the authority of the same, as follows:

SECTION 1. (a) Notwithstanding the provisions of sections 17 and 17A of Chapter 138 of the General Laws, the licensing authority of the Town of Salisbury is hereby granted five additional annual licenses for the sale of all alcoholic beverages to be drunk on the premises pursuant to section 12 of said Chapter 138.

SECTION 2. This act shall take effect upon its passage.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

**Motion: Edwin Hunt I move that Article Four be approved as herein stated
Seconded & Carried by majority vote (2/3 vote needed and declared by the moderator)**

**Motion: Gilbert Medeiros I move to waive the reading of Article Five
Seconded and Carried**

ARTICLE FIVE

To see if the Town will vote amend Chapter 17 of the General Bylaws (Animals) by adding the following new article:

ARTICLE IV - Kennels

§17-7. Definition

KENNEL A pack or collection of dogs on a single premises, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel, or veterinary kennel, as defined in MGL c.140, §136A.

§17-8. Requirements and License Fees

- A. Kennel licenses are issued by the Town Clerk. The license period for kennels shall run from April 1 to March 31, inclusive of both dates. All owners and operators of kennels shall license such kennels annually by March 31 or shall be subject to a late fee stated in Chapter 17, §17-3 of the Town Bylaws.
- B. No Kennel License shall be issued or renewed until the premises have been inspected and approved by the Animal Control Officer.
- C. All owners and operators of kennels must operate said kennels in accordance with MGL c.140, §§137A through 137C.
- D. No Commercial Boarding or Training Kennel, Commercial Breeder Kennel, or Veterinary Kennel Licenses shall be issued unless the applicant demonstrates compliance with any other applicable laws concerning the operation of a business or commercial enterprise from the subject premises.
- E. Fees.
 - (1) Personal kennel
 - (a) Two to four dogs: \$40
 - (b) Five to nine dogs: \$60
 - (c) Ten or more: \$100
 - (2) Commercial boarding or training kennel: \$100
 - (3) Commercial breeding kennel: \$100
 - (4) Veterinary kennel: \$100
 - (5) Domestic charitable corporation kennel: exempt

or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Henry Richenburg I move that Article Five be approved as herein stated

Seconded & Carried by unanimous vote

ARTICLE SIX

To see if the Town will vote to approve the \$4,000,000 debt authorized by vote of the Triton Regional School District to pay costs of renovating the Triton Stadium, including the payment of all costs incidental and related thereto; provided, however, that it is the intent of the Town that any grants, gifts and other funds received by the District on account of this project, which are expected to total approximately \$800,000, shall be applied to the costs thereof and the total borrowing reduced accordingly; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee voted, 3 yes 1 no, to recommend approval

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

Seconded & Carried

ARTICLE SEVEN

To see if the Town will vote to authorize the Treasurer to borrow the sum of \$1,000,000.00 in accordance with General Laws Chapter 44, Section 7, or any other enabling authority, for the purpose of funding the construction of Well #8, said funds to supplement the sum of \$800,000.00 previously authorized for this purpose under Article 21 of the May 14, 2012 Special Town Meeting and the sum of \$700,000.00 previously authorized for this purpose under Article 25 of the May 19, 2014 Annual Town Meeting, and to authorize the Board of Selectmen to execute any instruments and take any other action necessary to effectuate the vote taken hereunder; provided, however, that such sums are to be reduced by the receipt of any applicable grant funds from the U.S. Department of Agriculture for this project; 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 Seven be approved as herein stated

Seconded & Carried by unanimous vote (2/3 majority vote required)

ARTICLE EIGHT

To see if the Town will vote to authorize the Treasurer to borrow the sum of \$400,000.00 in accordance with General Laws Chapter 44, Section 7, or any other enabling authority, for the purpose of funding all costs incidental and related to the reconstruction or replacement of the existing culvert and the construction of a new culvert at Town Creek, said funds to supplement the sum of \$1,200,000.000 previously authorized for this purpose under Article 18 of the May 16, 2011 Annual Town Meeting, and to authorize the Board of Selectmen to execute any instruments and take any other action necessary to effectuate the vote taken hereunder; provided, however, that said sum is to be reduced by the receipt of any applicable grant funds from the Commonwealth of Massachusetts for this project; 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 Eight be approved as herein stated

Seconded & Carried by unanimous vote (2/3 majority vote required)

ARTICLE NINE

To see if the Town will vote to amend Chapter 86 of the Town’s general bylaws by deleting §86-7(A) in its entirety and inserting in place thereof the following:

A. In order to protect and enhance public safety by reducing the risk of fire hazard, the provisions of the Code of Massachusetts Regulations (CMR) 527 CMR 1.00, et seq., the Massachusetts Comprehensive Fire Code, as from time to time amended, are hereby incorporated in and made a part of this bylaw, and any violation of any provision thereof shall constitute a violation of this section.

or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Edwin Hunt I move that Article Nine be approved as herein stated

Seconded & Carried by unanimous vote

ARTICLE TEN

To see if the Town will vote to transfer the care, custody, management and control of the parcel of land identified on Town Assessors Map No. 19 as Lot No. 108 (which lot was formerly identified on Town Assessors Map No. 19 as Lot No. 268, but has since been combined with the parcel shown on Town Assessors Map No. 19 as Lot No. 108), from the Treasurer/Collector for tax title purposes to the Board of Selectmen for general municipal purposes and for the purpose of conveyance, and to authorize the Board of Selectmen to convey all its right, title and interest in said parcel or portions thereof, on such terms and for such consideration as the Selectmen shall deem proper; or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

Motion: Henry Richenburg I move that Article Ten be approved as herein stated

Seconded & Carried by unanimous vote (2/3 majority vote required)

ARTICLE ELEVEN

To see if the Town will vote to authorize the payment of the sum of \$500.00 from FY2016 budget line item number 0100.0210.5235 (Police Department - Vehicle Repair and Maintenance) for the purpose of paying the balance of an unpaid police vehicle repair bill from FY2015; 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 Eleven be approved as herein stated

Seconded & Carried by unanimous vote (4/5 vote required)

ARTICLE TWELVE

To see if the Town will vote to authorize the Treasurer to borrow the sum of \$925,000.00 in accordance with General Laws Chapter 44, Section 7, or any other enabling authority, for the purpose of funding the upfront costs of constructing a boardwalk at Salisbury Beach, the cost of which may be reimbursed by an Innovation Grant from the Mass. Seaport Economic Council, provided that expenditure of such funds shall be contingent upon the Town being awarded such grant, and further to authorize the Board of Selectmen to execute any instruments and take any

other action necessary to effectuate the vote taken hereunder; 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 Twelve be approved as herein stated
Seconded & Carried by unanimous vote (2/3 majority vote required)**

**Motion: Charles Takesian I move to waive the reading of Article Thirteen
Seconded and Carried**

ARTICLE THIRTEEN

To see if the Town will vote to amend the Town's zoning bylaw by adding the following Article XXIV, "Lafayette-Main Commercial District."

Article XXIV. Lafayette-Main Commercial District

300-157. Purposes

The purposes of the Lafayette-Main Commercial District are 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 residents and visitors; and to create attractive, organized activity centers on Lafayette Road and Main Street.

In the Lafayette-Main Commercial District, no structure shall be erected or altered and no building, structure, premises, or land shall be used for any purpose or in any manner other than as permitted in this Article XXIV, except as provided in Article V of this bylaw.

300-158. District Boundaries

The boundaries of the Lafayette-Main Commercial District, consisting of LM, and subdistricts LM-A, LM-B, LM-C, and LM-D, shall be as shown on a map titled "Lafayette-Main Commercial District," dated September 16, 2015, which is hereby incorporated in and made part of this Bylaw.

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 Section 300-5.

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, Vertical. As defined in Section 300-82.3.

Mixed-Use Development, Horizontal. As defined in Section 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 following use regulations shall apply in the Lafayette-Main Commercial District.

Use	LM	Subdistricts			
		LM-A	LM-B	LM-C	LM-D
Exempt, Community, and Agricultural Uses					
Uses exempt under M.G.L. c. 40A, Sec. 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	P	P	P	P	P
Non-Exempt Agriculture, horticulture, floriculture (under five acres)	P	----	----	----	----
Residential Uses					
Detached dwelling. (In Subdistrict B, allowed only in a Mixed Residential Development under Section 300-162)	P	----	PB	----	P
Multifamily dwelling	PB	----	P ¹	PB	P
Accessory uses					
Home occupation	P	----	P	----	P
Accessory apartment	P	----	P	----	P
Bed & breakfast	P	----	P	----	P
Nonresidential Uses					
Vertical mixed-use development	P	----	P	P	P
Horizontal mixed-use development	PB	----	PB	PB	P

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

Use	LM	Subdistricts			
		LM-A	LM-B	LM-C	LM-D
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					
Retail store, up to 10,000 sq. ft. gross floor area	P	P	P	P	P
Retail store, over 10,000 sq. ft. gross floor area	PB	P	PB	P	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	-----
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
Fish, shellfish, food processing, and wholesale sale	----	-----	-----	P	-----
Bank	P	P	P	P	-----
Business or professional office, excluding medical office	P	P	P	P	P
Medical office or medical clinic	P	P	P	P	P
Hotel or motel	-----	P	PB	PB	-----
Personal service, such as a beauty salon or barber shop, dry cleaning and pressing or tailor shop	P	P	P	P	P
Bicycle shop, small appliance repair	P	-----	P	P	-----
Renting/leasing of vehicles, equipment, household, and functional supplies	----	PB	PB	PB	----
Commercial amusements, such as cinema or live theatre, video arcade, bowling alley	-----	PB	PB	PB	-----
Indoor recreation, such as a gym, indoor pool, tennis court	-----	P	P	P	-----
Self-Storage Facility	P	----	----	----	----
Gas station, no convenience store	-----	PB	-----	PB	-----

²Allowed 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 percent of the total gross floor area in the development.

Use	LM	Subdistricts			
		LM-A	LM-B	LM-C	LM-D
Gas station with convenience store	-----	PB	-----	PB	-----
Wholesale trade	-----	-----	-----	PB	-----
Large-scale solar photovoltaic installations	PB ³	-----	-----	-----	-----
On-site solar photovoltaic installations	PB	-----	PB	PB	-----
On-site wind energy facility	-----	-----	PB	PB	-----

300-161. Special Permits

- A. The Planning Board shall be the Special Permit Granting Authority for uses in the Lafayette-Main Commercial District.
- B. The Planning Board shall impose conditions in its decision as necessary to ensure compliance with the purposes of this Article XXIV. Approval of a project shall be conditioned to provide that no further division of land which increases the number of lots or units or results in any alteration of the area to be set aside as open space may occur without a modification of the Special Permit.

300-162. Mixed Residential Development (MRD) in Subdistrict LM-B

Mixed Residential Development (MRD) may be allowed in LM-B by Special Permit in accordance with this Section 300-162. The purpose of MRD is to provide for a mix of residential uses in order to create housing choices and promote compact neighborhoods within walking distance of goods and services, and limit site disturbance for environmental and economic reasons.

- A. To be eligible for an MRD Special Permit, the proposed site shall be a tract of land with two or more acres and at least 50 feet of frontage on Lafayette Road. However, the Planning Board may waive the minimum frontage requirement if access to the MRD will be via a shared access drive with a commercial or mixed use development facing Lafayette Road. Such shared access shall be contingent upon an easement or other legally enforceable restriction recorded with the deed and approved by the Planning Board following review by Town Counsel.
- B. Each MRD shall include two classes of residential use: detached single-family dwellings and units in multifamily dwellings. Neither class of residential use shall comprise less than 30 percent of the total number of units in the development. In the instance of a fraction, the maximum number of units in a use class may be rounded up to the next whole number.
- C. No dwelling units in an MRD shall be located within 200 feet of the Lafayette Road right-of-way line.

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.

D. Open Space. At least 30 percent of the land in the MRD shall be open space protected in perpetuity under the provisions of this Article XXIV and M.G.L. c. 40A, Section 9. Such open space shall, to the maximum extent practical as determined by the Planning Board, conform to the requirements of Section 300-52 of this Bylaw. For an MRD served by public sewer, at least 40 percent of the site shall be protected open space.

E. Net Developable Area. For purposes of determining the maximum amount of development that may be approved for an MRD, the following calculation of Net Developable Area shall apply:

Total site area (in acres) *minus* the sum of 50 percent of the wetlands area on the site, as determined by the Salisbury Conservation Commission; *minus* 10 percent of the site for roads and utilities. The net land available following application of this formula shall be the Net Developable Area of the site.

F. Maximum Density. The maximum number of dwelling units in the MRD shall be determined as follows. Land counted toward one class of residential use shall not be counted toward any other class of use.

(1) Detached single-family dwelling: one unit per ¼ acre of Net Developable Area.

(2) Multifamily dwelling: six units per acre of Net Developable Area.

The above-listed standards shall be used only for the purpose of determining maximum gross density on an MRD site. They shall not be construed as minimum lot area requirements.

G. Open Space Residential Cluster Design. To protect natural features of the land and encourage creative site planning, the Planning Board may reduce or waive the minimum lot frontage and minimum side and rear setback requirements in Section 300-163 for lots within the MRD if it determines that doing so will not derogate from the purposes of the Lafayette-Main Commercial District. Similarly, the Planning Board may approve a reduction in lot area for individual single-family dwellings as long as the maximum density on the site conforms to Section 300-163F.

H. Application for a Special Permit shall be in accordance with the Planning Board's rules and regulations. In addition, the Special Permit application shall include evidence that the proposed MRD has been designed in accordance with Section 300-48 and applicable design standards for Flexible Residential Development (FRD) adopted by the Planning Board under Section 300-53 of this Bylaw.

I. Decision Criteria. The Planning Board may grant a Special Permit for an MRD after considering the following criteria:

(1) Whether the MRD facilitates construction and maintenance of streets, housing, utilities, and public services in an economical manner;

(2) Whether the MRD promotes permanent protection of open space and, where possible, provides for linkages with adjoining open space and recreation amenities;

- (3) Whether the MRD provides for a mix of housing and housing affordability;
- (4) Whether the proposed housing, landscaping, and streetscape are in harmony with the Town’s architectural heritage and historic character; and
- (5) Whether the MRD provides for safe pedestrian connectivity with nearby commercial and public uses.

J. Relationship to Subdivision Control. A subdivision is not required for an MRD, but an MRD that involves a subdivision shall be submitted to the Planning Board in accordance with the Planning Board’s Rules and Regulations of Subdivision Control. To the extent possible, the Planning Board will consider the Special Permit and subdivision plan together, simultaneously, if requested by the applicant, subject to the different review and decision periods established by state law.

300-163. Density and Dimensional Regulations

Except as provided in Section 300-162, no building or structure shall be built or shall any existing building or structure be enlarged except in conformance with the density and dimensional regulations set forth in this Section 300-163. For purposes of this Section 300-163, a mixed-use development shall be subject to the minimum setback requirements for a commercial or nonresidential use.

	Subdistricts					
	LM	LM-A	LM-B	LM-C	LM-D	
Minimum Lot Area (acres)	1/2	2/3	1/2 ⁴	1/2	1/4 ⁵	
Minimum Lot Frontage	100 feet	150 feet ⁶	100 feet	100 feet	100 feet	
Minimum Front Setback ⁷	30 feet	30 feet	20 feet	20 feet	20 feet: nonresidential 30 feet: residential	
Maximum Front Setback	50 feet	50 feet	40 feet	40 feet	40 feet	
Minimum Side Setback	Com /Co m	Com /Res 30	15 feet	15 feet	15 feet	10 feet

⁴Except that for a Mixed Residential Development (MRD) in LM-B, maximum density for residential uses shall be determined in accordance with Section 300-162.

⁵ One dwelling unit shall be allowed for every 10,000 square feet of Net Developable Area in LM-D.

⁶ Minimum lot frontage may be reduced to 100 feet in LM-A when two or more adjoining lots are served by a joint or cross-access service drive. Planning Board approval of joint or cross-access and associated reduction in frontage shall be contingent upon an easement recorded with the deed for the lot providing cross access and a declaration granting access rights to the main road for adjoining lots served by the joint access drive once it is completed.

⁷In its discretion, the Planning Board may grant a special permit to reduce the minimum front setback if it determines that strict compliance with this Section 300-163 is impractical due to physical or natural constraints on the lot and if such waiver will further the purposes of this Article XXIV.

	Subdistricts				
	LM	LM-A	LM-B	LM-C	LM-D
	20				
Minimum Rear Setback ⁸	20 feet	25 feet	20 feet	25 feet	20 feet
Maximum Building Height	35 feet	60 feet	45 feet ⁹	45 feet	35 feet
Maximum Building Stories	---	4	3	3	2.5
For nonresidential uses only:					
Minimum Open Space % Lot Area ¹⁰	15%	15%	20%	10%	10%

300-164. Off-Street Parking and Loading.

- A. For purposes of this Article XXIV, an off-street parking space is an all-weather, surfaced area having a width of not less than nine (9) feet and a length of not less than eighteen (18) feet.
- B. Minimum Off-Street Parking Requirements. Development in the Lafayette-Main Commercial District shall provide off-street parking in accordance with the following schedule of parking spaces. Where fractional spaces result, the required number of parking spaces shall be construed to be the next highest whole number.
- (1) Residential uses: for a studio or one-bedroom dwelling unit, one parking space; for a dwelling unit with two or more bedrooms, two spaces.
 - (2) Bed and breakfast: 1 space per guest room plus two spaces for the owner-occupants of the residence.
 - (3) Retail uses: 3 spaces per 1,000 square feet of gross floor area, except that in a building with two or more commercial tenants, no parking shall be required for one individual retail store with less than 1,000 square feet of gross floor area.
 - (4) Restaurant: 1 space per four three seats or 1 space per 50 sq. ft. of public floor area (i.e., area reserved for actual consumption of food and beverages by the general public), whichever is greater.
 - (5) Personal service establishment: 1 space per 350 sq. ft. gross floor area.
 - (6) Professional or business office, bank or post office: 3 spaces per 1,000 sq. ft. gross floor area for first-floor offices, and 2 spaces per 1,000 sq. ft. gross floor area for upper-story offices.

⁸For a commercial or mixed-use development in the LM-B Subdistrict, no nonresidential structure shall be located closer than 50 feet to an existing residential use, and in a Mixed Residential Development, no dwelling shall be closer than 50 feet to a nonresidential use or mixed-use structure.

⁹For detached single-family dwellings in LM-B, maximum building height shall be 35 feet.

¹⁰Open Space as defined in Section 300-82.3. At least 50 percent of the open space shall be landscaped open space located in front of or on the side of the building on the lot (or the building closest to the street, for lots with multiple buildings). The percentage of wetlands included in the open space shall not exceed the percentage of wetlands in the entire development site.

- (7) Medical office: 1 space per 200 sq. ft. gross floor area.
 - (8) Hotel or motel: 1 space per sleeping room, and 1 space for every 3 employees on the largest shift.
 - (9) For a use not specifically listed in this Section, the minimum required number of off-street parking spaces shall be as determined by the Building Inspector based on a listed use with similar characteristics of parking demand generation.
- C. Through Site Plan Review, the Planning Board may authorize a reduction in parking of up to 25 percent of the total required spaces for abutting properties with shared access and shared parking that is subject to a legally enforceable agreement or restriction.
- D. Location of Off-Street Parking. The following requirements shall apply to any new commercial or mixed-use building with more than 2,500 sq. ft. of gross floor area.
- (1) No off-street parking shall be located between the street sideline and the front façade of any new commercial or mixed-use building facing the street except by Special Permit from the Planning Board. The maximum number of spaces that may be allowed in front of the building shall not exceed 15 percent of the total number of spaces required for the proposed use(s) on the site or, in the case of an amendment to a Special Permit, not more than 15 percent of the total number of spaces required for existing and proposed uses combined. In granting a Special Permit hereunder, the Planning Board may authorize an increase in the maximum front yard setback to accommodate said parking, provided that the parking is screened from pedestrian and street views with appropriate building elements or landscaping features, such as a landscaped berm, or a combination thereof.
 - (2) Parking for commercial uses or dwelling units above ground-floor commercial structures shall be located to the rear of the building or to the side, but no closer to the street than the front building line; or within a building at grade, 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.
- E. Buffer Areas. Off-street parking shall be buffered from adjacent land uses, as follows:
- (1) Any off-street parking or storage area which abuts a Residential District shall be separated from the adjacent property by a ten (10) foot buffer area. The buffer shall be suitably landscaped and maintained so as to create an effective year-round visual screen at least six (6) feet in height in order to insulate the residentially zoned land from the off-street parking area.
 - (2) At minimum, any off-street parking and loading area shall be separated from adjacent properties by a four (4) 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 a joint or cross access drive and shared parking, the Planning Board

may approve eliminating the minimum four (4) foot buffer on all common property lines. No buffer area shall be required for a one-family detached dwelling.

(3) Landscaping. Off-street parking areas shall be landscaped in accordance with Planning Board rules and regulations.

300-165. Lafayette-Main Design Guidelines

The Planning Board shall adopt rules and regulations to administer this Article XXIV consistent with the provisions of Article XVIII, §300-118 (a) of this Bylaw. Such guidelines may include any or all of the following criteria:

- A. Building placement and orientation;
- B. Open space and natural features;
- C. Pedestrian, bicycle, and vehicular circulation;
- D. Water quality;
- E. Stormwater;
- F. Utilities, exterior lighting, parking, and snow removal;
- G. Trees (including removal of existing trees) and landscaping;
- H. Signage; and
- I. Safety.

or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to waive the reading of the Article
Warrant Advisory Committee unanimously voted to recommend approval

Planning Board unanimously recommended the article.

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

Seconded

Motion: Charles Takesian I move to amend Article Thirteen by deleting the words in “Section 300-163F” at the end of Section 300-162G and inserting in place thereof the following: “300-162G.”

Seconded and Carried

Main motion as amended seconded & carried by a hand count of YES-112 NO-3
(2/3 majority vote needed)

ARTICLE FOURTEEN

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

Motion: Michael Gilbert I move to adjourn the meeting
Seconded & Carried

Moderator Klima declared the meeting adjourned at 8:30 pm

Respectfully Submitted

Melinda J. Morrison
Town Clerk
October 27, 2015