

**Minutes for the Annual Fall Town Meeting
October 23, 2017
Salisbury Elementary School**

A quorum (125) being present, Moderator Jerry Klima called the Town Meeting to order at 7:17 p.m. with the checklist showing 142 registered voters. There were 13 non-voters present: Lisa DeMeo, Terry Kyrios, Jim Sullivan, Elizabeth Pettis, Thomas McEnaney, John W. Morris, Cheryl Gorniewicz James Ryan, Scott Vandewalle, Karen Snow, Scott Carrigan, Anthony King, and Emily White.

Josephine Kohan, Catherine Clinch, and Susan Tatro were checkers at the door with Assistant Town Clerk, Lynne Karpenko, assisting. Reggie Santos and Brud Janvrin served as counters throughout the meeting.

ARTICLE ONE

To see if the Town will vote to amend the vote taken under Article 3 of the May 15, 2017 Annual Town Meeting by decreasing the total amount to be raised and appropriated from \$25,135,074.00 to \$25,035,074.00 to fund the FY2018 annual operating budget of the Town, which includes \$11,050,927.00 to pay the Town's anticipated share of the Triton Regional School District's operating budget for FY2018, calculated in accordance with Mass. General Law Chapter 70, Section 6, and in accordance with the attached departmental breakdown of the budget; 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 One be approved as herein stated
Seconded & Carried Unanimously**

ARTICLE TWO

To see if the Town will vote to transfer the sum of \$8,000.00 from Free Cash to FY2018 budget line item number 0100.0413.5850 (DPW – Capital Outlay – Vehicles) for the purpose of purchasing and equipping a landscaping trailer for the Department of Public Works; 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**

ARTICLE THREE

To see if the Town will vote to transfer the sum of \$3,000.00 from Free Cash to FY2018 budget line item number 0100.0413.5240 (DPW – Building Repairs and Maintenance) for the purpose of purchasing and installing two garage bay openers for the DPW headquarters building; 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
stated
Seconded & Carried

I move that Article Three be approved as herein

ARTICLE FOUR

To see if the Town will vote to transfer the sum of \$3,000.00 from Free Cash to FY2018 budget line item number 0100.0434.5294 (DPW Landfill – Hazardous Waste Day) for the purpose of conducting a Household Hazardous Waste day at DPW headquarters; 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
stated

I move that Article Four be approved as herein

Seconded & Carried

ARTICLE FIVE

To see if the Town will vote to transfer the sum of \$45,000.00 from Free Cash to FY2018 budget line item number 0100.0413.5850 (DPW – Capital Outlay – Vehicles) for the purpose of purchasing and equipping a new Ford F-350 truck for the Department of Public Works; 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
stated

I move that Article Five be approved as herein

Seconded & Carried

ARTICLE SIX

To see if the Town will vote to transfer the sum of \$150,000.00 from Free Cash to FY2018 budget line item number 0100.0413.5830 (DPW – Capital Outlay – Street Improvements) for the purpose of completing street improvement projects on Pleasant Street and Seabrook Road, including all incidental and related costs; 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
stated

I move that Article Six be approved as herein

Seconded & Carried

ARTICLE SEVEN

To see if the Town will vote to transfer the sum of \$24,000.00 from Water Enterprise Fund Retained Earnings to FY2018 budget line item number 7000.0450.5830 (Water Enterprise Fund – Capital Outlay - Infrastructure) for the purpose of repaving the driveway at the Batt Hill water tank; 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

ARTICLE EIGHT

To see if the Town will vote to amend the vote taken under Article 10 of the May 15, 2017 Special Town Meeting regarding the relocation of a SCADA monitoring system from the former Police Station building located at 24 Railroad Avenue by changing the site to which the system will be relocated, from 228 Beach Road (Assessors Map No. 32, Lot #52) to 12 Murray Street (Assessors Map No. 31, Lot #39); 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 Eight be approved as herein stated
Seconded

Motion: Ronalee Ray-Parrott I move to amend Article Eight by replacing “12 Murray Street (Assessors Map NO. 31, Lot#39)” with “the intersection of Ancient Way and Murray Street as shown on a plan dated October 23, 2017 prepared by Millenium Engineering, Inc. showing monuments found and set; the plan made available at Town Meeting.”
Seconded & Carried

Main Motion as amended carried unanimously

ARTICLE NINE

To see if the Town will vote to transfer the sum of \$40,000.00 from Free Cash to FY2018 budget line item number 0100.0220.5240 (Fire Department – Building Repair and Maintenance) for the purpose of remodeling a portion of the Fire Department Headquarters on Lafayette Road, including all incidental and related costs; 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 Nine be approved as herein stated
Seconded & Carried

ARTICLE TEN

To see if the Town will vote to transfer the sum of \$130,000.00 from Free Cash to FY2018 budget line item number 0100.0220.5111 (Fire Department – Personal Services – Firefighters/Permanent) for the purpose of funding a new staffing plan for the Fire Department; 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

ARTICLE ELEVEN

To see if the Town will vote to transfer the sum of \$10,000.00 from Free Cash to FY2018 budget line item number 0100.0124.5279 (Central Services – Computer Hardware) for the purpose of purchasing a new telephone server for Town Hall, including any hardware, software and other incidental or related costs; 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 Eleven be approved as herein stated

Seconded & Carried

ARTICLE TWELVE

To see if the Town will vote to transfer the sum of \$17,250.00 from Free Cash to FY2018 budget line item number 0100.0161.5230 (Town Clerk – Equipment Repair and Maintenance) for the purpose of purchasing new voting machines for the Town; 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

ARTICLE THIRTEEN

To see if the Town will vote to transfer the sum of \$10,000.00 from FY2018 budget line item number 0100.0150.5123 (Planning Department – Planning Shared Services) to FY2018 budget line item number 0100.0141.5119 (Assessor – Personal Services – Clerical) for the purpose of providing temporary staffing to enhance the efficiency of the Assessor's office; 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 Thirteen be approved as herein stated

Seconded & Carried

ARTICLE FOURTEEN

To see if the Town will vote to transfer the sum of \$15,000.00 from Free Cash to FY2018 budget line item number 0100.0123.5305 (Town Manager – Consulting Fees) for the purpose of funding the costs of an appraiser and expert real estate appraisal services relative to the Town's appeal of the Commissioner of Revenue's valuation of State

Owned Land located in the Town to the Appellate Tax Board; 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

ARTICLE FIFTEEN

To see if the Town will vote to transfer the sum of \$53,000.00 from Free Cash to FY2018 budget line item number 0100.0210.5815 (Police Department – Capital Outlay - Equipment) for the purpose of purchasing and installing six new parking kiosks and related signage at Salisbury Beach, including all incidental and related costs; 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 Fifteen be approved as herein stated

Seconded & Carried

ARTICLE SIXTEEN

To see if the Town will vote to transfer the sum of \$55,000.00 from Free Cash to FY2018 budget line item number 0100.0210.5118 (Police Department – Dispatchers) for the purpose of funding the cost of additional dispatching services at the Town's police station through the remainder of the fiscal year; 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 Sixteen be approved as herein stated

Seconded & Carried Unanimously

ARTICLE SEVENTEEN

To see if the Town will vote to transfer the sum of \$15,000.00 from Free Cash to FY2018 budget line item number 0100.0124.5810 (Central Services – Equipment) for the purpose of purchasing additional GIS software licenses for the Town; 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 Seventeen be approved as herein stated

Seconded & Carried

ARTICLE EIGHTEEN

To see if the Town will vote to transfer the sum of \$4,000.00 from Free Cash to FY2018 budget line item number 0100.0241.5275 (Building Inspector – Purchase of Services - Software Maintenance/Support) for the purpose of purchasing additional software

licenses for the Town's permitting software program; 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-Parrot I move that Article Eighteen be approved as herein stated
Seconded & Carried**

ARTICLE NINETEEN

To see if the Town will vote to transfer the sum of \$150,000.00 from Free Cash to FY2018 budget line item number 0100.0123.5305 (Town Manager – Consulting Fees) for the purpose of funding the Town's share of a U.S. Army Corps of Engineers study of possible solutions for coastal erosion problems on Salisbury Beach, pursuant to the federal Hurricane and Storm Damage Reduction Program (Section 103 of the 1962 River and Harbor Act); 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 Nineteen be approved as herein stated
Seconded**

Motion: Ronald Guilmette I move to replace the entire article with the following:

“To request the Department of conservation and Recreation to fund \$150,000.00 from the Salisbury Beach Reservation Trust Fund for the purpose of funding the Town's share of a U.S. Army Corps of Engineers study of possible solutions for coastal erosion problems on Salisbury Beach, pursuant to the federal Hurricane and Storm Damage Reduction Program (Section 103 of the 1962 River and Harbor Act); or to take any other action relative thereto.”

Seconded and unanimously defeated

Main Motion was carried by majority

ARTICLE TWENTY

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow the sum of \$650,000, and to authorize the Treasurer, with approval of the Board of Selectmen, to borrow said funds under G.L. c. 44, §§7, 8C, 12, or any other enabling authority, and further, that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any 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 G.L. c.44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, for the purpose of installing, improving and/or rehabilitating the parcels of land shown on Assessors Map 22 as Parcels 20 and 21 and recreational facilities thereon, which parcels are also shown on a plan of land entitled “Partridge Brook Park Phase II Conceptual Plan,” prepared by

W. C. Cammett Engineering, dated July 2017, a copy of which is on file with the Town Clerk, and to dedicate and designate said parcels for active and passive recreational purposes in perpetuity under the provisions of G.L. c. 45, §3 and to transfer care, custody and control of said parcels from the tax title custodian for purposes of sale at auction to the Parks and Recreation Commission for active and passive recreational purposes; and further, to authorize the Board of Selectmen to file and accept, on behalf of the Town of Salisbury, any and all applications for grants and/or reimbursements from the Commonwealth of Massachusetts, including, without limitation, under the Parkland Acquisitions and Renovation for Communities (PARC) Program, and/or any other state or federal programs in any way connected with the scope of this article, and to enter into all agreements and execute any and all instruments as may be necessary or convenient to affect such project; 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 Twenty be approved as herein stated

Seconded

Motion: Ronalee Ray-Parrott I move to amend Article Twenty by deleting the following words in line one “raise and appropriate, transfer from available funds and/or”

Seconded and carried

Main motion as amended carried unanimously (Needed a 2/3 vote)

Charles Takesian made a motion to waive the reading of Article Twenty-One; the motion was seconded and carried

ARTICLE TWENTY-ONE

To see if the Town will vote to amend the Town’s Zoning Bylaw by adding a new Section, entitled “Temporary Moratorium on Recreational Marijuana Establishments,” that would provide as follows, and further to amend the Table of Contents to add a new Section entitled “Temporary Moratorium on Recreational Marijuana Establishments.”

A. Purpose

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016, Chapter 351 of the Acts of 2016, and thereafter on July 28, 2017 by Chapter 55 of the Acts of 2017) requires a Cannabis Control Commission to issue regulations regarding the

licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses on April 1, 2018.

Currently under the Zoning Bylaw, a non-medical Marijuana Establishment (hereinafter, a "Recreational Marijuana Establishment"), as defined in G.L. c. 94G, §1, is not specifically addressed. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of Recreational Marijuana Establishments. The regulation of recreational marijuana raises novel legal, planning, and public safety issues, and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments so as to allow sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.

B. Definition

"Recreational Marijuana Establishment" shall mean a "marijuana cultivator, independent testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business."

C. Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through December 31, 2018 or until such time as the Town adopts Zoning Bylaw amendments that regulate Recreational Marijuana Establishments, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, and to consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning Bylaws in response to these new issues.

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

Motion: Charles Takesian I move that Article Twenty-One be approved as herein stated

Seconded & Carried by a hand count vote of 92 YES and 21 NO

(2/3 vote needed)

Charles Takesian made a motion to waive the reading of Article Twenty-Two; the motion was seconded and carried.

ARTICLE TWENTY-TWO

To see if the Town will vote to amend the Zoning Bylaw by amending Article XIX, Wireless Communications Facilities, by deleting the language shown in strikethrough and adding the bold underlined language as follows:

ARTICLE XIX **Wireless Communications Facilities**

§ 300-121. Purpose.

The purpose of this article is to:

- A. Minimize the adverse impacts of wireless communication facilities (hereinafter "WCF") on adjacent properties and residential neighborhoods;
- B. Minimize the overall number and height of such facilities to only what is essential;
- C. Promote shared use of existing facilities to reduce the need for new ones;
- D. Encourage the most appropriate use of the land and to guide sound development while promoting the health, safety and general welfare of the Town; and
- E. Establish districts in which WCF's may be located.

§ 300-122. Wireless Communication Districts.

Wireless communication facilities may only be located in the Town of Salisbury in accordance with this bylaw. To achieve the above purpose, this section establishes the following Wireless Communication Districts:

- A. Wireless Communication District A. This overlay district consists of all land located in the Light Industrial District (I), and the following parcels located in the Low-Density Residential District (R1), Medium-Density Residential District (R2) and Beach Commercial District, as shown on the Official Zoning Map for the Town of Salisbury: Assessor's Map 28, Lots 5 and 56 and Assessor's Map 30, Lot 1. Within this district all of the requirements of the underlying zoning district(s) continue to apply, with the exception of the maximum height allowance, which is established in § 300-123 of this bylaw. The following additional uses shall be allowed:
 - 1. Indoor WCF's allowed as of right subject to the dimensional requirements and performance and design standards of this article;

2. Building-mounted WCF's, allowed subject to site plan review from the Planning Board and the dimensional requirements and performance and design standards of this article;
 3. New freestanding WCF's, lattice or monopole types, allowed subject to a special permit and site plan review from the Planning Board and subject to the dimensional requirements and performance and design standards of this article.
 4. **One new attachment WCF, small cell type, allowed subject to site plan review from the Planning Board and subject to the dimensional requirements and performance and design standards of this article;**
 5. **More than one new attachment WCF, small cell type, allowed subject to special permit and site plan review from the Planning Board and subject to the dimensional requirements and performance and design standards of this article.**
- B. Wireless Communication District B. This district consists of the Low-Density Residential District (R1) and the Commercial (C) District, **Commercial 4 (C-4) District, Lafayette-Main (LM-A) Subdistrict A, Lafayette-Main (LM-B) Subdistrict B, Lafayette-Main (LM-C) Subdistrict C, Lafayette-Main (LM-D) Subdistrict D, and Lafayette-Main Commercial** as shown on the Official Zoning Map for the Town of Salisbury. Within this district all of the requirements of the underlying zoning district(s) continue to apply, with the exception of the maximum height allowance, which is established in § 300-123 of this bylaw. The following additional uses shall be allowed:
1. Indoor WCF's allowed as of right subject to the dimensional requirements and performance and design standards of this article;
 2. Building-mounted WCF's allowed subject to site plan review from the Planning Board and the dimensional requirements and performance and design standards of this article;
 3. Monopoles allowed subject to a special permit and site plan review from the Planning Board and subject to the dimensional requirements and performance and design standards of this article.
 4. **One new attachment WCF, small cell type, allowed subject to site plan review from the Planning Board and subject to the dimensional requirements and performance and design standards of this article.**
 5. **More than one new attachment WCF, small cell type, allowed subject to special permit and site plan review from the Planning Board and**

subject to the dimensional requirements and performance and design standards of this article.

- C. Wireless Communication District C. This overlay district consists of all of the Beach Commercial, Commercial 2, and Commercial 3 Zoning Districts and the following parcel located in the Medium-Density Residential District (R2) as shown on the Official Zoning Map of the Town of Salisbury: Assessor's Map 12, Lot 109. Within this district all of the requirements of the underlying zoning district(s) continue to apply with the exception of the maximum height allowance, which is established in § 300-123 of this Bylaw.
1. Indoor WCF's allowed as of right subject to the dimensional requirements and performance and design standards of this article;
 2. Building-mounted WCF's allowed subject to site plan review from the Planning Board and the dimensional requirements and performance and design standards of this article;
 3. **One new attachment WCF, small cell type, allowed subject to site plan review from the Planning Board and subject to the dimensional requirements and performance and design standards of this article.**
 4. **More than one new attachment WCF, small cell type, allowed subject to a special permit and site plan review from the Planning Board and subject to the dimensional requirements and performance standards of this article.**

§ 300-123. Dimensional requirements.

- A. Freestanding lattice-type WCF's shall:
1. Not exceed 160 feet in height, measured from the base of the tower to the highest point of the tower or its projections;
 2. Be set back from the property lines of the lot on which it is located by at least 160 feet measured from the center of the structure of the WCF base;
 3. Be located a minimum of 200 feet from the nearest residential building within a residentially zoned district;
 4. Be separated from another freestanding WCF by 200 feet.
- B. Building-mounted WCF's shall not:
1. Exceed 15 feet above the rooftop of a supporting building, including any penthouse, parapet or other similar structure extending above the rooftop;

2. Exceed 15 feet above the highest point of a water tower or water tank;
3. ~~Exceed the highest point of a smokestack.~~

C. Freestanding monopole-type WCF's shall:

1. Not exceed 100 feet in height, measured from the base of the tower to the highest point of the tower or its projections;
2. Be set back from the property lines of the lot on which it is located by at least 140 feet measured from the center of the structure of the WCF base;
3. Be located a minimum of 200 feet from the nearest residential building within a residentially zoned district;
4. Be separated from other freestanding WCF's by a minimum of 200 feet;
5. Have a treed buffer of 100 feet in diameter containing an average canopy height of 50 feet at the time of application;
6. Be concealed by the use of camouflaging materials to look like a tree;
7. Be located on a parcel of land of at least two acres.

D. **Small cell-type WCF shall:**

1. **Be an attachment that co-locates with an existing structure in which such structure is currently supporting, designed to support, or proven to be capable of supporting the WCF attachment;**
2. **Be no more than 6 cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than 6 cubic feet. All other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet or such higher limit as established by the Federal Communication Commission;**
3. **Not include the following types of associated equipment in the equipment volume calculation: electric meter, concealment, telecommunications demarcation boxes, backup power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services;**
4. **Be attached to a support structure no lower than 15 feet in height;**

5. **Be designed so as to minimize visual impact on surrounding properties;**
6. **Have the cable that connects between the antennae and the equipment box contained inside the pole or support structure or shall be flush mounted and covered with a metal, plastic or similar material cap matching the color of the pole or structure on which it is installed, properly secured and maintained by the applicant.**

§ 300-124. Performance standards and general requirements.

The following performance standards and general requirements shall apply to all WCF's:

- A. Compliance with federal and state regulations. All WCF's shall be erected, installed, maintained and used in compliance with all applicable federal and state laws, rules and regulations, including radio frequency emission regulations as set forth in Section 704 of the 1996 Federal Telecommunications Act.
- B. Collocation of WCF's.
 1. WCF's should be designed to accommodate the maximum number of users technologically practical. Shared use of freestanding, building-mounted, or indoor WCF's by commercial carriers may be required unless such shared use is shown to be not technologically practical. The intent of this requirement is to reduce the number of separate facilities which will require location within the community.
 2. All owners and operators of land used in whole or in part for a WCF and all owners and operators of such WCF should, as a continuing condition of installing, constructing, erecting and using a WCF, permit other public utilities or FCC-licensed commercial entities seeking to operate a WCF to install, erect, mount and use compatible WCF equipment and fixtures on the equipment-mounting structure on reasonable commercial terms; and shall permit reasonable collocation to the Town of Salisbury of communication systems to support the Town's emergency, safety and utility services and the public schools that serve its children; provided, however, that such collocation does not materially interfere with the transmission and/or reception of communication signals to or from the existing WCF, and provided that there are no structural or other physical limitations that make it impractical to accommodate the proposed additional WCF or fixtures.
- C. Removal of abandoned WCF.

1. Any WCF that is not operational for a continuous period of 12 months shall be considered abandoned, and the WCF shall be removed by the owner of the WCF, and the site restored to its original condition, within 90 days of receipt of notice from the Building Inspector notifying the owner of such abandonment.
2. If such WCF is not removed within 90 days, such WCF shall be deemed to be in violation of this Zoning Bylaw and the appropriate enforcement authority may begin proceedings to enforce and/or cause removal. If there are two or more users of a single WCF, then this provision shall not become effective until all users cease using the WCF.

§ 300-125. Design standards.

The following design standards shall apply to all freestanding WCF's, except for Subsection A, which shall apply for all exterior WCF's:

- A. All exterior WCF equipment and fixtures shall be painted or otherwise screened or colored to minimize their visibility to occupants or residents of surrounding buildings, streets and properties **and shall blend in with the landscape or the structures on which they are located or attached to the extent practical.** WCF equipment and fixtures visible against the sky or other background shall be colored to minimize visibility against such background. The maximum amount of vegetation shall be preserved during construction of any WCF.
- B. All freestanding WCF's shall be designed to be constructed at the minimum height necessary to accommodate the anticipated and future use.
- C. To the extent feasible all network interconnections from any WCF shall be installed underground, or inside an existing structure.
- D. Fencing shall be provided to control access to wireless communications facilities and shall be compatible with the scenic character of the Town. Fencing shall not be of razor wire.
- E. There shall be no signs, except for announcement signs, "No Trespassing" signs and a required sign giving a phone number where the owner can be reached on a twenty-four-hour basis. All signs shall conform with Chapter 214, Signs, of the Town Code.
- F. Night lighting of freestanding WCF's shall be prohibited unless required by the Federal Aviation Administration. Lighting shall be limited to that needed for emergencies and/or as required by the FAA.

- G. There shall be a maximum of one parking space for each freestanding WCF, to be used in connection with the maintenance of the site, and not to be used for the permanent storage of vehicles or other equipment.
- H. Accessory buildings and/or storage sheds shall be limited to one building per use per tower. If more than one use, the accessory buildings shall be connected by a common wall. Each building shall not exceed 300 square feet in size and 10 feet in height and shall be of the same design and color.

§ 300-126. Special permit.

A. Application process.

(1) All special permit applications for WCF's shall be made and filed on the appropriate application form. For an application to be considered complete it shall contain nine copies of the following information:

- a. A color photograph or rendition of the proposed monopole/lattice tower with its antenna and/or panels. A rendition shall also be prepared providing eight view lines in a one-mile radius from the site, shown beginning at true North and continuing clockwise at forty-five-degree intervals.
- b. A description of the monopole/lattice tower/small cell and the technical, economic and other reasons for the proposed location, height and design.
- c. Confirmation that the monopole/lattice tower/small cell will comply with all applicable federal and state standards, including, but not limited to, the Federal Aviation Administration, Federal Communications Commission, Massachusetts Aeronautics Commission and the Massachusetts Department of Public Health.
- d. A description of the capacity of the monopole/lattice tower, including the number and type of panels, antennas and/or transmitter receivers that it can accommodate and the basis for these calculations.

(2) ~~Within 14 days prior to the public hearing,~~ **Before the Planning Board votes on the special permit,** the applicant shall arrange to locate a ~~crane or an alternative~~ temporary structure approved by the Planning Board, at the site in a manner that replicates the exact height and location of the proposed monopole/lattice tower. The ~~crane or~~ structure shall remain in position for no less than eight hours for two consecutive days. ~~The dates and location of the siting shall be~~ **The applicant will provide a set of dates, as described hereinabove, to view the temporary structure as well as an alternative set of dates in the event of poor visibility on account of adverse weather conditions. These dates shall be** advertised in a newspaper of general circulation in the

Town at least 14 days before the siting, and notice shall be sent to abutting property owners.

B. In addition to applying the special permit general conditions described in Article VII §300-35, bylaw, and the standards, requirements or conditions set forth in this Article XIX, the Planning Board shall review the special permit application in accordance with the following criteria:

1. An applicant proposing a freestanding WCF shall prove to the satisfaction of the Board that the visual, economic and aesthetic impacts of the facility on the community will be minimal. The applicant must also demonstrate that the facility needs to be located at the proposed site due to technical, topographical or other unique circumstances. In determining whether to issue a special permit, the Board shall consider the following factors: height of the proposed WCF; the nature of uses adjacent and nearby properties; surrounding topography; surrounding tree coverage and foliage; the visual impact of the facility on the abutting neighborhoods and streets; and the impact on existing vistas and natural resources.
2. No freestanding WCF shall be erected or installed except in compliance with the provisions of this article. Any proposed extension in the height or construction of a new or replacement of a facility shall be subject to a new application for a special permit. The addition of cells, antennas or panels to an existing facility does not require the issuance of a special permit but is subject to site plan review.

C. Conditions of approval. The following conditions of approval shall apply to all grants of applications for WCF's that require a special permit as indicated by the above Table of Uses in § 300-122 herein:

1. If a freestanding exterior WCF is to be placed on municipal property the following conditions must be satisfied:
 - a. Certificate of insurance for liability coverage in the amount of \$1,000,000 must be provided naming the Town as an additional insured.
 - b. An agreement whereby the user indemnifies and holds the Town harmless against any claims for injury or damage resulting from or arising out of the use or occupancy of the Town-owned property by the user.
 - c. A cash bond in a reasonable amount determined and approved by the Board shall be in force to cover removal of WCF and restoration of site to the condition that the premises were in at the onset of the lease, when use of said WCF becomes discontinued or

obsolete. The amount is to be payable to the Town in the event that the user breaches the conditions of § 300-124C of this bylaw.

2. In addition to the above, the Board may impose additional conditions as needed to minimize any adverse impacts of the proposed WCF.

§ 300-127. **Modification.**

In the event of a modification request of an approved application which does not demonstrate substantial alterations to the physical dimensions of the WCF or base station, the applicant shall petition the Planning Board to review the modifications and the Planning Board shall not unreasonably deny the request.

§ 300-~~128~~. Exemptions.

The following types of WCF's are exempt from this bylaw:

- A. Amateur radio towers used in accordance with the terms of any amateur radio service license issued by the Federal Communications Commission, provided that the tower is not used or licensed for any commercial purpose.
- B. Facilities used by the municipality for the purpose of public safety.

§ 300-~~127.1~~ **128.1**. Wireless Communications Facilities Overlay Districts Map

The Official Zoning Map of the Town of Salisbury is amended by adopting the Wireless Communications Facilities Overlay Districts Map dated April 3, 2007, which map is incorporated in and made a part of this article and 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 voted unanimously to recommend the article**

**Motion: Wilma McDonald I move that Article Twenty-Two be approved as herein stated
Seconded**

**Motion: Lisa Pearson I move to amend Article Twenty-Two section 300-128.1
Wireless communication facilities Overlay Districts Map by deleting "April 3, 2007"
and replacing it with "September 2017"**

The amendment was seconded and carried

The main motion as amended was carried unanimously (2/3 vote needed)

Charles Takesian made a motion to waive the reading of Article Twenty-Three; the motion was seconded and carried.

ARTICLE TWENTY-THREE

To see if the Town will vote to amend the Zoning Bylaw by amending Article XVIII, Site Plan Review, as follows:

Amend § 300-111, Paragraph B, by deleting the first two sentences in their entirety and inserting in place thereof the following:

B. A determination of the applicability of the Site Plan Review Bylaw shall rest with the Building Inspector. After a filed written request, the applicant will be notified in writing whether the proposed project requires site plan review and, if so, whether it constitutes a major or minor project.

Amend §300-111, paragraph B(1)(a) by adding the following:

5. More than one new attachment WCF, small cell type within a year of permit application and prior to construction.

Amend §300-111, paragraph B(2)(a) by adding the following:

6. One new attachment WCF, small cell type.

Amend § 300-114 by deleting the third sentence and inserting in place thereof the following: "Prior to undertaking the on-site alterations, the applicant shall submit to the Planning Department a written request detailing the proposed changes and a copy of said request shall be provided to the Planning Board."

Amend §300-114 by deleting the words "Building Inspector" in the fourth sentence and inserting in place thereof the words "Planning Department."

Add the following new section:

§ 300-121. Appeals Procedure

Any decision rendered by the Planning Board pursuant to Article XVIII may be appealed by the applicant to a court of competent jurisdiction as set forth in G.L. c. 40A s. 17, and no building permit specifically connected to the appeal may be issued until the appeal is resolved.

Or to take any other action relative thereto.

ON PETITION OF THE TOWN MANAGER

Warrant Advisory Committee unanimously voted to recommend approval

The Planning Board voted unanimously to recommend the article

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

Seconded

Motion: Helen Trudy Holder: I move to amend article Twenty-Three by deleting the words “The Planning Department” in the fourth sentence of §300-114 and inserting in place thereof the words “The Planning Director, or their designee,” and also adding the following sentence to the end of §300-114 “An appeal of the Planning Director’s, or their designee’s, decision on a limited on-site change shall be heard by the Planning Board.”

Seconded and carried

Main motion as amended was carried unanimously

ARTICLE TWENTY-FOUR

To see if the Town will authorize the Board of Selectmen to convey the undivided half interest that the Town acquired pursuant to the deed recorded with the Essex South District Registry of Deeds in Book 13708, Page 521, in and to a parcel of woodland containing about four acres, more or less, located west of Lafayette Road and South of Bayberry Lane, being the second parcel conveyed to the Town of Salisbury by said deed, which parcel is more specifically shown as Lot 54A on a plan recorded with said Deeds in Plan Book 460, Plan 11, upon 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: Freeman Condon I move that Article Twenty-Four be approved as herein stated

Seconded & Carried Unanimously

ARTICLE TWENTY-FIVE

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation, as set forth below, to repeal Chapter 31 of the Acts of 1958, which authorized the creation of a board of license commissioners; 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 which are within the scope of the general public objectives of the petition; or to take any other action relative thereto.

AN ACT RELATIVE TO THE SALISBURY BOARD OF LICENSE COMMISSIONERS

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

Section 1. Chapter 31 of the Acts of 1958 is hereby repealed.

Section 2. This act shall take effect upon passage.

ON PETITION OF THE LICENSE COMMISSION

Warrant Advisory Committee unanimously voted to recommend approval

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

Seconded

Motion: Gilbert Medeiros I move to indefinitely postpone Article Twenty-Five

Seconded and defeated by a hand count of 72 NO and 43 YES

Main motion carried by majority vote

Charles Takesian made a motion to waive the reading of Article Twenty-Six; the motion was seconded and carried.

ARTICLE TWENTY-SIX

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 a portion or portions of the parcel of land identified on Assessors Map 10 as Parcel 1, and land adjacent to or near said parcel, as approximately shown on a plan of land entitled “Amesbury/Salisbury Rail Trail Connector @ I-95 Preliminary Right of Way Property Plan”, prepared for the Massachusetts Department of Transportation Highway Division, dated July 13, 2017, a copy of which is on file with the Town Clerk, as said plan may be amended, and a portion or portions of the parcel of land identified on Assessors Map 10 as Parcel 2, and land adjacent to or near said parcel, all as approximately shown on a plan of land entitled “Amesbury/Salisbury Rail Trail Connector @ I-95 Preliminary Right of Way Property Plan prepared for the Massachusetts Department of Transportation Highway Division,” dated May 8, 2017, a copy of which is on file with the Town Clerk, as said plan may be amended; and, further to transfer and/or dedicate for recreational purposes, and/or to authorize the Board of Selectmen to grant a permanent recreational trail and/or access easement on, all or a portion or portions of the Town-owned property located on Rabbit Road, which is identified as “Parcel X-2” on the aforesaid May 8, 2017 plan; and to raise and appropriate, transfer from available funds, and/or borrow a sum of money to fund the foregoing project and any costs incidental or related thereto, including, without limitation, the cost of any land/easement acquisitions; 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: Charles Takesian I move that Article Twenty-Six be approved as herein stated

Seconded & Carried Unanimously (2/3 vote needed)

Charles Takesian made a motion to waive the reading of Article Twenty-Seven; the motion was seconded and carried.

ARTICLE TWENTY-SEVEN

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/or temporary 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 parcels of land identified as X-1-T, X-D-1, X-TE-1, X-TE-2, X-2-T, X-TE-3, X-TE-4, X-1, X-TE-5, X-TE-6, X-TE-7, X-E-1, and X-TE-8 and land adjacent or near to said parcels, all as approximately shown on a plan of land entitled "Plan and Profile of Border to Boston Trail in the Town of Salisbury Essex County Preliminary Right of Way", prepared for the Massachusetts Department of Transportation Highway Division, dated March 6, 2015, a copy of which is on file with the Town Clerk, as said plan may be amended, and the parcels of land shown as Parcels 17-192, 23-88, and 23-90 on the Town Assessor's maps; and to raise and appropriate, transfer from available funds, and/or borrow a sum of money to fund the foregoing project and any costs incidental or related thereto, including, without limitation, the cost of any land/easement acquisitions; 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 Twenty-Seven be approved as herein stated

Seconded & Carried Unanimously (2/3 vote needed)

ARTICLE TWENTY-EIGHT

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

Motion: Ronalee Ray-Parrot I move that this meeting be adjourned

Seconded and Carried

Moderator Klima declared the Annual Town Meeting adjourned at 9:00 pm

Respectfully Submitted,

Melinda J. Morrison

October 24, 2017