

**PLANNING BOARD MINUTES  
DECEMBER 17, 2003**

**ROLL CALL:**

Ross McLeod, Chairman – Present	Wayne Morris, Vice Chairman – Present
Lee Maloney, Secretary – Excused	Walter Kolodziej, Regular Member – Present
Nancy Prendergast, Regular Member – Present	Pam Skinner, Regular Member – Present
Roy Dennehy, Alternate – Present	Phil LoChiatto, Alternate – Present
Chris Doyle, Selectmen Alternate – Present	Bruce Breton, Selectmen – Present

*Mr. McLeod opened the meeting at 7:30 pm. Mr. Breton, Mr. LoChiatto, and Mr. Dennehy replaced Mr. Doyle, Ms. Maloney, and Mr. Kolodziej.*

**CORRESPONDENCE:**

- Letter regarding Gym-Ken public hearing requesting to be continued to January 7 as a public discussion. Discussion ensued regarding abutters notices were incorrect. Mr. Morris motioned to not hear Gym-Ken because of deficiencies in abutter notification. Ms. Skinner seconded. Passed 7-0. *Mr. Kolodziej joined the Board and Mr. Dennehy stepped down.*

**OLD/NEW BUSINESS:**

The Board discussed New Urbanism Development Conference.

**PUBLIC HEARINGS:**

**Proposed Zoning Amendment**

**Citizen Petition**

Mr. McLeod discussed the timing of the petition and hearing will be in January. Mr. McLeod read the petition. Ms. Debbie MacKenzie referred questions to Attorney James Troisi. Attorney Troisi discussed the lots, zoning, location, photos, neighborhood, master plan intent, and state access. Discussion ensued regarding neighbors, future plans, past votes, protest petition. Mr. Breton motioned to move to the January 14, 2004 meeting. Ms. Skinner seconded. Passed 7-0.

**Planning Board Amendments**

**Amendment #1** – Mr. Turner discussed Attorney Campbell’s comments for the Elderly Housing Ordinance, proposed changes, reasons for changes, and state and federal laws. Public comment by Ms. Lisa Linowes, 20 Bramley Hill, discussed housing for older persons, age restrictions, significant facilities and services, compliance, and 62 and older vs. 55 and older. Board discussed language and responsibility, and state agencies. Ms. Linowes responded regarding enforcement, and state definitions. Discussion ensued regarding local control, attorney review, and Commission of Human Rights. Public comment continued with Mr. Dennehy, President of Whispering Winds Adult Community, questioned section 610.6.11 regarding family members. Discussion ensued regarding the housing for older persons wording.

Mr. LoChiatto motioned to move to town warrant incorporating Attorney Campbell’s comments, and replace the language of elderly housing with older persons. Mr. Breton seconded. Discussion ensued regarding the age of an older person is 55 and over. Failed 3-4. Motion failed. Mr. Kolodziej, Ms. Prendergast, Mr. Morris, and Ms. Skinner opposed. Reasons stated included elderly wording, older person definition, ordinance needs more work, and ordinance is off the original intent.

Mr. Kolodziej motioned to move to town warrant incorporating Attorney Campbell’s comment. Mr. Morris seconded. Failed 3-4. Ms. Skinner, Ms. Prendergast, Mr. Morris, and Mr. Breton opposed. Discussion ensued regarding age restricted housing.

Mr. LoChiatto motioned to move to town warrant incorporating Attorney Campbell’s comments, and replace the language to age restricted. Mr. Breton seconded. Discussion ensued. Attorney Bill Mason discussed federal regulations for non-discriminatory federal fair housing. Failed 3-4. Ms. Skinner, Ms. Prendergast, Mr. Morris, and Kolodziej opposed.

Mr. Morris motioned to move to town warrant with Attorney Campbell's comments. Mr. Kolodziej seconded. Passed 4-3. Mr. Morris, Ms. Prendergast, and Mr. Breton opposed.

**Amendment #2** – Mr. Turner discussed vernal pools, and changes to the ordinance. Discussion ensued regarding buffer, and site plan requirements. Public comment began with Attorney Mason discussed the 50' buffer, and WWPD activity for 25-50'. Discussion ensued regarding encroachment exceptions, Mr. Turner write the restrictions, rewrite for next year, 25' protection, DES requirements, wetlands buffer book, and vernal pool protection. Mr. Kolodziej motioned to not move forward to town warrant and relook next year. Mr. Breton seconded. Discussion ensued. Attorney Mason discussed unintended consequences for existing properties. Discussion continued regarding protective areas, and buffer area. Motion failed 2-5. Ms. Skinner, Ms. Prendergast, Mr. Morris, and Mr. LoChiatto opposed.

Mr. Morris motioned to have Mr. Turner draft additional language to allow special permits within 25' to 50' of buffer, and to be posted in time to meet the state laws for January 14. Ms. Prendergast seconded. This motion does not bind the Board to accept but to review. Passed 5-2. Mr. Kolodziej and Mr. Breton opposed. *Mr. Dennehy replaced Ms. Skinner.*

**Amendment #3** – Mr. Turner reviewed the reasons for sign ordinance changes to allow temporary signs, Attorney Campbell's suggestions, temporary sign purposes, signs by districts, signs in the right-of-way, product advertising, event related signs, enforcement, penalties, sign master plan for large sites, and ownership or association. Mr. Kolodziej motioned to move to town warrant inclusive of 706.5.14 #5 purpose of the sign shall be event related. Mr. Dennehy seconded. Passed 7-0.

Mr. Dennehy motioned to reconsider. Mr. Morris seconded. Discussion ensued regarding Attorney Campbell's changes. Passed 7-0.

Mr. Kolodziej motioned to move to amend 706.5.14 to add # 5 purpose of the sign to be event related, incorporate Attorney Campbell's regarding posting of test for the warrant, and posting the changes to meet state requirement for public hearing on January 14. Mr. Dennehy seconded. Passed 7-0.

**Amendment #4** – Mr. Turner explained the reanalysis of the school impact fee, increase fees based on analysis, and Attorney Campbell's issues. Discussion ensued regarding Attorney Campbell is a member of the Salem School Board, sending out to a different attorney, potential conflict of interest, area agreement, and impact fee disbursement. Discussion continued school capital facilities, developments, and impact fees payment.

Mr. Morris motioned to move as amended with Attorney Campbell's comments incorporated and forward copies to the SAU, school district counsel, and Selectmen for their comments to be received on or by January 14. Mr. LoChiatto seconded. Passed 6-1. Mr. Kolodziej opposed.

Discussion ensued regarding zoning changes for 16-D-200, contract zoning, and happy holidays.

Mr. Breton motioned to adjourn. Mr. Dennehy seconded. Passed 7-0. Meeting adjourned 10:55 pm.

These minutes are in draft form and have not been submitted for approval.

Respectfully submitted, Nancy Charland