

**MINUTES OF THE
PLANNING BOARD**

**MEETING OF
June 23, 2009**

A meeting of the Planning Board was held on June 23, 2009 at the Salem Town Hall, 33 Geremonty Drive, Salem, NH.

PRESENT: Jim Keller, Chairman; Gene Bryant, Vice-Chair; Phyllis O’Grady, Secretary; Pat Hargreaves, Selectman’s Rep; Ronald Belanger; Robert Campbell; Ed DeClercq, Alternate; and Ross Moldoff, Planning Director.

The meeting was called to order at 7:00 p.m. Chairman Keller introduced the board members. There were no withdrawals. Chairman Keller then went over the agenda.

REVIEW OF MINUTES

1.) June 9, 2009 – Regular Meeting

Ms. O’Grady made a motion which was seconded by Mr. Belanger to accept the minutes of June 9, 2009 as written.

VOTE ON MOTION: 5 – 0 – 2 (Mr. DeClercq and Mr. Hargreaves abstained.)

OLD BUSINESS

1.) **SPRINGLOOK LANDSCAPING SITE PLAN** – Public Hearing for nursery business at 25 Duston Road, Map 29, Lot 6437. Continued from 8/28/07.

Abutters: Ferraiolo, Sallies and Suffern were all present.

Mr. Moldoff read the following staff comments:

- He discussed previous meetings and revisions from the previous plan.
- They requested a waiver for the high intensity soil survey mapping requirement.
- They need State septic approval.
- The ZBA granted a variance in June 2008 to allow landscaping business and gravel driveway/ parking area.
- We’re beyond the 60-day time limit so if you don’t act on the plan tonight you should ask the applicant for an extension.
- There is a public safety impact fee required prior to occupancy.
- There may be a State permit required for the nursery.
- Received an OK from the Safety Officer and the Building Department. The Fire

1 Department also gave an OK but they want a note on the plan about year-round maintenance
2 of the driveway.

3 Haven't received an approval yet from Engineering.

4 There is a better concern about the project, so you need to hear that.

5 Recommend - if you're satisfied, we'd recommend that you may be able to grant conditional
6 approval. He has conditions.

7
8 Mark Gross, with MHF Design Consultants is representing Springlook Landscaping. We were
9 here in June 2007, and since then we went before the ZBA for a variance to operate a
10 landscaping business as a permitted use along with the nursery. We were requested to widen the
11 driveway to 20 feet by the Fire Department. They also wanted room to be able to turn into the
12 site and turn around. The area has been expanded to the rear of property where the storage bins
13 are, to accommodate the fire truck. We added truck parking spaces and relocated other parking
14 spaces for employees to the rear of the building. We've expanded the proposed apron behind the
15 building. We're proposing to have a new septic system design for the existing house. We need to
16 get a new system approved, but we don't have to install it until the existing one is in failure.
17 Those are the changes to the site plan since you last saw it. We have ZBA approval with
18 stipulations.

19
20 Chairman Keller asked for public input.

21
22 Russell Laroche, 44 Duston Road, wants to ensure that the board is not misdirected by the
23 statements that have been made. The application is a new application. Any decisions by the ZBA
24 are invalid since that approved variance expired on 6/3/09. He read from Article 14 of the ZBA's
25 bylaws which say "Any applicant/agent whose request also requires the approval of the Planning
26 Board has 1 year to secure said approval." There is a provision in the article stating that "in the
27 event that there are other regulatory approvals required and the applicant is actively pursuing
28 these approvals, the 1 year time period shall not begin until the completion of those regulatory
29 approvals." In this instance, no other regulatory approvals were required and the applicant hasn't
30 actively pursued this board's approval. On 3/2/09, Attorney Campbell was given notice by town
31 counsel that failure to apply for site plan approval by 3/30/09 would require Springlook
32 Landscaping to immediately cease all operations permitted by the variance or the town would
33 initiate an action against Springlook to enjoin the operations. Article 14 does not state that this
34 board has the authority to say "close enough." It is very clear that the applicant has 1 year to
35 secure said approval and even with additional notification by the town, the applicant failed to
36 meet that requirement. That date has passed. This applicant ignored the law and abused the
37 system in order to operate an illegal commercial business in this rural zone since early 2006.
38 That's over 3 years. This board can't ignore the letter of the law and should not even consider the
39 spirit of the law in this case due to the flagrant abuse of that spirit practiced by the applicant thus
40 far. He requested that Mr. Moldoff inform town officials that Springlook has again ignored the
41 notification by town counsel to cease operations by March 30th and that the town initiate an
42 action to enjoin operations not permitted in this rural district. If this board proceeds with this
43 hearing, how will it determine that the nursery actually exists and it's operational since that's
44 definitely tied to the variance that was granted but has passed?

1 Mr. Moldoff explained that on 5/21/09, the town received a letter from the town attorney who
2 said that Mr. Campbell sent a letter on May 20th saying that they met with him to go over the
3 plans, but, the last rehearing request wasn't decided until August of 2008 and Mr. Campbell
4 indicated that the variance would lapse on 8/5/09. In a letter dated 5/21/09, our attorney agreed
5 with Mr. Campbell that the variance wouldn't lapse until 8/5/09. Mr. Moldoff went over this
6 with Mr. Zannini who agreed. You had asked for a legal opinion on that matter regarding another
7 case and Mr. Moldoff has that opinion. It does confirm that the date of the last appeal is the date
8 we use for the deadline. Mr. Zannini said if the plan isn't approved prior to August then they will
9 need a renewed variance.

10
11 Ed Suffern, 320 North Main Street, has essentially the same arguments. He has the ZBA's
12 bylaws which he then gave to the board. He echoed Mr. Laroche's comments. He pointed out
13 that in the ZBA's bylaws, they took into account the appeals process. It's clear in their bylaws
14 that its one year to get Planning Board approval as opposed to other approvals. According to the
15 planning conferences, bylaws are to be followed. Also, there are irregularities in the application.
16 On the first page of the plan there are a number of lots, subdivisions and abutters that are not
17 shown. The owner on the application is deceased. The owner is shown in the Assessor's database
18 as Susan C. Shields. He is concerned with the definition of nursery. RSA's 433:21-36 deals with
19 plant dealers and nursery men. The intent of the ordinance is that a nursery man should be
20 operating there. Any retail operation can be a plant dealer. The nursery man grows plants. He
21 mentioned RSA 2134A regarding the definition of farming and agriculture. He is worried about,
22 if you don't get it right today, he could come in and claim to have a nursery by paying \$25 for a
23 license and say that he wants to put in a business. He is asking the board to say, that in order to
24 operate a nursery, you have to be a nursery man. The ZBA failed to define what a nursery is.
25 They said to leave it to the Planning Board. There were issues about what constitutes a nursery.
26 How do you define a nursery? Will nursery stock be grown on site and how much? How much
27 stock is a valid wholesale nursery? Does 800 square feet of greenhouse and less than ¼ acre of
28 outdoor stock storage constitute a reasonable wholesale nursery? If they're the only primary
29 wholesale customer for the nursery, is that a reasonable wholesale nursery? Should the nursery
30 be a financially viable business independent from the existing landscaping business and how do
31 you measure that? These are questions the board should address. He's not opposed to the
32 landscaping business and farming activity. He's just opposed to the growth of the commercial
33 activity coming into North Salem.

34
35 Diane Ferraiolo 36 Duston Road commented that if this plan goes forward, the people that live
36 on this street shouldn't have to look at a metal building or see a greenhouse from the street.
37 She'd like to see some provisions made that it fit into the rural character of the street. Right now
38 you see a big metal building with a big security light. Will they be adding more security lights
39 and can they aim them down towards the parking areas rather than out to the street? She
40 shouldn't have to see the light at night. It's a rural area and if the board decides to approve the
41 plan, keep in mind that it's a rural area and there should be consideration to the neighbors as far
42 as screening these buildings from the street. If you are putting commercial development at the
43 end of the street, it should fit into the street and the character of the area.

1 Mr. Suffern also mentioned that if you accept the attorney’s view of when the variance expires,
 2 you will be making an interpretation of the zoning ordinance and he thinks that’s in violation of
 3 the RSA’s and subject to appeal.

4
 5 Attorney Bernard Campbell, from Beaumont & Campbell Professional Association is here on
 6 behalf of the Whiteneck Family and Springlook. Regarding the question of the variance, the
 7 provision in question is in 309-121, which says the variance is terminated unless it has been
 8 exercised within a one-year period. The question is the issue of when is the variance final. As
 9 Mr. Suffern should know, since he filed a rehearing request against a variance that was issued in
 10 June and was not disposed of until August, and that decision wasn’t final until 30 days after.
 11 Attorney’s Campbell’s original letter to Attorney Gorrow said the appropriate date is 30 days
 12 after August. So Attorney Campbell argued that the date should be the end of August, or
 13 beginning of September, 30 days after the ZBA’s decision wasn’t appealed. Attorney Gorrow
 14 agreed that it’s the date after the ZBA denied the rehearing request. Attorney Campbell agreed
 15 with Mr. Suffern that the board, in ruling on this application, is not interpreting the zoning
 16 ordinance but he can’t prevent people from trying to appeal it. He hopes you can proceed based
 17 on your counsel’s interpretation, until the ZBA denied the rehearing request, it wasn’t in effect
 18 because it was being challenged by Mr. Suffern. Regarding the issue of the nursery application,
 19 there is a single page State form that he has, which Mr. Whiteneck has signed indicating the type
 20 of application is for nursery landscaping greenhouse. The permitted use at this site is a nursery.
 21 We were clear that we’d operate this landscape business in conjunction with a wholesale nursery.
 22 Tonight we’re proposing a site plan which we believe addresses all the criteria. It is setback a
 23 significant way from the road. We could do a stipulation to modify the security light to minimize
 24 its projection onto abutting properties. We do not anticipate that the site will be open to the
 25 general public. We’re not offering retail sales. He explained the business. We addressed all the
 26 issues that the town staff has asked us to address.

27
 28 Chairman Keller asked, what portion of the ordinance are you seeking a waiver of?
 29 Mr. Moldoff said he walked the site. He doesn’t think there is any problem waiving that. There
 30 are no wetlands in this area.
 31 Mr. Gross originally had a letter from Mr. Gove who made observations that there are no
 32 wetlands within 100 feet of the current building.

33
 34 **Mr. Belanger made a motion which was seconded by Mr. DeClercq to grant the waiver for**
 35 **the high intensity soil survey.**

36
 37 **VOTE ON MOTION: 7 – 0**
 38 **UNANIMOUS**

39
 40 Mr. Moldoff explained that at the staff level there were not a lot of issues. Some issues were
 41 raised tonight. He will see if the applicant can take steps to reduce the glare from the light. The
 42 Engineering Department wanted a septic design done. The Fire Department wanted a note on the
 43 plan. Public Works was concerned about the impact of truck traffic and damage to Duston Road.
 44 He gave the following conditions:

- 1 **1.) Submit State septic approval.**
- 2 **2.) Pay the public safety impact fee of \$1,656.**
- 3 **3.) Add a note on the year-round maintenance of the driveway.**
- 4 **4.) Address the visibility of the floodlight.**

5

6 Mr. Moldoff said they have to move the office from the existing mezzanine area over. It's on the
7 plan. He'd like a timeframe of a couple months.

8

9 Added the following condition:

- 10 **5.) Move the office from the existing mezzanine area within a couple months.**

11

12 Chairman Keller wanted a condition that all testimony is part of the site plan approval.

13 Mr. Moldoff added the following 6th condition:

- 14 **6.) All representations by the applicant or their agents are incorporated by the site plan**
15 **approval.**

16

17 Ms. O'Grady mentioned adequate screening from the street. She mentioned the one on Lake
18 Street. You can't see it from the street. They could come up with a design so it wouldn't be as
19 visible to the abutters.

20 Mr. Gross said we can do some type of screening. It's setback quite a ways so it depends on
21 where you put the screening. You mentioned Lake Street, which is setback but there's mature
22 growth of trees. Duston Farm is an open field. We can look at doing screening along the street.
23 Chairman Keller suggested the condition of screening with Mr. Moldoff to give final approval.

24

25 Mr. Moldoff said the 7th condition is:

- 26 **7.) Screening subject to final approval by Mr. Moldoff.**

27

28 Mr. Belanger mentioned the security light that can be seen from Mr. Ferraiolo's house on Duston
29 Road. If it could be put towards the building and down, rather than out towards the abutters, that
30 would help a great deal and if they can do any screening around the building. It will be hard to
31 do because it's a big open area. It's a beautiful area.

32 Mr. Campbell said we should apply the standards that we have for lights on commercial
33 properties adjacent to residential properties and whatever that maximum lumens is. There are
34 light fixtures made to prevent the direct illumination off the site. It may be necessary to relocate
35 the light pole to the boundary so that it's shining back onto the site. He'd like to see something
36 that requires the total shielding of the light so there's no direct illumination off the site onto
37 adjacent residential properties. From anyone else's property, you shouldn't be able to see the
38 bulb or the reflector.

39 Mr. Gross said that will be addressed in condition 4.

40

41 There was discussion of the lights.

42

43 Mr. Moldoff read the following conditions:

- 44 1.) Submit the State septic approval.

- 2.) Pay the public safety impact fee.
- 3.) Add a note regarding year-round maintenance of the driveway.
- 4.) Address the visibility of the flood light.
- 5.) Move the office out of the storage building within two months.
- 6.) All representations by the applicant and their agents are incorporated into this approval.
- 7.) Add screening of the building per the direction of the Planning Director.

Mr. Belanger made a motion which was seconded by Mr. DeClercq to grant conditional approval of the Springlook Landscaping site plan with the 7 conditions as stipulated by Mr. Moldoff.

**VOTE ON MOTION: 7 – 0
UNANIMOUS**

- 2.) DUNHAM SUBDIVISION – Preliminary Hearing for lot line adjustment at 2 Roux Avenue, Map 40, Lots 5305 and 5306. Continued from 3/13/08.

Mr. Moldoff explained that he was advised by the Building Department that a new or revised variance would be required for this project. He told Attorney Campbell that typically the board doesn't hear a plan if there is a variance required. Attorney Campbell requested that he be allowed to address that matter.

Attorney Bernard Campbell from Beaumont & Campbell Professional Association is here on behalf of Ms. Dunham. He was asked if he wanted to withdraw, but he wasn't sure it was necessary, so he will explain the issue. Sally Dunham owns two properties. Right now the lot line clips a corner of the structure. He explained the layout of the lots. She has been attempting to resolve this lot line issue to make the properties marketable. The applicant originally went to the ZBA and received a variance to allow this configuration. At the time, the assumption was made that Roux Avenue is a public way. The ZBA granted the variance and the stipulations on that variance were that Roux Avenue, this area, was to be improved at the applicant's cost consistent with the Engineering Department recommendation for the future development of a town road at this location. That process was complicated and based on what the plan was, it seemed very unfeasible from the applicant's standpoint. So he suggested that we approach the Board of Selectmen and have it released from public dedication because it's not currently an accepted town road. The Board of Selectmen declined to do that. We did secure a letter from the town's attorney indicating that this piece of ground isn't a town road and is not intended to become a town road and the town disclaims any interest in Roux Avenue. So we brought this plan back. So we'll serve the house by a driveway and we don't need to bring the road up to Engineering specifications because there's no interest by the town to make it a roadway. So then Attorney Campbell met with Mr. Moldoff and said he will come back to the Planning Board to try to solve the lot line problem. At the end of last week, Mr. Zannini said he thinks the variance may need to be modified because the assumptions about what's going to happen on Roux Avenue have changed. Since the ZBA previously granted relief here, he wants to appeal to the board. If this is not an issue and since the ZBA has granted the variance before, and it's more a case of a

1 renewal, would the Planning Board consider responding to this plan and saying you have no
2 issues as long as we go back to the ZBA to get the variance modified? The only other issue is
3 that the Engineering Department wants to have a 16-foot paved driveway.
4

5 Mr. Bob Campbell said he doesn't know if we should hear it or not, but issues are raised that we
6 need to understand. If Roux Avenue isn't a street, he'd like to see a tax map of the general area.
7 Lot 40-5304 appears to have access.

8 Attorney Campbell said, yes it does. There's a house there.

9 Mr. Bob Campbell said, before we abandon any dedication, he needs to know who all the owners
10 are that are being affected.

11 Attorney Campbell said it's owned by the applicant. The only other party is the town. This one in
12 the back is larger and comes in through another road.
13

14 **Mr. Belanger made a motion which was seconded by Mr. Hargreaves to hear it since the**
15 **applicant owns all the property in the area.**
16

17 Mr. Bob Campbell said the land is divided between the two abutting property owners and the
18 town would own 10 feet of that.

19 Attorney Campbell said, if there were private easement rights over that 10 feet, they may still
20 exist.

21 Mr. Bob Campbell asked, do we know all the information that we need to know? Is all the
22 information available to the board?

23 Attorney Campbell replied, as far as he knows, that information is.

24 Chairman Keller said he will vote against this because we never hear a plan that needs a
25 variance. Also, we don't we want to inject any opinion to the ZBA if we're in favor or not of an
26 application. It's a matter of precedent.
27

28 Mr. Belanger said he thought the variance was granted.

29 Chairman Keller said they may need a new variance.
30

31 **Mr. Belanger withdrew his motion.**

32 **Mr. Hargreaves withdrew his second.**
33

34 **Mr. Belanger made a motion which was seconded by Mr. Hargreaves to continue the**
35 **Dunham subdivision.**
36

37 Mr. Bob Campbell said a motion to continue would suggest that it's before this board.

38 Attorney Campbell said it's been before this board for awhile.
39

40 **VOTE ON MOTION: 7 – 0**

41 **UNANIMOUS**
42

43 Attorney Campbell said that if the board has any questions, send them to Mr. Moldoff.
44

- 1 3.) MAMMOTH DEVELOPMENT SITE PLAN – Public Hearing for 25,000 sq. ft. retail
2 plaza at 2, 4, and 6 Hampshire Road, Map 151, Lots 101, 102, and 103. Continued from
3 5/12/08.

4
5 Abutters: There were no abutters present.

6
7 Mr. Moldoff read the following staff comments:

8 He discussed previous meetings and revisions from the previous plan.

9 The key issue is truck circulation. We feel they've done the best they can do.

10 We also asked applicant to address pedestrian circulation. He has additional information on
11 that.

12 The key thing is if the truck and vehicle circulation pattern is adequate. He read the Section
13 268-8.1 (8)

14 They need to finalize things including needed approvals.

15 Tonight the focus is on truck and vehicle circulation and if you're satisfied with that.

16
17 Steve DiCoursey, Bohler Engineering, said he will go through the plan and discuss changes from
18 the previous plan. The site is just over 3.1 acres, and we still have a 13,300 square foot pharmacy
19 with an 1,852 foot mezzanine and 6,180 foot auto parts store and drive-through located between
20 the two buildings on the pharmacy. We have 108 parking spaces shown, 107 required. We did
21 change the truck circulation from large trucks entering off of Rt. 28 and coming off of
22 Hampshire Road. We have one-way circulation going clockwise behind the buildings. We heard
23 a concern over the intensity of use. This plan eliminates the 2000 square foot retail building. The
24 extra space we have is added to try to address the question of a parking space for the ATM. We
25 added onsite directional signs.

26
27 Jeffrey Dirk, with Vanasse & Associates, traffic engineers, said the most significant thing was
28 the elimination of the end cap retail space. The relocation of the drive-through is to open up the
29 site for truck circulation. You asked us to make sure the site can function for our design vehicle.
30 It needs to be the largest truck we'll have for deliveries and making sure the single unit trucks
31 can circulate. There were conflict points, and this plan is a significant improvement over the
32 prior plan and we got rid of the conflict points. He explained the truck circulation and showed
33 how the conflict points were eliminated. The design vehicle we used was the WB62, which is the
34 largest size truck allowed on interstate highways and Rt. 28. Regarding frequency of deliveries,
35 CVS expects up to 2 of those trucks per week, Advanced Auto Parts has about 1 of those. He
36 explained the circulation for the drive-through. At no point are trucks conflicting with vehicles in
37 the site. So there's no need for conditions on the site plan for times of deliveries. We looked at
38 pushing these two buildings together. But in order to do that, the drive-through would need to be
39 relocated. The truck circulation patterns didn't work if we moved the drive-through. The other
40 issue was the distance that the customers would have to travel to get through the site to get to the
41 drive-through. We were also asked to look at pedestrian circulation. We've located all of the
42 existing and proposed sidewalks and crosswalks. There will be a sidewalk along the north side of
43 Hampshire Road from that development down across the bike path and will end where our
44 driveway will be on Hampshire Road, and then that development has integrated a crosswalk to

1 the west of our driveway. They will be putting in a traffic signal and signalized pedestrian
2 crossing. There is also another signalized pedestrian crossing of Rt. 28 where the Hampshire
3 Road intersection is. We will be adding to the site plan a connection from the Garabedian
4 Building over to the triangular building and back to our site. He discussed the comments from
5 Steve Pernaw, which we agreed to implement. The first one dealt with signs of pavement
6 markings. Next is the connection from Garabedian to the triangular island and back to our site.
7 We also have to make sure we have signs at the driveway to make sure motorists know about the
8 truck entrance. We eliminated the retail, which allowed us to pick up parking spaces. Mr. Pernaw
9 mentioned increasing the width of those spaces. We will make them 25 feet. Signs provided on
10 site need to comply with the standards. We want to make sure, that we're able to submit to
11 NHDOT, so they can take into account the improvements that we want to make, to make sure
12 they're done in context with each other. One of the key features of this is, the widening requires
13 the elimination of the sidewalk on the site. We'd like to be able to take down the retaining wall
14 and allow for a full width sidewalk.

15 Mr. DiCoursey said we're hoping to get positive feedback tonight.

16
17 Steven Pernaw, town's traffic consultant, said the last memo he published was dated June 16th.
18 The retail space has been eliminated from the plan. Doing that opened the door for a lot of other
19 improvements to happen. We do include the truck template information and it does enable trucks
20 to move around the perimeter of the site on the west and north sides. The design of the driveways
21 is such that we don't have to restrict when deliveries are made, which is a positive. The traffic
22 engineer submitted new traffic generation numbers and the number of trips goes down, which is
23 a positive. We talked about 5 suggested changes to the site plan which will be incorporated into
24 the next revision.

25
26 Mr. Campbell asked, do you see any problem with the conflict with exiting customer traffic
27 crossing over the truck lane?

28 Mr. Pernaw said all customer vehicles will be directed to the right so they won't be in conflict.

29 Mr. Campbell asked, there will be some kind of indication to discourage customer traffic from
30 turning right at that intersection?

31 Mr. Pernaw said it should be obvious to turn left to get out. He cautioned against over-signing
32 the site.

33
34 Mr. Hargreaves mentioned, coming out on Rt. 28, he travels that area everyday, and there's
35 backed up traffic all the way from the intersection to Ford. His concern is if a tractor trailer is
36 coming out and there is traffic in the far 2 lanes going straight, he's blocking the turn lane. How
37 will we prevent the tractor trailer from blocking people going south on 28?

38 Mr. Pernaw said he believes that the tractor trailer will probably stop before he enters the flow on
39 28 because he will experience the backup. He thinks the truck drivers will wait for an adequate
40 gap and then pull out. He counted only 3 large trucks per week.

41 Mr. Hargreaves said the biggest problem is the width of the road for people who don't know
42 where to go and they end up cutting people off. Will it be wide enough?

43 Mr. Pernaw said he doesn't see that condition changing any.

44 Mr. Hargreaves said he doesn't want to make it worse.

1 Mr. Pernaw said that Mr. Dirk has confirmed that the traffic volume in that area will be reduced.
2 So its not going to change, you won't be able to tell the difference.

3 Mr. Hargreaves asked, would it be feasible, instead of going through the triangle place, could we
4 make the sidewalk further, so it's a straight line?

5 Mr. Pernaw said one philosophy of pedestrian crosswalks is to minimize the length that they're
6 exposed. The idea is to get them to a halfway point.

7 Mr. Hargreaves asked, could we put a barrier to prevent someone from driving over that area?

8 Mr. Pernaw said that will happen automatically.
9

10 Mr. Belanger mentioned that traffic coming up Hampshire Road going left on Rt. 28 is always
11 backed up. Heading south on Rt. 28 it's backed up by Ford. If all the facilities that are currently
12 empty become occupied, what does that do to traffic?

13 Mr. Pernaw said one thing that helps to mitigate the overall impacts is the fact that they're
14 proposing a southbound right turn lane on Rt. 28. Overall they're adding traffic but they're also
15 offering mitigation.

16 Mr. Belanger said there a lot of empty facilities on Rt. 28. If these get rented, now we'll have
17 more traffic. Do you take that into consideration?

18 Mr. Pernaw said they did account for other development projects in the area and they also used a
19 growth rate. He explained that it's a means to an end. Yes things have been accounted for to
20 account for future growth and they did a 10-year projection.

21 Chairman Keller also mentioned the Lowes project and the reconstruction and new lights being
22 installed and synchronizations of those new lights. Right now there is timing that conflicts.

23 Regarding the dedicated right turn lane and the through traffic, he mentioned having signage to
24 help people. Is there any signage proposed with respect to what these lanes will be used for and
25 how to get where you need to go?

26 Mr. Pernaw said he believes it was proposed as part of the offsite improvements.

27 Mr. Moldoff said a right turn lane is being constructed by Lowes and he believes they provided
28 signage.
29

30 Ms. O'Grady said, regarding moving the retaining wall, will this be moved back or will you level
31 it?

32 Mr. Dirk said we will grade out back onto the site. He explained that the plan is to eliminate it
33 completely.

34 Mr. DiCoursey explained the grades.

35 Chairman Keller asked for public input. There was none.
36

37 Mr. Moldoff said his sense is that the board is satisfied with the plan.
38

39 Mr. Campbell said, when we saw this plan last, there was an issue with the grade and the cross
40 section going over to the abutting property on the west, and he had asked to see something but he
41 hasn't yet. He would like a sense of what's going on with the rest of the plan.

42 Mr. Moldoff said he will get that for the next meeting.
43

44 Mr. DiCoursey said he will take the feedback and put plans together and come back.

1 **Mr. Belanger made a motion which was seconded by Mr. Bryant to continue the Mammoth**
2 **Development site plan.**

3
4 **VOTE ON MOTION: 7 – 0**
5 **UNANIMOUS**

6
7 **PUBLIC MATTERS**

8
9 1.) Salem School District

10
11 Mr. Moldoff explained that the school district submitted a building permit for the portable
12 classroom trailers to house kindergarten. The board has a copy of the plans. These are the
13 location plans. They will be at all of the elementary schools except Haigh. You have an elevation
14 drawing of what the trailers will look like. He heard from the school district that they're on a
15 tight timeframe. Attorney Campbell is here. He was told that before the plans were drawn, the
16 Engineering, Police and Fire Departments all went out with the school district to look at the
17 locations and make sure they're acceptable to the town. It's a governmental use of land, so
18 there's a question of whether they have to comply with State law. He wanted to bring it in front
19 of you and see what you think.

20
21 Mr. Bob Campbell said he'd like to understand the situation. The parking lot size has doubled at
22 Lancaster and it's now filled and now you're going to add more portable classrooms which will
23 be staffed by people with cars. What will you do about the whole site?

24 Bernard Campbell, 106 Brady Avenue, a member of the Salem School Board, said Jack
25 Messenheimer is the Director of Facilities. The long term plan for the schools is currently under
26 development. The school district has retained a NH Design firm to come to us with a plan to
27 address the permanent housing of kindergarten facilities for the district. We will see initial
28 results at the end of September. They're currently doing site evaluations. Hopefully we'll have a
29 long-term housing plan in our hands by the middle of fall. Regarding the short term issue at the
30 schools, for example at Lancaster, we're proposing a modular that will be located to the south of
31 the site that's currently a fenced parking lot area. The expectation is that these units will be
32 occupied by upper elementary students, such as 4th and 5th graders. Regarding the parking lot
33 utilization, it was really a two-part function. One is the number of specialists we're required to
34 have on site and the second is the higher level of involvement of parental volunteers.

35
36 There was discussion of parking at Lancaster.

37
38 Chairman Keller asked, how many additional professional staff will the district have to add for
39 each of these schools?

40 Mr. Bernard Campbell said there will be 2 classroom teachers and if someone required an
41 additional special education aid. The current expectation is 2 additional professional staff at that
42 location.

43 Ms. O'Grady asked, do they have bathroom facilities?

1 Jack Messenheimer, Director of Maintenance for the Salem School District, responded, yes they
2 have bathrooms. The one at Lancaster will have two handicapped bathrooms.

3
4 Chairman Keller asked, how is security being handled? Are the doors locked?

5 Mr. Messenheimer said we will have fire panels and an intercom connected with the main
6 building.

7 Chairman Keller asked, the doors will be open?

8 Mr. Bernard Campbell said he isn't sure. The doors will probably not be locked unless there is an
9 incident.

10 Chairman Keller mentioned neighborhood meetings for the parents of the students that will be
11 impacted by this. You may want to think about that. These questions will be asked.

12
13 Mr. Hargreaves explained an institutional locking system.

14 Ms. O'Grady asked, what's the timeframe on the building?

15 Mr. Messenheimer said it's a tight timeframe. We're hoping to do site work and utilities when
16 we get the permits. So probably 2 weeks to do that and have the first unit on site by mid to late
17 July and have it complete by mid to late August.

18 Ms. O'Grady asked, how long will the units be on the ground?

19 Mr. Bernard Campbell said there's no answer to that. We're waiting for the report to come in the
20 fall and the school board will have to make a policy decision.

21
22 2.) B&M Walsh

23
24 Mr. Moldoff said he got a call about the B&M Walsh site plan at 39 and 41 Main Street. There
25 was discussion with the board about leaving trees on the side of the building. They put the
26 stakes out for the building foundation and said they were close to trees. The abutting property
27 owner asked if they would cut down some of the pine trees. The applicant delivered a letter to
28 Mr. Moldoff signed by the abutting property owner asking to remove tall pine trees. The
29 applicant is willing to get rid of them. It didn't say on the plan that they had to keep them, but it
30 was talked about at the meeting. On the left side, they've also sent a letter about that, but that
31 came up at the meeting so he will get feedback from the Knights of Columbus before he asks the
32 board. If there are no objections on the right side, he will tell them to go ahead. On the left side,
33 he will wait to hear from the Knights of Columbus.

34 Chairman Keller said, on the right side, if the property owner wants them down, its private
35 property.

36
37 The consensus of the board is that they have no objection to cutting the trees on the right side of
38 the property.

39
40 Mr. Campbell clarified, nothing will happen on the left hand side if the abutter objects, correct?

41 Mr. Moldoff said that's correct.

42
43 3.) Purchase of town-owned property

1 Mr. Hargreaves stepped down from the board because his family owns property on this street.

2
3 Mr. Moldoff said there's a memo from the Town Assessor asking if the Planning Board has any
4 future use for the property at 13 Clay and if you approve the sale of the property. There's a letter
5 in the material from Mr. Demers and Mr. Mazalewski. Mr. Moldoff read the letter and explained
6 the location of the property. Do you have any possible future use of the property? Does your
7 board approve of the sale of the property?

8
9 Mr. Campbell said he always compares these with what else the town owns in the area. Is there
10 any basis for the sale price? He wonders if the town will at least expect to get the value equal to
11 the assessed valuation of the land portion of lot 2047. His concern is that we sell these for
12 peanuts because no one else is interested in it. But then if we ever needed it, we would have to
13 buy it at ten times the price. He doesn't think we ever get value for these things. He is opposed
14 because of the potential for the land.

15
16 Ms. O'Grady agreed with Mr. Campbell. She doesn't like to sell town owned land, and it's so
17 close to the Spicket River.

18 Mr. Moldoff said there is a house lot in between this lot and the river. The town owns a lot of
19 property along the river.

20 Pat Hargreaves is here on behalf of his father at 15 Wells Avenue and his brother at 11 Wells
21 Avenue, gave a brief history of the area. Nobody has been on that land. There has been a shed
22 there for as long as he can remember. They maintain that property. His family maintained the
23 land. The land is no good for anyone except for these people. There are no kids in that area. He'd
24 recommend that the Planning Board recommend to the Board of Selectmen to sell it. The people
25 there have maintained the property. Regarding lots 2070 and 2068, those are paper streets.

26 Mr. Bryant mentioned the Mr. Campbell's comment about the town receiving fair value. The
27 town should at least get fair value.

28
29 There was discussion of the land.

30
31 Mr. Belanger said there is nothing that the town can put on there. He is in favor of selling it.

32
33 The consensus of the board is that they have no possible future use of the property and they
34 approve of the sale of the property.

35
36 Mr. Campbell said there are a lot of undersized lots in the area. This will still be an undersized
37 lot. Unless you put restrictions on it, they will be coming in for a variance to get a bigger
38 building.

39 Mr. Hargreaves said they can't because it's septic. They're already using the land.

40 Ms. O'Grady suggested that we get fair market value for it.

41
42 Mr. Hargreaves rejoined the board.

43
44 **Mr. Belanger made a motion which was seconded by Ms. O'Grady to adjourn.**

1
2 **VOTE ON MOTION: 7 – 0**
3 **UNANIMOUS**
4
5 The meeting adjourned at 9:16 p.m.
6
7 For further information, kindly refer to the videotape dated 6/23/09, located in the Planning
8 Office.
9
10 Minutes by: Susan Strugnell, Planning Board Recording Secretary
11 Approved: Planning Board
12 Date: