

**MINUTES OF THE
PLANNING BOARD**

**MEETING OF
August 25, 2009**

A meeting of the Planning Board was held on August 25, 2009 at the Salem Town Hall, 33 Geremonty Drive, Salem, NH.

PRESENT: Jim Keller, Chairman; Gene Bryant, Vice-Chair; Phyllis O’Grady, Secretary; Beth Roth; Selectman’s Rep; Ronald Belanger; Robert Campbell; Linda Harvey; 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.

Salem Garden Club – Commercial Landscaping Awards

Ross Moldoff introduced Dottie Porter from the Salem Garden Club who will present the awards. The Salem Garden Club has been giving out these awards for over 20 years to 6 businesses.

Dottie Porter gave first award to AAA.

A representative from AAA thanked the board. They just opened a month ago and are thrilled to be in Salem.

The next award went to Barnes & Noble. Jonathan Smith, who is one of the property managers, thanked Mr. Moldoff for his assistance.

Canobie Lake Park received the next award.

Frank Captell and Tom thanked the board and the Garden Club.

The next winner is the Mall at Rockingham Park.

Mike Vitale is proud to accept the award. He thanked his landscaper.

The next award went to Nettles Plaza.

A representative from Nettles thanked the board and the Garden Club. Her family started Nettles in 1986.

The last award went to Service Credit Union.

Flo Scholes, Assistant Manager thanked the board and the Garden Club. We’re proud of our grounds.

The photographer took a picture of the winners, the Planning Board and the Salem Garden Club.

Chairman Keller thanked the Salem Garden Club and the winners on behalf of the town.

Ms. O’Grady added that there are many businesses who may not have won, but also put in a lot of effort to make the town look beautiful.

WORKSESSION – Depot Study Update

1
2 Marty Kennedy, with Vanasse Hangen & Brustlin, will summarize the land use element that the
3 committee has been meeting on. We have a committee that's working with us. He explained
4 what the committee has been discussing. We talked about the various options for the roadway.
5 There will be additional access points where we'll start providing good connectivity to all the
6 properties in this area. The committee then focused on land use. The first meeting allowed the
7 committee to give their thoughts on their preferred plan. At the next meeting we had further
8 discussions. We identified the land use considerations. The first one is the idea of connectivity.
9 We also had to consider the existing land uses, particularly on Rt. 97. We also considered
10 topography. There are parcels that could have future development but the topography is steep. So
11 parcels are shallow and limited to providing connections. There is another area that's a buffer
12 area in the Pleasant Street residential neighborhood. We also have the multi-use trail. We need to
13 consider how that will fit into the depot area. We want to have the landowners have the
14 maximum amount of flexibility and incorporate all these elements. Another consideration is the
15 zoning. Once we establish the vision for this area we will look at zoning. We also have parcels to
16 the south to be thinking about, and we also need to think about the scale of redevelopment. We
17 identified high priority edges. It's important that those buildings all fit into this bigger vision. We
18 also have internal edges. You will have roadway systems off the main road, and it will open up
19 new frontages. He also mentioned the gateway elements. Based on those land use considerations,
20 we came up with the land use goals. He has given those goals to Mr. Moldoff and a zoning
21 expert. Some of the goals include mixed use activity, municipal uses, goals of height for 2-4
22 stories, shared parking, reduced parking ratios, shared driveways/accessways, village center
23 character, and design guidelines. We looked at pictures of different types of land use, which he
24 showed to the board. He showed the committee's meeting schedule. Mr. Moldoff and our zoning
25 expert will be working with the Planning Board on modifications to the zoning, and the
26 committee will continue its work through November to better define the overall master plan
27 concept. He discussed the schedule through next March.

28
29 Mr. Bryant said that's a good explanation of where the committee is and the goals going forward.
30 The next meeting will be working on some kind of area plan.

31 Mr. Campbell mentioned zoning. We should have a milestone schedule for the steps to getting
32 zoning on the warrants. Regarding the master plan, he doesn't recall the relationship between the
33 responsibilities of the Planning Board and Board of Selectmen for a master plan. So we could
34 look at that. You mentioned that the trail doesn't have to be straight. The State owns the right-of-
35 way to the trail, and it's straight. Are you thinking of any other ownership?

36 Mr. Kennedy said we will have a meeting with NHDOT and bring this issue up and see if there is
37 flexibility on the right-of-way or other options.

38 Mr. Campbell said we need to figure out how to deal with the property right issue with the State.
39 Regarding the roadways, it looked like there were rotaries.

40 Mr. Kennedy said he's not talking about roundabouts. At this point, we're saying that they're
41 primary access points. They will most likely be traffic signals. We're not done yet, it's just
42 primary access points.

43 Mr. Campbell said his concern is that he is looking at, at least 4 more lights on the main arteries.
44 How will you maintain to not increase the delay for people?

1 Mr. Kennedy said we'll translate it into vehicle trips and give you a sense of how traffic will
2 operate through these signals. Today the traffic situation in this area is horrible. He expects that
3 when this plan is in place, it will be significantly better, but the traffic problems won't all go
4 away.

5 Mr. Campbell said he doesn't want to find out after it's all done, that it's a traffic disaster. In
6 zoning, he'd ask that you somehow make the development linked to the fulfillment and
7 construction of the roadways. He will also be interested in the financing concept.

8
9 Mrs. Harvey said the NHDOT does short term or long term leases over right-of-ways with the
10 stipulation that if the railroad comes back, whatever is going on there has to abandon the
11 property and put it back to it's original condition. So it's possible to do a meandering as long as
12 we don't corrupt the value of having the regular corridor. She spoke about the Dodge Grain area
13 and the potential of moving the corridor in that area.

14 Ms. O'Grady said she always wanted to make a village center atmosphere in that area. Do you
15 believe that with the addition of the Willow Street light, you'll be able to make it that way? Do
16 you believe you'll be able to eliminate having a lot of traffic lanes in the depot, to keep that
17 character?

18 Mr. Kennedy said you won't be able to eliminate having a certain number of lanes. You will be
19 able to have fewer lanes than you'd need otherwise. There is a minimum. You need to have left
20 turn lanes. We're talking about some minimal upgrades.

21
22 Chairman Keller asked, is the committee proposing an overlay as opposed to rezoning?

23 Mr. Moldoff said it hasn't been decided yet.

24 Chairman Keller assumes that this board will be asked to approve a sub-area plan?

25 Mr. Moldoff said the committee's master plan will be the sub-area plan.

26 Chairman Keller asked, is that before zoning?

27 Mr. Moldoff said we'll probably be talking about both at the same time.

28 Chairman Keller mentioned sequencing and scheduling. The board will have significant
29 questions. We should talk about the schedule regarding having this in November. He is
30 concerned with when we get into zoning in December. We're talking about approving an entire
31 depot sub-area plan in 2 weeks.

32 Mr. Moldoff said he thinks this board will be talking about zoning at the end of October.

33 Chairman Keller said he has concerns about that.

34 Mr. Campbell asked, what is the last date upon which this board can hold a hearing and vote to
35 put a zoning article on the ballot?

36 Bernie Campbell said its 5 Tuesdays before the election.

37
38 Mr. Moldoff further explained that he puts a notice in the newspaper for the first public hearing,
39 and the date for that is Dec 15th. You can change it, but we have to have it basically drafted on
40 the 15th. He wants to get this wrapped up to post it for a public hearing on the 15th.

41 Chairman Keller said that by Dec. 15th the bulk of the work needs to be done so all of our
42 questions need to be answered. So in Mr. Kennedy's schedule, it will have to be sooner than
43 what's on his schedule.

44
45 Mr. Bryant asked, what remaining major goals for zoning do we have?

1 Mr. Moldoff said the only other major thing is workforce housing. We may have money to hire a
2 consultant. He has already started drafting it.

3 Chairman Keller said, if we're proposing changes to zoning, we will have to have interested
4 parties and abutters provide input.

5 Mr. Kennedy said we have had meetings with abutters and property owners in that general area.
6 Chairman Keller mentioned that there are a lot of abutters to this whole area that haven't been
7 involved.

8 Mr. Campbell suggested we set a standard that says, whatever traffic you have, the design from
9 each of the boundaries, the delays and capacities shall be no worse than they are now.

10 11 **OLD BUSINESS**

- 12
13 1.) DUNHAM SUBDIVISION – Preliminary Hearing for lot line adjustment at 2 Roux
14 Avenue, Map 40, Lots 5305 and 5306. Continued from 6/23/08.

15
16 Abutters: There were no abutters present.

17
18 Mr. Moldoff read the following staff comments:

19 He discussed previous meetings and revisions from the previous plans.

20 Roux Avenue will be declared a 20-foot wide private drive. The applicant renewed the
21 variance that they received.

22 They received septic approval.

23 They need a waiver for the side lot line. They've given us a letter which is in the packet.

24 They received a variance in February 2008 for an undersized lot on an unaccepted street.

25 They renewed that variance in August 2009 which notes that it's on a private drive.

26 If you don't act on the plan tonight, he'd recommend that you ask the applicant for a waiver
27 to go beyond the 65-day limit.

28 The shed is over the lot line. The plan notes it will be moved and that should be done prior to
29 recording the plan.

30 Received an OK from the Fire Department, Assessor and Public Works. Engineering has not
31 approved it yet. They wanted what will be the private drive, they wanted it paved, 16 feet
32 wide. He is not sure if the applicant has agreed to that or not.

33 Recommend - If you can resolve the Engineering issue, we can move forward tonight if
34 you're satisfied.

35
36 Attorney Bernard Campbell, from Beaumont & Campbell Professional Association, is here on
37 behalf of Sally Dunham. We have two lots that are currently existing. He showed the existing lot
38 line, which cuts the corner of the existing property. The goal was to make an even swap of land
39 giving the parcel in front, which would allow the driveway, the carport and the building all to be
40 on its own lot. There is no change in size and it will be a much better building envelope. They're
41 swapping the same amount of area and adding it to the back of the new lot. It corrects a series of
42 problems. In order to maintain an equal swap, the line goes in a not so perpendicular direction.
43 It's to allow an even swap of land and it improves an existing situation and allows the structure
44 to be built more into the area. He discussed the issues of Roux Avenue and its status. Roux
45 Avenue was never accepted and is not a town road. He had approached the Board of Selectmen

1 asking for the public dedication to be released. The Board of Selectmen tabled it and never took
2 action on it. Since the other lot owner never signed a consent saying they were OK with releasing
3 the public dedication, the selectmen never took any action. We received a letter from the town
4 attorney specifying that it's never been accepted by the town, and that the town has no
5 responsibility for it, nor does it want any. As far as the town is concerned, it won't be upgraded
6 to a road. So Attorney Campbell then met with Mr. Moldoff and came back here. By then, there
7 were two issues. One is that the variance was over 12 months old and the other issue was with
8 the removal of frontage. So we went back to the ZBA. They approved it. The ZBA and
9 Engineering both said we needed to comply with RSA674:41. So we need the Board of
10 Selectmen to give us a final release of the building permit. The Board of Selectmen needs input
11 from the Planning Board. So as part of the process, you have to indicate if you have any concerns
12 about the release of the building permit on that lot to fulfill the requirements of RSA674:41. It's
13 to clean up a skewed lot line that goes through the property.

14
15 Bob Campbell mentioned 309-52B. It says the structure should be setback 30 feet from the
16 street. It doesn't look like its 30 feet.

17 Attorney Campbell said that looks like a drafting error. There are no new improvements in that
18 area, it's all existing.

19 Bob Campbell said he'd like to see the plan corrected.

20 Attorney Campbell said we would be glad to have a condition that the plan be corrected.

21
22 Mrs. Harvey asked, this is the same owner for both parcels?

23 Attorney Campbell replied, it's the same principal. They're controlled by the same party.

24 Mrs. Harvey asked, so why was it perceived to be necessary to keep the lots after subdivision
25 with the same amount of area that they currently had, rather than making it more clean?

26 Attorney Campbell said his intention was to leave the areas basically as they are with the existing
27 condition situation and allow the lot to have the building envelope it has with the septic design. It
28 basically has to do with leaving the lot size area sufficient for easy submittal to the State. We felt
29 that we'd maintain the existing condition.

30
31 There was discussion of the lot line and size of the lot.

32
33 Mr. Bryant asked regarding 1 Clark Avenue, why is the home partially on one of these lots?

34 Attorney Campbell said there appears to be a small encroachment.

35 Mr. Bryant asked, nothing will be done about that?

36 Attorney Campbell said he hasn't received any direction from the owner on that. He hasn't been
37 asked to address that.

38 Mr. Belanger said this does a great improvement to the area. He has no problem with it. It
39 improves the area. Roux Avenue will be a private way.

40
41 Ms. O'Grady asked, the wetland to the west, does it sometimes filter out into the property in
42 question?

43 Attorney Campbell said it's very steep. The lot is very high. It won't come any further.

44 Ms. O'Grady suggested that it would be easier if they squared off lot 40-5306.

1 Attorney Campbell said one issue is that we may have to go back to the ZBA to change the lot
2 size. The lot lines now are worse. It's a fair justification for granting a waiver.

3 Ms. O'Grady said she would rather see 1 Clark Avenue cleaned up and also straighten that line,
4 but she won't demand it.

5 Attorney Campbell said that would force the house to get closer to the wetland.
6

7 Chairman Keller asked for public input. There was none. He mentioned that the board has made
8 a practice of not approving plans with encroachments. How would we rectify that?

9 Mr. Moldoff said you can add a note on the plan, but he doesn't know if that would satisfy your
10 concern. We can ask the applicant to do that but they'd be giving up land. There also seems to be
11 a fence over the lot line on lot 5305 which should be easy to resolve.

12 Attorney Campbell said it's an existing condition situation. He talked about the options to
13 resolve, which could involve bringing a court action to force the house to be moved. He has seen
14 a note added to the plan specifically on that area that approval of this plan by the Planning Board
15 is not an endorsement of encroachment, or an adjudication of any adverse possession rights that
16 may exist. It would be a hardship to hold this up. If the requirement is that the encroachment be
17 resolved, he thinks the appropriate thing to do is to add a note saying that approval of the plan
18 doesn't validate or adjudicate the rights of either of those property owners and it still has to be
19 resolved.

20 Mr. Belanger said the property backs up to a hill. It's been there for years. He doesn't think there
21 is any harm. Nothing can be done about it, it's on a ledge.
22

23 Chairman Keller asked Mr. Moldoff, did you mention paving?

24 Mr. Moldoff said yes. The Engineering Department recommended to the ZBA a minimum of 16-
25 foot wide pavement with a note that the town isn't liable or responsible for maintenance of that.

26 Attorney Campbell said he made Ms. Dunham aware of that. In her mind, 16 feet is wide. She'd
27 rather see it 12. If this board says she has to adhere to the Engineering Department
28 recommendation, we will go from there. He would consider asking the board to narrow it. There
29 will be three dwellings served by this driveway. There will be the existing dwellings on lots 5306
30 and 5304, and also the new proposed dwelling on lot 5305. Regarding the waiver of liability,
31 since its 674:41, the property owner will have to record the waiver of liability. He would ask one
32 condition be that the Planning Board would note their non-objection to the issuance of the
33 building permit on 5305.

34 Chairman Keller asked Mr. Moldoff for his recommendation on pavement.

35 Mr. Moldoff recommended that the applicant comply with the recommendation of the
36 Engineering Department. Regarding this plan, Mr. Moldoff is recommending conditional
37 approval and that you grant the waiver for the side lot line. He has 6 conditions.

38 Mr. Bob Campbell mentioned the issue of the setback. Where do we cite the requirement for
39 building envelope, is it 7,500 square feet?

40 Mr. Moldoff said it is. He spoke about this with the applicant. The feeling was the existing lot
41 doesn't comply in its current configuration so he didn't feel comfortable saying that the revised
42 one has to comply. 7,500 square feet is the minimum.

43 Mr. Bob Campbell said they will get smaller by another 1,200 square feet.

44 Mr. Moldoff said they can probably change the setback on Roux Avenue.
45

1 There was discussion of the building envelope.

2
3 Mr. Bob Campbell asked, when this becomes a private drive, how does the ownership of that
4 private drive result?

5 Attorney Campbell said you have to address to the Assessor. From a legal standpoint, this is a
6 way that was shown on a plan. He believes NH law says, the abutting owners would own to the
7 center line now, subject to either public rights to establish a road or private easement rights. So
8 lots 5306 and 5305, 5304 and 5303 all currently own to the center line of that strip subject to the
9 rights of the municipality to establish a public way still by acceptance of that dedication and
10 subject to the private easement rights of all lot owners that are shown on the original plan.

11 Mr. Bob Campbell said it should be shown on the plan to show what our rights are with respect
12 to that and the other owners abutting on either side.

13
14 Attorney Campbell said the Board of Selectmen didn't vote to release the public dedication.

15 Mr. Bob Campbell said there should be documentation to sort out who owns it.

16
17 There was discussion of the road.

18
19 Mr. Moldoff recommended granting the waiver for the side lot line under Section 278-8.4G.

20
21 **Mr. Belanger made a motion which was seconded by Mr. Bryant to grant the waiver as**
22 **requested.**

23
24 **VOTE ON MOTION: 7 – 0**

25 **UNANIMOUS**

26
27 Mr. Moldoff read the following conditions:

- 28 1.) Move the shed prior to recording the plan.
- 29 2.) Set or bond the monuments prior to recording the plan.
- 30 3.) Comply with RSA 674:41 and they need approval from the Board of Selectmen prior to
31 the issuance of a building permit for lot 5305.
- 32 4.) Submit the approval from the Engineering Department.
- 33 5.) Correct the building setback on Shore Drive and change the building envelope size.
- 34 6.) Add a note on the encroachment of the dwelling on the northerly lot line to be effective at
35 the Planning Board. Approval of the plan doesn't indicate endorsement of that
36 encroachment.
- 37 7.) A note regarding the ownership of the road or the rights of the abutting property owners.

38
39 Bob Campbell said, if we approve this, then the issue of the Planning Board's remarks to the
40 Board of Selectmen, he would put something in that and let them own that responsibility. If we
41 approve this without comment, but then under 674:41, where we're required to review and
42 comment to authorize the issuance of the building permit, we may need to take a formal action to
43 tell the Board of Selectmen about that issue. That would be one way to handle that.

1 Mr. Moldoff said the 6 conditions would stand and then we could address the other issue through
2 a separate motion.

3
4 **Mr. Bryant made a motion which was seconded by Mr. Belanger to grant with the 6**
5 **conditions as Mr. Moldoff stipulated and move to a final hearing.**
6

7 Ms. Roth said she remembers the Board of Selectmen's vote and discussion on Roux Avenue.
8 We voted and sought the opinion of our legal counsel. The table for non-action was to preserve
9 an opportunity to act on Roux Avenue in the future. Entering into the discussion, was in regard
10 to the Saif property, which is the property to the west. She doesn't recall if it was a situation
11 where they weren't noticed. The whole purpose of tabling the action regarding accepting Roux
12 Avenue was to preserve our ability to act in the future.

13
14 **VOTE ON MOTION: 7 – 0**
15 **UNANIMOUS**
16

17 Chairman Keller asked for a motion with respect to further commentary to the Board of
18 Selectmen.

19
20 Attorney Campbell said he hopes the board would indicate that they have no objection to the
21 issuance of a permit on lot 5305.

22 Mr. Moldoff concurred.
23

24 **Mr. Belanger made a motion which was seconded by Mr. Bryant to indicate saying to the**
25 **Board of Selectmen with respect to no objection to the issuance of the occupancy permit.**
26

27 Mrs. Harvey said the way she understands it, if there is a request to put a building on the other
28 lot, then at that point they'll have to pave the road?

29 Mr. Moldoff said yes.

30 Attorney Campbell explained that if your motion stands, he will have to pave or bond before the
31 plan is recorded. It's just like any other subdivision you approve.

32 Mr. Bob Campbell said we need to make it clear in our comments to the Board of Selectmen that
33 as part of the record that is to be made at the Registry of Deeds under 674.41, that the Board of
34 Selectmen ensure that there is some kind of definition of ownership rights to all of those abutting
35 what is designated as a private drive.

36 Chairman Keller asked Mr. Campbell, you're recommending to the Board of Selectmen that they
37 provide specificity with respect to the ownership rights in and around Roux Avenue?

38 Mr. Bob Campbell replied, yes.

39 Chairman Keller asked Mr. Moldoff to add that as commentary to the motion.
40

41 **VOTE ON MOTION: 6 – 0 – 1 (Ms. Roth abstained.)**
42

43 The board recessed at 8:40 p.m. The board reconvened at 8:50 p.m.
44

45 **NEW BUSINESS**

1
2 Ms. Roth stepped down from the board.

3
4 1.) DAWSON AND CRAFFEY SUBDIVISION – Preliminary Hearing for 6 lot subdivision
5 at 75 Haverhill Road, Map 12, Lot 12419.

6
7 Ms. O’Grady made a motion which was seconded by Mr. Bryant to accept the Dawson and
8 Craffey subdivision application as complete.

9
10 **VOTE ON MOTION: 6 – 0**
11 **UNANIMOUS**

12
13 Abutters: Chalmers, Rent Due 2 LLC, Roth, and Balukonis were all present.

14
15 Christian Smith is the engineer representing the Dawson’s and the Craffey’s who are both here.
16 This is a 24 ½ acre parcel, with 950 feet of linear frontage on Haverhill Road. This was the result
17 of a probate court decision. The two owners are not developers, they have an emotional
18 attachment to the land. They have a 6 lot subdivision proposed. There are 3 wetland crossings
19 totaling 2,440 square feet of wetland impact. We went to the Conservation Commission. A
20 formal application is at the State DES. The Conservation Commission moved to endorse that
21 application with the stipulation that the municipal engineer approve the design of the culverts for
22 the driveways. We met with the Fire Marshall on the shared driveways. We’re looking for two
23 waivers. One is for the lot lines as they intersect Haverhill Road. We’ve requested a waiver
24 between lot 12-419 and the lot to the south. And with lot 12-420 and the lot to the north of that.
25 We reviewed several iterations with Mr. Moldoff. The feeling was that this lays out a lot cleaner.
26 In Mr. Moldoff’s review letter we have the commentary that lots 12-424 and 12-421 are in a
27 porkchop configuration. One of those lots is 5.3 acres and the other is 3.4 acres. Both have larger
28 frontage than what’s required. The reason for that is the external shape of the parent parcel. The
29 proposal for the homes are to the rear of the parcel. They shouldn’t have any unsightly
30 appearance to Haverhill Road. We’re also requesting a waiver for the common driveways, then
31 we will delineate an easement for access and we will maintain the frontage. He discussed the
32 letter from the abutter. There is a culvert that brings water that comes across the subject parcel.
33 The drainage plans will be reviewed by Rockingham County. We’re not changing the flow of the
34 water and it should have no impact. We have had high intensity soils done.

35 Mr. Moldoff read the following staff comments:

36 The existing parcel was subdivided from the larger parcel by probate court. There should be a
37 note on the plan stating that.

38 They received approval from the Conservation Commission.

39 They need a State Wetland Bureau permit.

40 They need a conditional use permit from the Planning Board under Section 309-77A. We
41 recommend granting that.

42 There are three culverts for two common driveways. We need drainage easements along the
43 waterways.

44 They need State subdivision approval.

45 They need a waiver for the side lot lines on two lots. There is a letter in the file. We

1 recommend granting of that waiver.
2 The idea of the two driveways will benefit the community. We will need access easements.
3 There is a wooded buffer requirement, which is met here, but we want it noted on the plan.
4 He heard from the Fire Department. Where the common driveway comes in, they want a
5 turnaround. The applicant is working with them.
6 The Assessor signed off. Public Works had no issues. Haven't heard from Engineering yet.
7 Recommend - continuance. Recommend you grant the waiver requests tonight and that you
8 grant the side lot line waiver request and perhaps the conditional use permit this evening and
9 continue the plan.
10 He then read a letter from Robert and Anne Arcidiacono regarding their concerns with the
11 wetlands and with water buildup on their land. They feel that the wetlands shouldn't be
12 disturbed and if so, someone should be responsible for any damages to them.
13
14 Mr. Smith showed where the culvert crosses Haverhill Road and where the pipe is.
15 Mr. Moldoff said the Conservation Commission approved the wetland crossings for the common
16 driveways but they wanted a review from the Engineering Department. The Engineering
17 Department wants to send this for an outside review to the Rockingham County Conservation
18 District and we're in the process of getting that review started.
19
20 Mr. Campbell mentioned the common driveways. In this case, the access is not only common but
21 it requires a crossing of another lot. Is that what you would consider a common driveway?
22 Mr. Moldoff replied, yes.
23 Mr. Smith said there will be easements that cover all of the common portions of the driveway.
24 Maintenance will have to be shared amongst those homeowners.
25 Mr. Campbell said we may want to treat this like we did on the previous one since the access is
26 basically a private driveway, and require a building permit to get an approval from the Board of
27 Selectmen and record it at the Registry of Deeds.
28 Mr. Moldoff pointed out that here they have frontage on an approved road.
29 Mr. Campbell said they have frontage but no access.
30 Mr. Moldoff said he will check with legal to see if it's required, and if so, he will make sure they
31 comply with that.
32 Mr. Campbell said his concern is that we have access across the property of two others and no
33 realistic access to the road.
34 Mr. Moldoff said they can do individual driveways here but we said it wasn't a good idea.
35 Mr. Smith said, when any transfer of an approved building lot takes place, those easements will
36 be reflected within the actual deed for that parcel.
37 Mr. Campbell said it's also the issue of notice of the limits of municipal responsibility and
38 liability.
39 Mr. Moldoff said he will look at it with legal and look at the regulations.
40
41 Ms. O'Grady mentioned that the second lot from the bottom, where it shows the driveway
42 entrance to the first lot, is that upland where a possible house location could be?
43 Mr. Moldoff said its uplands but there's no potential for a house there, it's not wide enough.

1 Ms. O'Grady said she would rather see two crossings than four. She worries that the wetlands
2 will somehow be contaminated. She'd like them to be delineated in some way so that they aren't
3 imposed upon in the future.

4
5 Chairman Keller asked for public input.

6
7 Attorney Beth Roth, representing Deborah Kerr & Roth at 202 Main Street, is representing her
8 clients Mr. and Mrs. Stephen Chalmers and Rent Due Two LLC. She showed where the
9 properties are located. Their concerns are parallel to the letter that was read from the other
10 abutter. This is part of that wetland area and there was a significant amount of water and wetland
11 runoff that goes into Norwood Road. Steve built his own home and he had to build it up from the
12 drainage. They want to bring it to your attention so that there will be no impact from the water
13 coming towards the Norwood Road area. She knows they can't make it better, but she doesn't
14 want them to make it worse. The second concern is with the driveway configuration. Any
15 disturbance over the driveway area will cause more water flow down towards their property.
16 They want assurances regarding the property. She is also here as a private citizen. She owns
17 property at 103 Corinthian Drive. She will assume that there's no impact on our property with
18 the building envelopes. As a private citizen, she has no objections to this development.

19
20 Mr. Campbell said, when he sees this next, he will expect to see all the contours and elevations
21 tied to the USGS map.

22 Mr. Smith said that work has already been accomplished.

23 Mr. Campbell said he was looking at the statutes and he's convinced that the requirement in
24 674:41 does apply here. It refers to the road providing access to the lot. And what is providing
25 access to that southernmost lot is not directly to Haverhill Road but rather to something that
26 crosses a couple of other lots.

27
28 **Mr. Bryant made a motion which was seconded by Mrs. Harvey to grant the 2 waivers**
29 **from Section 278-8.4G.**

30
31 **VOTE ON MOTION: 6 – 0**

32 **UNANIMOUS**

33
34 Chairman Keller mentioned the conditional use permit.

35 Mr. Moldoff said we'll wait until the drainage review.

36
37 Mr. Smith said we did actually supply a formal waiver request to allow the shared driveways.
38 Would it be appropriate to either act on it or make a determination that it may not be necessary?
39 Mr. Moldoff read the regulation aloud. It seems like you have the power to do that. It's Section
40 278-8.5E. It says you can require driveways.

41 Mr. Campbell said he doesn't believe that what we see on the plan meets the standard of a shared
42 driveway. Section 278-8.5E says "each lot shall have a safe, independent and direct access from
43 a public street through its own frontage." These do not have access to a public street through its
44 own frontage.

1 Mr. Moldoff said the board has allowed other situations like this. He would like to explore it in
 2 more detail. You can waive it or say they don't need a waiver from this requirement and still
 3 come back and tell them that you want them to meet the requirements. He'd like to check with
 4 the attorney to make sure the attorney agrees that they have to comply with 674.41.

5
 6 Mr. Bryant believes that Mr. Moldoff's explanation gives us authority. He wants to make sure
 7 we're not in any way approving this particular driveway configuration. He just wants to say that
 8 we can do this.

9 Ms. O'Grady said her understanding is that they're trying to protect the wetlands by delineating
 10 the driveways this way.

11 Mr. Moldoff said that's correct.

12 Ms. O'Grady said, so under those circumstances, this would be something that would be unique
 13 for a standalone. She'd rather not see wetlands disturbed. She'd like to hear an answer to Mr.
 14 Campbell's concerns too.

15 Chairman Keller said Mr. Moldoff will do research and we won't deal with Mr. Smith's request
 16 tonight.

17
 18 **Mr. Belanger made a motion which was seconded by Ms. O'Grady to continue the Dawson
 19 and Craffey subdivision.**

20
 21 **VOTE ON MOTION: 6 – 0**

22 **UNANIMOUS**

23
 24 Ms. Roth rejoined the board.

25
 26 **PUBLIC MATTERS**

27
 28 1.) Abbas

29
 30 Mr. Moldoff explained that Attorney Campbell sent a letter regarding the Abbas conditional use
 31 permit. The attorney has requested that you reconsider the motion to approve. They are
 32 concerned about condition 1 for the conditional use permit. They were asking for approval of
 33 uses on the second floor. The client is concerned about condition 1, which required them to get
 34 staff approval for any future change of tenant and changes that substantially increase the demand
 35 for parking requires Planning Board approval. Mr. Moldoff has emailed the letter to you. He then
 36 read from the letter. They will file an appeal with Rockingham Superior Court. They're asking
 37 you to revise that condition. The letter does say that they feel we can do that even if we're not in
 38 a public hearing. They feel you can reconsider your deliberations and it cites a court case. Mr.
 39 Moldoff thinks if you are to reconsider a condition that was done at a public hearing, you would
 40 want to have another public hearing.

41 Chairman Keller said we would reconsider the entire approval. They can either submit another
 42 application request for removal of that condition or we can put a percentage and say anything
 43 that increases the parking by a certain percentage, has to come before us.

1 Mr. Campbell recalled what happened at the last meeting. They were giving us information that
2 said that the actual usage is less than required. And we relied on that data and we said if you
3 change anything, you need to get some approval. Mr. Abbas negotiated back and forth with his
4 attorney and agreed to what we were doing. Is that correct?

5 Mr. Moldoff said he believes that ultimately he agreed to it, but reluctantly.

6 Mr. Campbell clarified, and we relied on the information he gave us?

7 Mr. Moldoff replied, yes.

8 Mr. Campbell said he is just making it clear that we relied on specific data which said that the
9 usage was not very great. We said, relying on that data, we will grant this conditional use permit
10 on the further condition that you won't do anything that is going to increase that, and that the
11 Planning Department review it. Under those circumstances, Mr. Campbell believes that the plan
12 approval should stand and if they want to present different data, we will reconsider it.

13
14 Mr. Moldoff asked, is the board saying, if they want to come back, they can, and they can ask the
15 board to rewrite or remove the condition?

16 Chairman Keller said that's correct. If they want to remove the condition, then the board has the
17 opportunity to reconsider their application. The Chair even gave them a recess so that the
18 attorney could confer with the applicant to reach some consensus as well. They have every right
19 to come before us through a formal application process.

20 21 2.) Walsh site plan

22
23 Mr. Moldoff said this is for 39 Main Street. He showed the building that was approved earlier
24 this year. There were supposed to be 5 windows on top and 4 on the bottom. We found 7
25 windows on top, and 6 on the bottom. We issued a violation notice to stop the work and come in
26 to the Planning Board. The building is the correct size and it's in the right location based on the
27 site plan and the certified foundation plan. The side of building shows 4 windows. But it is
28 different than what is shown on the elevation drawings. The applicant said the window
29 configuration looked off so we put additional windows in. Mr. Moldoff told them it's contrary to
30 the approval from the Planning Board and the building permit. We told them that the Planning
31 Board may require removal of windows and suggested they come in.

32
33 Rich Debenedetto with RD Construction, is representing Bill Walsh. We looked at the building
34 and in regard to the window spacing, the side windows have 4 windows that span 42 feet. The
35 front façade is 70 feet with 5 windows in the approved plan. When that placement was made it
36 left 12-foot gaps. We would end up with 15 feet of glass in a 70-foot span, so we'd end up with
37 55 feet of wall, a basically big blank wall. We also looked at the balance of the building and it
38 was off. So we placed the windows in with the same spacing as the side and also with the same
39 spacings on the rear of the building. So you balance the building by adding the extra windows.
40 When you approach from Rt. 93, you actually view both the side and the front at the same time.
41 So the reasons for the changes was to keep the window spacings consistent, and the side and
42 front view approaching from Rt. 93. The other reason has to do with Article 5, which was one of
43 the conditions. On page 98 of Article 5, it refers to design as per the scale and proportions to
44 adjacent properties. It also refers to Gilberts History of Salem. All our windows are proportioned
45 directly to those. He then gave those pictures to the board. If you look at those window spacings,

1 they're closer than our windows. And that has 5 windows in a 40-foot structure. Our building is
2 70 feet. When you look at the scale, you would end up with more windows. We didn't realize
3 the error in the design during the original proposal, we realized it in construction. During
4 construction, adjustments are made to make the structure look correct. The architecture and
5 structure is the same. Whether we go with 5 windows versus 7 windows, the building is still 70
6 feet long. We feel that we did the right thing for the structure itself. He then gave more pictures
7 to the board. It looks like a big green monster. When you put all the trims on, it will look better.
8 We tried to match what we were doing to other structures in the area. He then gave pictures of
9 adjacent buildings to the board. He thinks we should be able to proceed forward with the
10 building.

11
12 Bill Walsh requested that the board allow the new design. We didn't do anything deceptive or
13 intentional. We had nothing to do with the plans. It's exactly what was presented and approved.
14 We feel this look is better. We're doing a lot of upgrades on it.

15
16 Mr. Bryant asked, in the original drawings that we approved, the building is what's there. Is it
17 that the windows are too big?

18 Mr. Walsh replied, not according to the architect. It's done by the computer. We had nothing to
19 do with drawing these prints.

20 Mr. Bryant said he just wants to know what the difference is.

21 Mr. DeBenedetto said the computer scales down so it all fits. All the dimensions are on that
22 print.

23 Ms. O'Grady asked are the windows standard dimensions?

24 Mr. DeBenedetto said that all the windows are made custom. The final print was 12 over 1. He
25 explained what he specified for windows. All our measurements are exact to what the size of this
26 building is.

27
28 There was discussion of the windows.

29
30 Mr. Bryant explained that we expect to get exactly what we saw on the plan.

31 Mr. DeBenedetto asked, what elevation raises the biggest issue?

32 Chairman Keller replied, whatever doesn't match what's built. We spend hours going through
33 these plans and reviewing this stuff. Then we drive by the site and the building is different than
34 what we approved. So now we have to spend more time reviewing it again. And then the board is
35 put in a position to either have you undue it or have you re-engineer it as we're speaking. This
36 board is tired of seeing stuff changed on the fly, and then we have to deal with it. Then we have
37 to make you undue it again, and that's not how we want to work.

38
39 Mr. Belanger said he doesn't see any big deal about it. The size of the building is to the print. It
40 looks like the other buildings in the area. They should've told Mr. Moldoff that they were
41 making a change. He thinks it looks better here and it will be an asset to the area on Main Street.
42 It does look residential.

43 Mrs. Harvey said she thinks the error was that once the mistake was realized, not coming into the
44 Planning Director at that point. She agrees that it looks better this way. Without shutters it won't
45 look good at all.

1
2 Mr. Campbell said the difference he sees between the drawing and the rendering is the space
3 between the shutters. They appear to be uniformly spaced in one and not uniformly spaced in the
4 rendering. The other print doesn't look like the drawing. How does this new set of windows
5 versus the old set of windows relate to what's inside and the possible number of occupants?
6 Mr. Walsh said, with the old plan, you'd end up with offices in the front of the building without
7 windows. He thinks this looks much nicer.
8 Mr. Campbell asked, so you're saying that the plan layout of the building isn't consistent with
9 the windows that you presented us?
10 Mr. Walsh said, that's not true.
11 Mr. Campbell said he is talking about the internal offices. You said if left like this, you'd end up
12 with walls dividing windows?
13 Mr. Walsh said yes. This is the first building he has built.
14 Ms. O'Grady mentioned that any changes you make need to be approved.
15
16 Ms. Roth said her opinion is that this building has no clue of whatever look you're going for. It
17 looks institutionalized and is one of the ugliest buildings on Main Street. She is very troubled
18 that you decided to just change and not come before the board. This happens too often, and she
19 has no compassion for having an applicant have to change because they acted on their own
20 without complying to the requirements. If you hadn't been approached by Mr. Moldoff that it
21 wasn't conforming, she would get the impression that this building is being built to capitalize on
22 fitting in as many small offices as possible. She gets the impression that you changed your mind
23 on what the inside should be and you wanted to capitalize on space. That's what it looks like to
24 her. It looks institutionalized or industrialized. She is with others on this board in that she is
25 confused that, if the plans don't conform to the drawing, she is second guessing everything we
26 do. For it to be so off, she gets the feeling that they used the wrong dimension for windows. You
27 shouldn't have that space.
28
29 Mr. Walsh said the dimensions on the plan were correct. He explained the work that still has to
30 be done to the building. We did utilize as much of the lot as we could and we're only keeping
31 with your code.
32 Ms. Roth said it's the lines of windows that bother her.
33 Mr. Walsh said we can return it to the original.
34 Mr. Belanger said his opinion differs from Ms. Roth. He thinks it looks fine and it will be an
35 asset to Main Street. He wouldn't support making the applicant go back and change it. It looks
36 like a residential piece of property. He has no problem with the way it is.
37
38 Mr. DeBenedetto spoke about the scale of the plans. We definitely did not change window sizes.
39 Is the issue the size of the building or is it just the additional windows? He understands the
40 violation is the number of windows. The other things that are confusing the issue are the scale
41 and the fact that there is no trim on it. This will be an exceptional building. He doesn't
42 understand the issue.
43
44 Mr. Campbell said he doesn't buy the scale issue. The spacing between the shutters is about 7
45 feet or less, it's not 14 feet of exposed wall. When you put 7 windows in there, you'll end up

1 with 3 feet. So instead of having uniform spacing between the windows, there will be 7 feet of
2 window and 3 feet of spacing and that looks like housing built in the 1800's for mill people. It
3 looks crowded.

4 Mr. Walsh said the town code says it has to be to scale.

5
6 There was discussion of the uniformity of the windows.

7
8 Mr. Campbell said we relied on the drawing and if it's not like that, it should be made like that.
9 Chairman Keller said, if that drawing is wrong, then you should get your guy in here to get it
10 fixed.

11
12 There was more discussion of the windows.

13
14 **Mr. Belanger made a motion to let it stay the way it is. If there are any other changes, they**
15 **need to come before the Planning Director.**

16
17 Mr. Belanger said he doesn't want them to have to rip the windows out. He thinks it looks good.

18
19 **There was no second.**

20 **MOTION FAILS FOR LACK OF SECOND.**

21
22 **Mr. Campbell made a motion that it be the position of this board that until the board**
23 **reviews a revised site plan, that the plan be built to the drawings that were approved,**
24 **including to the scale shown on the elevation drawing that we're looking at.**
25 **SECOND for discussion by Ms. Roth.**

26
27 Ms. O'Grady said she feels that the windows should be bigger. There is less spacing. In the book
28 of Salem, the shutters touch.

29 Ms. Roth said this is a dilemma. The board is sensitive that you spent money, but she thinks that
30 the architect owes you something. She thinks that Mr. Campbell is trying to hold your architect
31 accountable for producing drawings that you couldn't rely on. The purpose of the motion is
32 either to take out the windows and put in the rendering that you've shown us, or have your
33 architect go back to the drawing board and produce a better drawing for us and bring it back to
34 us and have your architect explain to this board why what you put up wasn't what he gave you as
35 a rendition. The only fault you bear is that you changed it without letting us know. It's a delicate
36 balance.

37
38 Mr. Campbell said either it should be built to what we saw there, or you should come back with a
39 plan with whatever justification is required and try to convince this board that we should approve
40 the different plan. He doesn't think we can take the position to tell you to change something from
41 that plan. The only foundation we have is, make it like the plan. We approved a picture that you
42 gave us and we relied on it and approved it based on that picture. If you can't make it like that
43 picture, then you need to come in here and tell us why you need to change it, and then we will
44 consider that.

- 1 Mr. DiBenedetto said it's impossible to make a 70-foot building look like the 18th century.
2 Chairman Keller said we didn't ask you to do that.
- 3 Mr. Campbell said he didn't say anything about the 1890's. Whatever was on that drawing, that
4 was the elevation we relied on with respect to the numbers and widths of windows, and the
5 length of the building and the siding. It needs to look like that when you're done or you need to
6 come and ask us to change it. It has to look like that when you're done, unless you come and ask
7 us to change it and we approve it.
- 8 Mr. Bryant said, to Mr. Campbell's statement, he agrees with the last half, but he cautioned the
9 board that that's what we'll end up doing and he is not sure that we want to. He mentioned the
10 board's schedule. He is very upset about this. If you are going to send them back out to do a set
11 of drawings and bring in professional people to give us justification as to why they should build
12 the building that's already up, and we're going to rehash this entire argument and then give them
13 permission, he is not interested in that.
- 14 Mr. Belanger said he is getting the impression that we want to them to stop working on it. They
15 have a lot of money put into the building. He doesn't think it looks bad, and the message is loud
16 and clear. He doesn't think it's intentional. He agrees with some of the board members but it's
17 not that bad.
18
- 19 There was more discussion of the building.
20
- 21 Chairman Keller said the problem is that we have an elevation that we approved that was
22 presented to us. We have a building that's being built that looks different than that. Then he has
23 another elevation that's totally different too. We approved this building with this elevation and
24 we spent hours doing it. We have 3 elevations to compare now.
25
- 26 **Mr. Moldoff read the motion which was, until the board reviews and approves a revised**
27 **plan, they are to build the site in accordance with the approved plan.**
28
- 29 Chairman Keller said he has no intention of reviewing anything in the future in terms of
30 changing anything.
- 31 **VOTE ON MOTION: 4 – 3 (Mr. Belanger, Mr. Bryant and Mrs. Harvey were opposed.)**
32
- 33 Chairman Keller said to build it that way or come before the board in the future with your
34 architect and present something different.
- 35 Mr. Belanger asked, do they have to stop everything until they come back to the board?
36 Chairman Keller replied, only if they want to change it.
- 37 Mr. Walsh asked, as long as we don't touch the front façade can we do the inside of the
38 building?
39 Mr. Moldoff said they were told to stop work on the front façade.
- 40 Mr. Bryant said, they don't have to stop anything, they just have to build that building.
41 Chairman Keller said they have to decide if they want to change the front façade and have us
42 approve it. The one we approved is the one you need.
43
- 44 3.) Rick Solt
45

1 Mr. Moldoff said that Mr. Solt sent a letter regarding the expansion of a daycare at The 97
2 Shoppes. They're licensed for 87 children, and they will add another 20 children. They're adding
3 a unit in the middle of the first floor. We went through the parking calculations and they're OK
4 with that. Any issues or concerns? A maximum of 20 kids and one new employee.

5 Chairman Keller asked, they will have to have all the State approvals?

6 Mr. Moldoff said yes.

7 Chairman Keller said he has no objection.

8
9 The consensus of the board is that they have no objection.

10
11 4.) Scrub A Dub

12
13 Mr. Moldoff said Scrub A Dub sent us a letter. They put up a shade canopy for auto detailing.

14
15 The applicant handed out information to the board.

16
17 Chairman Keller asked, what are the yellow highlights on page 6?

18 Ron Gemalaro is the Vice-President of Operations for Scrub A Dub. The yellow highlights are
19 the parking lines for cars.

20 Chairman Keller asked, what did the approved site plan have for parking?

21 Mr. Moldoff explained, the approved parking is on the left side of the site where the canopy is.
22 There were 4 spaces there.

23 Mr. Gemalaro said there are 4 spaces where we put the canopy up, which is temporary.

24 Mr. Moldoff said he doesn't think there were any other lined spaces.

25
26 Chairman Keller asked, you're asking to put a canopy over the only approved parking spaces on
27 the site?

28 Mr. Gemalaro said on page 4, he thought we were approved in all the vacuum areas.

29 Mr. Bryant said you can't park employees there.

30 Mr. Gemalaro said he also has permission and a letter from Sanel's. He only has 3 employees at
31 a time. Sanel's allows him to use their parking lot.

32 Mr. Moldoff explained that they put up the canopy. He spoke with the manager to let him know
33 that he needs approval before doing that. They sent a letter saying they want to do this for the
34 summer season, April through September. It's there now and it's portable. The issue is, is it OK
35 or do you want them to take it down?

36 Chairman Keller said he was hoping to see the approved site plan which would have the entire
37 layout of the facility. Then we could discuss employees, etc. and we could add the approval from
38 the neighbor, for parking, to the site plan.

39 Mr. Moldoff said he will run upstairs and grab the site plan.

40
41 5.) Salem Housing Authority

42
43 George Fredette said he sent Mr. Moldoff a copy of the plans and a letter. He is representing the
44 Salem Housing Authority. The board approved a plan that we represented. That plan had 12
45 accessible parking spaces shown on it. We'd like to change that. We don't want to change any of

1 the configuration of the parking. Those accessible parking spaces will remain right where they
2 are. But we won't identify them as accessible. If they are identified as accessible, then that
3 means they have to be accessible to the public. The Salem Housing Authority would like to make
4 them accessible and committed to the residents who need them. So instead of labeling them as
5 accessible, there will be a number on it. For example, parking space 14 will have a 14 on it and
6 the person who needs that space will be assigned to it. We're eliminating 10 accessible parking
7 spaces that were shown on the plan for the convenience of the residents at Millville Arms. We do
8 recognize that there is a need for accessible spaces for public parking. For 113 parking spaces we
9 need about 3, and we're committing to 4. These two will remain and then we will be putting 2
10 van accessible spaces on either end. which were normal spaces before. He pointed out on the
11 plan the accessible spaces. It satisfies local and ADA regulations. And the other spaces will be
12 assigned to residents who need them. We want to do this in advance of the paving and marking.
13 We just want to seek your approval.

14
15 Ms. Roth asked, will there be documentation where these parking spaces are dedicated as
16 handicap accessible even though they're numbered?

17 Mr. Fredette said the record of that will be with the Salem Housing Authority. They know who
18 needs them. If the need changes, the parking space will be reassigned. This will be overseen by
19 the Salem Housing Authority.

20 Ms. O'Grady asked Mr. Moldoff, when we have public housing and there's a request that the
21 signage for the handicap accessible spaces be assigned numbers instead of signs, the spaces are
22 dedicated to the residents of that facility, correct? It's only the guest spots that you would have
23 an issue with, if someone came to visit and needed a handicap accessible spot. So could we
24 legally have the Salem Housing Authority assign numbers to their handicap spots rather than the
25 signs?

26 Mr. Moldoff said, if you're concerned about compliance with ADA, he can ask the Building
27 Inspector. The Building Inspector said that Mr. Fredette's company does a lot of the ADA work
28 and they would have an expert. So he thinks we're OK with that.

29 Chairman Keller mentioned that the letter says it's not required.

30 Ms. O'Grady asked, if a handicap driver needed a handicap spot that's away from where they
31 needed to park, would there become an issue?

32 Mr. Bryant said, they have 4 others.

33 Ms. O'Grady asked, so you've covered the public coming in?

34 Mr. Fredette said yes.

35 Ms. O'Grady said the issue is, can you assign spots or do they need to be signed.

36 Chairman Keller asked Ms. O'Grady, so you're OK with it as long as it's legal?

37 Ms. O'Grady replied, yes.

38

39 Mr. Bryant asked, why were there so many originally if they weren't required?

40 Mr. Fredette explained that this caters to a more elderly crowd, and the Salem Housing Authority
41 thought they would benefit from having more accessible spaces, but by labeling them with
42 signage, they become public domain. A disabled person living here who relies on having an
43 accessible space near the building, could lose that if guests parked there.

44 Mr. Bryant asked, so these were voluntarily provided because we knew the clientele needed
45 them, but by labeling them, we were getting in our own way?

1 Mr. Fredette agreed.

2
3 Mrs. Harvey mentioned that at Telfer Circle, they have at least one handicap spot that is
4 reserved. It's for whoever lives in that unit. So that could be another option.

5 Mr. Fredette said it's his understanding that this is not an option.

6 Mr. Belanger said he thinks that what Mr. Fredette is doing is right. If a handicap car comes in,
7 they can park anywhere. He explained that, they're identifying handicap parking so if the public
8 needs a handicap space, they will go to the handicap parking and they'll leave the tenants' spots
9 alone.

10
11 Mr. Campbell said we should let them manage it.

12
13 The consensus of the board is to let them manage it.

14
15 4.) Scrub A Dub

16
17 Mr. Moldoff has the approved site plan from 1985. There were 7 parking spaces required. Those
18 spaces are the 4 that are up front and 3 parallel in the back. In 1997 that plan was revised to
19 convert it to Kamal's Car Wash. The 3 parallel spaces were relocated to where they are today.
20 The approved plan shows 7, and the revised plan in 1997 shows the same number of spaces. The
21 3 in the back are still there.

22
23 Ms. Roth asked, what were the spaces that are located where they want to put the awning,
24 dedicated for?

25 Mr. Moldoff said, in the original site plan, it just says 4 spaces. In the approved plan it's unclear.
26 They weren't reserved for anybody.

27 Ms O'Grady mentioned her concern with people exiting.

28 Mr. Gemalaro explained how people exit.

29
30 The other representative from Scrub A Dub, explained that people that want to pull over, do so in
31 front of a light pole. It's a seasonal structure. It's slow in the summer. We take it down in our
32 busy season which is November through March. So it's really not a factor. There are 2-3
33 employees there maximum and we have 6 spaces for employees and the spaces next door.

34 Chairman Keller said that technically, you shouldn't have the canopy, and you should have the
35 cloth drying station where the spaces are.

36 The applicant said, with the canopy we lost one space. It's a space we don't need. We have an
37 agreement with next door for spaces that we don't even need. If it's a problem, we can take it
38 down.

39 Chairman Keller said he is struggling with the fact that we have people stationary in cars in a
40 drive lane.

41 Mr. Belanger said there is still plenty of room for cars.

42
43 Mr. Moldoff said, if you want them to move that wagon, they can find a spot.

44 Mr. Campbell asked, why aren't you doing it where it says detailing on the plan?

45 Mr. Moldoff said, because they've never seen the plan.

1 Mr. Campbell said we expect the owners to conform.
2 The applicant said he is happy to conform. We're here because we were told we were non-
3 conforming.
4 Mr. Campbell said the plan from 1985 shows an area for detailing.
5 Ms. Roth explained that the original owners used to do car detailing. She frequents the area. Her
6 concern is the safety of the people doing the detailing. It's a tight squeeze from people coming
7 out of the carwash, although you can hear people coming out of the carwash. There is also
8 concern about people wiping cars off. Most of the time people are parking in areas where you
9 have vacuum cleaners. You do seem to have a wide area that cars can go past. She doesn't see a
10 problem with any of it. Her concern was, where do the employees park?
11
12 Mr. Gemalaro said our business is cut in half this time of year.
13 The other representative from Scrub A Dub explained that the original plan isn't relevant
14 because they did an addition which is on the subsequent plan. So the only plan that really matters
15 is the later plan.
16
17 Ms. O'Grady said she doesn't see a problem with the canopy but we don't condone work within
18 a driving area. She would rather see people go into the spots where the vacuuming is and where
19 the canopy is.
20 The other Scrub A Dub representative said we didn't build the layout there. He explained that
21 it's not a circulation problem.
22 Ms. O'Grady said all she is saying is, she doesn't suggest it. But she doesn't have a problem with
23 it.
24 Chairman Keller suggested that you move your cart over to the striped triangle at the corner of
25 where the vacuums start.
26 The Scrub A Dub representative said that is a great suggestion and we'll try that.
27 Mr. Belanger said he has no problem with it.
28 The representative from Scrub A Dub asked, we don't need to come each season for approval?
29 Chairman Keller said that's correct.
30
31 Mr. Bryant stepped down from the board.
32
33 7.) Letter from Bruce Yennaco
34
35 Mr. Moldoff received a letter from Bruce Yennaco at 288 North Broadway. He wants to convert
36 3,000 square feet of existing warehouse space to a batting cage from December to April. There
37 are two ADA bathrooms. He spoke with the Fire Department. Mr. Moldoff read from the letter.
38 There is plenty of parking that is not being used. The applicant gave Mr. Moldoff a floor plan
39 and a bit of a site plan. Do you have any concerns? Is it OK?
40
41 Chairman Keller said he has no concerns as long as it doesn't turn into equipment sales and food.
42 Mr. Campbell asked, what is the density of the parking or the density of the use of this thing and
43 how does it compare with the parking? In winter, Planet Fitness does a poor job of plowing and
44 the parking spots are not always accessible. How many people will be parking there to use the
45 batting cages?

1 Chairman Keller asked, how many batting cages will there be?
 2 Mr. Moldoff said he asked about the number of people that would be coming. He thinks the
 3 applicant said 3-4 cages at the most but he will get more information.
 4 Chairman Keller suggested that if Mr. Moldoff has concerns about parking then we should see it
 5 again.
 6 Mr. Moldoff said he is comfortable with it.

7
 8 8.) Kelly Plaza
 9

10 Mr. Moldoff said the Kelly Plaza site requested a site plan extension for phase 2. They did a very
 11 nice job there. It was approved on Oct. 10, 2007 for 2 years and they want an extension. They
 12 also gave Mr. Moldoff a copy of the new State law that talks about a 3-year time frame for
 13 vesting.

14
 15 The consensus of the board is that they have no objections.

16
 17 Chairman Keller asked, did you have a chance to talk with the Code Enforcement Officer about
 18 Shyer's?

19 Mr. Moldoff said yes. The Code Enforcement Officer is aware of the situation and he has looked
 20 at it. Mr. Moldoff has given you the Code Enforcement report. Mr. Moldoff and Mrs. Harvey are
 21 working on a reorganization of the zoning ordinance and he can brief you on it at the next
 22 meeting.

23
 24 **Mr. Belanger made a motion which was seconded by Ms. O'Grady to adjourn.**

25
 26 **VOTE ON MOTION: 6 - 0**
 27 **UNANIMOUS**

28
 29 The meeting adjourned at 10:56 p.m.

30
 31 For further information, kindly refer to the videotape dated 8/25/09, located in the Planning
 32 Office.

33
 34 Minutes by: Susan Strugnell, Planning Board Recording Secretary

35 Approved: Planning Board

36 Date: