MINUTES OF THE
PLANNING BOARD

MEETING OF
February 10, 2015

A meeting of the Planning Board was held on February 10, 2015 at the Salem Town Hall, 33 Geremonty Drive, Salem, NH.

PRESENT: Ed DeClercq, Chairman; Ron Belanger, Vice-Chairman; Paul Pelletier, Secretary; Mike Lyons, Selectman’s Rep; Phyllis O’Grady; Linda Harvey; Jane Lang; Laurel Redden, Alternate; and Ross Moldoff, Planning Director.

The meeting was called to order at 7:00 p.m. with the Pledge of Allegiance. Chairman DeClercq introduced the board members.

REVIEW OF MINUTES

1. January 13, 2015 – Regular Meeting

Mrs. Harvey made a motion, seconded by Mr. Belanger to approve the minutes of January 13, 2015 as written.

VOTE ON MOTION: 6 – 0 – 1 (Ms. Redden abstained.)

Chairman DeClercq went over the agenda. Taurus South Broadway site plan has been withdrawn.

OLD BUSINESS

1. F & B SITE PLAN – Public Hearing for 22,000 sq. ft. car dealership at 93 South Broadway,


Abutters: Nemethy, Stys, and RJLA Realty LLC were present.

Staff comments:

   He discussed previous meetings and revisions from the previous plan.
   They need a conditional use permit from the Planning Board for the wetland buffer and
   wetland setback issues. In order to get that, they need a recommendation from the
   Conservation Commission and they don’t have that. You can’t act on the plan until you have
   that.
   There will be a preservation area of about 10 ½ acres.
   The outside engineering review and outside traffic review have been approved.
   They also received a couple of State permits.
There is about 9,000 square feet of buffer impact. They received the permit from the State to allow them to fill the wetland. There are concerns about flooding from the neighbors. They had a channel which will serve as compensatory flood storage. We want a conservation easement or deed restriction. There is an outside engineering review. We asked them to address the floodplain impacts of the site and what impact it may have on the neighbors. You have a copy of the last letter from the outside review. Mr. Moldoff read the comments from the consulting engineer. He finds the proposed compensatory storage areas should adequately mitigate the constructed fill being added to the site. The site as proposed shouldn’t cause additional flooding problems to the neighboring area because of loss of flood storage or increased run off from the site. They approved the project. There are a couple of minor engineering issues that need to be addressed through waivers. Both waivers have been recommended by both our Engineering Department and the outside engineering review. You can deal with that tonight. The outside traffic review came back positive. They will rebuild the sidewalk along South Broadway. There is an impact fee. We did a special impact fee calculation. The applicant paid for that from our impact fee consultant. The number is a little over $64,000. It will be paid prior to occupancy. The ZBA granted a variance in November to allow the sale of used vehicles on site. There is a note on the lighting plan that says the lights will be shut off. We were concerned about residential properties across the street. We’d like them to work on the wording of the note about when the lights will be shut off. You can act on the signage. They’ve proposed a freestanding sign and five wall signs. They are only allowed one wall sign so they will ask for a conditional use permit for signage. There is a public safety impact fee. They put notes on the plan regarding compliance with noise regulations and a note that there will be no unloading of vehicles on South Broadway. He has approval from Engineering Department, Fire Department, Safety Officer, Assessor, and Public Works. The major outstanding item is the review and approval from the Conservation Commission for the wetland buffer and wetland setback issues. You can’t act on the plan but you can act on a couple other issues such as the Engineering waivers, and the conditional use permit for the sign.

Mr. Lyons asked, is the outside drainage review in? Mr. Moldoff said yes, that’s been approved. Mr. Lyons asked, the engineer said it won’t increase flooding?? Mr. Moldoff said that’s correct. Mr. Belanger said we need a vote from the Conservation Commission. If we do something and the Conservation Commission says no, where do we stand? We have to wait for the Conservation Commission to give us their findings before he would vote on anything being proposed tonight.
Mr. Moldoff said the applicant wanted to come in and show what they’ve done. He felt you could act on a couple of minor things, and then continue the plan.

Mr. Belanger said he won’t be ready to vote on anything until we get final from the Conservation Commission.

George Fredette said there is a small project going on to remove an old gas tank. There is an open hole, and we are waiting for approval from DES to close it, but the tank has been removed.

We wanted to update everyone since it’s been 2 ½ months since we were here. We have been working to clean up details, earn approvals and we need to clear one last hurdle with the Conservation Commission. There is a waiver and a conditional use permit unrelated to the Conservation Commission that has to do with signage and drainage criteria. If the board wants to act on that, he is ready to talk about that and answer questions.

Mrs. Harvey said there are no guarantees that the Conservation Commission will give their approval for the buffer impacts. She stepped down at the last meeting. Given that, she doesn’t think we should take the time tonight to act on anything. However, the applicant is coming up on the 65 day limit. So she suggested that we may want to take action to extend that limit.

Mr. Lyons suggested that we get public input and then move to continue.

Chairman DeClercq asked for public input.

Mary Stys, 11 Belmont Street, said she is hearing the words variance, waiver, extension, and permission. She asked the board to really consider giving all these special considerations. If we have to consider all of these additional things that could create a hazardous situation, it may not be a good idea to go forward with this project. Also consider the citizens that live there.

Deanne Conde, 7 Belmont Street, gave a packet to the board. These pictures were taken after the last meeting. She mentioned how the board said they have gone out and toured the site and found it dry. She took these pictures after the rainstorm on December 10th. Those pictures show rain. It shows how deep the water can get under a normal rainfall that isn’t even during flooding times. Those are wetlands. They retain water for our neighborhood.

Coreen Powers, 16 Westchester, still has a lot of concerns about permeable pavement. Right now there is snow on the ground. If we had a rainstorm and this facility was already in place, she doesn’t understand where all the water will go. The ground is frozen. She is still not sure where all the water will go.

Don Anderson, 8 Westchester, agrees with his neighbors. He has been there for over 2 years. He has seen the rain and flooding and he believes that if you build on that land, it will back up onto our properties.

Mr. Fredette can discuss the flooding issue tonight but it will be a long discussion. You may want to forego that until a subsequent meeting. He can demonstrate how the water you see in
those pictures, is not just from the rain, but it’s a small catchment that is being back fed from the tributary to Porcupine Brook.

Mr. Lyons asked Mr. Fredette if he would agree to an extension. Mr. Fredette said he will agree. We have notified through the beginning of March, but with an exception, does that mean there is no further notification?

Ms. O’Grady mentioned the description of the land area, wetland buffer and setback. The land area is in acres and all the other areas were in square feet. She needs to know what the conversion would be of the area to be impacted and the undisturbed area, in square feet. Mr. Fredette will do that at the next meeting, but 43,560 square feet equals one acre. He said 75% of the lot is being left undisturbed.

Ms. O’Grady asked about onsite stormwater management. How does the porous pavement discharge volume?

Mr. Fredette explained that when rain falls on a surface, some of it runs off. Porous pavement is designed so that rain that falls on the pavement goes right through it and into the ground. It looks black like pavement. He mentioned a demonstration where a 55 gallon drum is knocked over on porous pavement, and the water doesn’t spread more than 3 feet from the drum, it goes into the pavement and disappears. We are putting a drive-able surface on an unencumbered surface to allow infiltration.

Ms. O’Grady asked, will the porous pavement be on top of any wetlands?

Mr. Fredette said no.

Ms. O’Grady mentioned where it says it filters the water.

Mr. Fredette said that’s correct. He explained that the water goes to a filter layer and into a reservoir layer, holding it until it can infiltrate.

Ms. O’Grady said the references that were used are old. They are from 2008, 2006 and 2005. Are those the only available references to use?

Mr. Fredette said the references are for the hydrology of the area. Those are for projects that were authorized by the town going back to 1988. There are three that we referenced to understand the behavior of stormwater in this area. The conclusions on the flooding were drawn in part from the portions we took from those studies. The critical pieces that control the water flow and flooding in this area have remained unchanged since 1988.

Mr. Belanger asked about the maintenance on this pavement.

Mr. Fredette said its regular vacuuming. He explained the maintenance needed for porous pavement.

Mr. Belanger mentioned the concern of water backing up on porous pavement and flooding. What do you do in that case?

Mr. Fredette said that a function of wetland is to store stormwater. Regarding porous pavement, the surface is 3.5 to 4 feet above ground water. He is talking about a routine storm, not water coming from the other areas. The models that we put together and were reviewed, demonstrate that even at a 50 year storm, all the water is infiltrated.

Mr. Lyons made a motion, seconded by Ms. O’Grady to continue the F & B site plan.
VOTE ON MOTION: 7 - 0
UNANIMOUS

Ms. Redden stepped down from the board. Mr. Pelletier joined the board.

NEW BUSINESS

1. TOWN OF SALEM SUBDIVISION – Preliminary Hearing for lot line adjustment at 1 Northeastern Boulevard, Map 88, Lot 7499.

Ms. O’Grady made a motion, seconded by Mrs. Harvey to accept the Town of Salem subdivision application as complete.

VOTE ON MOTION: 7 - 0
UNANIMOUS

Abutters: There were no abutters present.

Bob Puff, Director of Engineering, is representing the lot line adjustment plan. The Board of Selectmen proposed a warrant article for a road program. Part of that road program is the reconstruction of Main Street, including the intersection at Pelham Road and North Policy Street. The town has been working with owner of 1 Northeastern Boulevard to acquire a small parcel of land, a little over 800 square feet, for a second right turn lane from North Policy Street southbound onto Pelham Road. We would use the escrow money posted by the developer for this purpose.

Staff Comments:

- The Engineering Department and Assessor signed off.
- Recommend - if there are no concerns, he recommends that you grant in one meeting with the following conditions: prior to recording of the plan they need to set or bond monuments; all representations made by the applicant or their agents and all notes on the plan are incorporated as part of the approval.

Mr. Lyons asked, will we use corridor impact fees for this improvement?

Mr. Moldoff explained that when the Brooks Properties project was approved, they were proposing to construct the lane. Then they came back and said they would give us the money to pay for the work. So they gave us $75,000. It has been in an escrow account for years. Mr. Lyons asked, does that cover the cost of the improvement?

Mr. Puff said it is fairly close.

Mr. Moldoff said it will be a capacity improvement.

Mrs. Harvey asked, will this allow enough room to put a sidewalk that goes from Northeastern Boulevard to the corner, to get people across the road to the pedestrian light? People walk and...
cross that intersection. It is on the sidewalk master plan. Does it allow enough space to pursue that?

Mr. Puff said we have acquired enough right-of-way to do that in the future, yes.

Mrs. Harvey said you should seriously look at that if you are planning to do that this year.

Chairman DeClercq asked for public input. There was none.

Mr. Belanger made a motion, seconded by Mr. Pelletier to hear this in a single hearing and grant conditional approval of the Town of Salem subdivision with the two conditions as stipulated by Mr. Moldoff.

VOTE ON MOTION: 7 - 0
UNANIMOUS

2. BERGERON PLAN – Request for conditional use permit for reduced wetland setback at 18 Johnson Avenue, Map 74, Lot 2116.

Mr. Moldoff said this needs approval from the Conservation Commission. They have a failed septic system in the front. They have designed a replacement septic system and its 50 feet to the edge of the wetland. They meet the State regulations, but the local regulations say 75 feet. They need a conditional use permit and they were on the agenda for the Conservation Commission meeting, but they didn’t make the meeting. So now they have to wait until March for the Conservation Commission to act on it. Mr. Moldoff feels that it is a minor project. It is a replacement system, not a new septic system. He is wondering if the board would be willing to act with a conditional approval for the Conservation Commission.

Mr. Belanger made a motion, seconded by Mr. Pelletier to accept the Bergeron plan.

Mrs. Harvey said the odds are high that it would be approved at the Conservation Commission.

VOTE ON MOTION: 7 - 0
UNANIMOUS

Abutters: There were no abutters present.

Jeff Bergeron, 18 Johnson Avenue, wants to replace the septic.

Chairman DeClercq asked for public input. There was none.

Mr. Moldoff said they are requesting a conditional use permit. He read through the criteria.

1. The section discusses the need for water quality and enhancement of Salem’s wetland systems. We submit to you that given the fact that there is a current failure, which is directing un-treated effluent towards the wetlands system, that the elimination of this through new construction is a better situation. The existing field, though is outside the 75’
required setback, is within the water table. This means that there is untreated effluent
infiltrating right into the groundwater region. The proposed system, though proposed
closer to the wetland, meets the NHDES 50’ rule, and will be constructed using the
Presby Advanced Enviro. Septic Field. This design is a high efficiency system which
through the use of aerobic bacteria, provides nearly full treatment prior to being
discharged into the receiving area. The nitrogen reduction qualities of this system are
well documented by the manufacturer. The receiving layer for the system will be
increased from within the seasonal high water table to two feet above it, creating the
required filtration layer. The secondary impacts of the construction, such as fill slopes,
will all be within the existing yard area.

2. As described above, alternatives are always analyzed prior to the complete re-location of
a system. Given the constraints in the front yard, there are no feasible alternatives to keep
this system outside the 75’ buffer.

3. Given the existing condition, and the advanced proposed condition, it is our opinion that
the impact is the most minimum possible to both the buffer and wetlands.

4. The closest affected properties are owned by the applicant and the Town of Salem. Given
the enhancements for a small change in location, the neighboring properties will benefit.

5. In this case, the wetlands are not being affected, and were delineated by a certified
wetlands scientist. The nature of this request has more to do with impacts of effluent
disposal, and less to do with the qualities of the wetlands or buffers. With respect to the
buffer which is being impacted, its current configuration will not be altered. It is a
maintained lawn, which will remain as a lawn.

Mr. Moldoff said the letter from the applicant also states that the lot was created in the 1960’s
and there were no rules for sewage disposal at that time. Mr. Moldoff recommends approval.

Mr. Belanger made a motion, seconded by Mr. Pelletier to grant approval of the Bergeron
plan with the condition that it gets approved by the Conservation Commission.

Ms. O’Grady mentioned the water line. So there is no chance of contamination?
Mr. Moldoff said, not of the water system. They are concerned with wetland and groundwater.
They will be resolving the groundwater situation by lifting the septic system up and putting it in
the back and putting in a new septic system. He also passed this by the Health Officer, and he
had no problems with it.
Mrs. Harvey asked, is this wetland over by Widow Harris Brook?
Mr. Moldoff doesn’t believe it flows into there.

Mr. Belanger mentioned that the State says 50 feet, and we say 75. A few years ago, it was on a
ballot that no ordinance should be stricter than State law. This would have applied. He thinks 50
feet is enough.

VOTE ON MOTION: 7 - 0
UNANIMOUS

3. BELANGER SUBDIVISION – Preliminary Hearing for lot line adjustment at 232-236
Shore Drive, Map 34, Lots 5238 and 5239.

Mr. Belanger said he is no relation to the applicant.

**Mr. Belanger made a motion, seconded by Ms. O’Grady to accept the Belanger subdivision application as complete.**

Abutters: Ferguson was present.

Tim Lavelle from Lavelle Associates, is proposing to do an equal area swap of 773 square feet from lots 5239 and 5238. Both lots will end up with the exact same areas. We’re adjusting the lot line to match where the existing properties are being used now. There is a fence line that exists and the new lot line will follow the fence line. We will also make each shed for each dwelling on its own property. We are just cleaning up a situation. These two property owners had an agreement to do this years ago but it never took place. The frontage for each lot remains the same. They aren’t going any closer to any structures than the lot lines exist now.

**Staff Comments:**

The building setbacks are not met for the dwelling on lot 5239 but they are not getting any worse. We are getting a better situation.

The side lot line requirement is not met but it is getting better than it is now.

The Assessor signed off.

Engineering asked for the lot closure calculations and those were provided. They also asked that a couple of additional property corners be set in accordance with the regulations.

We can do that with a standard condition.

Recommendation - grant conditional approval of the plan in one meeting with the following two conditions: Prior to recording the plan set or bond the monuments; and all representations made by the applicant or their agents and all notes on the plan are incorporated as part of this approval.

Chairman DeClercq asked for public input. There was none.

**Mr. Belanger made a motion, seconded by Ms. O’Grady to hear this in a single hearing and grant conditional approval of the Belanger subdivision with the 2 conditions as stipulated by Mr. Moldoff.**

Ms. O’Grady said it is nice to see the lots cleaned up.

**VOTE ON MOTION: 7 - 0**

**UNANIMOUS**

4. **METSCOTT SITE PLAN** – Public Hearing for revised site plan (retail and office uses, parking layout, signs, landscaping) at 19-23 South Broadway, Map 89, Lots 938 and 1088.
Mr. Moldoff said the plan is ready to be accepted. We can talk about it and then he will recommend continuance.

Mr. Belanger made a motion, seconded by Mr. Pelletier to accept the Metscott site plan application as complete.

VOTE ON MOTION: 7 - 0
UNANIMOUS

Abutters: There were no abutters present.

Mr. Scott said it is acceptable to add the abutters list into the record. He has been working hard to get this fixed up and occupied for the past 9 ½ years. He gave a history of the project. About a year ago, he decided to remodel the building completely as an existing building. He knew it would need a lot of work to get anyone to be interested in it. So he fixed it up and went through all these things to try to fix it up the way that the town would want it to be done. He explained the work that was done. At one of the meetings someone said he didn’t get any permits. He did get all the permits, but the Fire Department didn’t tell you we had permits because they forgot they gave us permits. So they told us to stop working. You stopped us on the basis that he said we didn’t get permits, but we did.

Chairman DeClercq said he wanted to make it clear that this board didn’t stop you on the project. We didn’t know you had permits.

Mr. Scott said he was told to stop, so he did. Then he researched all the permits, and found out we had them. So he is trying to get this done and he is here for you to look over the plans.

Mr. Pelletier asked, why did you take the tree down?

Mr. Scott said it was dying. Huge branches were falling.

Staff Comments:

They are here because the uses of the building are changing.

They redid the parking lot and the layout, which needs approval. They are adding signs and landscaping.

The parking lot setback to the wetlands are not met, but that’s an existing condition.

There won’t be any impact on the floodplain. But a dumpster pad is being added. Ideally we would like to have some treatment of the runoff, but we can’t do that.

This is a big improvement to the building.

Parking may be an issue in the future.

There are loading areas with parking spaces in front of them.

We may want a crosswalk to get people from the parking lot to the building.

The key issue is traffic. They have done a traffic study that is being reviewed. The board has an excerpt from that study.

There will be a road impact fee only for the retail and office area. Mr. Pernaw will calculate that.

One issue is the depot revitalization project. You had called for a potential connection through here, but they haven’t shown that. They are not using the depot overlay district. That is not
You may want to ask about rooftop mechanicals. We’d like to screen the view of the large parking lots. We may want to talk about a shutoff time for the lights that are closest to the residential abutters on Church Street. The outside work didn’t have site plan approval. There is a public safety impact fee. He received the OK from Public Works and the Assessor. Engineering gave him a memo which we provided to Mr. Gross regarding a lot of issues. We are waiting for the town traffic consultant’s comments. Mr. Moldoff discussed those issues. The Fire Department said they will need an additional fire hydrant on the site. Recommendation – continuance. We are waiting for the outside traffic review, staff approvals and resolution of the issues.

Mark Gross, with MHF Design Consultants, is representing Scott Companies. This is a redevelopment of the existing Coke plant building. There is about 30,000 square feet of retail. There is about 18,000 square feet of office. There is some second floor office shown on the plan which is included in that 18,000. And then the balance, which is about 18,000 square feet, will be warehouse use. We are utilizing the existing driveways but putting in appropriate rauliuses for truck access. We are adding some additional pavement. We attempted to do treatment of the drainage by incorporating rain gardens in the islands. Most, if not all of the lot is paved so those areas have been cut out for those islands. They will be planted with a typical rain garden type species. The lighting plan is based on the light pole locations with the 20 foot high poles. The overall height will be about 23 feet. If there is any light spillover, we can look at putting cutoff shields on those lighting fixtures. Some landscaping was already installed. All the permits for the work inside and outside the building were obtained. We are here to give the board an idea as to what the development of this property will be. We do have a traffic study that was done. Your traffic consultant hasn’t reviewed it yet.

Mr. Pelletier asked, will this be like a mall type atmosphere where access from the parking lot can be created from different areas of the building into a central location? Mr. Gross said there will be a central hall interior to the building but that will be for deliveries to the retail stores. Mr. Pelletier mentioned the parking lot. It says future access to Church Street. Will that ever take place? Mr. Gross said we have not shown any easement on our property from Route 28 at this point.

Mrs. Harvey mentioned her appreciation to the applicant for the renovation of the building as it stands. This historic building was preserved. Ms. O’Grady also appreciates it. Her concern is the overhead doors with the parking. She asked Mr. Gross to explain how the rain gardens work. Mr. Gross explained that there are 3 rain garden areas on the north side of the building. We are taking curbing out so pavement flows directly into them. They have to be designed so that they are a couple feet above the water table. So we did test pits out there to verify that. He explained...
how it will work. They will still do some treatment for pavement. We have 3 on the northern side
and 2 on the southern side.
Ms. O’Grady said it looks nice.
Mr. Belanger agreed that it looks great. The driveway further down is good. He is happy to see
this plan. They are doing a great job.
Mr. Scott said the reason we showed the exit in the back onto that road, is that any time that the
town would want to make that road as an exit and put a light in on our property, he would be
crazy not to say yes. We made the driveways wide enough to accommodate that. If the town
came to him with a plan, he’d agree. He’d want that if the town needed to do it.
Ms. Lang said it looks amazing. Can people go inside yet?
Mr. Gross said we
Mrs. Harvey asked, have you talked with them recently? She suggested working through the
Board of Selectmen. She suggested talking to our State legislative team to work on this.
Mr. Gross said it is something we will discuss but we don’t want it to hold up the approval. We
need to get the tenant in as soon as possible. We need a second driveway to get access to that
side of the building.
Chairman DeClercq asked Mr. Moldoff to have Mr. Pernaw give us comments on that.
Mr. Scott said we invested about six months and thousands of dollars trying to talk the State into
this. We don’t want to go there again. We couldn’t get them to respond. If the town wants to
pay, he will work with you on that. Also, if you need access to fix the wetland, he will allow you
to do that.
Mrs. Harvey mentioned that the waste disposal is in the flood area. You may want to look at that.
Mr. Gross said we will work with Engineering on that.
Chairman DeClercq said the rendering shows awnings on the building. He asked them to put in
some crosswalks. He also asked for a shut off time for the lighting.
Mr. Scott said he spent an extra $25,000 for lights that won’t have problems. They are the lowest
impact and most energy efficient. You should look at those. He doesn’t think they’ll cause
problems because they are the newest and latest for lighting. He will try to shut them off. While
it’s dark out they will be on. He doesn’t know the use yet, but they are lights that go directly
down.

Town of Salem, NH
Chairman DeClercq mentioned the snow storage being in front of the building. Is there any plan for it to be in the rear of the building? That’s a lot of snow for the front of the building. He suggested that you find another place. He asked about the metal storage building.

Mr. Scott said that is coming down. We have never had any water in our parking lot.

Chairman DeClercq said, regarding the future access road from Church Street, it is marked as a future access road but it is not defined.

Mr. Scott said, the only reason he put it there is in the hope that you’ll want to put it in. It doesn’t mean anything until the town asks for it.

Chairman DeClercq asked Mr. Moldoff to look at that. He commended them on the project.

Mr. Belanger said, regarding the comment on NH Works, they objected to the project. Mr. Scott was willing to do the access in the past.

Ms. Lang mentioned that there is more snow storage on the side.

Ms. O’Grady finds it disturbing that the State has no regard for our safety concerns about combining the driveways.

Mr. Belanger said we approved two driveways in the past. If the town wants access to Church Street, they should let him know and come up with the money to do it. Mr. Pernaw had said before that the driveway won’t stack traffic on Route 28. He thinks the lights will be good, and will be shielded.

Chairman DeClercq said, the next time you come back, do you think you will have all the Engineering and Fire Department comments?

Mr. Gross said we will have those issues resolved. Regarding the close driveways, if that were a retail site, he would be more concerned, but it isn’t. The State site isn’t even open on weekends. This site is retail with office and warehouse, so the peak will be on Saturday. Even during the week, the peak for NH Works is different than for this site. The fact that they are close together, there won’t be any conflicting movements between the two driveways.

Chairman DeClercq asked for public input. There was none.

Mr. Belanger made a motion, seconded by Ms. O’Grady to continue the Metscott site plan.

VOTE ON MOTION: 7 - 0
UNANIMOUS

The board recessed at 8:52 p.m. The board reconvened at 9:00 p.m.

SALEM FORD/HYUNDAI SITE PLAN – Conceptual Discussion for reconstruction of 33,000 sq. ft. car dealership at 470 South Broadway, Map 151, Lot 120.

Abutters: Construction Industries Trust and Baker were both present.

Earl Blatchford, Hayner Swanson, 3 Congress Street, Nashua, is representing Salem Ford Hyundai. It’s a 3 acre site, and an existing auto dealership. It is zoned Commercial Industrial C. This was originally developed as a car dealership in 1974 as Newman Ford. The last major improvement was a showroom addition in the front right portion of the building in 1993. We
purchased the property in 2001. It is bordered on the north by Newman Plaza. The building is one story, 29,230 square feet. The footprint of the building is 26,800 square feet and the balance of 2,430 is mezzanine for parts storage and employee break room. There are two curb cuts on South Broadway. They are located very close together. The site is almost entirely paved for parking, both employee and customer parking, and vehicle storage. The pavement is in need of repair as is the building. The site is served by town water and sewer. The site lighting is outdated. There are 3 ground signs. The owner wants to upgrade the property. There are two options available. The first is to renovate the interior of the building, reface the storefront of the building and then repair and refurbish the pavement. It’s the less expensive approach, but it doesn’t give the dealership the modern facility that they want. There are some structural issues in the building. So the preferred plan is the one we will be presenting tonight. It involves tearing down the existing building, rebuilding a new building with the same square foot footprint, it’s a slightly different shape. There will be a little bit of an increase of square footage in the mezzanine, of about 4,000 square feet. The proposal is to refurbish the parking lot. We are proposing to move the driveways apart. The southerly driveway stays pretty much where it is now. The northerly driveway would move about 175 feet to the north. We are reducing the area of pavement and adding in landscaping mostly along the frontage. There will be some trees, but mostly shrubs and ground cover. They also want to update the site lighting to LED lighting. We will use the existing stormwater system. We would like to keep the ground signs that are out there now. There are 52 employees, and this will function similar to the way it does now. He then showed the building elevation. We feel it’s a renovation effort, and it’s a lot more competitive. We will ask for the board to consider granting waivers on certain things like landscaping, and allowing us to use the existing stormwater system. We will be improving the open space situation but it won’t meet the requirements. We are looking for some consideration and possible waivers on this to be able to do this project the way that the owner wants to. We are making a sizable investment to make the property a lot more attractive than it is today.

Staff comments:

There are some wetlands on the site, it’s very limited. They probably won’t meet the required setback for the pavement. It depends on if they are getting closer. If not, it may be OK.

We have to go through the analysis for the drainage system.

It is a nice looking building.

They will probably need approval from NHDOT for relocating the driveways.

We want a note that they won’t load or unload vehicles on South Broadway.

Public Works and Engineering requested that they consider building a sidewalk along the frontage of Route 28. That will complete the sidewalk system along that portion of Route 28. There will be a road impact fee for the additional 4,000 square feet.

There are some plantings in the right-of-way.

Regarding signage, ideally we’d get new signs that comply with the regulations, but they want to use what is existing. They may need a conditional use permit for the wall signs.

Regarding compliance, there was landscaping on the 1992 plan and that was removed. Hopefully they will be putting that back.

You have a memo from the Engineering Department. They didn’t have anything major, just the addition of the sidewalk along South Broadway.

The Fire Department and Public Works were OK, they just wanted to talk about the sidewalk.
The Safety Officer gave his OK.
Recommendation – you don’t need to take any action tonight. You should encourage them to move forward with the redevelopment and upgrade as much of the site as possible.

Mr. Pelletier agrees with the new building. Will there be any improvements or changes to the buffer to protect the residents on Hillcrest Road?
Mr. Blatchford said there is none proposed. There is a strip of land that is 50 feet wide, owned by Garabedian and there is a tree line beyond that. The tree line is not on our property. There are no plans at this time.
Mr. Pelletier asked, regarding the parking lot and repaving, will you be using pervious pavement? Will there be any improvement on that?
Mr. Blatchford said there are no plans at this time. Pervious pavement requires intensive maintenance, like vacuuming and washing. He doesn’t see that happening, it is very impractical. If it is not properly maintained, it doesn’t last. So he doesn’t see it being proposed at this site.
Mr. Pelletier asked, there will be no extra effects on drainage problems to the building to the north of you?
Mr. Blatchford said no, we aren’t changing the drainage patterns at all and we are reducing the impervious somewhat so there will be less runoff from the site after the renovations.
Mr. Pelletier asked, are those front to back garages, and will the height go up?
Mr. Blatchford explained that the new building is proposed to be 30 feet at the highest part. The existing is a little over 20. There are several overhead doors along the back.

Mr. Lyons concurred with Mr. Moldoff’s comments on encouraging redevelopment. Which waivers would you support?
Mr. Moldoff said we have to do the engineering to find out. One issue is drainage. We have to see what they can meet and what they can’t meet. In terms of signage, he doesn’t think it will be a big problem, we’d have to see the size and number of signs. Regarding landscaping, they are making a bad situation better and in terms of the amount of open space, that wouldn’t be an issue, as long as they don’t make the situation worse. Lot coverage won’t be an issue. Regarding landscaping, we will push them to do whatever they can.
Mrs. Harvey mentioned that the rail corridor is in the process of becoming a rail trail. It appears that there are some tracks going from the parking lot up onto the corridor as part of this redevelopment. Something needs to be added to the back edge so that vehicles don’t have access onto that corridor. We’ve had reports of vehicles being spotted on the corridor. She doesn’t know where they originate. She suggested a barrier on the back edge. Also, the wetland in back is part of the outlet from Worlds End Pond. Whatever the drainage plans are, you need to look at keeping as much contamination out of that area. She strongly requested that the sidewalk be put in to complete that stretch through there. It is on our master plan.

Ms. O’Grady mentioned the trees. You are saying that’s not on your property?
Mr. Blatchford said that’s correct. He is not sure where the trunks are located. We are having a field survey done.
Ms. O’Grady asked, are you intending to take any down if they are on your property?
Mr. Blatchford doesn’t think the trees are on our property. The pavement goes all the way to the south property line.
Ms. O’Grady thinks the redevelopment is a good thing. She will be looking for more trees.

Shrubs in front of the lots sometimes get destroyed by the snow plows. She would like to see more trees.

Mr. Blatchford mentioned the visibility issue and also the operational issue. You can have sap problems or leave problems from the trees. They are having enough of a problem dealing with the snow, and trees add more problems.

Ms. Lang mentioned the proposed larger water use. If you increase the square footage, will there be an increase in the water usage? She mentioned the demand benefit assessment.

Chairman DeClercq said that’s an engineering issue.

Mr. Blatchford said we haven’t run the numbers yet. There are 52 employees now and they expect that number of employees going forward. And customers will be similar. The difference is that you have a 40 year old building with 40 year old fixtures. The newer fixtures will be much more efficient. So he thinks the water usage should go down.

Chairman DeClercq asked for public input.

Paul Garabedian had questions on the two poles coming in on south side, poles 15-1 and 15-2. 15-2 is on his property. When they do the renovation, he’d like those poles moved if they are on our property. These are telephone poles. On the 50 foot easement on the parcel that is to the south side, they had on the plan that there is a gas line. He is not sure about that and he’d like them to clarify that. In the back we have a 20-foot access. There was a road that went over the railroad tracks.

Mr. Blatchford showed where the easement is located in the picture.

Mr. Garabedian said it is not shown on the plan.

Mr. Blatchford said there is a survey being prepared.

Chairman DeClercq said it’s nice to see the property renovated and to see the new building. He will support putting sidewalks in there to complete it. If you can get more trees on the lot, and maybe some small shrubs you can put out front. He would like to see a sidewalk out front. He doesn’t see a drainage problem on this site now, so he believes the drainage should be fine. He suggested a barrier in the back like a guardrail.

6.  ATLANTIC INVESTMENTS SITE PLAN – Conceptual Discussion for 3100 sq ft. retail store at 233 South Broadway, Map 118, Lot 725.

Abutters: There were no abutters present.

James Troisi, lawyer representing Atlantic Investment LLC, is also joined by Peter Bennett, Member Manager, Ken Caputo, Chief Engineer, and Jonathan Novak, Project Manager. This property is owned by Getty Realty Corp. He has authorization letters which he then gave to Mr. Moldoff. This is a 3,100 square foot retail furniture store being proposed at233 South Broadway. Regarding zoning, we will increase the quality of the zoning. The frontage, side lot requirement and lot coverage will all go from non-conforming to conforming. There will be a variance request for a slight variance from the zoning ordinance in the rear. We will be applying for a variance for the March meeting.
Ken Caputo said the proposal is to remove the existing gas station. The existing building is shown on the site plan. The gas pumps, gas canopy and underground storage tanks will be removed and the small shed in the back will also be removed. We will start over on the property. Our proposed building of 3,140 square feet is a single story furniture building. We are proposing a mattress firm. He then showed the building elevations and discussed parking. We have a total of 13 spaces with one handicap space. The parking spaces and aisle comply. One thing we're doing in terms of site circulation is we are closing in the driveway openings. We are going down to 24 foot openings and adding green space along South Broadway. That will also involve repair and extension of the sidewalk that is there. We have one loading space. By closing the curb cuts, we are hoping to distance ourselves from the signal system. We have a fire hydrant. We will be going before the ZBA seeking a variance from the rear and side setback. The existing building is a nonconforming structure. With this proposed location, we’ll resolve the front setback because we are moving the building back. The lot configuration is awkward and restricts us from meeting our proposed tenant’s requirements. He then discussed utilities. All of that will be renewed. We will have to do an assessment on the water use. He also discussed electric use. The electric service is awkward. The service cuts across the abutter’s property. Our proposal is to remove all the overhead wires to the property, and go from the pole, to underground into our building. We don’t have any landscape shown on the plan right now, but we have highlighted the areas for landscape design. We will have a plan in the submittal.

Staff comments:

This will be a low use compared to the gas station.

We asked them to look at the 2 spaces and they have a revised version.

We talked about the need to potentially upgrade or extend the sidewalk.

They may need the OK from the NHDOT.

They need a variance for the building setbacks.

He received the OK from Public Works, Safety Officer, and the Fire Department.

Engineering gave him a memo. They recommend that our traffic consultant review the curb cut widths and locations and traffic circulations and any impact on Route 28. The other items are minor.

Recommendation – you don’t have to take any action tonight. You may want to discuss the general aspects of the plan and encourage the applicant to move forward with the redevelopment of the lot.

Ms. Lang asked, is that 13 spaces with employee parking? Will it be enough?

Mr. Moldoff said, if it was a retail plaza we’d say no, but for a mattress store, there is not a lot of people working there, maybe 1 or 2.

Ms. Lang was thinking that the 2 spots off to the side could be for employees.

Mr. Moldoff said they need 7 spaces and they have 13.

Mr. Pelletier said this will clean this area up. Will there be any soil or ground testing, to make sure there is no contamination?
Mr. Caputo said Getty Corporation is going through a lot of conversions. They have a team doing this work. Removal of the storage tank is a permit that they need to get from the Fire Department. Those procedures and processes will all comply with State law.

Mr. Lyons asked, if it went to regular retail, it would be a change of use?

Mr. Moldoff said that’s correct and they would need a conditional use permit.

Chairman DeClercq asked, that site currently has a variance for two used cars, does that go away?

Mr. Moldoff said yes.

Mrs. Harvey asked, does the building rendering meet our standards?

Mr. Moldoff said its fine. He will look at it in more detail.

Mrs. Harvey asked, are flat roofs practical?

Mr. Moldoff said that is up to them.

Mr. Belanger asked, how does the variance for the used cars disappear? He thought it goes with the variance and the land.

Mr. Moldoff doesn’t think so because they are changing the use. It was associated with the gas station.

Mr. Belanger would like a statement from them saying they don’t want to sell used cars. He thinks it goes with the land.

Mr. Moldoff will check into that.

Chairman DeClercq said it’s a nice redevelopment and upgrade.

Ms. O’Grady asked, what is the building material?

Mr. Caputo said we haven’t decided yet. It’s a prototype model.

PUBLIC MATTERS

1. Hesser/Mount Washington College

Mr. Moldoff said they want to change the use at the former Hesser/Mount Washington College, on the corner of Industrial Way and Manor Parkway. They want to go to an office use. They meet the parking requirements. They will add a generator pad and are not going to do a freestanding sign. They will replace the wall signs. Do you want to see it? Mr. Moldoff felt that this was minor. In terms of traffic, it will be less intense.

The consensus of the board is that they don’t need to see it.

Mrs. Harvey mentioned that their drainage that they have currently puts stones out into the road. Someone should do something about that. It comes from that property.

Mr. Merchant said it is from the pump station, not our property.

2. ML Brady

Mr. Moldoff said this was the site plan on Lowell Road that was approved in 2003. The plan showed wetlands. They indicated that the wetlands would be protected with fencing, berm and
netting. This is a golf driving range. In 2011 they came back for an after-the-fact approval for a
2-story building. That was granted and the wetlands were still shown on the plan. They are now
ready for occupancy, so we went out to do an inspection and there are no wetlands on the site. So
that’s not good. They gave us a revised plan in November and said most of the previous wetland
is now considered upland. They gave him a letter from a wetland scientist. Mr. Moldoff reviewed
it and got a clarification. You have this in your packet. The wetland scientist said he didn’t feel
there was any violation, there are new standards of delineation, what was a wetland is no longer
a wetland. Mr. Moldoff read from the wetland scientist’s comments. Do you want to see it? Do
you want to look at or review a revised site plan that shows that area as non wetland or can we
handle it at the staff level?

Chairman DeClercq read Jim Gove’s report. He would take his word for it that it is OK and he
doesn’t think we need to see it.

3. Super Petroleum – 314 South Broadway

Mr. Moldoff said you granted a site plan approval for the conversion of the service station garage
to a convenience store in May 2013. They want to get an extension for that approval. They want
to demolish the service garage and replace it over the existing foundation. The new structure will
be the same size and shape and the new building will be fully compliant with the building codes
as opposed to the current building. He has pictures. Do you want to see this or can the staff
handle it? The footprint is the same.

The consensus of the board is that this is all set.

4. Thur Ken

Mr. Moldoff said this is the project for the new CVS on Route 97. They had approval and a
variance for a convenience store. This is for the last unit. They have one unit left at the end. They
want to convert it into a real estate office. It is a permitted use in the Business Office District but
it’s a change to the plan. Do you want to see it?
The consensus of the board is that they don’t want to see it.

5. Java Properties

Mr. Moldoff said the board granted approval for an 80 seat restaurant. It was a conditional use
permit and a condition of that was that they submit the permits from the State septic and State
DOT prior to the building permit. They asked if they could start the work because they have a
tenant and they want the building permit. So they asked if they can change it from, prior to the
building permit, to prior to the occupancy permit.
Chairman DeClercq said the restaurant part is fine, but they can’t start construction on the other
end of the building without that.
Mr. Moldoff thinks they just want to start on the restaurant. They will have to get it prior to
occupancy.
Chairman DeClercq said, no building permit for the addition without that, but the restaurant is fine.

6. Furniture store

Mr. Moldoff said the board approved Ashbrook Furniture Store. They would like a one year extension on the site plan.

The consensus of the board is that this is OK.

Mr. Moldoff said he won’t be at the next meeting. Leon Goodwin will be here to talk about impact fees.

Mr. Belanger has had people ask him about the railroad ties. When are we going to get rid of them?

Mr. Moldoff said he will try to get an answer about that.

Mr. Lyons made a motion, seconded by Ms. O’Grady to adjourn.

VOTE ON MOTION: 7 - 0
UNANIMOUS

The meeting adjourned at 10:10 p.m.

For further information, kindly refer to the videotape dated 2/10/15, located in the Planning Office.

Minutes by: Susan Strugnell, Planning Board Recording Secretary
Approved: Planning Board
Date: February 24, 2015