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**MINUTES OF THE  
PLANNING BOARD**

**MEETING OF  
January 14, 2020**

A meeting of the Planning Board was held on January 14, 2020 at the Salem Town Hall, 33 Geremonty Drive, Salem, NH.

**PRESENT:** Keith Belair, Chairman; Michael Banks, Vice-Chairman; Beverly Donovan, Secretary; Lisa Withrow, Selectman’s Rep; Jeff Hatch; Robert Gibbs; Paul Pelletier; Ross Moldoff, Planning Director and Jacob LaFontaine, Assistant Planner.

The meeting was called to order at 7:00 p.m. with the Pledge of Allegiance. Chairman Belair introduced the board members and went over the agenda. There were no withdrawals.

**REVIEW OF MINUTES**

1. December 10, 2019 – Regular Meeting

**MOTION by Mr. Banks to accept the December 10, 2019 minutes as written.**

**SECOND by Mr. Pelletier.**

**VOTE ON MOTION: 7 - 0**

**UNANIMOUS**

**PUBLIC HEARING – ZONING AMENDMENTS**

Mr. Moldoff explained that we have three Planning Board amendments to the Zoning ordinance and two citizen petitions. The three Planning Board amendments are ones we spoke about previously. Planning Board amendment # 1 would revise the timeframe in our local zoning ordinance for the denial of building permits. Right now it is 15 days, and it would tie it to the State law, which specifies a longer timeframe. This made sense, and the Building Department asked us to put this in here. Planning Board amendment # 2 would allow home occupations in only the residential, recreational, and rural districts. It seems like that’s the way the economy is going. There can’t be visible evidence of the business. A lot of times we catch these when they come in to register their vehicles. Sometimes they have consulting business. We feel that it made sense to open it up to all residential dwellings. There are criteria to protect residential abutters. The third Planning Board amendment is something you asked for regarding allowing electronic price change signs for gas stations. Right now they are not allowed. You see the gas stations coming in on a regular basis for variances, which are granted. It would be something that you would have to grant a conditional use permit for, and there are criteria, and you can look at each

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1 one individually. It made more sense to go to the Planning Board rather than also have to go to  
 2 the ZBA. Typically on Planning Board amendments, you can move them forward to the ballot, or  
 3 you can drop them. If you have substantive changes to the wording, we would need another  
 4 public hearing. He doesn't think there is time for that, so if you don't like them, we can drop  
 5 them until next year. He doesn't think any are critical. If you want to go forward, you would vote  
 6 to move it to the ballot. In terms of the citizen petitions, you vote to recommend approval or  
 7 disapproval. They go on the ballot no matter what. The Planning Board can't change the wording  
 8 of those.

9  
 10 Chairman Belair asked, so for each of these, we have public comment and the board has a  
 11 discussion and we vote on each one individually?  
 12 Mr. Moldoff said yes.

13  
 14 Chairman Belair asked for public input regarding the revised building permit timeframe. There  
 15 was none.

16  
 17 **MOTION by Mr. Banks to move Article 2, revise the building permit timeline, written as**  
 18 **is, to the ballot.**  
 19 **SECOND by Ms. Donovan.**

20  
 21 **VOTE ON MOTION: 7 - 0**  
 22 **UNANIMOUS**

23  
 24 Chairman Belair asked for public input on article 3, revising the home occupation ordinance.  
 25 There was none.

26  
 27 **MOTION by Mr. Banks to move article 3, revise home occupation ordinance, to the ballot.**  
 28 **SECOND by Ms. Donovan.**

29  
 30 **VOTE ON MOTION: 7 - 0**  
 31 **UNANIMOUS**

32  
 33 Chairman Belair asked for public input on allowing electronic price change signs. There was  
 34 none.

35  
 36 Mr. Hatch explained that, when someone wants an electronic sign they go before the ZBA. Most  
 37 of the time, the ZBA approves the request. The difference now is, once approved by the ZBA,  
 38 that business and any other future business has the right to put that electronic price sign in there  
 39 forever. The variance goes with the land not the business. By changing this to a conditional use  
 40 permit, if a gas station comes in to the Planning Board for a conditional use for a sign, then they  
 41 go out of business, the next business that comes in doesn't automatically have the right to put the  
 42 sign there.

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1 Mr. Gibbs said he has a concern that, the way it is written with the words “gas station”, that its  
 2 unequal treatment for other businesses. Walgreens has these signs. Can we limit this to gas  
 3 stations? What about other businesses that would want this?

4 Mr. Hatch said, he believes we can. There is only one other business that asked for one that  
 5 wasn’t a gas station. Our ordinance already restricts messaging signs. This is just static displays  
 6 of pricing. The words aren’t lit up. The only thing lit up is the price.

7 Ms. Donovan said, the price, by law, has to be posted on the sign.

8 Chairman Belair asked, is there anything in there regarding frequency?

9 Mr. Moldoff said no, its just static. Flashing and scrolling is not allowed.

10

11 **MOTION by Mr. Banks to move article 4, allowing electronic price change signs, to the**  
 12 **ballot as written.**

13 **SECOND by Ms. Donovan.**

14

15 **VOTE ON MOTION: 7 - 0**

16 **UNANIMOUS**

17

18 Mr. Moldoff explained that the proponents of the citizen petitions are invited to speak about the  
 19 petitions. Then you get public input, then vote to recommend approval or disapproval.

20

21 Chairman Belair said the first citizen petition is article 5, increase the size of accessory  
 22 apartments.

23

24 Everett McBride, 66 Millville Street, is representing this petition to bring these up to 950 square  
 25 feet. If you look at the demographics, for aging in place, this is another opportunity for  
 26 affordable for someone to move in with family. This is a chance to provide another option for  
 27 millenials or families. In the future, it allows them to rent to a family member or anyone else. It  
 28 is similar to what you are doing with the home occupations. It is something we need to do that’s  
 29 long overdue. It gives another affordable home option. He is looking at what other cities and  
 30 states do. He spoke about how it is too expensive to live in New England. Anywhere we can  
 31 provide an option for a young family, this is what we should be doing.

32

33 Chairman Belair asked for public input.

34

35 Tim Higgins, 21 Orchard Terrace, agrees with Mr. McBride. He thinks we should allow them to  
 36 be bigger than what they are now because of circumstances he is in now.

37 Debbie Collins, real estate agent from Keller Williams, said she does a lot of rentals. It is  
 38 important for people to have that opportunity. A lot of people are looking to make ends meet by  
 39 having extra income. It doesn’t seem like a big difference between having a stranger having 750  
 40 or a relative having 950. If you can have a relative in there for 950, why can’t you have someone  
 41 else in there? Economically it makes more sense to have it all the same square footage and more  
 42 affordable living. Around here it is expensive to live.

43

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1 Mr. Pelletier said, even though he is in favor of this petition, he asked Ross, what are the  
2 requirements for an accessory apartment? Are there any limitations by increasing the square  
3 footage to add a second or third bedroom?

4 Mr. Moldoff said, only two bedrooms are allowed currently and that would stay the same.

5 Mr. Hatch spoke in favor of this. We have elderly people that want to downsize and stay in  
6 Salem but have nowhere to go because apartments are too big or too costly. This gives another  
7 avenue for people who lived here for a long time, to stay and not have to move out of town. It  
8 would also help someone pay taxes if they rent that space. It's a win win for the residents and the  
9 town.

10

11 Chairman Belair asked, is it a win at 750 or 950?

12 Mr. Hatch said, he would like to do away with calling it inlaw or accessory, and just make it an  
13 apartment. 200 square feet may not seem like much but it is when you are looking for storage  
14 space.

15 Chairman Belair said he has a legal duplex and it is 725 square feet on the other half. All the  
16 things would work if it was a duplex, except the rules are different.

17

18 There was a discussion of the difference between duplex and accessory apartments.

19

20 Ms. Donovan asked, does this cover a detached garage conversion?

21 Chairman Belair said, the rules say no separate building.

22 Mr. Moldoff said, no detached garage.

23

24 **MOTION by Mr. Hatch that we forward this to the ballot with our recommendation.**

25 **SECOND by Mr. Pelletier.**

26

27 **VOTE ON MOTION: 7 - 0**

28 **UNANIMOUS**

29

30 Ms. Withrow stepped down from the board.

31

32 Chairman Belair said the next one is article 6, allowing sports betting.

33

34 Gene Bryant, 56 North Policy Street, is representing a couple of the charities who benefit from  
35 charitable gaming, the Knights of Columbus and St Joseph's Regional Catholic School. The  
36 biggest concern among the charities is whether with or without sports betting if the parlor is  
37 doing well at the moment and doing so much for charities, would remain competitive. The deal  
38 between the State of New Hampshire and Draft Kings is that they will put ten facilities in the  
39 state. He doesn't think they'll stand alone. Where they are headed, is teaming up with existing  
40 charitable gaming sites. The one here in town is doing well and is well managed and has a good  
41 reputation, and has been successful. We would like it to stay competitive and like to see charity  
42 poker facilities in town remain competitive by bringing in Draft Kings and doing sports betting.  
43 He spoke about when Rockingham Park had charitable gaming. He asked the board to look  
44 favorably upon this citizen's petition.

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Chairman Belair asked for public input.

Everett McBride, 66 Millville Street, said the charities will benefit from this. It is happening already, so we may as well take advantage of it, and he urged the board to support it.

Mr. Hatch asked for clarification. If this is moved to the ballot and approved, and the charitable gaming is a separate entity, then what would be operated by Draft Kings? The charities aren't getting money from sports betting.

Mr. McBride said, the State will only allow ten. We may not get one, but if we don't do this, we definitely won't get one.

Mr. Hatch asked, is it all electronically run?

Mr. McBride said yes, it is all run by Draft Kings. It is legit.

Mr. Bryant said, the charities know that they won't benefit, they just don't want to see the business suffer because people are going to a different parlor that does have it.

Mr. Hatch said, the charities will benefit from this because it will bring more people in.

Mr. Bryant explained that, whatever the betting is on sports betting, a share of that won't go to charities, but the parlor will do better.

Ms. Donovan said she has a question with the way its worded. It is important to specify what zones it can be allowed in. This doesn't specify. Is there an opportunity after, if this is approved, to specify a zone?

Mr. Moldoff said he got a legal opinion because he had the same concerns. The way zoning works is, everything is allowed in a certain district or an overlay district or place. The town passed a charitable gaming ordinance a few years ago and it was specifically allowed in a portion of the Commercial Industrial B and C districts. We can't change it, but it doesn't say where it is allowed so conceivably it could be everywhere, but it doesn't say that so it is unclear. Maybe the intention was to allow it in the same places where charitable gaming facilities are allowed, but it is not clear. Also, the State law specifies a specific procedure for allowing sports gaming. The feeling of the attorney is, that's kind of pre emptive, the zoning amendment process. Sports betting is allowed by a separate ballot article, specifically on that and there has to be a public hearing held by the Board of Selectmen. It's a little confusing because, if you recommend approval and it passes at the ballot, it may not allow others. The attorney said that doing a zoning amendment isn't the way to allow sports betting. It doesn't comply with the State law that specifies how it is done.

Chairman Belair asked, this is going to the ballot regardless, it is just if we recommend it or not?

Mr. Moldoff said, the Board of Selectmen still need a public hearing and it would have to be a separate ballot article. So now we'll have two different things and it could confuse people.

Chairman Belair asked, can they be site specific?

Mr. Moldoff thinks, as he reads the opinion from our attorney, the wording of the question on the ballot is spelled out by State law, and that doesn't include a specific location. His first thought was that this petition should be dropped, and they should go through the process specified by the State law. But it is not that simple because it is not easy to drop a petition that's been submitted. They would have to get all the signatures of everyone who signed it. That didn't seem practical.

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1 So the suggestion was, let it go forward and let the Planning Board decide what they want to do.  
2 But it will be confusing.

3  
4 Lisa Withrow, 9 Hemlock Lane, said she was part of getting this petition going. The first one  
5 submitted was sent back and the town attorney provided this language and said it was State  
6 mandated and could not change. The petition in the packet is the old one. The new one with the  
7 signatures was handed back to the town, and was done properly, and is State mandated. She  
8 couldn't change it. She had to have those exact words done exactly that way. She asked how to  
9 get this on the ballot and this was the process that she had to take. She did not have a choice.  
10 Mr. Gibbs asked, so the town attorney was OK with the way this was written?

11 Ms. Withrow said, the wording you are looking at, she doesn't believe it is exactly the way it is  
12 once it was revised by the attorney, but neither one had specific zones laid out.

13 Mr. Moldoff said, it would be good if this could come out and the other one could go forward  
14 because that is the right process. But he discussed it with the town attorney and he said this can't  
15 come out. The reason this is in front of you is because it said citizens petition to amend the  
16 zoning ordinance and he thinks that was a mistake. It was meant to be a citizens petition for the  
17 ballot but because it says zoning ordinance it comes here.

18 Ms. Donovan said, so there is no harm if it goes forward.

19 Mr. Gibbs said it seems like that would make this invalid. He also thought it needed names,  
20 addresses and signatures.

21 Mr. Moldoff said it was qualified by the town. They need 25.

22

23 Mr. Gibbs asked, if TBones wants to do sports betting, would they be able to do it?

24 Mr. Moldoff said no. The State law that allowed sports betting, which he has a copy of, it  
25 specifies a maximum of 10 facilities throughout the State where it will be allowed. Those ten  
26 will be chosen by the State. Another facility that didn't have approval from the State can't do  
27 sports betting.

28 Mr. Hatch said, it also has to be operated by Draft Kings.

29 Mr. Gibbs asked, it says "the town of Salem zoning ordinance", which one?

30 Chairman Belair suggested that we move this along.

31 Mr. Banks said, there are a lot of other checks and balances with this. So he is fine with it.

32

33 **MOTION by Mr. Hatch to move article 6 to allow sports betting, to the ballot with our**  
34 **recommendation, written as is.**

35 **SECOND by Mr. Banks.**

36

37 **VOTE ON MOTION: 5 - 1 (Mr. Gibbs opposed.)**

38

39 Ms. Withrow rejoined the board.

40

41 **NEW BUSINESS**

42

43 1. ASADOORIAN SUBDIVISION – Preliminary Hearing for lot line adjustment at 3 and 7  
44 Queen Anne Lane, Map 63, Lots 3591 and 3593.

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1 **MOTION by Mr. Banks to accept the Asadoorian subdivision application as complete.**  
2 **SECOND by Mr. Pelletier.**

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

6  
7 Abutters: There were no abutters present.

8  
9 David Jordan, engineer/land surveyor with Greenman Pedersen, is representing the owner of the  
10 property, Leon Asadoorian. This is one of two vacant lots on Queen Anne Lane. We were here in  
11 2017 requesting some conditional use permits to construct houses at 7 and 3 Queen Anne Lane.  
12 In conjunction with that, one thing we discussed was taking the existing lot at 7 Queen Anne  
13 Lane, which is just under 5 acres in size, that abuts Canobie Lake, and dedicating a piece of land,  
14 subdividing it off, and conveying it to the town to add it to adjacent town owned property. This  
15 plan is seeking to do that. That was a condition of approval in 2017 and that is what we are  
16 seeking to do this evening. It is almost a 5 acre parcel, and he showed the existing lot line. He  
17 also showed where the lot line will be moved to. It is 2.5 acres, conveyed to the town and that  
18 leaves the owner with 2.4 acres. The frontage doesn't change. There a couple of waivers that we  
19 will request. One is with the lot line. There is a requirement that they be radial or perpendicular  
20 to the street line. The second waiver request is, there is a requirement in the residential district  
21 that there be a space on a lot to accommodate a 75 foot x 100 foot rectangle that meets all  
22 building setbacks. At one corner, we clip it by a foot. There is plenty of buildable area on the lot.  
23 There is more than sufficient area on the lot.

24  
25 Staff Comments:

26 State subdivision approval is still needed.

27 He received the OK from Engineering, Fire, Assessor and Public Works Departments.

28 Recommend - He suggested granting the waiver request and then grant conditional approval.

29 He can give conditions.

30  
31 Chairman Belair asked for public input. There was none.

32  
33 Mr. Jordan then read through the waiver request.

34  
35 **278-6:4.2** – Lot 3593 has a contiguous area of useable land meeting all setback requirements  
36 well in excess of the required 7,500 square feet 25,232 square feet provided. The existing  
37 geometry of the lot however results in the 75'x100' rectangle being clipped by one (1) foot on  
38 the corner.

39  
40 **278-6:4.7** - The proposed lot line is not radial to the street line.

41  
42 **7:1.1** – Strict conformity with the requirement of this section poses an unnecessary hardship on  
43 the applicant. This property has sufficient land area to support a single-family house and septic  
44 system. The lot will continue to meet the minimum lot size and frontage requirements. Strict

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1 conformity with the sections for which a waiver is sought would not allow the applicant to  
2 convey the proposed 2.5 acre parcel that abuts Canobie Lake and the town's water treatment  
3 plant to the Town of Salem.

4  
5 **7:1.2** – Specific circumstances relative to the subdivision and the conditions of the land do  
6 indicate that the waiver will properly carry out the spirit and intent of the regulation. The  
7 applicant wishes to convey a 2.5 acre portion of this property that abuts Canobie Lake to the  
8 Town of Salem. This specific circumstance necessitates the waivers that have been requested.  
9 The remainder lot continues to meet the minimum lot size and frontage requirements and can  
10 accommodate a reasonably sized house and septic system that meets all other dimensional and  
11 setback requirements.

12  
13 Mr. Hatch asked, why are we conveying this to the town? What will the town do with it?

14 Mr. Jordan said that was part of the discussion in 2017 for conditional use permits, to relax some  
15 wetland setbacks to allow houses on these two lots. As part of that discussion, we felt there  
16 would be benefit to take land that abuts Canobie Lake, out of private ownership, and convey it to  
17 the town.

18 Mr. Moldoff said, it has lake frontage and abuts town owned land and we said, the more land we  
19 can preserve along the lake, the better.

20  
21 **MOTION by Mr. Banks to grant the waiver under Section 278-6:4.2, citing the applicant's**  
22 **letter read into the record tonight, dated December 16, 2019.**

23 **SECOND by Ms. Donovan.**

24  
25 **VOTE ON MOTION:7 - 0**

26 **UNANIMOUS**

27  
28 **MOTION by Mr. Banks to grant the waiver under Section 278-6:4.7 regarding the lot line**  
29 **at right angles, citing the letter read into the record tonight, dated December 16, 2019.**

30 **SECOND by Ms. Withrow.**

31  
32 **VOTE ON MOTION: 7 - 0**

33 **UNANIMOUS**

34  
35 Mr. Moldoff read the following conditions:

- 36 1. Prior to recording the plan, submit State subdivision approval.  
37 2. Prior to recording the plan, set or bond the monuments.  
38 3. Prior to recording the plan, note the waivers on the plan.  
39 4. All representations made by the applicant or their agents and all notes on the plan are  
40 incorporated as part of this approval.

41  
42 Mr. Moldoff said, you need to vote to hear this in one hearing.

43  
44 **MOTION by Mr. Banks to hear this in one hearing.**



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1 **SECOND by Ms. Donovan.**

2  
3 **VOTE ON MOTION: 7 - 0**

4 **UNANIMOUS**

5  
6 **MOTION by Mr. Banks to grant conditional approval of the Asadoorian subdivision with**  
7 **the four conditions as stipulated by Mr. Moldoff.**

8 **SECOND by Ms. Donovan.**

9  
10 **VOTE ON MOTION: 7 - 0**

11 **UNANIMOUS**

12  
13 2. **WOLF PACK CANINE SITE PLAN** – Request for conditional use permit for additional  
14 wall sign at 346 South Broadway, Map 136, Lot 217.

15  
16 **MOTION by Mr. Banks to accept the Wolf Pack Canine site plan application as complete.**

17 **SECOND by Mr. Pelletier.**

18  
19 **VOTE ON MOTION: 7 - 0**

20 **UNANIMOUS**

21  
22 Abutters: There were no abutters present.

23  
24 David Jordan with Greenman Pedersen, is representing the applicant, Wolf Pack Canine. Also  
25 here is Bill Fagan, the owner. In July of last year this board approved a change of use to allow  
26 them to occupy approximately half of the building at 346 South Broadway. They are now in  
27 operation. We are here to request a second wall sign. This has an existing wall sign on the front  
28 of the building facing South Broadway. It is a 36 square foot sign. This site doesn't have a  
29 freestanding sign so the wall signs on this building, are the only signs that provide information  
30 and advertising. The owner has found that because of the location of this sign facing directly  
31 onto South Broadway with the building so close to South Broadway, it is extremely difficult to  
32 see the sign. Even when they get there, they are not sure where it is in the building. So they want  
33 to put a second wall sign on the north side of the building. It will be slightly smaller than the  
34 existing wall sign. The proposed sign will be 28 square feet, and the existing is 36 square feet.  
35 Sarl Drive is a private way and if it were a public way, the sign would be allowed by right. Since  
36 it is private, it's not. He then gave a picture to the board. The photo is showing the street view  
37 image looking down Sarl Drive. He explained what is in the photo. We need to request a  
38 conditional use permit to allow the second sign. He then read through the criteria.

39  
40 **A.** Currently the one roof mounted sign that this business has does not provide information and  
41 advertising in an effective manner. The second wall sign that is being requested will be the only  
42 sign on the north side of the building and will be smaller than what would be allowed by zoning  
43 if Sarl Drive were a public right-of-way.

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1 **B.** This building is located much closer to South Broadway compared to other properties in the  
 2 area. This limits the visibility of the existing roof mounted sign that faces South Broadway. This  
 3 tenant has additional building frontage along Sarl Drive, which is also the side of the building  
 4 where the customers of this business are most likely to park. Having a second sign on this side of  
 5 the building will provide visibility to vehicles traveling southbound on South Broadway and will  
 6 also aid customers in locating this business once on site.

7  
 8 **C.** For the reasons cited in b) above, this site is suitable for the proposed modification.  
 9

10 **D.** The addition of a 28 square foot sign on the side of the building will not adversely impact any  
 11 neighboring properties.  
 12

13 **E.** Granting a conditional use permit to allow a second wall sign would not be adverse to the  
 14 safety of passersby, pedestrians, or vehicles.  
 15

16 **F.** The aesthetic character of the site and the surrounding area is already established by the  
 17 current use of wall, roof, and freestanding signs on each property. This aesthetic character will  
 18 not be adversely affected by the addition of a single 28 square foot wall sign on the north facing  
 19 side of this building.  
 20

21 **G.** The requested modifications are consistent with the spirit and intent of this chapter and the  
 22 master plan. The addition of a second wall sign provides necessary information for this tenant in  
 23 an orderly and effective manner without being hazardous or distracting or resulting in harm to  
 24 the general public.  
 25

26 Staff Comments:

- 27 You have to be careful when you grant these because others will want it. In this case, the  
 28 thing that makes it different, is that they don't have a freestanding sign and most others do.  
 29 Recommend - If you decide that the sign meets the criteria for a conditional use permit, he  
 30 recommends that you grant approval with conditions. The conditions are:  
 31 1. Noting the conditional use permit on the plan.  
 32 2. All representations made by the applicant or their agents and all notes on the plan are  
 33 incorporated as part of the approval.  
 34

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

37 Mr. Gibbs asked, there are 3 other units on the other side of the building?

38 Mr. Jordan said that's correct.

39 Mr. Gibbs asked, only one has a sign in front?

40 Mr. Jordan showed which ones have signs.

41 Mr. Gibbs said he doesn't know if the middle unit has a sign. To him, that destroys the argument  
 42 that they need a sign. Because people are finding these other businesses on the side of the  
 43 building. He explained that he is not in favor of two signs, but would be OK with the side sign, if

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1 you took the front sign down. But you start opening the door to so many signs. You could put  
2 your sign on the door.

3 Mr. Jordan said, you can't see the door from the front parking lot because it is on the side of the  
4 building.

5  
6 Bill Fagan is the owner of Wolfpack Canine. The tenant in unit 3 also has unit 2. Mr. Fagan  
7 leases the entire right side of the building. The issue is, he has no windows, so there is no chance  
8 to put signage in windows. He gets at least 5 calls a week from customers that know his address  
9 and still can't find them. He is on the phone trying to get them there. People probably have no  
10 idea he is there so he is losing out on clients every week.

11 Mr. Gibbs asked, is it possible that there is something wrong with the signs on the front?

12 Mr. Fagan said he doesn't believe so.

13 Chairman Belair said, if this sign helps people from having to turn around, then he is for it, if it  
14 will help with the mess that happens down there.

15  
16 Mr. Pelletier said, doing a tour of South Broadway, looking at similar situations of this building,  
17 there are about 90% of these types of buildings that have two signs, one on the front and one on  
18 the side. He would argue with other tenants on the other end of this building. If there is not  
19 enough room for a second sign, that goes with the territory. It would be up to the tenants. There  
20 are so many businesses on that road, and this has no pylon sign. There are other buildings on this  
21 road that wouldn't fit our sign ordinance today. The former D'Angelos building has three wall  
22 signs and a pylon sign. Regarding the comment if there is something wrong with the sign, if he  
23 wasn't here when you first came in, and remembered where it is, he had a hard time finding it as  
24 he was driving by. He mentioned the sign being bland. Comparing this with other businesses up  
25 and down Route 28, he has no problem with two signs. There is a hardship of not having a  
26 freestanding sign.

27  
28 Mr. Hatch said, he assumes that you looked into having a pylon sign put out front, and there is no  
29 room.

30 Mr. Jordan said, the building is too close. Any freestanding sign that met the setback  
31 requirements wouldn't be visible from at least one direction on Route 28.

32 Mr. Hatch asked, your tenant operates in that corner?

33 Mr. Jordan said, this whole side.

34 Mr. Hatch said that makes it different to him.

35  
36 Ms. Donovan said, going north she can see doorways for other businesses. It is awkward coming  
37 south. She is fine with this.

38  
39 Mr. Moldoff read the following conditions:

40 1. Note the conditional use permit for the additional signage on the plan.

41 2. All representations by the applicant and their agents and all notes on the plan are incorporated  
42 as part of the approval.

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1 **MOTION by Mr. Banks to grant the conditional use permit from Section 490-702B to Wolf**  
 2 **Pack Canine for a 28 square foot sign on the northeast corner of the building, citing the**  
 3 **applicant’s letter read into the record, dated December 13, 2019.**

4 **SECOND by Mr. Pelletier.**

5  
 6 **VOTE ON MOTION: 6 – 1 (Mr. Gibbs opposed.)**

7  
 8 3. OMJ REALTY SITE PLAN – Public Hearing for revised site plan for 66,200 sq. ft. medical  
 9 office building at 71 Rockingham Park Boulevard, Map 98, Lot 7887.

10  
 11 **MOTION by Mr. Gibbs to accept the OMJ Realty site plan application as complete.**

12 **SECOND by Mr. Banks.**

13  
 14 **VOTE ON MOTION: 7 - 0**

15 **UNANIMOUS**

16  
 17 Abutters: There were no abutters present.

18  
 19 Mark Gross, with Greenman Pedersen Inc, is here for the revised medical office building project.

20  
 21 Joe Faro said we have been working on this for over a year and a half, and we are excited to  
 22 bring Mass General Brigham here tonight to show the plan. We are excited to have them in the  
 23 Tuscan Village development. We have been working on this for a long time. It is an incredible  
 24 opportunity to the town and State to have such a world class medical provider Mass General  
 25 Hospital and Brigham and Womens Hospital. John Maservy, who heads up all their development  
 26 and this project, is here tonight.

27  
 28 John Maservy, director of design construction for Partners Healthcare in Boston, is very excited  
 29 to be part of the Tuscan Village development. We worked a long time with Joe to get here. We  
 30 have many patients in this area who travel to Boston for service. We are trying to make it  
 31 convenient to provide a local place to provide services you need, other than acute care. He  
 32 explained the services that we’d be providing here. He explained that they are using a world  
 33 class architect, Gensler Architects, and the standards. It will be a high performance building,  
 34 both in operations and the services provided. We hope to begin construction in the early fall. And  
 35 we will open in March 2022.

36  
 37 Mr. Gross showed a perspective view of the building from Rockingham Park Boulevard. It has  
 38 vertical and horizontal elements. The structure on top is solar panels. This is a very green  
 39 building. He showed different views of the building and explained the building materials. There  
 40 is a corridor that goes around the entire building. He then showed an overview of the entire  
 41 parcel. And the subdivision that was approved and recorded. The building footprint has changed.  
 42 The square footage is now 65,000 versus the 116,000 that you saw. The parking has been  
 43 reduced significantly. All the parking on the lot itself meets the town parking requirement. We  
 44 do have 106 parking spaces to the west, through an easement. This will be considered a

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1 temporary parking area. At some point when the development of that parcel occurs, those  
2 parking spaces will go away and will be relocated elsewhere on the site. The entrance, the  
3 circulation and parking area is the same as before except we had all that parking going to the  
4 west under the flyover. The building is almost half of what it was originally, so we don't need all  
5 that parking. The green space has increased but we have a conditional use permit for this  
6 property. The only other difference is there was an ambulance entrance that is now gone. There  
7 is a different type of urgent care. This is more of an inhouse urgent care versus a separate entity.  
8 He showed the grading and drainage plan. He also showed the utilities plan and stormwater  
9 management plan. We also have an application from NHDES for an amended AOT permit. We  
10 received the AOT permit on the original approval and design. He also showed the truck turning  
11 plan, and the modified landscape plan. There was some outdoor seating that has been replaced  
12 with landscaping. He discussed the landscaping plan. We have several conditional use permits on  
13 the site plan, which are not different from what we had before. He can go through these later.  
14 There are not a lot of changes other than the building got smaller. We have peer review  
15 comments and we have addressed most of those. We received some today from Terry Dewan,  
16 but nothing major.

17

## 18 Staff Comments

19 He discussed the previous plan and previous hearings.

20 They need a State AOT permit and they need the OK from DOT for the drainage discharge.

21 Steve Pernaw reviewed the plan and had a couple minor comments. The issue was getting  
22 people from the extended parking area to the building. They added a note that when that  
23 parcel gets developed, they will work on a pedestrian connection. You may want to hear what  
24 the applicant says on what they can do. We talked about solutions, and he thinks we are close.  
25 We recalculated the impact fee. It is \$268,240 on the traffic impact fee. Regarding the outside  
26 review, he has given the board a memo from Steve Pernaw. Mr. Moldoff said he believes  
27 everything else has been addressed adequately.

28 He thinks the DOT said they have no concerns.

29 Four conditional use permits are being requested. They are for building height, lot coverage,  
30 parking lot buffer between pavement area and lot lines, and the parking space size.

31 The only issue is we wanted to screen the parking lot. There was a row of arborvitaes there  
32 but they are gone. The site is higher. We worked with the landscape architect and our design  
33 consultant to beef up the plantings. We will have a final review by our design consultant and  
34 that should take care of it.

35 They need a conditional use permit for signage. They are asking for more and larger signs  
36 than what is allowed.

37 We are waiting for a report from the person that did the sign guidelines.

38 Mr. Moldoff has a memo from Engineering. Those items are still outstanding.

39 He has a memo from the Fire Department.

40 The Police and Public Works Departments are OK.

41 The Fire Department had mostly building permit type concerns, which he explained.

42 He sent you Terry Dewan's memo today. They will review that. He explained the concerns  
43 and that he thinks we can handle those at the staff level.

44 Recommend - talk about the conditional use permits. If you move forward, he can give

## DRAFT

1 conditions of approval. They have resolved most of the issues.

2  
3 Chairman Belair asked for public input. There was none.

4  
5 Mr. Gross gave information to the board. We have two conditional use permit requests. One is  
6 for the site plan, and there are 4 requests. One is for the parking setback of 0 to 5 feet from the  
7 side yard setback. The other one is for the property line that goes through the parking lot. This  
8 parking is temporary. That would be zero setback. Section 490-502C and 490-202 is for building  
9 height. The request was originally 77 ½ feet and 5 stories, where 35 feet and 3 stories is  
10 permitted in the Commercial Industrial District. On the parking space size, it is 9x18 feet for all  
11 onsite parking where the minimum parking size is 9x20 feet. We had a significant amount of  
12 information that we presented to you at several meetings. Section 490-501C is lot coverage.  
13 Originally you approved a conditional use permit for 75% on the original plan, which has been  
14 reduced down to 73%. He then read through the criteria for Section 490-710D.

15  
16 **A.** On July 31, 2018 the Salem Planning Board granted approval to the conceptual master plan  
17 for Tuscan Village. Tuscan Village is an integrated development with a mix of residential, retail,  
18 restaurant and entertainment uses. The medical office building is one of the components of that  
19 master plan and is consistent with what was presented to the Planning Board and approved as  
20 part of the July 31, 2018 conceptual master plan. All of the conditional use permits requested for  
21 the medical office building development are needed for the development to move forward and  
22 are in line with those conditional use permits that were identified in the conceptual master plan  
23 that was approved on July 31, 2018 as well as conditional use permits that have been approved  
24 for other developments within Tuscan Village (i.e. Dolben Apartments, Design District Anchor  
25 Store, Hanover Apartments, etc.)

26  
27 **Parking space size:** Parking space dimensions for this type of development, which is not  
28 classified as having high turnover parking usage, typically have a 60-foot module width which,  
29 based on a required 24-foot aisle width for two-way traffic, would require spaces no less than 18  
30 feet in depth. Unlike width, parking space depth is not affected by turnover rate or type of user  
31 and the recommended depth of the typical parking space is based on a composite design vehicle  
32 as outlined in Chapter 7 of the publication entitled “The Dimensions of Parking” Fifth Edition,  
33 by the Urban Land Institute and National Parking Association. Additionally, the town’s traffic  
34 consultant has previously approved the request for the reduced parking space size based on his  
35 review of the Desman report.

36  
37 **Lot coverage:** Open space is an important component of the Tuscan Village development. The  
38 request for this conditional use permit for the medical office building development is proposing a  
39 lot coverage of 73.0%, where 70% is allowed. The overall lot coverage for the entire 120.4-acre  
40 development has been calculated at 69.5% under the conceptual master plan development.  
41 Although individual properties within the development may not meet this requirement, the  
42 overall lot coverage for the site will be maintained at 70% or less.

## DRAFT

1 **B. Greenman-Pedersen Inc (GPI)** completed a traffic study that studied 18 area intersections as  
2 part of the master plan review and approval process. GPI has now prepared a site plan  
3 memorandum for the medical office building, which includes commitments that will be made to  
4 address the impacts that this project will have on a number of those intersections. The applicant  
5 has worked with Salem Municipal Services Department to provide adequate services to both the  
6 medical office building project and the other development parcels within Tuscan Village.

7  
8 **Parking space size & number of parking spaces:** Parking lot module design is critical for  
9 efficient internal traffic operations within the development. Parking lot module design is  
10 determined mathematically by several factors including design vehicle design, appropriate stall  
11 and aisle dimensions and the type of development (urban, suburban, rural etc). The proposed  
12 parking lot module design of 60 feet (providing 24-foot travel lanes) for the Tuscan Village  
13 South/Central District is appropriate for the types of land uses proposed and will provide the  
14 most economical and efficient design for traffic operations. Accordingly, there will be no  
15 adverse impact on traffic or parking operations. Parking lot module design is described more  
16 particularly in the publication entitled “The Dimensions of Parking” by the Urban Land Institute  
17 and the National Parking Association. Additionally, an overall reduction in the parking space  
18 size from 9’x20’ to 9’x18’ can increase parking for the project and at the same time allow  
19 additional open/green space for the development. It has been determined that the minor reduction  
20 in parking space size can have a tremendous impact on providing additional open space for the  
21 project. The reduction in the parking space size for the project will provide an additional acre of  
22 open space/landscape area within the project. This represents an increase in open space for the  
23 entire project area within the Tuscan Village project boundaries.

24 Although a reduction in the parking space size will have no negative impact on public utilities or  
25 municipal services, the parking size reduction will have a positive impact on internal traffic  
26 operations, open space, stormwater management and natural resources. For many various and  
27 unique land uses within the Tuscan Village project, there will be as much or more square footage  
28 of parking as there is for the buildings which generate the need for the parking space size  
29 reduction. A reduction in land area devoted to parking, allows other important land planning  
30 goals such as increased open space to be achieved. One of the most important strategies of  
31 “smart growth” planning is to reduce parking areas to the minimum necessary, including reduced  
32 parking space sizes, to facilitate better connections between land uses and reduction of vehicular  
33 trips. The reduction in parking space size reduces the impervious coverage of the project, thereby  
34 reducing runoff and the pollutant load associated with most stormwater runoff from parking lots.

35  
36 **C.** The access to this parcel will be from the new internal roadway network as well as  
37 Rockingham Park Boulevard, South Broadway, and Mall Road. The southerly site driveway  
38 (Market Place) is the only new access point located on South Broadway (Route 28) and was  
39 approved as part of the approved conceptual master plan.

40  
41 **D.** The medical office building development within Tuscan Village does not adjoin an existing or  
42 future residential district but will be surrounded by commercial development. The roadway and  
43 linear park provide the transition between the commercially oriented South/Central Village and  
44 the Hanover Residential development. Additionally, there are 58 residential condominiums that

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1 are located in the central village which are integral to the commercially oriented part of this  
 2 development.

3  
 4 **E.** The medical office building includes high quality landscaping including trees, shrubs, and  
 5 other landscape elements have been integrated into the site to complement the buildings, create a  
 6 sense of identity and provide human scale. In other areas the landscaping serves to buffer the on-  
 7 site parking from the adjacent streets and screen utility and service areas. The buildings are well  
 8 articulated, incorporate a variety of architectural elements and use color to break up the massing.  
 9 Parking areas have been reduced to the minimum necessary to support the development in order  
 10 to reduce impervious surfaces and provide open space. The proposed landscaping incorporates a  
 11 variety of tree and shrub species that are placed to reduce the view of the parking lots from the  
 12 existing and new streets surrounding. Year round plant materials, fencing and landscape walls  
 13 are also proposed to add additional visual interest and screening of the parking lots.

14  
 15 **F.** The proposed landscaping incorporates a variety of tree and shrub species that are placed to  
 16 reduce the view of the parking lots from the existing and new streets within Tuscan Village. Year  
 17 round plant materials, fencing, and landscape walls are also proposed to add additional visual  
 18 interest and screening of the parking lots.

19  
 20 **G.** The medical office building project provides both vehicular and pedestrian links to the  
 21 abutting parcels as well as to the adjacent streets. Pedestrian connections from the buildings to  
 22 the adjacent roadways are provided as well as to the linear park and to connections across Tuscan  
 23 Boulevard through the Lake Park and into the south/central village development. The Tuscan  
 24 Village roadways provide the rest of the pedestrian links to the other parcels and to South  
 25 Broadway, Mall Road, and the north Tuscan Village roadway network.

26  
 27 **H.** Open space and pedestrian amenities are provided within the medical office building parcel  
 28 and throughout all of Tuscan Village. The on-site open space allows for active and passive  
 29 recreation opportunities throughout the entire parcel, and supplements the open space that is  
 30 associated with the Linear Park, Tuscan Lake Park, etc. The medical office building is also  
 31 located adjacent to what will be an open linear park to the west that again will provide active and  
 32 passive recreational opportunities.

33  
 34 Chairman Belair said, our notes show Section 490-702D2 for the sign.  
 35 Mr. Gross said, that's a separate conditional use permit. Under signage, there are two sections  
 36 that we need relief from in terms of conditional use permits. On the north elevation of the  
 37 building, we are requesting 248 square feet for the first primary wall sign where 100 square feet  
 38 is allowed. On the east side of the building, to permit 350 square feet for the third primary wall  
 39 sign where 50 square feet is allowed. The allowable is much less than original, because we  
 40 originally had 116,000. He explained this and showed what the signs will look like and that it is  
 41 appropriate for the mass of this building. We need to reevaluate the 80 square foot number in the  
 42 ordinance. He also discussed the sign on the east elevation of the building. He discussed Section  
 43 4(a)(6) and 7(b) regarding number of primary building wall signs. We are only allowed three  
 44 primary building wall signs and we are requesting five. This faces the flyover but a lot of the



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1 building will be masked by the flyover. The reason for the two signs is that we have potentially  
 2 two different entities that will be in there. So people coming from the highway can see the signs.  
 3 He then read through the criteria for the wall signage.  
 4

5 **A.** The larger and additional wall signs subject to the conditional use permit for the medical  
 6 office building is crucial for those patrons that are coming to this site from both the east and  
 7 west, particularly those coming from the I-93 corridor and using the Rockingham Park  
 8 Boulevard flyover. Additionally, as a result of the change in the square footage of the building  
 9 (from 116,000 sf to less than 80,000 sf) the allowable square footage for all primary signs and  
 10 number of signs is less. However, the mass of the building has not changed significantly with  
 11 respect to the proposed signage, therefore the relationship between the signage proposed (which  
 12 was previously approved) and the size of current building is not that materially different from  
 13 that which was previously approved.  
 14

15 **B.** The medical office building project is unique given its location off Rockingham Park  
 16 Boulevard and I-93 and is part of the mixed use development. The medical use building is highly  
 17 visible and will be approached from many directions. Advertising is an important part of any  
 18 business and the location and number of wall signs proposed is the minimum necessary to  
 19 provide proper identification of this particular use and to assist the public with decision making  
 20 information. It is reasonable to allow the additional primary wall signs on the west elevation, and  
 21 the larger signs on the north and east elevation given the following considerations:

- 22 1. Although the building is less than the 80K cutoff point under the regulations which reduced  
 23 the allowable sign area, the building massing supports the number, size and additional signage  
 24 proposed that was previously approved on a similar size building.
- 25 2. It is reasonable to allow the larger sign on the east and north elevation of the building, given  
 26 that it is the front entrance to the site and the other primary wall sign meets the allowable wall  
 27 signage allowed.  
 28

29 **C.** The size of the parcel and the fact that each building façade is visible as people approach from  
 30 all sides renders this site suitable for the requested conditional use permit for the larger primary  
 31 wall signs and the two additional wall signs facing west.  
 32

33 **D.** The only neighboring properties consist of the Mall at Rockingham Park, and proposed office  
 34 buildings that are all part of the Tuscan Village development. From any point on these adjacent  
 35 properties only one wall sign will be visible to the car wash. The additional primary wall sign  
 36 sizes and number proposed will not have an adverse impact on any of these properties.  
 37

38 **E.** Creating clear signage will not negatively affect traffic or pedestrian safety.  
 39

40 **F.** Having the additional wall signs or larger wall signs on the north, east and west facades that is  
 41 proportionate to the size and scale of the building façade will not adversely affect the aesthetic  
 42 character of Tuscan Village or the surrounding area.  
 43

## DRAFT

- 1 **G.** The modification requested is consistent with purpose of the overlay district and therefore is  
2 consistent with the spirit and intent of the zoning ordinance and master plan.  
3
- 4 Mr. Gibbs said he would vote for these signs. Being an emergency building, it needs to be as  
5 visible as possible. The mounding that is on the site now, is that as high as it will get?  
6 Mr. Gross said, it is exactly the same elevation that was proposed on the original plan, he thinks  
7 its elevation 135. The pad elevation is two feet lower.  
8 Mr. Gibbs asked, will there be overnight stays?  
9 Mr. Gross said no.  
10 Mr. Gibbs asked, when you put a building like this, all glass, right next to a road, is there some  
11 kind of testing done regarding the reflection impacting traffic?  
12 Mr. Gross said, it is not reflective glass.  
13
- 14 Mr. Banks asked Mr. Gross to elaborate on the connectivity for pedestrians. He mentioned  
15 getting there from the railtrail.  
16 Mr. Gross explained how to get there from the railtrail. It is important for Mass General to have  
17 connectivity to the central village.  
18 Mr. Banks mentioned the signs. Is the square footage the same based on the orientation?  
19 Mr. Gross said the square footage proposed is exactly the same.  
20 Mr. Banks mentioned the building itself. With solar panels and a lot of glass, any there any goals  
21 regarding energy efficiency?  
22 Mr. Gross said it is designed to keep it cool in the summer and insulate in the winter. He thinks  
23 the solar panels are purely for generation of power or supplement electric for themselves. It is  
24 not huge. The greenery helps to offset heat in the summer.  
25
- 26 Mr. Pelletier said the peer review had a safety concern about solar panels forming ice and falling  
27 in pedestrian areas.  
28 Mr. Gross said he spoke about that with Terry Dewan. The only place that would occur is on the  
29 other side of the building. There is no pedestrian activity on the south side. But on the north side  
30 where the drop off area is, we may pull those panels back to the edge of the building, so we  
31 won't have that situation. He is sure they took that into account and we will relate that  
32 information to Gensler.  
33 Chairman Belair said that you mentioned something about MRI. He mentioned the trucks, and  
34 how bad the ones in Boston look. He just wants to make sure you won't have something like that  
35 here.  
36 Mr. Gross said, this is to remove them from the building.  
37
- 38 Ms. Donovan complimented the design. She likes that this will be something modern that will be  
39 seen right off the highway. She likes it.  
40 Mr. Gross said, this is like what you will see in the Rockingham Office District.  
41
- 42 Mr. Moldoff suggested that you act on the conditional use permits first. He then read the  
43 following conditions:  
44 1. Prior to the building permit, submit the approval from the Engineering Division.

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- 1 2. Prior to the building permit, submit the approvals from the traffic design and sign consultants.
- 2 3. Prior to the building permit, pay for the outside inspections per the direction of the
- 3 Engineering Division.
- 4 4. Prior to the building permit, submit the State permits and approvals. There are three that are
- 5 needed.
- 6 5. Prior to the building permit, note the conditional use permits on the plan.
- 7 6. Prior to occupancy, pay the road and public safety impact fees. The road is \$268,240, and
- 8 public safety is \$35,502.
- 9 7. Prior to occupancy, construct all the improvements in accordance with the approved plan.
- 10 8. Prior to occupancy, provide a certified as built plan.
- 11 9. Prior to occupancy, verify compliance with the parking lot screening requirement with the
- 12 town’s design consultant.
- 13 10. Prior to occupancy, construct all the road improvements required by the New Hampshire
- 14 Department of Transportation.
- 15 11. All representations made by the applicant or their agents and all notes on the plan are
- 16 incorporated as part of the approval.

17  
18 Chairman Belair asked, can we put the 4 conditional use permits together and then the two part  
19 sign?

20 Mr. Moldoff said yes.

21  
22 **MOTION by Mr. Banks to grant the four conditional use permits: 1) 490-501C1A for**  
23 **building height, 2) for the lot coverage citing ordinance 490-501C1A, 3) for the parking lot**  
24 **buffer, citing ordinance 490-701C2, and 4) parking spaces going with 9x18 versus 20 foot**  
25 **long spaces citing ordinance 490-701C1D. He also cited the applicant’s letter read into the**  
26 **record tonight, dated December 16, 2019.**

27 **SECOND by Ms. Donovan.**

28  
29 **VOTE ON MOTION: 7 - 0**

30 **UNANIMOUS**

31  
32 Mr. Banks mentioned granting the conditional use permit for the signs citing ordinance 490-  
33 702D2 or is it H1?

34 Mr. Moldoff said, use the D2. H1 is the conditional use permit provision, but you are granting a  
35 conditional use permit from the requirements.

36  
37 **MOTION by Mr. Banks to grant the conditional use permit to OMJ medical office building**  
38 **citing ordinance 490-702D2 for the 5 wall signs.**

39 **SECOND by Ms. Donovan.**

40  
41 **VOTE ON MOTION: 7 - 0**

42 **UNANIMOUS**

43

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1 **MOTION by Mr. Banks to grant conditional approval of the OMJ Realty site plan medical**  
 2 **office building with the 11 conditions as stipulated by Mr. Moldoff.**

3 **SECOND by Mr. Pelletier.**

4  
 5 **VOTE ON MOTION: 7 - 0**

6 **UNANIMOUS**

7  
 8 Chairman Belair asked for an update on the project.

9 Mr. Gross said the vertical construction started in the south village. Now there is mounding out  
 10 there along Route 28. Those are the pads for buildings 100, 200, 300 and 400, which are the  
 11 mixed retail. Tuscan Market will start construction this year. Drive Fitness will start construction  
 12 this year. We will be opening this time next year. The construction of the bank, and essentially  
 13 all of south village will start construction this year, with various openings in 2021. The majority  
 14 of retail will open in 2021. He explained the road improvements that will be done. Rockingham  
 15 Park Boulevard and Route 28, will be substantially done by then. Some of that has started but  
 16 will be pretty much in the spring. Mall Road is about 80% completed and it will be finished in  
 17 the spring.

18  
 19 Mr. Pelletier asked, when will the road be accessible to the boulevard, from Tuscan Boulevard?

20 Mr. Gross explained that it will be part of the Rockingham Park Boulevard improvements. The  
 21 medical office will be 2022, and that road will be pretty much complete by the end of this year.

22 Mr. Gibbs asked, the chain link fence around the southeast corner of the property, will that stay  
 23 there?

24 Mr. Gross said he doesn't know. He will see what's going on with that. There are probably some  
 25 safety concerns.

26 Mr. Gibbs asked, is the dredging completed?

27 Mr. Gross said mostly. There is still work to do.

28 Mr. Gibbs asked, is there any dredging planned behind Kohl's?

29 Mr. Gross thinks most of that has been done already.

30  
 31 4. MCALL SITE PLAN – Public Hearing for indoor sports fields and 2 lot subdivision at 6  
 32 Industrial Way, Map 87, Lot 7509.

33  
 34 **MOTION by Mr. Banks to accept the MCALL site plan application as complete.**

35 **SECOND by Ms. Donovan.**

36  
 37 **VOTE ON MOTION: 7 - 0**

38 **UNANIMOUS**

39  
 40 Abutters: Cole, and Broadhurst were present.

41  
 42 Nick Golon licensed engineer and senior project manager from TF Moran, is representing  
 43 MCALL Corp and the owner, Industrial Way Associates LLC, and New Hampshire Sports  
 44 Domes LLC. Also here is Frank Pizzaro from New Hampshire Sports Domes.

## DRAFT

1  
2 Frank Pizzaro is representing New Hampshire Sports Domes. We are excited to bring this project  
3 to this area. We want to bring two turf fields to this site. They will comprise of two full size  
4 soccer fields covered by an inflatable structure. We will be able to host all athletic events that use  
5 turf. Our target audience is the type of athletes that use a field of that size, from like age 13 and  
6 up.

7  
8 Mr. Golon said we have some graphics. We went to the ZBA and two variances were granted for  
9 the height and use of the structure. And we went before the Conservation Commission. We have  
10 approximately 500 square feet of impact associated with this project, and they voted to  
11 recommend approval to DES. Our last meeting with this board was more conceptual. He would  
12 like to address the comments from the Planning Board. He will address the site lines and views  
13 and what it will look like inside and out, and acoustics. He will also address sight lighting and  
14 impacts, and operating hours of the facility, including trash. He will also address ledge removal  
15 potential and parking. We have a conditional use permit before this board that is being reviewed.  
16 If parking doesn't work for the applicant, then the project doesn't work. We won't provide  
17 something that won't work for the applicant. We will start with a discussion on sight lines. He  
18 showed pictures from a facility in Weymouth, Massachusetts. We have barrier gates so it is not  
19 accessible to the public. It is for upper level athletes. This is for athletics only. He showed a  
20 perspective looking from the abutter's driveway from 70 Brookdale Road. He showed a picture  
21 with the structure overlayed that was created by a 3D model. It is relative to where it is in space  
22 and how tall it is in relationship to its surroundings. He showed what will be visible from behind  
23 the trees. He explained that what would be seen is just what peeks out in between the landscaped  
24 areas. We will infill with White Spruce. We have a 5 foot landscape berm and we are planning 7  
25 foot trees on top. During the winter, when the leaves are gone, you may be able to see the  
26 structure through the trees. He then showed more pictures of the sight line and the trees that will  
27 remain. He explained the pictures. We hope that the images we provided tonight provides  
28 something more substantial. We know we want to be seen as less as possible. At initial planting  
29 they are about 7 feet tall with about a five foot spread and over time they grow to a 15-20 foot  
30 spread and will be 40-60 feet tall. So that will infill the lower story. He also mentioned acoustics.  
31 We identified what our sound sources are and what they create in terms of decibels. At 200 feet,  
32 we had a dba of 44, which is consistent with a library or bedroom at night as far as level of  
33 sound. He discussed the other sound sources, and the distances of the structures. At the same  
34 distance from the residence, is the highway. He explained the surrounding uses. What we are  
35 creating with this project, is background noise. The sound is not discernable at the distances we  
36 are talking about. We have additional buffers, including a berm. He also showed where the  
37 entrances are located on the plan. He then discussed site lighting. One comment was that these  
38 are 30 foot tall light poles. Usually the town wants 20 foot or shorter light poles when there are  
39 residences. The applicant has no issue with changing out the light poles on the northern portion  
40 of the site. Another comment was, we don't show the site driveway as being lighted and that will  
41 be changed. There will be a third party review by the Rockingham County Conservation District.  
42 We also have Steve Pernaw reviewing our traffic and conditional use permit. We'll incorporate  
43 site lighting along the driveway and will also incorporate shorter poles along the residential  
44 component. The operating hours are 8:00 am to 11:00 pm. Trash removal can be obnoxious to

## DRAFT

1 abutting parcels. We noted on the plan that it will be during non intrusive hours, 7:00 am to 7:00  
2 pm. He mentioned ledge removal potential. No access is being proposed to Brookdale Road.  
3 The only area where ledge will be required is for the site access drive. The first 200 feet of our  
4 driveway is at a 2% steep slope. There is ledge there now. It can be removed with equipment, but  
5 blasting won't be required. We don't expect ledge removal to be required. The last thing is  
6 parking. It has to work for the user. It is being reviewed. There is a conditional use permit. We  
7 provide 177 spaces, which is almost 20% more than required by ITE. We feel this to be  
8 adequate. He then read through the criteria.

9  
10 **A.** The proposed circulation routes and number of parking spaces provides free movement of  
11 ordinary public and private traffic within the site and to the adjacent Industrial Way at all times  
12 and does not create congestion in adjacent streets as noted within the Traffic Impact and Access  
13 Study (TIAS) prepared for the project. The design of the internal access drives permits the rapid  
14 but safe passage of emergency vehicles of all sorts and facilitates the maneuvering of public  
15 emergency equipment into the adjacent town road, Industrial Way as shown on the turning  
16 movement plans provided. The circulation routes within the site facilitates the removal of snow,  
17 and in that there is no directly comparable use for the sports fields identified within the zoning  
18 ordinance, we have used the ITE parking generation manual to determine adequate associated  
19 off-street vehicular parking spaces that meet the reasonable parking needs to persons making use  
20 of the premises.

21  
22 **B.** There is no directly comparable use within Subsection E, Table of Minimum Off-Street  
23 Parking Requirements of the Zoning Ordinance, as such the applicant's particular situation  
24 justifies an alternate means to define adequate parking. Use of established standards by ITE is  
25 appropriate and reasonable for this site.

26  
27 **C.** The parking field is located over 200 feet from the nearest town road (Industrial Way) and  
28 includes a driveway in excess of over 900 feet which would have to be driven before reaching  
29 the parking areas. Given the citing of the parking field we would anticipate no potential for  
30 parking on the subject lot to interfere with adjacent town road traffic. The number of parking  
31 spaces has been defined using an accepted standard methodology with use of the ITE parking  
32 generation manual, which includes an additional (27) parking spaces beyond what ITE states as  
33 sufficient.

34  
35 **D.** As stated in the above responses the parking area is located a considerable distance from the  
36 adjacent town road providing access, and the TIAS prepared for the project concludes that the  
37 project traffic can be safely accommodated by the adjacent roadway network without the need  
38 for traffic mitigation measures. Access is also limited to Industrial Way, which includes  
39 industrial and commercial traffic, vs. utilizing Brookdale Road, which is primarily residential  
40 traffic.

41  
42 **E.** The TIAS prepared for the project concludes that the project traffic can be safely  
43 accommodated by the adjacent roadway network without the need for traffic mitigation

## DRAFT

1 measures. Pedestrian facilities are not currently provided in the area, and as such would not be  
2 adversely impacted.

3  
4 **F.** Providing required parking spaces consistent with established standards by ITE will not alter  
5 the aesthetic character of the site and will not adversely affect the surrounding area.

6  
7 **G.** The spirit and intent of this chapter and the master plan is upheld with the requested  
8 modification to define the number of required parking spaces using an accepted standard  
9 methodology with use of the ITE parking generation manual. This modification will not threaten  
10 the public health, safety or welfare, and as such would not be contrary to the public interest.

11  
12 Mr. Golon said, we also have a subdivision that is here for review. There is a waiver in regards to  
13 the site application fee. We are requesting no waivers relative to the site design.

14  
15 Staff comments:

16 They have asked for a waiver of the application fee. They paid a fee of about \$12,000. They  
17 talked to you about that at the last meeting, but you have to act on that. You can do that  
18 tonight.

19 They will need a Wetlands Bureau permit. They received the OK from the Conservation  
20 Commission. They have a small amount of fill.

21 The outside engineering review is pending.

22 They need an AOT permit.

23 Erosion control will be very important.

24 In terms of traffic, we are waiting for the outside review from our consultant.

25 Access from Brookdale Road should be prohibited but the Fire Department thought you  
26 should look at the idea of an emergency access.

27 The building height is 75 feet. That was subject to a variance from the ZBA which they got.

28 They also got a variance for the proposed use of the facility.

29 You may want to hear from Steve Pernaw about parking in terms of if it is adequate.

30 They will need an irrigation well.

31 There is not much landscaping between the buildings. He talked about doing something.

32 They are reluctant to put trees close to the buildings which makes sense, but maybe we could  
33 get shrubs or leave it as grass.

34 We wanted lighting along the driveway.

35 They agreed to lower the lights near the abutters.

36 We need additional information on the sign.

37 Impact fees will be an issue. It doesn't fit into any category that we have, both for traffic and  
38 public safety.

39 The impact on residential abutters was something we spoke about at the last meeting, and  
40 they addressed that. We want to hear from the abutters.

41 You may think about requiring a design review. We can ask Terry Dewan. You may see  
42 this through the trees in winter.

43 In terms of the subdivision plan, he explained that we will probably change the street address.

44 The building has frontage on Brookdale so they gave it a Brookdale address, but that probably

## DRAFT

1 won't work because public safety won't be able to get in that way. The assessor said 6 and 6A  
2 Industrial Way.  
3 We are waiting on Engineering.  
4 He got a memo from the Fire Department.  
5 Public Works was OK. We are waiting for the change from Assessing.  
6 Recommend - continuance. We should hear from abutters and we are waiting for outside  
7 reviews.  
8

9 Chairman Belair asked for public input.

10  
11 Evenly Jackson Cole, 72 Brookdale Road, said this is what she'll look at every day. We were  
12 here last month. We have the same concerns as last month which is looking at two spaceships out  
13 our front windows, and the noise. Adding to the highway noise is not a preference. She  
14 mentioned the lighting situation and hearing dumpsters every morning well before 7:00 am.  
15 Also, adding additional noise of any kind. One thing that wasn't brought up, is the level of noise  
16 that will be inside these domes. Will you require some sort of sound study to be done at another  
17 facility?  
18

19 Bob Broadhurst likes the idea of the field for kids. But we have no sidewalks on Brookdale  
20 Road. There are kids there. He hopes they don't put an access from Brookdale into the industrial  
21 park. All the pictures that the applicant showed were from 70 Brookdale, it was on the angle. He  
22 didn't take pictures from our property. The other house is pushed back on the road, so he will  
23 hear the generator. Regarding putting pine trees, they put them on Route 93, that was three years  
24 ago. They won't grow 20 feet in 20 years. It won't hide much. He doesn't like the idea of having  
25 to see a white bubble as his view. The pictures don't show you the actual site from our house.  
26

27 Mr. Hatch asked, will it be able to handle the snow and ice? If there is a game going on inside  
28 and we lose power and the generators fail, is it a complete collapse of that structure or is there  
29 time for the patrons to get out?

30 Mr. Golon said, regarding snow and ice, this has to meet IBC (international building code),  
31 relative to snow and wind. It is shaped so that it sheds snow and ice. If there is more snow or ice,  
32 they raise the pressure so it melts. Relative to the generator and the back up air inflation unit,  
33 there will also be a propane tank, so if there is a power failure, the propane can run it. Regarding  
34 getting out, as part of the building permit process, they calculate the egress patterns, and how  
35 long it takes to reach an exit. We have to make sure there is adequate time to exit. It prevents it  
36 from being an issue.

37 Mr. Hatch asked, the membrane itself, can it come in different colors? Is it possible to get the  
38 outside green instead of white to blend in with the trees better than the white?

39 Mr. Golon said, it only comes in white, but he will review that further. When will we see this  
40 structure? It is in the winter and it will be a snowy background. If it was green, it would stand out  
41 more in winter. In summer with foliage, you will see less. He took photos in August and  
42 September. You can't see any structures with the foliage. He thinks we are better off keeping it  
43 white because it will be more visible in winter. We will follow up on that. There are no logos  
44 going on this one. He will talk with the manufacturer. Is that desirable from everyone?



## DRAFT

1  
2 Mr. Pelletier said, he is adamant about putting an emergency gated exit onto Brookdale. He  
3 mentioned the issues that could occur. If we have a west side fire station, that's the direction  
4 they'll be coming from.  
5 Ms. Donovan asked, what is the top height of this?  
6 Mr. Golon said, the height of the structure is 72 feet tall. Relative to the road elevation, it is  
7 elevation 310. So the elevation of the grade of our structure is 305. How much is exposed above  
8 grade? We are looking at about 30-40 feet of the structure that's above the ground level. And  
9 then there is tree screening we are providing to supplement that.  
10 Ms. Donovan asked, if it were a traditional industrial building, what would the maximum height  
11 of that be?  
12 Mr. Moldoff said, if it was an industrial building, they could go up to 35 feet. He doesn't know if  
13 they would cut into the grade as much.  
14 Chairman Belair said he has 59.  
15 Mr. Golon said this isn't a traditional building. It's a dome structure so there is less visibility  
16 because it decreases in width. If this was a traditional office building, you would see a lot more  
17 of it. In terms of an office building, there is less building here that would be visible.  
18 Ms. Donovan mentioned the noise. There are a lot of cars but you don't have truck traffic.  
19  
20 Mr. Banks said there is a lot of activity at 8 Industrial Way. It is pretty close to Brookdale. You  
21 already have existing neighbors that are driving a lot of that noise. They probably have  
22 generators.  
23 Mr. Golon said the generator is only used if power is knocked out, so basically that sound source  
24 doesn't exist, just like everyone else in town. This isn't something that is continuously running.  
25 Mr. Banks asked the abutters, do you see buildings at 8 Industrial Way?  
26 Mr. Broadhurst mentioned the two clubs in the area. We don't see anything down there. The  
27 picture that the applicant showed isn't what we see. The applicant didn't really show it from the  
28 neighbor's house. He will hear alot more than we will.  
29 Ms. Cole said, we don't hear generators now. Last month, Chairman Belair had mentioned a  
30 balloon test. That is a necessity. We will really be impacted by looking at this white structure.  
31 Right now there is no snow. Right now we can see straight through. How do we get a really good  
32 visual of what this will look like if there isn't a true test? She likes the idea of a balloon test.  
33 Steve who is the closest abutter is not here, but he wrote a letter. She will talk to him tomorrow  
34 but he has all the same concerns.  
35 Mr. Broadhurst said, regarding the emergency gate, if any fire apparatus or ambulance come  
36 from the central station on Route 97, they will go up to Route 97 and take a right on Manor  
37 Parkway. They won't come up Brookdale Road.  
38 Mr. Pelletier said he wasn't saying central station.  
39  
40 Ms. Withrow said, there is some discrepancy with the height. When you did the overlay, what  
41 height did you use for that?  
42 Mr. Golon said, the values he used to create the graphics are accurate. He misspoke before.  
43 Relative to the balloon test, we tried to give you the equivalent. We have the opportunity to  
44 create 3D models to evaluate sight lines. He explained that the only way to do a balloon test is to

## DRAFT

1 cut down trees. He asked if we could do one at our neighbor's site. He is not sure if it provides a  
2 benefit. He explained this on the plan. We thought the renderings and photos were better. He  
3 does have a 3D that shows how that is done. The abutters won't see both structures, because one  
4 is in front of the other. If anything, they would see structure two. He explained the tree line on  
5 the plan using the 3D model. He spoke with the other abutter, Mr. Grey, and he felt that we  
6 addressed the concerns. He can email him to make sure he addressed all his concerns. We  
7 provided supplemental plantings for Mr. Grey. We don't want people coming from Brookdale to  
8 our site. He also mentioned they could put up a fence. There is no parking on that side. There  
9 will be a knoxbox for the Fire Department or only people that need to get back there. But nobody  
10 else. We are willing to do additional plantings. The applicants want to be part of this community  
11 and we want the abutters to be able to use this facility.

12  
13 Ms. Withrow said, her question was, if those were accurate representations, if the right math was  
14 put in, then in her opinion she doesn't think a balloon test is necessary because it shows where it  
15 is. When you took that picture from on the property looking at the neighbor, it showed one  
16 house, but if you turned, you could have seen another house. Is that accurate?

17 Mr. Golon said no. He doesn't think so. There is an existing tree buffer that circles that property.  
18 Ms. Withrow thinks you showed sufficiently that its hidden as well as it can be. It is an industrial  
19 area and there will be buildings, and there is a lot of tree cover and you are doing a berm and  
20 more trees. So she is satisfied in that area. Regarding the design consultant, she doesn't think  
21 that's needed for this either. Regarding the emergency exit on Brookdale, if that's something that  
22 the Fire Department requires, then fine, but if not, they are the best judge of what is needed, so  
23 she would defer to them.

24  
25 Chairman Belair mentioned the subdivision. Every time he hears financing, it seems like  
26 everyone is OK with it. But here, it cuts off access to the road it is on. There is a good 14 foot  
27 drop in back of that building so, access from Brookdale, if required, will require you to do some  
28 significant changes to your plan. He needs to understand what the logical reason is to cut this in  
29 half. These are two identical structures on one lot that you feel you need to cut in half. And if it  
30 is financing, that tells him that financing has a problem. What does that do to each property?  
31 What is the logical reason we need to cut this piece in half for the same exact use?

32 Mr. Golon said, he is probably not the person to speak to that. He will have that person here at  
33 the next meeting to respond to that.

34 Chairman Belair said he needs to hear an answer on that. He also mentioned the application fee  
35 issue. He asked Ross his thoughts on this.

36 Mr. Moldoff thinks you should move to grant a waiver of Section 268-5:6 to allow a fee of  
37 \$12,440.

38 Chairman Belair asked, is that a 50% reduction?

39 Mr. Moldoff said yes. He explained that it is an unusual situation. It is basically a field that's  
40 being covered.

41  
42 **MOTION by Mr. Banks to grant a waiver for the application fee schedule under Section**  
43 **268-5:6 for the reduced fee and that fee would result in the amount of \$12,440, for the New**  
44 **Hampshire Sports Dome on 6 Industrial Way.**

DRAFT

1 **SECOND by Ms. Withrow.**

2

3 Mr. Hatch asked, how did we come up with \$12,440?

4 Mr. Golon said, it's the square footage of the bathroom building plus the square footage of one  
5 of the sports domes. He explained that the uses are shared and anything that would be  
6 reviewable, that was the nature of the request.

7 Mr. Banks said, if there was no dome on this, then there is no fee, other than the bathroom  
8 building.

9 Mr. Gibbs said, but it is there.

10

11 **VOTE ON MOTION: 4 – 3 (Mr. Pelletier, Mr. Banks, Ms. Withrow and Ms. Donovan**  
12 **were all in favor. Mr. Hatch, Chairman Belair and Mr. Gibbs were opposed.)**

13

14 Mr. Moldoff suggested you continue this and have them come back.

15

16 **MOTION by Mr. Banks to continue the MCALL site plan.**

17 **SECOND by Ms. Donovan.**

18

19 **VOTE ON MOTION: 7 - 0**

20 **UNANIMOUS**

21

22 **MOTION by Mr. Gibbs to adjourn.**

23 **SECOND by Mr. Banks.**

24

25 **VOTE ON MOTION: 7 - 0**

26 **UNANIMOUS**

27

28 The meeting adjourned at 10:24 p.m.

29

30 For further information, kindly refer to the videotape dated 1/14/20, located in the Planning  
31 Office.

32

33 Minutes by: Susan Strugnell, Planning Board Recording Secretary

34 Approved: Planning Board

35 Date: