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**MINUTES OF THE
PLANNING BOARD**

**MEETING OF
April 28, 2020**

A meeting of the Planning Board was held on April 28, 2020 remotely on the Zoom meeting app.

PRESENT: Keith Belair, Chairman; Michael Banks, Vice-Chairman; Mike Lyons, Selectman’s Rep; Jeff Hatch; Joseph Feole; Paul Pelletier; Robert Donahue, Alternate; Ross Moldoff, Planning Director; and Jacob LaFontaine, Assistant Planner.

The meeting was called to order at 7:00 p.m.

Chairman Belair explained that due to the State of Emergency declared by the Governor, as a result of the Covid 19 pandemic and in accordance with the Governor’s emergency order # 12, pursuant to the executive order 2020-04, this public body is authorized to meet electronically. There is no physical location to observe and listen contemporaneously to this meeting which was authorized pursuant to the Governor’s emergency order. In accordance with the emergency order Chairman Belair is confirming that we are A) providing public access to the meeting by telephone, with additional access possibilities by video and other electronic means. We are using Zoom for this electronic meeting and all members of the board have the ability to communicate contemporaneously during this meeting, through this platform, and the public has access to contemporaneously listen and if necessary participate in this meeting by calling 603-685-6451 or going to www.sgc23.com. B) providing public notice of the necessary information for accessing the meeting. We previously gave notice to the public of the necessary information for accessing the meeting, including how to access the meeting using Zoom or telephonically. Instructions have also been provided on the website at www.salemnh.gov. C) providing a mechanism for the public to alert a public body during the meeting if there is a problem with access. If you have a problem, call 603-685-6451 or email rmoldoff@salemnh.gov. D) If the public is unable to access the meeting - in the event the public is unable to access the meeting, it will be adjourned and rescheduled. All votes taken during the meeting shall be done by roll call vote. During the roll call attendance, please state if anyone is in the room with you during this meeting, which is required under the Right to Know Law.

- Keith Belair, Chairman – solo
- Mike Banks – Vice-Chairman - solo
- Paul Pelletier – solo
- Joe Feole – solo
- Jeff Hatch – solo
- Mike Lyons – solo
- Bob Donahue - solo

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1 Ross Moldoff – Planning Director - solo

2
3 Chairman Belair went over the agenda. There were no withdrawals.

4
5 **NEW BUSINESS**

- 6
7 1. OMJ REALTY SITE PLAN – Public Hearing for revised site plan (parking, access,
8 building layout) at 71 Rockingham Park Boulevard, Map 98, Lot 7887.

9
10 **MOTION by Mr. Banks to accept the OMJ Realty site plan application as complete.**

11 **SECOND by Mr. Hatch.**

12
13 **Mr. Banks - in favor**

14 **Mr. Pelletier – in favor**

15 **Mr. Hatch – in favor**

16 **Mr. Feole – in favor**

17 **Mr. Lyons – in favor**

18 **Mr. Donahue – in favor**

19 **Chairman Belair – in favor**

20 **VOTE ON MOTION: 7 – 0**

21 **UNANIMOUS**

22
23 Abutters: There were no abutters present.

24 Mr. Moldoff said, if you want to participate, call the number at the time of public comment.

25
26 Mark Gross is representing OMJ Realty on the site plan amendment. This is site plan amendment
27 # 6 that has to do with the area in the south village, where building 520, (Chase Bank), and
28 building 500, (Chick Fil A) which is the subject of the amendment. In this area, the building for
29 the fast food at the time, was located parallel with Route 28, with the drive-through going back
30 from that location. This building has been rotated 90 degrees and now is perpendicular to Route
31 28 with the drive-through approximately in the location where the building was prior. The reason
32 for the change is, in addition to building Chase Bank, and looking at how this could be
33 reconfigured, there were access issues that were resolved with the new driveway located, right in
34 and right out. This was reviewed by the traffic consultant. We don't have revised elevations.
35 These were approved in June 2019 and didn't have specific tenants. The building was rotated 90
36 degrees. We separated the drive-through from the access from the bank. They were originally
37 combined and created access issues and conflicts with traffic. Because of the current situation,
38 we don't have revised elevations for Chick-Fil-A since they just signed a couple weeks ago, and
39 they haven't had a chance to do that, as they normally would when they file a building permit
40 application. This is crucial so that utilities can be installed for Chase Bank. We'd have to come
41 back to this board with elevation drawings once they are prepared, if they are significantly
42 different from what was approved in June 2019. He sent a letter to Ross on April 4th, outlining
43 the major changes including some landscaping and lighting revisions. We also sent another letter
44 on April 23rd regarding parking and open space. In terms of the parking, in September when we

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1 subdivided the south village from the rest of the parcel, we had to amend the site plan approval
2 including the conditional use permits for parking, open space, and other things. Those were
3 approved in September 2019 for south village. Regarding parking, there are some changes in the
4 parking numbers from what was approved. Instead of amending the conditional use permit for
5 parking for the south village, he spoke with Ross and what we should probably do is, if we have
6 to amend it, at some point when we go through the same process with the other districts, it would
7 be appropriate to do it at that time. The parking that we are constructing for the south village was
8 run through the shared parking analysis that Desmond Design Group did last year. With the
9 revised parking numbers we have currently in the south village, there is a surplus during the peak
10 hour demand for weekends and weekday. We are confident that we are in good shape. Regarding
11 the open space, the original request was for 74% for the whole project, and for the three parcels
12 that comprise the south central village, it is now 72.5%, so we reduced the lot coverage by about
13 1.5% with the changes.

14
15 Staff Comments:

16 Mr. Moldoff showed the original approved plan from June 2019, and the changes.

17 They increased the seats from 101 to 118.

18 The elevation drawings were approved in June 2019 and if they change significantly we'll
19 bring them back before going forward with the building permit.

20 The other big change is the right in right out driveway. We talked about that in some detail at
21 the staff level.

22 Mr. Pernaw is here. Mr. Moldoff then showed the revised plan with the new right in right out.
23 That was reviewed by Mr. Pernaw and we gave you a memo from him.

24 They have enough parking on this immediate area for two buildings, the bank and the
25 restaurant.

26 The previous plan had 10 more parking spaces.

27 The dumpsters were moved.

28 Engineering did sign off on the plan.

29 He spoke with the Fire Department today. They are also all set with the plan.

30 He didn't get anything from the Police or Public Works Departments, but he doesn't think
31 they have any concerns.

32 Recommend - if you have no concerns or issues, you can grant approval of the revised plan
33 tonight. He recommends that you incorporate all the conditions of approval that were used in
34 the June 18, 2019 approval.

35
36 Steven Pernaw is in the office alone. Rotating the building 90 degrees is an improvement. It
37 simplifies the site circulation. It also increases the storage for the drive-through for the
38 restaurant. In terms of the new right in right out driveway, we think that's an improvement too. It
39 provides relief to the previously approved driveway to the south. He explained how this
40 improves the site, and that spreading out the traffic demand is a good thing. It has excellent sight
41 distance. We had asked that the length of the median aisle be extended, and that was done. So the
42 plan tonight is better in terms of circulation and access.

43
44 Chairman Belair asked for public input.

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1 Mr. Moldoff said the number to call is 603-685-6451.

2 There was no public input.

3

4 Mr. Banks said he is good with the flow of traffic in the reconfiguration of the buildings. He
 5 mentioned that both the bank and the restaurant are close to the rail trail. Are there any safety
 6 issues with people hopping the floodplain swale, and were there any considerations taken into
 7 account for that?

8 Mr. Gross asked, are you talking about going over the new floodplain?

9 Mr. Banks said yes. He doesn't know how wide it is.

10 Mr. Gross said, it would have to be a big hop. It is 80-100 feet wide. There is a pedestrian access
 11 planned just to the north that goes in between buildings 1200 and 1300, which is probably 200 or
 12 300 feet north of this location. So they can cross there and go through the development to get to
 13 this site if they are walking.

14

15 Mr. Pelletier agrees with the traffic circulation. He likes it much better with the right in and right
 16 out, and the separation of the two parcels. What are you using to separate those two between the
 17 bank and restaurant? He doesn't understand the symbols.

18 Chairman Belair said those are light fixtures.

19 Mr. Gross said that area is either landscaped or a concrete barrier with curbing on both sides.

20

21 Chairman Belair said, typically the right in right out causes grief, but in this case, he thinks it is
 22 nicely done because of the rotary there. So it's an easy maneuver and he doesn't see any
 23 problems with it here.

24 Mr. Moldoff said there are no phone calls

25

26 **MOTION by Mr. Banks to grant conditional approval of the OMJ Realty site plan at 71**
 27 **Rockingham Park Boulevard, building 500 and 520, with the conditions noted by the**
 28 **original approval dated June 20, 2019, and also referencing the April 4, 2020 letter by the**
 29 **applicant.**

30

31 Chairman Belair asked Mr. Moldoff if there are any conditions.

32 Mr. Moldoff stated the condition - all representations made by the applicant and their agents and
 33 all notes on the plan are incorporated as part of the approval. That is condition # 2.

34

35 **SECOND by Mr. Pelletier.**

36

37 **Mr. Banks – in favor**

38 **Mr. Pelletier – in favor**

39 **Mr. Hatch – in favor**

40 **Mr. Feole – in favor**

41 **Mr. Lyons – in favor**

42 **Mr. Donahue – in favor**

43 **Chairman Belair – in favor**

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1 **VOTE ON MOTION: 7 - 0**2 **UNANIMOUS**3
4 **PUBLIC MATTERS**5
6 1. Changes to south village buildings

7
8 Mr. Moldoff said this relates to the elevation drawings, and the changes to the south village
9 buildings and also the LL Bean building. You have a letter dated April 8, 2020 from Mr. Gross
10 that goes through those. He sent you a follow up today with a link to the plans. He can show you
11 those if you want. They made relatively minor changes to a lot of the buildings, and changed
12 some materials and colors. It is basically in line with what you've seen before. Some sloped
13 roofs are now flat. He can go through the changes if you want to see them. He has copies of the
14 plan. Do you have any comments? He would like to bring that stuff to you to show you, even
15 though you said minor changes can be handled by staff.

16
17 Chairman Belair said he would like to see the changes.

18 Mr. Moldoff said there have been a lot of changes, relatively minor, to each one. He will go
19 through it. If you have any comments or questions let him know. We have an approved elevation
20 drawing as well as the proposed elevation drawing. He showed the elevation drawings of the
21 south village view. He showed the approved elevation drawings from June 2019, and what is
22 proposed. He explained the changes to rooflines, materials, and that tenants have been firmed up,
23 so they have a different look to the buildings from what you saw. Joe Faro's thought is to make it
24 look interesting and attractive. We worked on the elevation drawings a couple of times. We are
25 trying to jog rooflines and buildings, and highlight entrances and use different materials and
26 colors so it is not a plain blank wall. We will highlight some of the blank situations with
27 landscaping. There aren't too many blank walls. It's a more modern look than what was
28 proposed originally. He showed approved and proposed drawings. He showed the elevation that
29 is facing the street on Rockingham Park Boulevard. They changed the Tuscan building design.
30 The windows are slightly different than what was approved. He showed the LL Bean building.
31 There is a mural on the building and additional stone work. It is basically the same materials, but
32 a different look to the building. They built something like this in Holyoke, Massachusetts, and he
33 has pictures of that. He showed the other building elevations of other buildings including the
34 Drive Fitness building, and Pressed Café building.

35
36 Chairman Belair wants the board and public to be aware that we receive these changes.

37
38 Mr. Gross said, on building 600 on the west end, all the steel for this building was ordered well
39 before this was even thought. He explained the changes and that a lot of thought went into this
40 by Joe.

41
42 2. Black Brook townhouses

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1 Mr. Moldoff mentioned the Black Brook townhouses. They are proposing a couple of changes.
 2 They will change some street signs and put up a stone wall. The mailboxes that were installed
 3 within the Pleasant Street right-of-way on town property, will be relocated to the other side of
 4 the street on their property. We considered those to be minor changes. If you have comments
 5 please let him know.

6
 7 3. BHT site plan

8
 9 Mr. Moldoff said there are changes to the BHT site, which are 12 townhouses on Main Street.
 10 They have a relatively minor change to the site plan and a change to the elevation drawings. He
 11 showed the revised elevations. He will get the original ones and speak with the Chairman. They
 12 are relatively minor changes.

13
 14 Mr. Moldoff also mentioned a sign proposed at a site on South Broadway.

15
 16 **PLANNING BOARD MATTERS**

17
 18 Mr. Moldoff said, Jacob is working on zoning amendments, particularly making changes to the
 19 sign ordinance because of a U.S. Supreme Court case that came down, and we had to make
 20 changes to that. We've been working with our attorney on that. Also we are putting together a
 21 solar energy ordinance. A long time ago, we adopted a wind energy system regulation. It is a
 22 model regulation put out by the State. We haven't seen any come in, but we have seen some
 23 residential and commercial solar ones.

24
 25 Jacob Lafontaine said he sent a memo for 4 zoning amendments we've been focused on. And
 26 also the sign ordinance that we were compelled to do because of the Supreme Court case. We are
 27 eliminating any areas of content bias and we have a draft we worked on with Town Attorney
 28 Michael Courtney. Ross did work to the workforce housing ordinance. We are trying to
 29 incentivize its use and increase the workforce housing supply in Salem. We are also looking at
 30 short term rentals, which is similar to solar. It is an emerging situation that we are trying to
 31 preemptively anticipate and address. He discussed the solar energy systems, which is an
 32 emerging industry. He spoke about an article in a magazine about being ready for solar, called
 33 "are you ready for solar?" which talks about solar increase. He discussed this and showed a
 34 sample of solar energy systems in Salem, including which ones are roof mounted and one that is
 35 ground mounted. We categorized the solar into two categories. The first is roof mounted. This
 36 would require a building permit and be subject to the limit of available roof area. He showed
 37 Dover High School, and also one in Salem. Some towns have restricted roof heights in
 38 residential areas. He showed one that extended beyond the peak of the roof. He spoke with Ross
 39 and Joe Feole. This didn't seem like too significant of an issue. They don't want to have the
 40 panels exceed the roof line. The second category is freestanding solar energy systems. You
 41 would have roof mounted, which is permitted with a building permit, and can be anywhere, and
 42 is limited to the amount of roof space. We also have subcategories which are dictated by primary
 43 use of the lot. The freestanding solar system would be considered a structure and has to meet all
 44 setbacks, and is subject to impervious surface. He discussed this and showed a freestanding

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1 residential solar energy system in Londonderry. The regulation would say that it should be
2 located in the rear of the property when feasible. Some communities are a little stricter with that.
3 The board can consider if that's a concern. This would require just a building permit. The energy
4 would be balanced with the primary use of the residence. He also showed one from New York,
5 where they put a moratorium on it for a year to address it after it caused controversy. This is why
6 we want to put an ordinance in place. He discussed the multi-unit residential, and non-residential
7 solar energy systems. These would be permitted in all districts. He showed one on an industrial
8 building in Vermont. This would require site plan approval. Residential wouldn't require site
9 plan approval. He also showed a freestanding solar carport in Manchester. That would also
10 require site plan approval. It is an accessory use to this building. And he showed a freestanding
11 solar energy system in Merrimack, New Hampshire. This is an accessory use to the Fidelity
12 campus. It would require site plan approval. He discussed commercial solar energy systems for
13 systems that, the principal use is to generate energy for offsite use. He then showed a list of
14 projects in New Hampshire. He also showed one in Moultonborough, which is one of the larger
15 arrays in the state.

16
17 Chairman Belair asked, an actual text of the ordinance would be forthcoming?

18 Mr. LaFontaine said he can send those. Our hope is to get the will of the board and see if you see
19 anything that you want to revisit.

20
21 Joe Feole, asked about short term rentals.

22 Mr. LaFontaine it's a similar situation. They are being experienced more frequently. He
23 mentioned other communities that are addressing it. There are only about 10-15 short term
24 rentals. It is not a significant issue. We created an inventory to map where they are. Laconia has
25 different regulations on the lake versus in the residential neighborhoods. So we are monitoring it
26 to see if it needs to be put in place right now.

27 Mr. Moldoff said, the reason we are talking about that, is it has been very controversial in a lot of
28 places. A lot of residential neighborhoods get them and there are noise complaints for rentals and
29 they can overtax septic systems. We don't have those problems that he knows of in Salem, but it
30 is at an early stage, so we want to get ahead of the issue.

31
32 Mr. Lyons asked, regarding solar, is there a need to specify screening, similar to what we do with
33 rooftop mechanicals?

34 Mr. LaFontaine said that's not a bad idea. They don't really project too far.

35 Mr. Feole said he doesn't think there would be any reason to hide them.

36 Mr. Lyons said, the town is exempt from local ordinances, but the town project at the landfill
37 would comply?

38 Mr. Moldoff said yes. The town is exempt but that would be something that would require site
39 plan approval. LL&S came in a few years ago to get approval for a ground mounted facility.
40 There were some questions as to whether or not it was allowed. They said they can use the tower
41 for their own facility, and sell the excess back to the grid. So we determined that it is an
42 accessory use as long as they are using it for their own use. It is accessory, so they could do that,
43 but there may be situations beyond that.

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1 Mr. Banks said regarding solar, you mentioned the use. He would like clarity about, if it's a net
 2 metering application. He didn't hear a lot of details on how that will work. He is not sure if what
 3 is being proposed would be restricted.

4 Mr. LaFontaine said his interpretation is that it wouldn't, but he can look into it.

5 Mr. Banks asked about any detail on workforce housing, as far as what would be changed to
 6 incentivize developers. It is a good opportunity to drive new workforce housing projects.

7 Mr. LaFontaine said he doesn't have the ordinance in front of him, but he thinks Karri came
 8 before you last spring. We made some revisions that we discussed last spring. He can send you
 9 the draft that we are working on. It's a difficult situation.

10
 11 Chairman Belair said, one thing on there has to do with freestanding in residential. He read the
 12 wording regarding square footage. How many square feet of solar panel would be needed to
 13 balance the use, and how would we be able to determine that at the Planning Board level, if it is
 14 too much?

15 Mr. Feole said it depends on how much generation you need and how many panels you have.
 16 Chairman Belair asked, how would we be able to determine if someone is balancing their need,
 17 or just putting a solar farm in their yard? Is there a way to know?

18 Mr. Feole said, you would have to know their yearly generation profile and electricity
 19 consumption.

20 Chairman Belair asked, do the shingles work, or is it just the panels?

21 Mr. Feole said he does see more and more houses with solar shingles. They are not quite there
 22 yet, but they are popping up more and more.

23 Chairman Belair suggested triangular panels.

24
 25 Mr. Lyons asked, on workforce housing, can we have some sort of definition of what success
 26 would be. He mentioned the senior housing ordinance, and how for a long time it went unused.
 27 Then it spiked. A lot of people made the argument that now we can declare success. He'd like to
 28 see something showing, what is the definition of success? He is in favor of it and we have to
 29 encourage it, but be careful what you wish for. What is the definition of success? He would like
 30 to have that so that the Planning Board years from now can look back on that.

31 Chairman Belair said, we have until next December to work on this.

32
 33 **MOTION by Mr. Banks to adjourn.**

34 **SECOND by Mr. Pelletier.**

- 35
 36 **Mr. Banks - in favor**
 37 **Mr. Pelletier – in favor**
 38 **Mr. Donahue – in favor**
 39 **Mr. Hatch – in favor**
 40 **Mr. Feole – in favor**
 41 **Mr. Lyons – in favor**

42 **Chairman Belair – in favor**

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

44 **UNANIMOUS**

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- 1
- 2 Chairman Belair said the next meeting is May 12th.
- 3
- 4 The meeting adjourned at 8:06 p.m.
- 5
- 6 For further information, kindly refer to the videotape dated 4/28/2020, located in the Planning
- 7 Office.
- 8
- 9 Minutes by: Susan Strugnell, Planning Board Recording Secretary
- 10 Approved: Planning Board
- 11 Date: