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**MINUTES OF THE  
PLANNING BOARD**

**MEETING OF  
May 12, 2020**

A meeting of the Planning Board was held on May 12, 2020 remotely on the Zoom meeting app.

**PRESENT:** Keith Belair, Chairman; Michael Banks, Vice-Chairman; Beverly Donovan, Secretary; Mike Lyons, Selectman’s Rep; Jeff Hatch; Joseph Feole; Paul Pelletier; and Ross Moldoff, Planning Director.

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](http://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](http://www.salemnh.gov). C) providing a mechanism for the public to alert the 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](mailto: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
- Beverly Donovan – Secretary - solo
- Mike Lyons - solo
- Paul Pelletier – solo
- Jeff Hatch – solo
- Joe Feole – solo
- Ross Moldoff – Planning Director - solo

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1  
2 Chairman Belair went over the agenda. There were no withdrawals.

3  
4 **REVIEW OF MINUTES**

5  
6 Ms. Donovan said we have minutes from the April 14, 2020 regular meeting.

7  
8 **MOTION by Mr. Banks to approve the April 14, 2020 minutes as written.**  
9 **SECOND by Mr. Pelletier.**

- 10  
11 **Mr. Banks – in favor**  
12 **Ms. Donovan – in favor**  
13 **Mr. Lyons – in favor**  
14 **Mr. Pelletier – in favor**  
15 **Mr. Feole – in favor**  
16 **Mr. Hatch – in favor**  
17 **Chairman Belair – in favor**

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

21  
22 Ms. Donovan said we also have minutes from the meeting of April 28, 2020.

23  
24 **MOTION by Mr. Banks to approve the minutes from April 28, 2020.**  
25 **SECOND by Mr. Pelletier.**

- 26  
27 **Mr. Banks – in favor**  
28 **Ms. Donovan - abstain**  
29 **Mr. Lyons - in favor**  
30 **Mr. Pelletier – in favor**  
31 **Mr. Hatch – in favor**  
32 **Mr. Feole – in favor**  
33 **Chairman Belair – in favor**  
34 **VOTE ON MOTION: 6 – 0 – 1**

35  
36 **NEW BUSINESS**

- 37  
38  
39 1. SALEM MANUFACTURED HOMES SUBDIVISION – Preliminary Hearing for lot line  
40 adjustment at 26-30 Granite Avenue, Map 99, Lots 918, 919 and 12606.

41  
42 **MOTION by Mr. Banks to accept the Salem Manufactured Homes subdivision application**  
43 **as complete.**  
44 **SECOND by Mr. Hatch.**

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- 1 **Mr. Banks – in favor**
- 2 **Ms. Donovan – in favor**
- 3 **Mr. Lyons – in favor**
- 4 **Mr. Pelletier – in favor**
- 5 **Mr. Hatch – in favor**
- 6 **Mr. Feole – in favor**
- 7 **Chairman Belair – in favor**
- 8 **VOTE ON MOTION: 7 – 0**

9

10 Abutters: There were no abutters present.

11 Mr. Moldoff said abutters can call in to participate.

12

13 Kurt Meisner, from Meisner Brem Corporation, is here to represent Salem Manufactured Homes.

14 We have a lot line adjustment. There are 3 existing lots on the west side of Granite Avenue. We

15 are adjusting those 3 lots in accordance with a ZBA application that was granted in January of

16 this year. Additionally we are requesting a conditional use permit to extend into the prime

17 wetland buffer on lot 12606, furthest from the north. There are three lots on the lot and two

18 structures on the lot, a home and garage in back that has some living space on it. Those two

19 buildings will be raised and new single family homes will be built on each of those lots. The lot

20 on the north is the one they are requesting a conditional use permit on. All 3 lots are serviced by

21 municipal water and sewer. There is a small wetland to the rear on lot 12606, as shown on the

22 topographical plan. We are maintaining a buffer to leave that alone. There is wetland filling on

23 that. All the homes will be single family and will be similar to other homes in the neighborhood,

24 with a driveway off Granite Avenue. We'll use the existing sewer and water stubs that go to each

25 of the structures that are there now. We will extend those to the new proposed homes. There is a

26 heavy red line on the topographic sheet, that indicates the prime wetland buffer line. That goes to

27 the rear across Lennox Avenue, which is a paper street that's not constructed and never has been.

28 We are asking for an encroachment of 6,800 square feet into the buffer. This was the previously

29 submitted plan. He submitted another one after the Conservation Commission hearing. It is 6,800

30 as opposed to 7,500, due to comments from the Conservation Commission last week. We are

31 intending to remove the trees in that area and we'll construct a fence. There is a detail at the

32 bottom of that sheet. We've used this type of fencing in the past. The Conservation Commission

33 likes it. It's a post and rail fence with trees. It will be put along the edge of the proposed prime

34 wetland buffer to demarcate that line, to prevent people from encroaching further into it. On lots

35 918 and 919, we are proposing to enhance that wetland buffer by 9,500 square feet, so we are

36 getting almost a 50% increase in the amount of buffer that goes through that site. He spoke about

37 the small wetland to the rear of lot 12606. There is a pipe that was put in, and he'd suggest

38 probably by the Town of Salem in the past, that runs from the catchbasin at the center of the

39 property, to the wetland. It appears that little area was dug out to receive the water from the

40 street. And another pipe was placed beyond that so you could get from 12606 to the back of the

41 property at Lennox Lane. There is nothing going on, on that paper street, it's completely wooded

42 and was never developed. Part of our plan is, we offered to give the town an easement over that

43 pipe, there isn't one now.

44

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## 1 Staff Comments:

2 Three lots are being reconfigured, 2 homes are being raised.

3 He gave you a report from the wetland scientist. There was a report that was submitted to the  
4 Conservation Commission. They met and discussed this project at the last meeting and voted  
5 to recommend approval of the conditional use permit for this project, subject to an additional  
6 buffer being added on the northerly side of the project. There was a revised plan. They will  
7 add a row of 6 foot tall conifers on the north edge of the lot, near the building setback line.

8 The Planning Board acts on the conditional use permit for that prime wetland buffer impact.  
9 There was a letter in the file. You will need to vote on that this evening.

10 The ordinance requires that they do something to mitigate their impact. They are just  
11 impacting the buffer, so they dedicated an area on the other lots to allow the existing  
12 vegetation to grow up and become more of a buffer. They are enhancing and providing more  
13 of a buffer than they are taking away.

14 They have shown drainage and sewer easements.

15 He got a comment from Public Works today.

16 They are short on frontage. It requires 150 feet and the lots have 141 feet. They went to the  
17 ZBA in January and got a variance to allow them to reduce the frontage on the lots.

18 There were comments in the packet from abutters.

19 The Engineering Department provided a memo and Mr. Meisner has that, and he has  
20 indicated that he has made those changes. Most were notes on the plan so you may deal with  
21 that with a condition of approval.

22 The Fire Department was OK with the plan.

23 The Police Department had no comments.

24 Assessing was OK with the plan.

25 Public Works was concerned about the drainage pipe that is corrugated metal. They said that  
26 the pipe is beyond its useful age and it needs to be replaced. He read their comments. They  
27 recommend relocating the drain pipe and easement on the property line between the lots and  
28 running a new pipe straight down the property lines, and putting in an outfall and a headwall.  
29 He did offer to work with the applicant and there may be an opportunity for the town to  
30 provide the pipe. We need to hear from Mr. Meisner on that. We can handle that through  
31 conditions.

32 Recommend - if you are satisfied with the abutter concerns, we can act on the plan tonight.

33 Mr. Meisner has to read the conditional use permit request into the record.

34  
35 Chairman Belair asked for public input.

36 Mr. Moldoff said the number is 603-685-6451.

37  
38 Mr. Pelletier mentioned the third lot to the right, 12606. Will you cut the trees back there or will  
39 you leave that alone?

40 Mr. Meisner said there are no trees there now on that section of the property. It is an open lawn.  
41 We will plant trees there and add fence along the back. The intention is, the old chain link fence  
42 will be removed and the idea is that, that land will grow wild and fill in over time.

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- 1 Mr. Pelletier said he lives on the other end of the street. The neighbors asked him about the  
2 buffer, so that they won't see Route 28 any less than what they are seeing now, but you will be  
3 planting trees and they will be high, so he thinks the buffer will be better than it is today.  
4 Mr. Meisner said that's the intention.
- 5 Mr. Pelletier said, -regarding the drain pipe, it would be nice with a bigger pipe, but he's not sure  
6 if its needed, due to the new drainage with Tuscan. We have had major rain issues and that  
7 section of the road doesn't really get flooded any longer. If we do it, great. But the water isn't  
8 like it used to be.  
9
- 10 Mr. Banks said he would go with that pipe just to have it. This is an opportunity. If something  
11 does happen, it would be good to get rid of the old one. That makes sense. He would be happy  
12 with a pipe and the applicant working on that.
- 13 Mr. Hatch agrees with Mr. Banks. When he drove by, the lot across the street had standing water  
14 in the back yard. If they change the topography, the water will end up back across the street, so  
15 he would like to see a pipe.
- 16 Ms. Donovan asked, do we know anything about Lennox Avenue, like future use and any of the  
17 parcels on the west side, lots 99 and 936, any plans for that?
- 18 Mr. Moldoff said he thinks that's landlocked. There is no access to it. It is mostly all prime  
19 wetland so it won't be developed.
- 20 Mr. Meisner concurred with Ross. There is no land out there to build on.  
21
- 22 Mr. Feole asked, what is the square footage of the tree clearing that is being proposed on the new  
23 lot?
- 24 Mr. Meisner said there is 6,800 square feet of encroachment into the buffer, and that is what we  
25 went to the Conservation Commission for. That clearing will go right up to the line of the fence  
26 you see there. There are some 100 to 120 foot tall pine trees there that are hazardous. In a heavy  
27 windstorm they really move. So we view them as a danger to any houses that would be put in on  
28 that property.
- 29 Mr. Feole asked, regarding the buffer area, you are not planning on putting in any new trees,  
30 besides the screening?
- 31 Mr. Meisner said that's correct.
- 32 Mr. Feole said, one abutter mentioned the removal of the trees and absorption of groundwater.  
33 They mentioned that they get water in their basement. Mr. Feole is wondering what the impacts  
34 will be of removing those trees to the groundwater and possible intrusion of water.
- 35 Mr. Meisner explained, for the trees that will be removed, when you go out there, there is not  
36 that many trees, probably 10-12 trees that are out there. Those are pine trees and when we  
37 remove them we will plant a lawn in that rear area, along with planting additional trees along the  
38 back of that fence line. It will be a net wash between what you cut down and what you add. The  
39 drainage classifications will change a little, but with the addition of multiple trees and the lawn,  
40 we will be able to absorb more water than is getting absorbed now.  
41
- 42 Chairman Belair said, regarding the pipe, one note on Jim Brown's checklist had a 20 foot  
43 easement, yours shows 15. But the subsequent information from Public Works may have that

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1 pipe going in a different direction or different location. Is that something you and your clients are  
 2 amenable to?

3 Mr. Meisner said, they are suggesting a catchbasin be put in at the intersection of lot 919 and  
 4 Granite Avenue. He suggested having the town do the work that goes from the existing  
 5 catchbasin to the new one, and have them pay for it and install that, since it is in the town’s right-  
 6 of-way. Then the developer would install the pipe if the town pays for the additional pipe to go  
 7 out to the rear of the property. If there are any permits involved with the headwall, in the  
 8 wetland, that the town would be responsible to get those permits. It is a piece of the town’s  
 9 infrastructure, and along their right-of-way, and was put in without permission or without  
 10 knowledge at one point. There are no existing easements on that. We’d provide the easement  
 11 along the property line and we would install the pipe that goes from the right-of-way on the  
 12 private property under the easement, provided that the town would get us from catchbasin to  
 13 catchbasin and any permits needed for that.

14 Chairman Belair said he agrees with the lot line, because he’d hate to give permission for  
 15 development that makes these lots more onerous to work around. He appreciates your help with  
 16 that. Also, we spent time with the Tuscan development where they lowered the flood elevation.  
 17 Does that have any effect on this, or is it too far away?

18 Mr. Meisner said no, it’s not too far way. The culvert that is recently under construction at Route  
 19 28, is the actual culvert we are talking about and that’s probably 400 or 500 feet away from this.  
 20 This is right at that spot. It would have an effect on that and lowering the flood zone and the  
 21 water table.

22

23 Mr. Meisner then read the request for conditional use permit for Section 490-706I.

24

25 1. The modification and work will serve to meet the purpose and intent of the wetlands  
 26 conservation ordinance outlined in Section 490-706I by defining the limit of the buffer and  
 27 planting additional trees. Also the application of infiltration trenches along the building line and  
 28 driveway will filter the runoff and add protection to the wetland thereby creating a more defined  
 29 buffer.

30

31 2. The land is reasonably adapted to the use since it is a residentially zoned property with  
 32 municipal water and sewer outside the buffer zone. The soils conditions are good (Canton) which  
 33 has a deeper water table and is well drained.

34

35 3. There is no feasible alternative based on zoning setbacks and geometry to allow for the  
 36 construction of a home. We have provided a location for the house as far away as possible and  
 37 the building location is setback from the road to allow a driveway and off street parking.

38

39 4. The detrimental impact is minimized by the proposed infiltration trenches and defined limits  
 40 of work will prevent any “creeping” of the buffer. Additionally, a full 20 foot buffer along the  
 41 entire length of the actual wetland area will be left completely undisturbed.

42

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1 5. There is no adverse impact of the neighboring properties since the wetland is below all the  
2 existing homes on Granite Avenue and the wetland is very large. Further, the primary purpose of  
3 buffer will be maintained by the use of drip trenches and infiltrators along the home.  
4

5 6. The design plan was prepared by professionals including the site and sewer by Kurt Meisner  
6 of this office and environmental and botanical design by Tom Sokoloski, a certified wetland  
7 scientist.  
8

9 7. The proposed mitigation includes the planting of various trees, brush, and other planting by  
10 the species outlined in Sokoloski report. There is NO filling of wetland proposed.  
11

12 8. The Conservation Commission conducted site walks individually without having the applicant  
13 there, but we sent them a video of our site walk through the property. They did meet on May 7<sup>th</sup>  
14 to discuss the application and they issued a recommendation of approval.  
15

16 9. Other State or Federal permits for this project: No other State or Federal permits are required.  
17

18 Mr. Meisner said, when we discuss the DPW memo, we'd like to have that defined this evening.  
19 We want to hear it defined the way we discussed, that the town would do work in the right-of-  
20 way and get permits, and the applicant would install the pipe. We'd like to do it so we have a  
21 defined limit of work, and not leave it up to discussion as things go along. We'd like to make  
22 sure it is on paper and defined.

23 Mr. Moldoff said, the Board of Selectmen control it and they would have to OK that. He doesn't  
24 know about the budget, he is trying to text Dave Wholley, who said they could provide materials  
25 but he doesn't think they are inclined to do the work in the street. Mr. Moldoff said he  
26 understands this from the applicant's point of view, that it's a town project and in the town right-  
27 of-way. But it is not unusual to have the applicant do work in the street to fix up a situation. The  
28 Planning Board can't bind the town to do some work. So he doesn't think you can make that a  
29 condition of approval that the town does the work. He suggested that we hammer it out and it  
30 may have to be approved by the Board of Selectmen. If they can't come to an agreement, we'll  
31 bring it back to you. He thinks we will be able to work something out.

32 Chairman Belair doesn't think that what Mr. Meisner is asking for, is unreasonable. It appears  
33 that this property would drain into the wetland without that. The most expensive part is building  
34 a catchbasin to replace a catchbasin, not running the pipe up the lot line. He doesn't see a big  
35 issue with his proposal but we can't bind, we can only suggest.  
36

37 Mr. Banks asked, does the applicant want to go forward with this, without that first?

38 Mr. Moldoff said, he thinks you can act on the conditional use permit, and act on the plan and  
39 we'll put a condition in that says, it has to be approved by Engineering and Public Works. He  
40 doesn't know if that's acceptable to the applicant, but he thinks that's probably the best we can  
41 do tonight. If there are any problems, we will bring it back to you. We'll try to work things out.

42 Mr. Wholley is texting and saying he'll try to get in touch with us.

43 Mr. Meisner said, his client, who is here would like to have a moment to express his opinion.  
44

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1 Glenn Gidley is here on behalf of the applicant. We got the Public Works memo this afternoon,  
2 kind of late. He was surprised that a memo that would request so much work on a site that has  
3 existing frontage and no impact on drainage, would be asked to do so much work out there. It  
4 seems somewhat late in the game for us to find out about the requirement to adding a catchbasin,  
5 and adding a headwall, which requires a Wetland Board permit. It will slow the project down  
6 that we've been waiting to get going for some time. We'd be willing to do all the offsite work  
7 and cooperate with the town, as long as the town does the work in the right-of-way. It is rough  
8 for us to get this so late. Putting drainage in the street, he doesn't think is fair to ask us to do that.  
9 We'll work with them and provide a pipe and install the pipe, but the town should do the work in  
10 the right-of-way. Granite Avenue has been worked on several times over the last 15 years, and if  
11 that was so important, the town should have addressed this then. To dump this on us now is  
12 unfortunate. He is willing to install the pipe and do work outside the right-of-way, if the town  
13 does the work in the right-of-way.

14  
15 Chairman Belair said that's where his thought was too.

16 Mr. Gidley said, if we leave this to negotiate it later, we're in a bad position because they'll have  
17 the benefit of time that we don't have. And we would have to come back to this board, and the  
18 Board of Selectmen, and that is onerous to us for such a small amount of work that we are doing.  
19 Chairman Belair said, we can't bind it.

20 Mr. Lyons asked, only the Board of Selectmen can authorize work in the right-of-way, correct?

21 Mr. Moldoff said yes. Public Works can do work in the right-of-way, and they can fix problems,  
22 but if money is expended it has to be approved by the Board of Selectmen.

23 Chairman Belair said, that pipe doesn't need to be fixed for Mr. Gidley's plan to work.

24 Mr. Gidley said, that is exactly his point. We don't have a drainage issue on our lots and we  
25 don't have any drainage issues as it relates to this pipe and the town's infrastructure to construct  
26 the homes. We gave them an easement on the pipe and we could have asked the town to remove  
27 it, but we didn't. We are willing to put the easement between the lots and move the pipe, but they  
28 should do their own work out in the town's infrastructure in the roadway. We don't have any  
29 offsite impacts. He thinks it's a reach for DPW to expect us to do this.

30  
31 Chairman Belair asked, how do we craft this?

32 Mr. Moldoff recommends that you continue the plan if we can't work it out tonight. Give us two  
33 weeks. His suggestion was to move it along and have a condition, but if they don't want to do  
34 that, then his suggestion is to continue the plan and come back and have it worked out. He  
35 apologized that it came in late. The town is doing a lot of things. He doesn't know how to  
36 resolve it. He thinks we should hear from staff. He recommends continuance, and come back in  
37 two weeks to get it resolved.

38 Mr. Lyons asked, could you make it a condition pending approval by the Board of Selectmen? If  
39 the Board of Selectmen don't approve it, you are coming back anyway.

40 Mr. Gidley said, we don't want to come back.

41 Mr. Lyons said, it sounds like you are not getting out of here tonight. If you get approval tonight  
42 with a condition, then you only have one more meeting with the Board of Selectmen.

43



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1 Mr. Pelletier said, he is not saying a new pipe wouldn't be a good idea, but at the moment, there  
2 is not an issue with that drainage and that pipe. As long as the applicant is offering an easement  
3 to the town, if there are any problems in the future, then that easement would allow the town to  
4 go in there and replace it.

5 Mr. Moldoff said, Mr. Wholley is here. He explained to Mr. Wholley that the applicant wants the  
6 town to do the work in the right-of-way, in terms of the new catchbasin connection. They are  
7 willing to do the work, if you provide the pipe. They will relocate the pipe along the lot line.  
8 They want the town to do the permitting work. You could probably put a headwall and outfall in,  
9 without getting into the wetland, but they want the town to get permits if required. There is  
10 debate on how to act on the plan.

11  
12 Dave Wholley said, the relaying of the line would provide an ease of access in the future. Some  
13 of his concerns were with the pipe and type of material in the area, with the construction that will  
14 be going on, and the age of the pipe. He explained his concern that the pipe could become  
15 damaged and not drain properly. We can work with Engineering on the permitting. He doesn't  
16 think that will be an issue. We won't change the outfall or go any further into the wetland. The  
17 outfall will end basically where it does now. It would provide a better ease of access. Regarding  
18 the work in the right-of-way, we could speak with the developer about that, but he doesn't like to  
19 commit to performing work with our resources because of their timelines and we have our own  
20 projects. He doesn't know what the contractor is looking to do here. We have all the material on  
21 hand for a project of that size.

22  
23 Chairman Belair said, the developer is ready to go. Moving a catchbasin only puts it down the lot  
24 line, it doesn't improve his property, he doesn't need it. It puts us in a strange position, and we  
25 can't force the town. Only the Board of Selectmen can make that decision, but Mr. Gidley wants  
26 to move along with his project, so we are stuck.

27  
28 Mr. Hatch seconds what Mr. Pelletier said. Let the petitioner go ahead and provide the town with  
29 an easement, and if the basin and pipe are needed, the town can get the money then and put it in.  
30 Other than that, we are holding up a project.

31  
32 Chairman Belair asked, the easement that is shown on the plan, that is where the pipe is now?

33 Mr. Gidley said that's correct.

34 Chairman Belair said, we are looking at an easement down the middle. It sounds like it needs to  
35 be two easements in order for this plan to be approved, with the condition that the first one goes  
36 away if the pipe gets put up the lot line.

37 Mr. Wholley said, he has no objection to the pipe staying in its current location. The town and  
38 future resident of the property benefits from it not being in that location, because if there is ever  
39 a need to do maintenance, then there would be disruption to the property and it makes the yard  
40 less usable. If they want to place certain items on the property, they can't do it over the easement  
41 area. The pipe itself could be replaced. If they want to replace it in the same location, he has no  
42 problem with that. We can supply the pipe for them to replace it in this location. He suggested  
43 that, it is obviously a maintenance issue in its current location. It is very overgrown and there is  
44 evidence of years of silt deposit. His suggestion was to make it easier in the future. But its

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1 current condition should be replaced. If a second easement isn't wanted, that's fine. But he thinks  
 2 we need to follow Jim Brown's recommendation of getting a 20 foot wide easement, and the  
 3 current pipe should be replaced.

4  
 5 Chairman Belair suggested a way to replace and move the pipe in a more user friendly place.  
 6 Mr. Gidley said he would be happy to replace the pipe at our expense and install a headwall as  
 7 long as there are no DES permits required. We could also move the pipe and the easement closer  
 8 to the lot line and still connect to the existing catchbasin and do what we can to clean it up while  
 9 we are there. That is as far as we are willing to go, but that gets Dave where he needs to be. He  
 10 believes that Kurt already changed the width of the easement to 20 feet. We will redesign the  
 11 drainage pipe and run it by the town engineer. We will take Chairman Belair's suggestion and  
 12 move the drainage line away from the house and run it more parallel with the side lot line.

13 Mr. Wholley said we are willing to work with the developer. He is not looking to delay the  
 14 project or incur additional costs to the project. He just didn't want to have any future problems.  
 15 He explained that what you are proposing is fine by us.

16 Mr. Gidley said, we will provide the material and work with you to try to run that pipe like  
 17 Chairman Belair mentioned, as parallel as we can to the lot line as we approach Granite Avenue,  
 18 and we will tie back into the catchbasin. We are willing to do it at our expense and your input.

19 Mr. Wholley said he will speak with Jim Brown, and it should be just an extension of our blanket  
 20 permit through DES.

21  
 22 **MOTION by Mr. Banks to grant a conditional use permit to Salem Manufactured Homes**  
 23 **on Granite Avenue for the reduced prime wetland side setback from ordinance 490-706E2**  
 24 **citing the applicant's letter dated February 25, 2020, and read into the record tonight.**  
 25 **SECOND by Ms. Donovan.**

- 26  
 27 **Mr. Banks – in favor**  
 28 **Ms. Donovan – in favor**  
 29 **Mr. Lyons – in favor**  
 30 **Mr. Pelletier – in favor**  
 31 **Mr. Feole – in favor**  
 32 **Mr. Hatch – in favor**  
 33 **Chairman Belair – in favor**

34  
 35 **VOTE ON MOTION: 7 - 0**  
 36 **UNANIMOUS**

37  
 38 **MOTION by Mr. Banks to hear this in one hearing.**  
 39 **SECOND by Mr. Pelletier.**

- 40  
 41 **Mr. Banks – in favor**  
 42 **Ms. Donovan – in favor**  
 43 **Mr. Lyons – in favor**  
 44 **Mr. Pelletier – in favor**

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- 1 **Mr. Feole – in favor**
- 2 **Mr. Hatch – in favor**
- 3 **Chairman Belair – in favor**

4

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

6 **UNANIMOUS**

- 7
- 8 Mr. Moldoff read the following conditions:
- 9 1. Prior to recording the plan, set or bond the monuments.
  - 10 2. Prior to recording the plan, submit approval from the Engineering Division based on their
  - 11 memo that was submitted on April 10<sup>th</sup>.
  - 12 3. Prior to recording the plan, revise the drainage pipe per the discussion at this meeting.
  - 13 4. Prior to occupancy, verify completion of the prime wetland buffer mitigation.
  - 14 5. Note the conditional use permit for the reduced prime wetland buffer on the plan.
  - 15 6. All representations made by the applicant or their agents and all notes on the plan are
  - 16 incorporated as part of the application.

17

18 Chairman Belair asked Mr. Meisner, you are OK with being able to put together a plan that

19 shows a 20 foot easement and the pipe continuing along the lot line?

20 Mr. Meisner said he believes we can do that and we should be able to work that out. Was the

21 completion of the work to the prime wetland prior to recording of the plan?

22 Mr. Moldoff said no, it was prior to occupancy.

23

24 **MOTION by Mr. Banks to grant conditional approval to Salem Manufactured Homes on**

25 **Granite Avenue with the 6 conditions as stipulated by Mr. Moldoff.**

26 **SECOND by Mr. Pelletier.**

- 27
- 28 **Mr. Banks – in favor**
  - 29 **Ms. Donovan – in favor**
  - 30 **Mr. Lyons – in favor**
  - 31 **Mr. Pelletier – in favor**
  - 32 **Mr. Feole – in favor**
  - 33 **Mr. Hatch – in favor**
  - 34 **Chairman Belair – in favor**

35

36 **VOTE ON MOTION: 7 – 0**

37 **UNANIMOUS**

38

39 Mr. Meisner thanked the board for working with Mr. Gidley and Salem Manufactured Homes

40 and he thanked Dave Wholley for also helping out.

41

42 2. NUGENT PLAN – Public Hearing for conditional use permit for reduced wetland setback

43 at 40 Silver Brook Road, Map 140, Lot 11009.

44

DRAFT

1 **MOTION by Mr. Banks to accept the Nugent plan application as complete.**  
 2 **SECOND by Ms. Donovan.**

- 3  
 4 **Mr. Banks – in favor**  
 5 **Ms. Donovan – in favor**  
 6 **Mr. Lyons – in favor**  
 7 **Mr. Pelletier – in favor**  
 8 **Mr. Feole – in favor**  
 9 **Mr. Hatch – in favor**  
 10 **Chairman Belair – in favor**  
 11 **VOTE ON MOTION: 7 – 0**  
 12 **UNANIMOUS**

13  
 14 Abutters: There were no abutters present.

15  
 16 To comment, call 685-6451.

17  
 18 James Nugent said, we are seeking a conditional use permit to build a poolhouse and we went to  
 19 the wetlands board last week and got approval. We are looking for your approval today to build a  
 20 poolhouse with the conditional use permit for the wetlands.

21  
 22 Staff Comments:

23 They want to build a poolhouse that is proposed to be 32 feet from the edge of wet. 40 feet is  
 24 required. They need a conditional use permit. They went to the Conservation Commission  
 25 and they voted to recommend approval.

26 Engineering Department said, at the building permit level they will have to coordinate the  
 27 construction of the poolhouse because they'll provide water and sewer and they have to  
 28 coordinate that with Engineering and utilities. But that can be handled at permit level.

29 Recommend - if you have no issues, he recommends conditional approval this evening with  
 30 the following conditions: 1) Prior to occupancy, provide a certified as-built site plan.

31 2) Verify and completion of the buffer plantings. 3) Note the conditional use permit for the  
 32 reduced wetland setback on the plan 4) All representations made by the applicant or their  
 33 agents and all notes on the plan are incorporated as part of the approval.

34  
 35 Mr. Moldoff said the number is 685-6451. He asked Mr. Nugent to read the letter regarding the  
 36 conditional use permit.

37  
 38 Mr. Nugent read the letter for the conditional use permit.

- 39  
 40 1. The proposed project is not located within the 100-year floodplain and will not result in  
 41 increased flooding. The wetland area being impacted by this project will not result in any change  
 42 to the function of the natural wetland or the ability of the wetlands to provide filtration of water.  
 43 The proposal will not create any expense to the town nor will it adversely impact the town's  
 44 ability to provide or maintain essential services and utilities. This proposal will not result in any

## DRAFT

1 damage to other structures or properties. No unique or unusual natural areas exist and no rare or  
2 endangered species of flora or fauna have been observed in the area. This site is not located  
3 along the corridor of a major drainage waterway, river, or stream. This project facilitates a  
4 seasonal, low-intensity use that can be appropriately and safely located in or adjacent to  
5 wetlands.

6  
7 2. Options such as relocating the pool house to another area were investigated, but have been  
8 determined as cost-prohibitive. The additional site work cost to tie in water, and sewer makes  
9 this unfeasible for the homeowner. We would be happy to explain further during the site visit.

10  
11 3. With such a small footprint, site work required to construct the requested pool house will be  
12 minimal. Silt sock, as well as silt fence will be deployed to protect from any potential run off into  
13 the wetland area.

14  
15 4. There will be no impact to the neighbors and passers-by with the approval of request. The  
16 adjacent neighbor on the pool house side of the property is some 400 yards away. The structure  
17 will resemble the primary structure on the property in color and style. (Please see attached  
18 renderings.) All covenants within the Silver Brook Road sub-division will be met, or exceeded.

19  
20 5. Lavelle Associates has prepared a survey of the site which contains location of proposed pool  
21 house. Attached are their findings.

22  
23 6. Though the existing grass and natural growth will slow and clean storm water runoff,  
24 additional plantings along the edge of the tree line are proposed to mitigate the impact of the  
25 proposed pool house. Certain cover crops such as vetch, rye, and morning light grass are easy to  
26 grow and hold top soil in place while reducing competitive weeds. These types of plantings are  
27 an excellent fit for this back yard living space. (Please see attached site plan for planting  
28 locations.)

29  
30 7. This request is being presented to the Salem Conservation Commission for their review and  
31 approval.

32  
33 8. No state or federal permits are required for this proposal as no wetlands are being filled in  
34 constructing proposed pool house.

35  
36 Mr. Pelletier said he is interested to know, the water and sewer that will be going to this new  
37 pool house, is the sewer going directly from that building to the septic or does it go through the  
38 house and tie into the septic? And the same with water?

39 Mr. Nugent said he doesn't know, but he believes its going through the house, but he is not  
40 positive. We don't have septic here.

41  
42 Mr. Hatch said to him this is a permanent structure. Why don't they need a variance?

## DRAFT

1 Mr. Moldoff explained that the wetlands ordinance allows them to go for a conditional use  
2 permit. The ordinance was changed a few years ago to allow for this process. He explained the  
3 process.

4 Mr. Hatch asked, would the applicant be willing to amend their property deed to state that the  
5 poolhouse is not to be used as living quarters or sleeping quarters?

6 Mr. Nugent said he doesn't have an issue with that.  
7

8 Chairman Belair said, on the supplemental things that were sent, it looked like a bathroom,  
9 closet, etc were on the plans. He has been in places that didn't have that and were considered a  
10 house. So he thinks Mr. Hatch's point is a good one. There is only one dwelling unit per  
11 property.  
12

13 Mr. Feole asked if the proposed poolhouse is going in a grade and will it be raised up.

14 Mr. Nugent said we will raise it up.

15 Mr. Feole asked, did you look at erosion into the wetland with the change in hydrology from the  
16 fill from raising it up?

17 Mr. Nugent said he doesn't believe so. This came up on the Conservation Commission call. A  
18 concrete slab is going in and the way that the structure is being built, it shouldn't have any effect  
19 on the wetlands.  
20

21 Chairman Belair asked, did Engineering say anything about infiltrating runoff?

22 Mr. Moldoff said no. They talked about coordinating the utilities.

23 Chairman Belair said he is just wondering why they missed that. They usually ask for that. He  
24 asked if there were any calls.

25 Mr. Moldoff said there were no calls.  
26

27 **MOTION by Mr. Banks to grant the conditional use permit for the Nugent site plan at 40**  
28 **Silver Brook Road for the reduced wetland setback 32 feet provided, 40 feet required,**  
29 **based on ordinance 490-706E2. He also noted the applicant's letter read into the record**  
30 **dated April 25, 2020, and citing the 4 conditions noted by Mr. Moldoff.**

31 **SECOND by Ms. Donovan.**  
32

33 Mr. Moldoff asked, do you want to add the condition that Mr. Hatch requested and that the  
34 applicant agreed to, regarding a deed addendum saying that there will be no living quarters  
35 allowed in the pool house? That would be the 5<sup>th</sup> condition.  
36

37 **Mr. Banks agreed and noted the 5 conditions.**

38 **SECOND by Ms. Donovan.**  
39

40 **Mr. Banks – in favor**

41 **Ms. Donovan – in favor**

42 **Mr. Pelletier – in favor**

43 **Mr. Hatch – in favor**

44 **Mr. Feole – in favor**

## DRAFT

1 **Mr. Lyons – in favor**  
2 **Chairman Belair – in favor**  
3 **VOTE ON MOTION: 7 – 0**  
4 **UNANIMOUS**

5  
6 **PUBLIC MATTERS**7  
8 1. Tuscan Village signage  
9

10 Mr. Moldoff said that Mr. Jordan is here. Mr. Moldoff will go over the changes to the Tuscan  
11 Village sign proposals. He showed the approved sign on the building facing the corner of  
12 Rockingham Park Boulevard and Route 28. He then showed what they want to do instead. It's a  
13 little larger, but still within the guidelines. They revised the plans. He also showed the gateway  
14 signs that they were going to install along Rockingham Park Boulevard at major entrances and  
15 he then showed the proposed sign. He sent this sign package to Terry DeWan, our design  
16 consultant, and he said they are basically doing the same material and quality that you originally  
17 approved. But since it is different, Mr. Moldoff said he wanted to bring it to the board. He then  
18 showed the approved directional signs and the proposed ones. He also showed the approved  
19 pedestrian kiosk signs, and the proposed ones. He wanted to make sure you have no problem  
20 with it. He believes they have to come back with a revised conditional use permit for the revised  
21 sign guidelines, but we'll deal with that. But they want to go forward with a couple signs on Mall  
22 Road that will still meet the guidelines, but are slightly different from what was approved.

23  
24 Chairman Belair asked, is this on building 300?

25 Mr. Jordan said it is building 300.

26 The consensus of the board is that they are OK with this.

27  
28 2. 14 Kelly Road  
29

30 Mr. Moldoff said this is the Ashley Furniture site plan that was approved for a 24,000 square  
31 foot furniture store. This is the second one, on the same site, that was approved in February  
32 2014. They asked for a series of extensions. Last year you gave them what you said would be the  
33 final extension in April. They are asking for an additional extension due to Covid 19. He read  
34 from their letter. They are requesting a one year extension of the site plan.

35  
36 Mr. Banks said, a year ago we didn't know that we'd be under these circumstances. He is willing  
37 to make an adjustment because of the current state we are in.

38 Mr. Hatch said, he would say no. It has been this long, and this board has turned over a few times  
39 since then.

40 Chairman Belair asked, he knows we said no, but for the background, have the rules that govern  
41 that site plan changed significantly?

42 Mr. Moldoff said no. The zoning hasn't changed in that area. Looking at the conditions of  
43 approval, nothing is significantly different. We have incredibly difficult circumstances right now  
44 and it is not unreasonable.

DRAFT

1 Mr. Pelletier said he also believes that because of the circumstances, that we should give them  
 2 another year.

3  
 4 **Chairman Belair polled the board on granting a one year extension:**

- 5 **Mr. Banks – in favor**
- 6 **Ms. Donovan – in favor**
- 7 **Mr. Lyons – in favor**
- 8 **Mr. Pelletier – in favor**
- 9 **Mr. Hatch - opposed**
- 10 **Chairman Belair - in favor**
- 11 **Mr. Feole – in favor**

12  
 13 **VOTE ON MOTION: 6 - 1**

14  
 15 3. BHT Properties

16  
 17 Mr. Moldoff said, there are a couple small changes to a site plan on Main Street, the BHT  
 18 Properties plan. This is a 12 unit townhouse project. They sent a letter and said they were  
 19 approved in May 2019. The plans were finalized. They proposed a change to include an 8 foot by  
 20 10 foot covered deck at the main entrance of each unit. He read from their letter. They will go  
 21 with two bedroom units only, there was a mix before. So there will be a total of 24 bedrooms.  
 22 Previously there was a total of 30 bedrooms. He showed the plan. It is a relatively minor change  
 23 to the site plan. It is still a 12 unit town house project. Do you have any concerns or issues with  
 24 that? He thinks you granted a one year extension already, but they asked for one.

25  
 26 Chairman Belair asked, did we discuss the decks?

27 Mr. Moldoff said no. This is a change to the plan.

28 Mr. Banks said he doesn't recall talking about these decks.

29 Ms. Donovan said she thinks the bulk of the conversation was the question of being able to use  
 30 the right side of the yard for the house on Sullivan Avenue. We spent a lot of time on that, where  
 31 the easement is.

32 Chairman Belair said he doesn't have an issue with what is presented.

33  
 34 The consensus of the board is that they have no issue with this.

35  
 36 4. Ethics code

37  
 38 Mr. Moldoff said, the Board of Selectmen has proposed an ethics code. Ross sent that to you and  
 39 got comments from some members that he passed onto the Town Manager. You have ethical  
 40 standards in your bylaws, but what the Board of Selectmen is proposing is much more detailed  
 41 than what you currently have, but basically the same types of things. If you have comments or  
 42 want another copy, let him know. The Town Manager asked him to pass it by you.

43 Mr. Banks asked, are we supposed to sign off on those?



## DRAFT

1 Mr. Moldoff said no. If you have any comments, it's up to the Board of Selectmen. The idea is  
2 that all the boards and commissions in town would have one set of ethical standards that they  
3 would be asked to adhere to.

4 Mr. Lyons said, that is the proposal.

5

6 5. We Buy Ugly Homes

7

8 Mr. Moldoff said, we talked about this a long time ago. The We Buy Ugly Homes business  
9 wants to put a sign on the building at 346 South Broadway. He showed where the sign was  
10 initially. Ideally we would be putting all the signs on the border. But there are some other signs  
11 on the building. Do you have any concerns or questions, or do you want Ross to work with them  
12 to get something smaller, or in a different location? Or is this OK?

13 Chairman Belair asked, does this conform?

14 Mr. Moldoff said he will check the size of it. The size may be too big.

15 Chairman Belair said, unless you can get them to conform, we may have to invite them to a  
16 meeting.

17

18 Mr. Banks asked, is there going to be a bunch of staggered signs? Or will they all go up above  
19 the fascia?

20 Mr. Moldoff said, most of the signs are on the fascia. There are a couple that are above that. We  
21 are trying to make it look good and keep everything on fascia, but in this case the applicant is on  
22 the second floor, and they want a sign by their unit.

23

24 6. Outdoor seating

25

26 Mr. Moldoff said, the Governor has allowed outdoor seating at restaurants starting on Monday,  
27 and we worked out a process internally with the different departments. We are in the process of  
28 allowing that outdoor seating. Normally it needs approval from the Planning Board. He spoke  
29 with the Chairman, and we are trying to speed up the process. Since they can't use the inside of  
30 the building, we felt it wasn't unreasonable. We are getting sketch plans and number of seats,  
31 and the Fire Department is requiring protection, especially if they are near parking lots, and  
32 making sure seats are protected. Some are on sidewalks. We are trying to permit these as quickly  
33 as we can. He just wanted to let you know, if you have any questions or comments.

34

35 Chairman Belair asked, why would there be a fee to put tables on a sidewalk for a restaurant? He  
36 understands the tent inspections. Where did the fee come from, and was it approved by the Board  
37 of Selectmen?

38 Mr. Moldoff said, it was not approved by the Board of Selectmen, but it was set as the standard  
39 minimum building permit fee because the Fire Department wanted to handle this through a  
40 permit, and they felt the minimum fee was reasonable, especially for the tent permits since they  
41 do go out and do an inspection and make sure it complies. There are a lot of requirements to put  
42 up a tent. In terms of seats, and tables on the sidewalk, he can ask them if the fee can be reduced  
43 or waived for those types of installations.

## DRAFT

1 Chairman Belair said, his opinion is, on February 1<sup>st</sup>, if a restaurant was authorized to have 40  
2 seats, and now they are scrambling to open, and they get hit with a fee, they were in compliance  
3 prior. He understands the tent. But if they are just putting up a couple of table on a sidewalk, he  
4 doesn't see it. One restaurant guy called him and Chairman Belair said he has to side with him.  
5 He asked Mr. Lyons for his thoughts on the fee.

6 Mr. Lyons said he concurs. Normally he is leery of writing checks, but he doesn't know if we  
7 should be charging anything, but he is only one selectmen.  
8

9 Ms. Donovan asked, this is just a temporary thing, correct? To her it doesn't seem like we should  
10 be charging a fee for something that's such a short time. And anyone that will be putting up a  
11 tent is taking a huge monetary risk to do that right now, hoping to get the patrons. Why add even  
12 another dime to it?

13 Mr. Lyons asked, we've adopted a standard fee schedule and this is the bottom?

14 Mr. Moldoff said yes.

15 Chairman Belair asked, what do they get for the fee?

16 Mr. Lyons said, the fee schedule is the fee schedule and if Board of Selectmen want to waive it,  
17 they can.

18 Mr. Moldoff said he will speak with the Fire Department about it tomorrow.  
19

20 Mr. Hatch said, regarding protection, he sees a lot of these places will probably use propane  
21 heaters, so if they can look where those are set and make sure they won't fall over.

22 Mr. Banks asked, how quickly do you turn these permits around?

23 Mr. Moldoff said, we did 4 today. A lot of people have to sign off. The Fire Department wants to  
24 do them in a day or two, to turn it around. We are very aware of the situation that these people  
25 are in, and we want to move quickly to get them up and running as fast as we can.

26 Mr. Banks agrees. The quicker we can do it, the better.  
27

28 **MOTION by Mr. Hatch to adjourn.**

29 **SECOND by Mr. Pelletier.**  
30

31 **Ms. Donovan – in favor**

32 **Mr. Lyons – in favor**

33 **Mr. Banks – in favor**

34 **Mr. Feole – in favor**

35 **Mr. Pelletier – in favor**

36 **Mr. Hatch – in favor**

37 **Chairman Belair – in favor**  
38

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

40 **UNANIMOUS**  
41

42 The meeting adjourned at 8:39 p.m.  
43

DRAFT

1 For further information, kindly refer to the videotape dated 5/12/2020, located in the Planning  
2 Office.

3

4 Minutes by: Susan Strugnell, Planning Board Recording Secretary

5 Approved: Planning Board

6 Date: