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**MINUTES OF THE
PLANNING BOARD**

**MEETING OF
December 10, 2019**

A meeting of the Planning Board was held on December 10, 2019 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. November 26, 2019 – Regular Meeting

MOTION by Mr. Banks to approve the minutes of the November 26, 2019 meeting as printed.

SECOND by Mr. Hatch.

VOTE ON MOTION: 6 – 0 -1 (Mr. Pelletier abstained.)

NEW BUSINESS

1. SILVA SUBDIVISION – Preliminary Hearing for 2 lot subdivision at 181 Pelham Road, Map 122, Lot 8520.

MOTION by Mr. Banks to accept the Silva subdivision application as complete.

SECOND by Mr. Pelletier.

VOTE ON MOTION: 7 – 0

UNANIMOUS

Abutters: There were no abutters present.

Kurt Meisner, with Meisner Brem Corporation is here to represent Silva Estates, which there are multiple owners. We are proposing a two lot subdivision. We are cutting two acres out of 14 that will remain on the east side of Pelham Road. We were here a year ago and we cut out a small lot

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1 to the right. We are proposing to cut out a two acre lot at the north end of the property. There is
2 199 feet of frontage. It leaves a 50 foot strip which could be access to the rear of the property.
3 The remaining parcel is 11.96 acres. He outlined the remaining parcel on the plan. The site will
4 be serviced by an onsite well and onsite septic. A proposed single family home is in the middle
5 of that and the driveway is at the edge. There is a small area of wetland on the remaining piece.
6 That is on the plan. None of that is on the lot being cut out. We received State approval for the
7 subdivision, NHDES approval.

8
9 Staff Comments:

10 It is an odd shaped lot. He read from the regulation regarding shapes of lots. It is not unusual
11 to ask for a waiver, but here, it is an awkward shaped lot. The applicant has applied for a
12 waiver and you can talk about it. He thought maybe they should try to reconfigure the lot to
13 better comply with our regulations.

14 He explained this on the plan.

15 He received an OK from the Assessor and Public Works. The Fire Department said they want
16 to review the dwelling for emergency services access, but that shouldn't be an issue.

17 He received comments from Engineering. They are relatively minor. He then read their
18 comments.

19 Recommend - depending on what you want to do with the lot shape, you can grant a waiver,
20 or if you want them to look at it again, you should continue it.

21
22 Chairman Belair asked for public input. There was none.

23
24 Mr. Banks asked, what is the hardship based on the way this is configured now?

25 Mr. Meisner said, on the whole 14 acres of land, it is in a family group. They are trying to cut off
26 a lot and give it to a younger family member to build a home. The deal was that they would buy
27 two acres. It is in the rural zone so two acres is the minimum requirement. If we extend it back to
28 the rear of the property, it is almost up to 4 acres, which is more than the family agreement and
29 twice as much as it has to be for the regulations. It is a split zone. He then showed the zone line
30 on the plan. It comes through the middle of the property. There is enough frontage to service a
31 lot. He explained that there is no way to get an extra lot in back. It wouldn't be feasible to build a
32 road 500-600 feet long to get to a lot. It was a family agreement, and two acres is the minimum.
33 On the DES plan, the house, septic and the well are towards the front of the property. You made
34 the two acre zone. The other lots were developed before the zoning change. It is a similar size
35 lot. He then read the criteria for the waiver request for Section 278-6:4.1:

36
37 We believe the request is a reasonable one whereas we have demonstrated that the proposed new
38 lot has sufficient area for a single family home, deck and driveway as is customary and there will
39 be no issues with crowding. We have demonstrated that there is plenty of room on the site (2ac.)
40 and due to the original irregular shape of the remaining land we are forced to configure the lot as
41 shown.

42 Specific circumstances relative to this subdivision (such as the configuration of the perimeter
43 boundary), or conditions of the land in said subdivision, indicate that the waiver will properly
44 carry out the spirit and intent of these regulations.

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2 Chairman Belair asked, why wouldn't a less than two acre lot work? You say you are forced to
3 do it that way, but you could just get a variance for less than two acres.
4 Mr. Meisner said, because you would have to go to the ZBA and they would probably say where
5 is the hardship in having a reduced sized lot? The ZBA is opposed to creating undersized lots.
6
7 Mr. Hatch said he would argue that, because you would want to square it off to match the
8 surrounding lots. It is forcing you to do that because we have an ordinance that prohibits you
9 from creating a lot such as this. The shape of the lot as it exists, is forcing you to square that off,
10 so you end up with an undersized lot, under two acres.
11 Mr. Meisner said, if we cut this off, then it would be undersized. He explained the argument that
12 he would probably get from the board. This doesn't create harm to anyone. It is an invisible line.
13 You can't see it. You could stipulate that the house be built towards the front of the property.
14 Mr. Hatch asked, if we do this, what will happen next? It will create another irregular shaped lot
15 when you do the top half of that. He explained that it will steamroll.
16 Mr. Meisner said, the original parcel is an irregular shape. By creating this lot, we don't make
17 the remaining lot anymore irregular shape than it already is.
18 Chairman Belair asked, is the 50 feet destined to be a road?
19 Mr. Meisner said we don't have plans. There is no reason for that, other than the family members
20 said they wanted it.
21
22 There was discussion of the lot.
23
24 Mr. Meisner explained the frontage on the plan.
25 Mr. Pelletier agrees with the ordinance of irregular lots, but he does see a potential here. There is
26 100 foot width behind the other two lots on the left. In the future, if they propose a house in
27 back, it would be a little over 100 feet away from the parcels in front. In that case, he would ask
28 for a no cut agreement back there. If there are trees there, for it to remain a natural buffer to the
29 rest of the lot in the back.
30 Mr. Hatch asked, when these other lots were all cut out of the original parcel, was that property
31 all still under the same family name?
32 Mr. Meisner said yes he believes it was.
33 Mr. Hatch said, so they created this by selling it off like this.
34 Mr. Meisner said, he has only been involved since the lot to the south. They have a family
35 member that is looking to build a home on that property.
36
37 Mr. Gibbs said the L shape is too unprecedented. The lesser of the evils is to cut off the top of
38 the L and you have the least way to create a driveway into that back property.
39 Mr. Meisner discussed the rear parcel. Regarding the future development of this parcel, it won't
40 be developed.
41 Chairman Belair asked, why not include it then?
42 Mr. Meisner said, the deal was, they get two acres.
43 Chairman Belair said, that's if the waiver passes.

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1 Mr. Meisner said, we have to have at least two acres. He can't see going to the ZBA. This won't
2 hurt anyone, nobody will see it. If the board wanted to say, all of the development on this lot has
3 to be towards the westerly side of the property, we don't have any problem with that, that's what
4 we intend to do anyway. It is a two acre zone, and we are trying to give you a two acre lot.

5 Mr. Banks said, adding that back corner seems to work better for him. It is more than two, but it
6 seems like a better approach. He has some concerns about the way this is presented.

7 Mr. Meisner said, the other issue is, that is an area that could potentially be density for another
8 use on the property. There is no plan for that. If you add 4 acres onto this lot, you are taking two
9 from the other portion that could be valuable.

10
11 Ms. Withrow said, she is not sure that poor overall planning and a family agreement should make
12 this board sway. She is having a hard time with that. She suggested that you push the right line
13 over to the next lot line, and get rid of the 50 foot space. If you are not going to put anything
14 behind there, why do you need the road there? You could put it in on the other side and then the
15 line could go straight back. It's closer to 4 acres but it fits a lot better.

16 Mr. Meisner said, he could make two acre lots out of this in various configurations. If we
17 reconfigure that lot we may make it a minimum of 150 feet of frontage, and leave the rest of the
18 land and go straight to the back. That would minimize the amount of area that you would take.

19 Ms. Withrow's suggestion takes away density from the remaining portion of the property. He
20 discussed the lot and what can be done. But he has an irregular shaped lot to start with. He
21 doesn't see the harm in this. You could say there is no development in a certain area. He believes
22 the intent of the ordinance was so that you don't have houses stacked up on top of each other. A
23 fair compromise would be, exclude the back from development, make everything happen up
24 front, and the rest stays open land.

25
26 Chairman Belair asked, why isn't there any consideration for doing a plan for the property? If we
27 had a bigger picture, we may have more of a feel for where you are going.

28 Mr. Meisner said, this is the family's wish. They have already cut a few lots out of it.

29
30 Ms. Donovan agrees with having a master plan.

31 Mr. Meisner said, he doesn't believe that they have a plan for a full buildout. He would think we
32 would do future planning for the highest and best use of the property.

33 Ms. Withrow said she is not comfortable with this lot as is. If we saw a big picture even if they
34 don't plan on building it anytime soon, but what would be approved all at once. Then she would
35 be open to listening again, but it is too far out of the norm to her.

36 Mr. Meisner said he is guessing that the board has issues about granting the waiver for the
37 irregular shaped lots, so maybe we can continue and he will speak with the family, and see what
38 we can come up with.

39
40 **MOTION by Mr. Gibbs to continue the Silva subdivision.**

41 **SECOND by Mr. Banks.**

42
43 **VOTE ON MOTION: 7 - 0**

44 **UNANIMOUS**

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3 2. ROCK ACQUISITION SUBDIVISION – Preliminary Hearing for lot line adjustment on
4 Rockingham Park Boulevard, Map 107, Lot 12605 and Map 108, Lot 12501.

5
6 **MOTION by Mr. Banks to accept the Rock Acquisition subdivision application as**
7 **complete.**

8 **SECOND by Ms. Donovan.**

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

11 **UNANIMOUS**

12
13 Abutters: There were no abutters present.

14
15 Mark Gross is representing OMJ Realty LLC on the lot line adjustment. This is an adjustment of
16 the Rockingham Park Boulevard right-of-way to accommodate the widening on Rockingham
17 Park Boulevard, that is being made as part of the offsite improvements for the Tuscan Village
18 project. And it is an adjustment of the right-of-way, where on Rockingham Park Boulevard
19 where the driveway went into the racetrack property, it has been moved about 100 feet to the
20 west. This plan has been submitted to the New Hampshire Department of Transportation Right-
21 of-way Division for their review and approval. This plan is based on their requirements for right-
22 of-way subdivisions. There are two items on there. One is an existing encroachment area, which
23 is in the lower left corner. The other area that we are showing is the portion of the existing right-
24 of-way which we are proposing to purchase, and that is in the upper right hand corner. We are
25 going to propose this to the State of New Hampshire and NHDOT, to purchase that part of the
26 right-of-way since it is no longer needed.

27
28 Staff Comments:

29 There are no issues at the staff level.

30 All of the approvals have come in from Engineering and the Assessing office.

31 They need approval from NHDOT but we can handle that as a condition of approval.

32 Recommend - tonight we recommend that you move to hear this plan in one hearing and
33 grant conditional approval subject to the following conditions:

34 1. Prior to recording the plan, submit the approval from the NHDOT.

35 2. Prior to recording the plan, set or bond the monuments.

36 3. All representations made by the applicant or their agents and all notes on the plan are
37 incorporated as part of the approval.

38
39 Chairman Belair asked for public input. There was none.

40
41 Mr. Gibbs asked, the property underneath the flyover, does that change your parking at all?

42 Mr. Gross said no.

43 Mr. Gibbs asked, the other section, does that change the drawing, the design that we saw in the
44 past?

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1 Mr. Gross said there is a proposed sign there, and some drainage rain garden area in there. The
 2 whole reason behind purchasing it is so that we own it, otherwise we would need an
 3 encroachment agreement. We will get a temporary encroachment agreement until the State
 4 grants us the right to purchase it, which takes about a year. We are currently going through with
 5 the Right-of-way Bureau to get a deed drawn up and the transition of documents for that parcel.
 6 It is about an acre and a half.

7
 8 **MOTION by Mr. Pelletier to hear this in one hearing.**

9 **SECOND by Mr. Hatch.**

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

12 **UNANIMOUS**

13
 14 **MOTION by Mr. Banks to grant conditional approval to the Rock Acquisition subdivision**
 15 **with the three conditions as stipulated by Mr. Moldoff.**

16 **SECOND by Ms. Donovan.**

17
 18 **VOTE ON MOTION: 7 - 0**

19 **UNANIMOUS**

20
 21 3. OMJ REALTY SUBDIVISION – Preliminary Hearing for 2 lot subdivision at 14-20
 22 Tuscan Boulevard, Map 107, Lot 12605.

23
 24 **MOTION by Mr. Banks to accept the OMJ Realty subdivision application as complete.**

25 **SECOND by Ms. Donovan.**

26
 27 **VOTE ON MOTION: 7 - 0**

28 **UNANIMOUS**

29
 30 Abutters: There were no abutters present.

31
 32 Mark Gross, with Greenman Pedersen Inc, is representing OMJ Realty LLC. This is a
 33 subdivision plan for the medical office building. This is a new subdivision plan. We never
 34 recorded the original one. It was about an 8 acre parcel that extended to the west up to about the
 35 flyover. The reason for this new subdivision is, we have a much smaller project for the medical
 36 office building. This subdivision reflects that revised plan. Ross has a letter that you will see
 37 under public matters, explaining what that revised plan will look like. We had an approved
 38 116,000 square foot, 4 story medical office building, with about 600 plus spaces. The new plan is
 39 62,000 square feet, still 4 stories, and looks the same with about 272 onsite parking spaces, and
 40 about 111 offsite. In the easement area, those will be temporary spaces for now. Their parking
 41 requirement is more stringent than the town's, so its 6 per 1,000. This is a subdivision plan being
 42 done to accommodate that smaller site plan. This is also based on the new right-of-way line for
 43 Rockingham Park Boulevard that you just approved. That southerly line is based on the adjusted
 44 line for Rockingham Park Boulevard.

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Staff Comments:

In January, you will be asked to grant revised conditional use permits.
 He has a memo from Engineering. They asked for a couple things, minor notes. He then read from their memo.
 The Assessor signed off.
 Recommend - we recommend that you move to hear this plan in one hearing, and grant conditional approval subject to the following conditions:
 1. Prior to recording the plan, submit the approval from the Engineering Division
 2. Prior to recording the plan, set or bond the monuments.
 3. Prior to recording the plan, record the easements noted on the plan.
 4. All representations made by the applicant or their agents and all notes on the plan are incorporated as part of the approval.

Chairman Belair asked for public input. There was none.

MOTION by Ms. Withrow to hear this in one hearing.

SECOND by Mr. Banks.

VOTE ON MOTION: 7 - 0

UNANIMOUS

MOTION by Mr. Banks to grant conditional approval of the OMJ Realty subdivision with the 4 conditions as stipulated by Mr. Moldoff.

SECOND by Ms. Withrow.

VOTE ON MOTION: 7 - 0

UNANIMOUS

4. GARCIA PLAN – Public Hearing for conditional use permit for reduced Prime Wetland buffer at 26 Plaisted Circle, Map 60, Lot 5884.

MOTION by Mr. Banks to accept the Garcia plan application as complete.

SECOND by Mr. Gibbs.

VOTE ON MOTION: 7 - 0

UNANIMOUS

Abutters: Ferrara and Cartier were both present.

Kurt Meisner, with Meisner Brem Corporation, is here to represent Dan Garcia in an application for a conditional use permit on a property located at 26 Plaisted Circle. We have an irregular shaped lot. But it is a previously existing lot. There is a prime wetland towards the rear of this property. He showed the buffer which comes across Plaisted Circle. The entire property lies

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1 within the 100 foot wetland buffer. We have a State approval for a septic system design on the
 2 property. We went to the Conservation Commission and got a recommendation from them for
 3 approval of the conditional use permit. We proposed erosion control around the entire property
 4 of where any construction will be, and we created a natural buffer which is a split rail fence with
 5 a couple of red Cedar trees in between each section. He then showed the building setbacks that
 6 are on the plan. The building is a 24x36 building, and it fits within that. There are no setback
 7 issues. We show a 20 foot no cut buffer along the edge of the property. It is a gravel road and a
 8 gravel driveway, and Plaisted Circle is being reconstructed by the town in the spring. Part of our
 9 Conservation Commission filing was, there is a section of gravel that we will remove and
 10 vegetate. He then showed the wetland line on the plan. The prime wetland is out behind that. He
 11 then read the criteria for the conditional use permit for Section 490-706I:

- 12
- 13 1. The modification and work will serve to meet the purpose and intent of the Wetlands
 14 Conservation Ordinance outlined in Section 490-706I by defining the limit of the buffer and
 15 planting additional trees. Also the application of infiltration trenches along the building line and
 16 driveway will filter the runoff and add protection to the wetland thereby creating a more defined
 17 buffer.
- 18
- 19 2. The land is reasonably adapted to the use since it is a residentially zoned property with an
 20 approved septic design well outside the buffer (in an area previously disturbed) zone.
- 21
- 22 3. There is no feasible alternative based on zoning setbacks and geometry to allow for the
 23 construction of a home. We have provided a septic system as far away as possible and the
 24 building location is setback from the road to allow a driveway and off street parking.
- 25
- 26 4. The detrimental impact is minimized by the proposed infiltration trenches and defined limits
 27 of work will prevent any “creeping” of the buffer. Additionally, a full 20 foot buffer along the
 28 entire length of the actual wetland area will be left completely undisturbed.
- 29
- 30 5. There is no adverse impact of the neighboring properties since the wetland is below all the
 31 existing homes on Plaisted Circle and the wetland is very large. Further, the primary purpose of
 32 the buffer will be maintained by the use of drip trenches and infiltrators along the home and
 33 driveway.
- 34
- 35 6. The design plan was prepared by professionals including the site and septic by Kurt Meisner
 36 of this office and environmental and botanical design by Tom Sokoloski, a certified Wetland
 37 Scientist.
- 38
- 39 7. The proposed mitigation includes the planting of various trees, bush, and other planting by the
 40 species outlined in the Sokoloski email. There is no filling of wetland proposed.
- 41
- 42 8. The Conservation Commission conducted a site walk on September 29th, met with the
 43 applicant for discussion on October 2nd, 2019 to further discuss that application. They issued a
 44 positive recommendation with conditions on October 2, 2019.

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2 9. Other state or federal permits for the project is an individual septic system design by NHDES.

3
4 Staff Comments:

5 The Conservation Commission approved the project with one additional condition which was
6 a porous pavement driveway. (The applicant is OK with that.)

7 They need a conditional use permit.

8 We would like to see the floodplain line noted, if any portion of the site is in floodplain.

9 He is not sure if they need a shoreland permit from the State. We will do that at the staff level.

10 They need a septic system permit from the State.

11 There are no issues at the staff level.

12 There was an abutter who was claiming that there was an easement on the property and he
13 didn't want to see that removed.

14 Recommend - If the abutter's issues get resolved, Mr. Moldoff can recommend conditional
15 approval, and he can give those conditions later.

16
17 Chairman Belair asked for public input.

18
19 Michael Ferrara said, there is a 16 foot wide right-of-way, which is a private right-of-way. He
20 doesn't see it on the plan.

21 Mr. Meisner said, there is a 16 foot wide right-of-way, and it's in the record plans that we have
22 in our file. He then showed this on the plan. It's a deeded right-of-way. We can put it on the plan.
23 This plan doesn't take any of the rights away from the neighbors. That right-of-way goes into a
24 prime wetland and a wetland beyond there. So its potential use is basically a foot use. We will
25 add it onto the plan.

26 Chairman Belair asked, is it defined by meets and bounds?

27 Mr. Meisner said no. It is defined by just an extension and a width.

28 Mr. Ferrara said, its 16 feet.

29 Mr. Meisner said, it is on registry plan 11880. It is not defined by meets and bounds, but it is just
30 an extension that is 16 feet wide.

31 Mr. Ferrara said, it is a private right-of-way.

32 Mr. Meisner said, we will extend the limits of Plaisted Circle. This section is an extension of
33 Plaisted Circle, through there.

34 Chairman Belair said, you need to show that on the plan. It is not part of this conditional use
35 permit.

36 Mr. Meisner said, we can add that to the plan and he suggested that it be a condition of approval
37 to add that onto the plan. When we show it to Ross, it will be there. It does not affect anything
38 that is going on, on the site.

39 Chairman Belair said he wants to make sure that it is at least shown.

40
41 Mr. Moldoff read the following conditions:

42 1. Prior to the building permit, submit State permits and that's shoreland if needed, and the septic
43 system permit.

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- 1 2. Prior to the building permit, note the conditional use permit for the reduced prime wetland
- 2 buffer on the plan.
- 3 3. Prior to the building permit, submit approval from the Engineering Division.
- 4 4. Prior to the building permit, show that deeded right-of-way that we talked about.
- 5 5. Prior to construction, construct all the site improvements in accordance with the approved
- 6 plan.
- 7 6. Prior to construction, provide a certified as-built plan to make sure that everything was done
- 8 per the plan.
- 9 7. All representations made by the applicant or their agents and all notes on the plan are
- 10 incorporated as part of the approval.

11
 12 Chairman Belair asked, the porous driveway, will that be porous pavement or crushed stone?
 13 Mr. Meisner said, there is a number of ways to do that. Gravel is considered impervious. You
 14 can use porous pavement or concrete, etc. which he explained. There are a lot of ways to do that.
 15 Mr. Banks said, the porous asphalt is the one he would lean to the least because of the
 16 maintenance that is required.
 17 Mr. Meisner said he is aware of that. That is probably the least expensive way to do it, but it
 18 requires maintenance. And it has a shelf life. We have the shoreland permit and the State septic
 19 approval in hand, so those are all done.

20
 21 Mr. Pelletier said, Mr. Meisner mentioned that Plaisted Circle will be redone. Will it be totally
 22 redone, or a mill and overlay? Do you know of any plans to move the road?
 23 Mr. Meisner said, they are not moving it, we spoke with the town and they've seen our plans.
 24 Mr. Pelletier mentioned the frontage.
 25 Mr. Meisner said, we are staying inside of the right-of-way lines.
 26 Mr. Gibbs said, there are survey stakes everywhere.

27
 28 **MOTION by Mr. Banks to grant a conditional use permit for the Garcia plan on Plaisted**
 29 **Circle for Section 490-706E2 for buffers and setbacks, citing the applicant's letter dated**
 30 **November 18th, and read into the record.**
 31 **SECOND by Mr. Pelletier.**

32
 33 Mr. Moldoff said, you can incorporate the conditions and take care of the whole thing.

34
 35 **Mr. Banks amended his motion to add conditional approval of the Garcia site plan citing**
 36 **the applicant's letter dated November 18th, and read into the record, with the 7 conditions**
 37 **as stipulated by Mr. Moldoff.**
 38 **SECOND by Mr. Pelletier.**

39
 40 **VOTE ON MOTION: 7 - 0**
 41 **UNANIMOUS**

- 42
- 43 5. GMA SALEM SITE PLAN – Public Hearing for change of use (restaurant, medical office)
- 44 and conditional use permit for reduced parking at 369-373 South Broadway, Map 136, Lot

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1 372.

2
3 **MOTION by Mr. Banks to accept the GMA Salem site plan application as complete.**

4 **SECOND by Ms. Withrow.**

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

7 **UNANIMOUS**

8
9 Abutters: There were no abutters present.

10
11 George Fredette is representing GMA Salem Properties. This is at 369 North Broadway and the
12 proposal is the introduction of two new uses. This is a retail plaza and we are proposing a
13 restaurant space, and the middle section will be a medical office. It is a 1.73 acre site in the
14 Commercial Industrial C District. The total building footprint is 18,624 square feet. This is the
15 former home of Daddy’s Junky Music or Blockbuster Video. Since 2013 GMA Properties has
16 owned and managed this property. He then gave a history of the property. It was constructed in
17 1987, and there were 73 parking spaces on site. He then showed the parking calculations, and
18 gave information to the board. In 1987, this was approved with 73 parking spaces. When they
19 did that, there was storage space in the back of the unit. So it wasn’t 100 percent retail. About 25
20 percent of that building area was dedicated to storage. It had the effect of reducing the parking
21 requirement. In 1992 they came back and did a revision to put in an auto stereo installation area,
22 so they reconfigured the parking and dropped it from 73 spaces to 71. In 1995 they came back for
23 Prosound, which is still there. It went from 71 spaces to 70 spaces. This plaza has been like that
24 until 2018. In 2018, there was a legal agreement to introduce more ADA parking spaces because
25 of a complaint that was issued. He showed where those were added on the plan. We have a site
26 now with 68 total parking spaces. There are 5 handicap and only 3 are required. We are not
27 proposing to make any changes to the site. We are just here for a change of use. There are no
28 physical changes being put out there. The current tenants are Prosound in back, Amazing
29 Intimate Apparel, and Mayhem Tattoo. Two areas here are currently vacant. The proposal is an
30 opportunity to increase activity and visibility of the plaza with two new uses. There will be 4,500
31 square feet of medical office use. The user is New Season. They provide care for opioid use
32 disorder. They have been around since 1986 and they have 70 centers in 22 states. In the front is
33 a new 5,400 square foot restaurant, called the Happy Crab, with 107 seats. The primary reason
34 for being here is a conditional use permit. We have 68 spaces, and the total requirement is 133
35 spaces. Regarding the restaurant, the parking calculations require one parking space per 75
36 square feet of space. We are at 5,433 square feet, which equates to 72 parking spaces. There is a
37 secondary calculation that says one parking space for every 2 seats. At 107 seats, that would
38 require 54 spaces. The regulations say that you use the larger of two values. He asked them to
39 use the lesser value, of 54 spaces for 107 seats. The sum total of the parking requirement, it
40 would exceed what’s out there. He asked you to consider the peak demands of each facility. In
41 the parking requirements it doesn’t account for that. He then read from the regulation. He asked
42 you to consider time. On table 2, we have approached each of the five tenants to ask hours of
43 operation and their peak demand. He discussed this table and the parking for each use. He
44 observed the site on 4 different locations at four different times of day. The site maxed out with 8

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1 cars parked at 2:30 pm. For Amazing Intimate Apparel, he has never seen more than one car
2 there. The medical office has a good record of the parking demand. They are busy in the
3 mornings, starting at 6:00 am, and the peak is late morning, and they will use up to 20 parking
4 spaces, which is two more than is required. The tattoo artist, they figure there would be 8 or 9
5 people at a time. The restaurant peak hours would be in the afternoon and later in the day. The
6 restaurant will be open on weekends until 11:00, but it will have no real impact on the peak
7 parking demand. He then read from the letter dated 11/18/19.

8
9 A. This site provides for the free movement of ordinary public and private traffic along South
10 Broadway and Pattee Road. Two access points from the site to these public roads facilitate the
11 safe passage of emergency vehicles of all sorts and can facilitate the maneuvering of public
12 emergency equipment in the streets. Time logistics (different peak demand times for different
13 tenants) ensure the effective use of the paved parking area to meet the reasonable parking needs
14 of persons making use of the premises. Times of operation of each tenant are shown on the
15 change of use site plan. This information demonstrates that the times of peak parking demand of
16 each tenant do not coincide, and the on-site site parking satisfies the parking demand at all times.

17
18 B. This applicant's situation justifies this modification because:

19 (1) Times of peak parking demand vary among tenants.

20 (2) The actual parking demand of the particular retail and service tenants at this plaza are less
21 than the number of parking spaces required by Section 490-701E of the Town of Salem
22 zoning ordinance. ProSound uses up to 8 spaces, where 9 spaces are required. Amazing
23 Intimate Apparel uses up to 4 spaces, where 10 are required. The tattoo studio anticipates
24 up to 9 spaces, where 10 spaces are required.

25
26 C. This site is suitable for this modification because the arithmetic sum of the parking demand
27 for each tenant is not reflective of the facility parking demand in total. The tenants have different
28 hours of operation and peak parking demands do not coincide.

29
30 D. There will be no adverse impact on neighboring properties because parking will be
31 maintained on the subject site.

32
33 E. This modification has no impact on traffic or pedestrian safety.

34
35 F. This proposal does not include any site changes. Aesthetic character will not be adversely
36 impacted.

37
38 G. This modification is consistent with master plan goals, especially, that it (1) provides for
39 efficiency in commercial-industrial land development through density and land coverage, and (2)
40 provides adequate infrastructure for economic development and promotes redevelopment of
41 obsolete properties.

42
43 Mr. Fredette said, there are similar facilities in town that operate effectively, which he discussed.
44

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1 Staff Comments:

2 We want any new rooftop mechanical units screened.

3 We always look at traffic.

4 You may want to talk about loading particularly with the restaurant with deliveries.

5 There will be a road impact fee that will be the difference between the value of the impact fee
6 for small retail uses versus the restaurant. The restaurant rate is higher, which is \$10,902.

7 You should talk about if you want a traffic study or review. NHDOT may have to sign off on
8 the revised uses because we have a maintenance and encroachment agreement from
9 the improvements that were made in the 1980's on the South Broadway corridor in this area.

10 Parking is the big issue. They have 51% of the required parking. You should require an
11 outside review of the parking adequacy since they have so much less than what is required.

12 We would have Steve Pernaw do that.

13 They haven't noted anything about signage or changes to the building.

14 You may need more trash disposals.

15 He has provided information on the medical office/treatment clinic.

16 There may be impacts on residential abutters.

17 The Fire Department is OK.

18 Mr. Moldoff received a memo from the Engineering Department. They talked about the
19 demand benefit assessment; and that they need a grease interceptor for the proposed
20 restaurant; and utilities need to be shown on the plan.

21 He hasn't heard from the Police Department.

22 Public Works was OK.

23 Recommend - continuance. He recommended that you require an outside review of the
24 parking adequacy. We are waiting for staff approvals and some additional information.
25

26 Chairman Belair asked Mr. Fredette to address loading and trash.

27 Mr. Fredette said, it will be offpeak loading and it has to come through the front door, not unlike
28 other restaurants. The trash currently is uphill. That can be accommodated in another area if
29 necessary, with adequate fencing around it. The new rooftop units will be screened, which is note
30 9, and Jim Brown's comment about the grease trap is note 11. We understand the demand benefit
31 analysis. If this moves forward, there will be a grease trap in the restaurant.
32

33 Chairman Belair asked for public input. There was none.
34

35 Mr. Hatch agrees that you need an additional dumpster behind the restaurant. He doesn't see you
36 wheeling the trash uphill. His other concern is parking. Someone will have to explain that.
37 Prosound, especially at this time of year, may take up all 19 spots. Those cars are there all day,
38 so that could create a problem with the parking calculations. When he was there a few weeks
39 ago, almost all of the 19 parking spaces were full.
40

41 Ms. Withrow asked, the Amazing Intimate Apparel, that is retail so they could leave, and another
42 retail use could come in without coming here?

43 Mr. Moldoff said yes.

44 Ms. Withrow asked, how is Prosound designated?

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1 Mr. Moldoff said that would be counted as service.

2 Ms. Withrow asked about the tattoo parlor.

3 Mr. Moldoff said that would be service also. It is similar to retail in terms of parking.

4 Ms. Withrow said, those probably wouldn't change much, but retail could.

5 Mr. Moldoff said yes.

6 Ms. Withrow said she wants to hear what Steve Pernaw has to say.

7

8 Mr. Pelletier said, the restaurant may or may not have takeout and will allocate parking spaces
9 for that, which would reduce the overall parking calculations.

10 Mr. Fredette agreed. He doesn't know if they have take out or not.

11

12 Mr. Banks said, Rockler was there before. Is there any historical data regarding loading and
13 deliveries? They were pretty active in that area.

14

15 David Morin, is the Property Manager at 369 -373 South Broadway. He has been there for the
16 last 5 years. We have no loading docks. So Rockler would get deliveries via an 18 wheeler or
17 boxed truck right to the front door. They would back up and unload to the platform in front of the
18 store. They didn't impact the parking, and that is probably a feature of that type of retail because
19 its specialty retail. The only time they were extremely busy was on Saturday morning for classes.

20 Mr. Banks asked, do you know how frequently the truck was there?

21 Mr. Morin said, he'd see trucks every couple of days. There is a side door to the restaurant to the
22 side of the building, and that would lead into the kitchen area. He also deals with those at the
23 North Salem Marketplace. He also manages that plaza. The delivery truck is there for about 15-
24 20 minutes, and then it's gone. It is typically in the mornings. There is plenty of room for a
25 tractor trailer to get into that parking lot.

26 Mr. Banks said, regarding parking, he is trying to understand if the restaurant would overwhelm
27 the others. He mentioned parking. He is trying to gauge the impact that the other tenants would
28 have.

29 Mr. Morin said, this is also his concern. If someone has a complaint, they'll call him. We talked
30 about that. You try to balance who you have in the plaza. This is a good mix of tenants. He has
31 spoken with all the owners. These numbers are real. This is the worst case scenario, on a
32 weekend night. He has been doing business in Salem for 25 years. His concern is the same as
33 yours, with the restaurant creating a problem. After talking with the other tenants, there won't be
34 a problem. We welcome that type of traffic. If there are any problems, they'll talk to him. His job
35 is to manage parking and traffic. He thinks this is a reasonable request. There are 5 restaurants
36 within 100 yards of here. If there is no parking here, they will go somewhere else. It won't have
37 a parking problem, but if it does, he will solve it.

38

39 Mr. Gibbs asked, will the restaurant have functions of any type with a lot of people showing up
40 at one time?

41 Mr. Morin said, it is not anticipated. It's a sit down restaurant. It is the same people who own
42 Tomo across the street.

43 Mr. Gibbs mentioned the tattoo artist studio. There are some studios where the artist would rent
44 spaces so they may be there longer hours.

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1 Mr. Morin said, we are building six booths. There are 4 artists who are designated to be working
2 in Salem, plus the receptionist. They all work by appointment, no walk ins. The reason for 6
3 booths is because sometimes they bring artists in from out of town, to meet a client or do a
4 demonstration. But they are limited and by appointment only.

5
6 Mr. Gibbs asked, regarding the medical office, this type of clinic, do they have group therapies?
7 Mr. Morin said no. The website says that is not one of the things they do. It is an individualized
8 treatment program, insurance based. This is a for profit company. It is run like a business.

9 Mr. Gibbs asked, will there be any drugs at the center?

10 Mr. Morin said, they will provide methadone. They go through all the vetting that is necessary
11 for this type of treatment. It is needed in New Hampshire.

12
13 Mr. Pelletier said that Mr. Hatch mentioned an added dumpster. The other two dumpsters he
14 assumes are shared. If the restaurant needs their own dumpster, in addition to that, at the south
15 end of the parking lot, there isn't a way for the two spaces to back in. Maybe we can make a
16 space in there where cars can back into there and have the dumpster in that general location.
17 Mr. Morin said, we will do whatever we have to do. The restaurant requested a second dumpster
18 but we haven't discussed where. We have room on the southern end of the building to
19 accommodate it.

20 Chairman Belair said, we have a good understanding of what you are getting at with different
21 times. He doesn't have a big problem with this. He doesn't know if we need to have it looked at.
22 It is not our problem if it doesn't work. You know it is your problem, that's what makes it work.
23 With the restaurant, if the lot is full, they will go somewhere else. It is a reasonable mix of uses.
24 He doesn't have any great concerns. He asked Mr. Moldoff, is it still a continuance?

25
26 Mr. Moldoff said, if you are not interested in the outside review, and if you are satisfied with the
27 parking and the other issues, everything else can be done through conditions.

28 Chairman Belair said, the tenant will drive the dumpster issue better than we can. They won't
29 want to push it uphill.

30
31 Mr. Moldoff read the following conditions:

- 32 1. Prior to the building permit, we want them to show any additional dumpsters with screening
33 on the plan.
- 34 2. Prior to the building permit, submit the approval from the NHDOT if required.
- 35 3. Prior to the building permit, submit the approval from Engineering.
- 36 4. Prior to occupancy, pay the road impact fee of \$10,902.
- 37 5. Note the conditional use permit for reduced parking on the plan.
- 38 6. The applicant must operate the business so the parking lot capacity is not exceeded.
- 39 7. All representations made by the applicant or their agents and all notes on the plan are
40 incorporated as part of the approval.

41
42 Mr. Moldoff said, if you want to act tonight, without the review, you can grant the conditional
43 use permit tonight, and then grant conditional approval.

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1 **MOTION by Mr. Banks to grant the conditional use permit for reduced parking and grant**
 2 **conditional approval of the GMA Salem site plan on South Broadway, citing the**
 3 **applicant’s letter dated November 18th, under Section 490-701D for reduced parking**
 4 **across the overall site, with the 7 conditions as stipulated by Mr. Moldoff.**
 5 **SECOND by Mr. Pelletier.**

6
 7 **VOTE ON MOTION: 5 - 2 (Mr. Hatch and Ms. Withrow opposed.)**

8
 9 6. MCALL SITE PLAN – Conceptual Discussion for indoor sports fields at 6 Industrial Way,
 10 Map 87, Lot 7509.

11
 12 Abutters: Jackson Cole, Metz Realty, and Broadhurst were all present.

13
 14 Nick Golon is a licensed engineer and senior project manager with TF Moran. Also here is Joel
 15 Hatten, the Chief Executive Officer of New Hampshire Sports Dome, and Frank Pizzaro, Chief
 16 Financial Officer. He is also representing MCALL Corp and Industrial Way. We are looking for
 17 feedback to make sure this is consistent with your expectations. This is 6 Industrial Way, which
 18 is approximately 16.4 acres. This is zoned primarily industrial, but also rural. At the northwest
 19 most corner, there is a small rectangular piece that’s rural, but the rest is industrial. We were
 20 before the ZBA. There were two articles that we needed relief for. The first is to permit two
 21 structures for the use of an indoor sports facility where the use was not permitted. Also for the
 22 height not exceeding 75 feet, where 35 feet was permissible. There were stipulations. One is to
 23 restrict the use to athletic uses only. Also, that no fixed seating is allowed which is also part of
 24 the program.

25
 26 Joel Hatten, CEO of New Hampshire Sports Domes, and Frank Pizzaro, his partner, have been
 27 working on this for some time. We have been working in sporting throughout the state, helping
 28 youth and older youth, enhance their skills. What is needed is the ability for kids to have a
 29 facility to train year round. We propose two full size fields, allowing older athletes to train at a
 30 facility with state of the art turf product to hone their skills year round and be protected from
 31 weather. We don’t see any competitors locally in the area. Our goal is to work with youth sport
 32 organizations and older organizations to give them the ability to train and hone their skills. Our
 33 goal is to put these two facilities in Salem. It’s a great location for us. It gets kids into a safer
 34 environment. There are other facilities in the state but not this size and not anywhere near what
 35 we propose. We are looking to do wall to wall turf to maximize space and make it safer for kids.
 36 Our primary users will be older athletes. Our kids today practice in a facility where they pile kids
 37 onto a small field and kick soccer balls and it is not safe or conducive. Our goal is a safe
 38 environment with state of the art turf product to give older athletes the ability to become and stay
 39 competitive.

40
 41 Mr. Golon said, it’s a two lot subdivision. The intent is to split the lot in half to accommodate a
 42 sports dome on one lot, and one on the other. They will be approximately 8.2 acres each. There
 43 will be a cross access easement proposed and it also includes drainage and utilities. There is no
 44 water or sewer in the building, they aren’t sprinklered. We provide a support building with office

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1 and area to check in. The purpose of the subdivision is a financial solution. The first structure
2 that is closer to Industrial Way, will be built first, and the second one after. He then showed the
3 site plan. He read from the wetlands permit. There is a wetland on the northern most tip of site
4 where we will have approximately 500 square feet of impact. We discussed with the ZBA that
5 the height of the structure is a function of the width of it. So we will need the height of the
6 structure. There is a fairly substantial grade change. We have almost a 900 foot access road to
7 make up for the grade change between the two. There is an emergency access road that loops
8 around structure two. That is the northern point of the structure. He continued reading from the
9 permit. This is a specialty structure that is air supported. There are specific guidelines for how
10 they are cited and constructed. One requirement is a minimum clear distance of 60 feet around
11 the structures, and no combustible sources to be located within 10 feet of the structures. He
12 continued reading from the wetland permit. One criteria we needed to address as part of a
13 variance criteria, is making sure that sight lines were limited for residences on Brookdale Road.
14 We showed the ZBA that the structure is not visible from the abutting residential properties. This
15 provides road and site grades consistent with good engineering practice. The access road at its
16 steepest portion is 8%. It is consistent with good engineering practice. He also mentioned the
17 geometry of the driveway. Regarding the access drive, structure one runs north to south, with
18 parking located to the east of it. Structure two is running west to east with additional parking
19 along the eastern side. He then discussed the grading and drainage plan. There is an expectation
20 that there will be a waiver as it deals with slopes. The test pits conducted, show ledge in a vast
21 majority of areas of the site, specifically closest to Industrial Way where we have our largest cuts
22 to provide our access drive. Regarding how to manage grading and drainage, this will require an
23 alteration of terrain permit. All stormwater management and best management practices will
24 have to be reviewed and approved by the Alteration of Terrain Bureau. He then discussed
25 drainage including a retention basin along Industrial Way. He also discussed additional
26 stormwater features. We tried to take a master plan approach to this. It provides the best ability
27 to develop this property as responsibly as possible. He then showed landscaping. We tried to
28 minimize pavement on the site where practical. A parking conditional use permit will be
29 requested. We realize there is specific criteria for conditional use permits. He then read from
30 subsection E. Being that we have an indoor sports field, it doesn't fit in with the items in the
31 zoning ordinance. The requirement is 1 parking space for 150 square feet of gross floor area.
32 When applied to our two sports fields that are 80,500 square feet, it results in approximately
33 1,074 parking spaces. The traffic study that was provided is that we expect to have 20-40 athletes
34 in this structure at any given time. Even if there are people who watch, the numbers pale in
35 comparison to the need versus 1,074 parking spaces. We tried to figure out how to best quantify
36 the parking we need. The number proposed is selected based on anticipated use of the fields and
37 substantiated by the Institute of Traffic Engineers parking generation manual for use code 488
38 soccer field. He read from this. The number is 41 spaces per field. All parking demand counts
39 were taken during a tournament with a series of back to back games that were held on each field.
40 TF Moran selected the 85% percentile peak period parking demand per field for study during the
41 largest parking demand, which is 74.31. This would require no less than 150 parking spaces,
42 where 177 are provided onsite. So we have provided what we think is additional space if
43 necessary. If the board thinks we can reduce it to 150, we'd be happy to do so. We want to make

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1 this something that the board or reviewer sees is acceptable. This is a soccer field with a cover
2 over it to use it year round.

3
4 Staff Comments:

5 There will be wetland impact. They need approval from the Conservation Commission and
6 a State permit.

7 There will be an outside review of drainage.

8 They did a traffic study and we will have Steve Pernaw review it.

9 There will be a road impact fee, which we have to talk about. Those are usually based on size
10 of buildings, and it is an unusual facility here.

11 This is in the industrial district, so there are different requirements.

12 The ZBA granted a variance for the building height and use in October. There was a
13 stipulation that we want noted on the plans.

14 The parking requirement is a big issue. He recommends that you have an outside review of
15 the parking adequacy. It is a specialized use and we should see what's been done in other
16 places and if our consultant thinks there is enough parking.

17 Regarding the residential abutters, he is happy to hear the applicant say that the building
18 won't be visible. He hopes that is what actually happens.

19 There is vegetation and we want to evaluate the quality of that. Typically 100 feet of trees
20 doesn't do all that much. Some of the abutters are here.

21 Recommend - You don't have to take action tonight, you just talk about it, and compliance
22 with the town regulations, particularly parking. They also want to discuss the idea of
23 subdividing this. This is a little unusual, there will have to be easements.

24 They want to talk about application fees and impact fees.
25

26 Chairman Belair asked for public input.
27

28 Evelyn Jackson, 72 Brookdale Road, and her neighbor is also here, and the other abutters were
29 here. We understand that the land is zoned commercial. She has been there for 13 years, and
30 Robert for 15 years. We made notes. The neighbors asked us to speak for them. The buildings
31 are air supported so there will be some sort of pumps to keep the air filled. The pumps will make
32 noise. We are aware of noise with the highway behind us. She doesn't understand how they will
33 run 24 hours a day and the noise they'll generate. The second concern is a lighting issue. There
34 are lights now that hit the neighbors across the street. Next was, she spoke with Ross twice in a
35 month, regarding her concern of what this will do with our view across the street. They will be
36 clearing the land, and will we just see the tops of these domes for all the time we live in our
37 homes? The next concern is for property values and what this will do with property values. Next
38 is wildlife. They will clear a lot of land and those animals will have to go somewhere. The ones
39 that come across the street, that don't have teeth, are not a huge concern, but last fall she took her
40 small dog out, and there was a black bear 30 feet away. Now the any animals there will be forced
41 out. There are many in her backyard. She doesn't mind except for the large ones. Next is the
42 concern about operating hours. Also the concern of the avid amount of people that will be there
43 and what that will do to the potential of security concerns, and people on our properties.
44

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- 1 Mr. Gibbs said, we don't have an ordinance for this type of building. It comes down to logic.
2 You talked about older athletes. What age?
3 Mr. Hatten said, older for us are the end of middle school up to college and some older
4 programs. There is a 60 and older group that play walking soccer.
5 Mr. Gibbs asked, is this a full size soccer field?
6 Mr. Hatten said that's correct.
7 Mr. Gibbs asked, will you have leagues?
8 Mr. Hatten said, there will be games there. The teams that rent the facility will need the ability to
9 play a game. We may be a location for a game that a tournament will be running. We wouldn't
10 run something ourselves. The tournament would use us to play games. Regarding occupancy
11 level, it is 11 players versus 11 players and substitutes on the bench, so it is about 20 per team.
12 Mr. Gibbs asked, how about younger people, such as 5-10 year olds?
13 Mr. Hatten said, there are plenty of other locations around the State for an appropriate size field
14 that would accommodate them. This size field is what is lacking. Younger kids can rent places
15 that older ones use now. We won't have games where it's divided. The only way to divide this, is
16 in half. That's our goal and the need that's out there.
17 Mr. Gibbs asked, you will want to be open 24 hours if possible?
18 Mr. Hatten said that's correct.
19 Mr. Gibbs said he is picturing SHS, where there will be 3-4 games with 5-10 year olds with
20 family there, and they are parked all over. Unless you will have only adults or middle school kids
21 and the games use the whole field, that's a whole different thing than breaking it up to multiple
22 fields. 1,074 required versus 177. He has a real problem with that. There are no side streets here.
23 That's his issue. There is a possibility of you having adult leagues, or lacrosse, football, etc. Why
24 wouldn't you have that if you need the business? He loves the idea but he doesn't see how you
25 can say you will only have middle school to college with a small amount of people. There is no
26 indoor bathroom? What about an outdoor one?
27 Mr. Golon said, we don't have those, they are located in the adjacent structure, which is 40x40
28 and has the appropriate number of bathrooms for the number of occupants for the buildings.
29 Mr. Gibbs asked, do you hope to go to 24 hours?
30 Mr. Golon said, the traffic study is based off of 8:00 am to 11:00 pm. Those are the hours of
31 operation that are currently proposed.
32 Mr. Gibbs asked, will abutters look through the woods and see this?
33 Mr. Golon said, we had to answer those questions at the ZBA meeting also, because we were
34 asking for a use variance so is this use appropriate for this site. For the height of the structure,
35 sight lines are a primary function of concern. We can reiterate that, but we understand that will
36 be a question from the neighbors. Ross mentioned the 100 feet of trees. There will also be a
37 supplemental landscape berm with 8-10 foot mature trees planted on top of that. We are also
38 sinking the elevation of the existing site almost 20 feet. We will have an existing berm around
39 the perimeter and near the abutters on Brookdale. A lot of work and effort went into this. There
40 are a lot of things in play in how to cite these structures. We will provide information at the next
41 meeting.
42
43 Mr. Gibbs asked him to respond to the abutters questions about noise.

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1 Mr. Golon said, we have an equipment enclosure which he showed on the plan. Inside that
2 enclosure is the generator and inflation fans. This is a pressurized system. These don't run 24/7,
3 but they run based off of the environmental considerations to keep the air inflated structure
4 afloat. We will make sure to address the acoustics as part of our formal presentation to make sure
5 what sound is generated from the equipment enclosures and the distance it can be heard.

6 Mr. Gibbs asked, how much blasting do you foresee doing?

7 Mr. Golon said, that's unknown. We did approximately 20 test pits. We have been able to
8 evaluate specifically the area of Industrial Way. He doesn't know if it will be blasting, it could
9 be rock hammered, but depends on quality. There will be ledge encountered, but how it's
10 removed will be based on the contractor and engineer's recommendations. Any blasting has to be
11 done through the Fire Department, so those appropriate channels will be followed.

12
13 Ms. Donovan asked, regarding parking, do you anticipate, if there are tournaments, that there
14 will be busses? How do you accommodate bus parking?

15 Mr. Golon said, there is no bus parking proposed. All the radiuses for the driveway and
16 circulation can accommodate a bus and emergency apparatus, the largest fire truck Salem has.
17 The intent is not to have busses parked here. He understands the potential of tournament play. If
18 we are looking at this being open 8:00 am to 11:00 pm, more grade school age would be
19 throughout the day up to early evening, and then the later evening will be adult programs.
20 Weekends will be more of an opportunity for tournament play. We created a circulation route so
21 that there is drop off at the front entrance. The ages are such, that they are not having family
22 watch them practice. These are more skilled individuals who are fine tuning their abilities to
23 reach their next level. Kids have nowhere to play soccer in the winter. He would love for his kids
24 to be able to have that skill level that you can only obtain by using a facility like this, once they
25 reach that appropriate age.

26
27 Mr. Hatch said, he would be shocked if someone standing on the other side of Industrial Way
28 could hear those fans turn on and shut off. They don't run continuously. When the pressure gets
29 too low, the fan comes on. He has never seen any issues with it. Regarding the 3-5 year olds, that
30 is not their target audience. These kids who will use the facility play that particular sport all year
31 round, they are above average skilled already and they play on travel teams. He explained what
32 their target is.

33
34 Mr. Banks asked, is there any way that a test could be done from Brookdale Road, or further
35 information with regard to the compressors and fans and also general noise from people playing
36 here? Also, he suggested that you put up a balloon at the height, factoring in how far you will
37 blast down and take some shots from Brookdale, to provide a view of what they'll see. He
38 understands it is your land, and as far as clearing of the lot, it is within your purview, but to
39 mitigate the noise concerns and views from the view of Brookdale may help, and to also be good
40 neighbors.

41 Mr. Golon said, regarding the acoustics, we will be providing cut sheets for specific units and
42 distances that unit can be heard. This is in common practice. Regarding sight lines, we can
43 further that dialogue, and make sure that the abutters have the sections and information that we
44 provided for the ZBA. Regarding the height and use, those variances were granted, and the

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1 appropriate level of care was already given for that for this project. We would be happy to
2 reiterate that information. He doesn't know if we would create additional renderings or sections,
3 but we will use information that was already provided. Regarding the standpoint from Industrial
4 Way, we are talking about almost a 50 foot grade change, from the height of where structure one
5 will be located and the existing grade on Industrial Way where the driveway is. Industrial Way
6 drops off an additional 12 feet from our driveway heading east. So people will either be looking
7 at a slope or ledge base. From a sight line perspective, there really isn't one. Although it is a tall
8 structure, it is setback so far. People aren't looking out from that elevation. We will reiterate the
9 ZBA component as part of our presentation.

10 Chairman Belair said, regarding the balloon test, if you didn't need a variance, we'd still make
11 you do it. The people who built the cinema did that because the neighbors had a concern. To get
12 past us, we will want to see that, because there are abutters and this is 75 feet tall and you are
13 abutting a residential area. That's something we'll want to see. Also, the cinema people met with
14 the neighbors. They offered choices on fencing. So you may want to look at those minutes. They
15 made tremendous strides towards making the abutters feel comfortable and uninvaded.

16
17 Mr. Pelletier mentioned his concern about the subdivision of two lots. He would like you to
18 make a permanent easement between those two lots for access into lot two.

19 Mr. Golon said, there will be a permanent easement proposed. That was raised to us in our
20 meeting with Ross.

21 Mr. Pelletier said he doesn't see any dumpster location. He wants to make sure that it won't be
22 situated near Brookdale.

23 Mr. Golon showed those on the plan. With this type of use, you are not expecting a lot of trash to
24 be created. There are no concessions. There may be vending machines.

25 Mr. Pelletier said he sees a lack of snow storage for this big area. He doesn't see any on the
26 westerly side of the building, and if there were, how would it impact Brookdale?

27 Mr. Golon said, the area of the tree line on north side of site where the existing wetland is, is
28 perched. There is approximately a 16 foot grade change. He then showed the area on the plan.
29 We evaluated sight lines from the residential abutters with the ZBA to confirm that they will be
30 obscured, so that they are not looking at the facility with those plantings. We can't store snow on
31 a slope. There is not a drop of stormwater in the area that is proposed to be developed that drains
32 to the north. It will drain to the south. It is going into our site so it can be treated. By providing
33 pockets of stormwater management gives us the ability to keep it on our site and with the
34 detention basin downstream, we have additional recourse within our site plan design.

35 Mr. Pelletier asked, so you are saying these stormwater areas are adequate to reduce runoff?

36 Mr. Golon said that's correct. The peak rates of runoff and volumes are part of the stormwater
37 management report that we submitted to both the town and Alteration of Terrain.

38
39 Mr. Hatch said, when you come back next time, if you could explain traffic flow. Not only the
40 hours of operation, but you may need to stagger events. And tent A versus tent B, so we are not
41 exchanging the entire parking lot all at once.

42 Mr. Golon said, the blocks are rented from 1 ½ to 4 hours. Regarding the turnover of the facility,
43 that's the timeframe in which we would see overlap and emptying out of the parking lot, and

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1 refilling. It is 30 minutes before, and leaving within 30 minutes after. This would be reviewed by
2 a third party consultant.

3 Mr. Hatch said, his big concern is tournaments.
4

5 Ms. Withrow mentioned parking. She thinks 1,000 parking spots is extreme, but when you come
6 back, she'd like to see justification for the 177.
7

8 Chairman Belair asked, assuming you run into ledge, and they are impervious, does that mess up
9 your lot coverage?

10 Mr. Golon said, it is based on the building square footage over the site, so he doesn't think it is
11 applicable.

12 Mr. Moldoff said, its manmade impervious surfaces.

13 Chairman Belair asked, cutting into ledge isn't manmade?

14 Mr. Moldoff said he will look at that.

15 Chairman Belair said he doesn't have a big concern with the facility or parking. His concern is
16 the subdivision. He sees things that would be awful. There is no frontage.

17 Mr. Golon said there is frontage on both lots. In totality we meet the requirements. We have
18 frontage on Brookdale and on Industrial Way. To his knowledge there are no waivers requested
19 as part of that subdivision. You will see a common access easement and there will be a blanket
20 easement for grading, drainage, sewer etc.

21 Chairman Belair said, your frontage on Brookdale is adequate despite the fact that you can't
22 access that way.

23 Mr. Golon said, we can, but we choose not to because it is not desirable to the neighbors, staff, or
24 the board. Having a driveway through that area is not necessary except for a gate access for the
25 Fire Department use, which they said is not a requirement.

26 Chairman Belair asked, you don't need a variance for that?

27 Mr. Golon said, no waivers are requested now. The building setbacks are met.

28 Chairman Belair said, you have no parking on the second lot.

29 Mr. Golon said there is parking on the second lot, and it's adequate. The idea is, structure one
30 which is closer to Industrial Way, is where the vast majority of the parking will be. The totality
31 of that parking located in that area will be built first, approximately 120, and the remainder will
32 be built when structure two is built. You will have more parking until structure two is built. He
33 will make sure to have Joel and Frank submit a little of our business plan. We want to work with
34 you to make sure that we have the best product for the owners and the town, so everyone can
35 enjoy the facility. Our intent is to provide you the information to show that there will not be
36 impacts to our abutters as part of this project. And the practicality of a balloon test is difficult
37 and the balloon would be below the tree line. So perhaps what we can do is, through the sections
38 that we prepared, is help highlight that. And if the board finds that more information is required,
39 then we will address it at that time. We would have to clear a portion of the lot to do a balloon
40 test. He understands the intent of the request, and we will see what information we can provide
41 to resolve it.
42

43 Robert Broadhurst, 72A Brookdale Road, said, they said they are going to do blasting. We are on
44 well water and we have a house with no cracks. Will they be liable for that if something happens

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1 to our well? The neighbor is on the same side that they'll be doing blasting and he is on well
2 water. Mr. Broadhurst also mentioned that he hears the dumpsters every morning at 6:00 am
3 from the industrial park.

4 Chairman Belair said we'll get you information on the blasting. Ross will have that information.
5 Mr. Broadhurst said we are on well water. There is another building down from where they'll go
6 that is a sports building, where they have soccer and baseball, inside and that's down further.
7 There are kids of different ages.

8
9 Mr. Gibbs asked, is there another building like this in this area?

10 Mr. Golon said, the Union Point Sports Complex, which is a much larger facility is in
11 Weymouth, Massachusetts. They have four full size fields and have approximately 60 parking
12 spaces per field. Regarding what it looks like, inside and outside, it's a great representation. We
13 will bring photos.

14 Mr. Gibbs said, he would like to see your business plan. He played sports and had hockey
15 practice at 3:00 am. You do have practice. He looks at 1,074 versus 177. If it were just training
16 for one or two teams, but you say tournaments. The Icenter has tournaments and people come
17 from all over. They are there for 3-4 days.

18 Mr. Golon said, that use is not what we are. We don't have sports fields in the ordinance. So the
19 number is outlandishly unnecessary at 1,000 parking spaces. We are not that use but we
20 understand we need to give you the clarification and quantitative analysis that you are looking
21 for.

22 Mr. Gibbs agrees that 1,074 is outlandish, but 177 is outlandish also.

23
24 Mr. Golon mentioned the impact fees. We have expectations that the demands on municipal
25 infrastructure and public safety responders for these proposed indoor sports fields is far less.
26 Under public safety there is "other commercial industrial" and traffic, health and fitness clubs is
27 probably the closest. Our intent is to evaluate a similar facility, and try to determine an
28 appropriate ratio per square foot. We divide the number of emergency response calls. We expect
29 that this will be more like a manufacturing use than a commercial indoor recreational for the
30 number of service calls that are required. So we are asking to have that opportunity for impact
31 fees to evaluate this structure, and see what the number is that we come up with and evaluate it
32 against the ratios that you have available within your existing report and defining what that
33 square foot cost should be for each building. The reality is that \$80,500 per sports field and
34 adding in the potential traffic impact fees, we are at half a million dollars. He wouldn't call that
35 proportional or reasonable for these types of structures and we hope the board would agree.
36 Because a half million dollar impact fee would curtail the project.

37
38 Chairman Belair said, we got a guy. Ross will contact him. That's what the board would lean on,
39 rather than your estimation.

40 Mr. Golon said, it is something we'll be requesting as part of this project. Also is the site plan
41 application fee. He has reviewed this with Ross. We have two indoor sports fields proposed, with
42 an adjacent bathrooms building, which is the only thing serviced by water and sewer. We are
43 asking that the application fee be based off one structure in the support building. There are no
44 additional bells and whistles regarding services that are required for these sport facilities. It still

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1 results in a large application fee. Instead of \$24,435, it would be approximately \$12,360. It is
 2 still a fairly substantial application fee. So we will be asking for a waiver for that. He wants to
 3 make sure that you understand the reason why. We think it is reasonable for the type of
 4 development that we are proposing, because the reality is, it is two soccer fields.

5
 6 Chairman Belair said, it sounds like, get back to Ross.

7
 8 **PUBLIC MATTERS**

9
 10 1. J Dowd Co

11
 12 Mr. Moldoff said he gave you a letter in the packet a couple months ago. Casella Waste came to
 13 you for a change at 51A Pelham Road. You said that you want to see a site plan. The owners
 14 said, we'll change what we want to do, instead of parking trucks and dumpsters loaded with
 15 trash, we would like to park empty containers there. Ross told them, the Planning Board said
 16 they wanted a site plan and that's what they want to see. The owner said, it is different from what
 17 we asked for before. He is here. Do you want to handle this under public matters or do you want
 18 to have a site plan?

19 Chairman Belair said, it is different and a lot less impactful.

20 Mr. Moldoff then showed the plan and explained what is on it.

21
 22 Jim Dowd, 51A Pelham Road, owner of J Dowd Co, abuts Casella Management. Brian from
 23 Casella came in, and Jim had no idea what he was preparing to ask you for. He understands the
 24 impact. Polar RV occupied both lots. They have been there for 30 years. Mr. Dowd said, when
 25 he took over about 15 years ago, he explained the trailers that were there. He had them clear
 26 them out and it has been empty except it was occupied for a short time by a landscaping
 27 property. He was surprised that this was a change of use. They are still metal cans. There has
 28 been no water run off or impact on the property for the past 15 years that he has been there. He
 29 explained what Casella originally asked for, but that is not the case anymore. Another thing that
 30 was approved about a year ago, was temporary parking. Casella is growing and they have
 31 parking constrictions. So you approved a one year temporary parking with the understanding that
 32 he would come back for an extension for the temporary parking. Their lease is up in two years so
 33 they either need to find a new location, or work out a permanent solution. So he is asking for an
 34 extension to the temporary parking to generate revenue for J Dowd Co. But if he needs an
 35 engineer and it costs money, it makes no sense to do it. It is temporary relief.

36
 37 Chairman Belair said, this isn't what we saw the last time.

38 Mr. Dowd said, there would be no excavation, no filling and no changes to the site as it stands.

39
 40 The consensus of the board is that staff can handle it.

41
 42 **PLANNING BOARD MATTERS**

43
 44 Zoning Amendments

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1
 2 Mr. Moldoff said he has three zoning amendments, none of which you have to do. The first one
 3 was requested by the Building Division. It changes the time period for an appeal, or if they fail to
 4 grant a permit within a certain amount of time. It just reflects back to the State guidelines rather
 5 than the 15 days mentioned in the ordinance. The second one allows home occupations in all
 6 residential dwellings. Right now they are only allowed in certain districts like residential, rural,
 7 and recreational. If you live in other districts, you are not allowed to have home occupations. We
 8 felt it made sense. We license them every year. It seems to run pretty well. We have over 200
 9 home occupations and that's the way the economy is going, so it seems like it makes sense to
 10 allow them in all residential dwellings. The third is the duties of the floodplain administrator, which
 11 is in our floodplain regulations. The State came out with a model ordinance. This is a portion of
 12 that. You don't have to do any of them. We also have 2 citizen petitions. We will have a public
 13 hearing on January 14th, your next meeting. Mr. Hatch had asked for an amendment, regarding
 14 the electronic signs for gas stations. Mr. Moldoff said he allowed that to be done through a
 15 conditional use permit also, which currently they have to go for a variance.
 16 Chairman Belair asked, we will have a public hearing on these, and the citizen petitions?
 17 Mr. Moldoff said yes, on January 14th.

18
 19 Ms. Withrow said the ballot is already really long. So if there any that can be pushed off, you
 20 may want to think about that.

21 Mr. Moldoff said, we can keep the first two and drop the third.

22
 23 Mr. Moldoff mentioned the walking trails for the Duston Farm subdivision. We have been
 24 meeting with them. They want to finalize the plans. He mentioned the trail that was in the back
 25 and the neighbors were concerned about. They will take that out if you want. He showed where
 26 they will move the trails to. They also want to stay away from farmhouse and they will stay away
 27 from the area in back. They will stick with two trails if that is OK. The ordinance says pedestrian
 28 access. Do you want to look at this in more detail or can staff handle it?

29 Mr. Pelletier asked, does the ordinance say how long the trail must be?

30 Mr. Moldoff said, it doesn't. It just says there has to be pedestrian access to the open space. Is
 31 that ok?

32 Chairman Belair said yes.

33
 34 Mr. Moldoff also mentioned that Cinemark will open next week. They are supposed to have an
 35 event. He thanked the board for their service to the town.

36
 37 Mr. Banks wished everyone Merry Christmas and Happy New Year.

38
 39 **MOTION by Mr. Banks to adjourn.**

40 **SECOND by Ms. Withrow.**

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

43 **UNANIMOUS**

44

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1 The meeting adjourned at 10:03 p.m.

2

3 For further information, kindly refer to the videotape dated 11/26/19, located in the Planning
4 Office.

5

6 Minutes by: Susan Strugnell, Planning Board Recording Secretary

7 Approved: Planning Board

8 Date: