

**MINUTES OF THE
PLANNING BOARD**

**MEETING OF
February 14, 2023**

A meeting of the Planning Board was held on February 14, 2023 in the Knightly Meeting Room at Salem Town Hall.

PRESENT: Keith Belair, Chairman; Joe Feole, Vice-Chairman; Beverly Donovan, Secretary; Bob Bryant, Selectman’s Rep; George Perry; Paul Pelletier; Sean Lewis; and Jacob LaFontaine, Planning Director

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 but Trickett Realty has requested to be continued to the February 23, 2023 meeting.

REVIEW OF MINUTES

Ms. Donovan said we have minutes from the meeting of January 24, 2023.

MOTION by Mr. Feole to accept the minutes of the January 24, 2023 meeting.

SECOND by Mr. Pelletier

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

1. BLUE SKY TOWER SITE PLAN – Public Hearing for cell phone tower at 322 North Broadway, Map 55, Lot 12143. Continued from 7/26/22.

Abutters: There were no abutters present.

Staff Comments:

Mr. LaFontaine discussed the previous meeting and revisions from the previous plan. The applicant has requested a waiver for a height of 152 feet where 120 is allowed and for the fall zone of 70 feet where 174 feet is required. Additional waivers are required for reduced landscape buffer and emergency contact sign. The 65 day limit has been exceeded, so he recommends that you request an extension if you continue the plan. The outside engineering review is satisfied. We received comments from the outside legal review. The majority of his concerns were satisfied. Outside inspections and as-built site plans are required. We received a memo from Engineering. They had a memo from July with one item still pending but that can be a condition of approval.

1 Recommend – if the board is satisfied, we recommend that you grant the waivers and conditional
2 approval subject to conditions which he can provide.

3
4 Ricardo Sousa is here on behalf of Blue Sky Towers and Keith Valenti is here from C Squared
5 Systems. The applicant is requesting several waivers. The nature of this proposal is to build a
6 telecommunications tower at 322 North Broadway to fill a significant gap in coverage for
7 Verizon Wireless and others. By installing and operating this, we can accommodate an additional
8 need felt by the towns fire department and emergency services. There is a significant gap in their
9 coverage in this part of town as well. It serves dual purposes. He discussed the height. Even with
10 this site there will be some minimal gaps but we extended the height as far as we can take it. This
11 is a follow up to a request of proposals by the town for a tower at this location. Regarding the
12 waivers, the first one is for height. Its necessary to maximize the height to accommodate
13 emergency services and antennas that extend a fair distance above the 152 foot tower that's
14 proposed. We can accommodate emergency services and Verizon Wireless needs to be at the top
15 of the tower. We can accommodate at least three additional co-locators below the Verizon
16 Wireless antennas. That is the purpose for the height waiver. We are allowed up to 120 feet but
17 that would not allow us to be able to fill the significant gap in coverage and would deteriorate the
18 effectiveness of the emergency services antennas if we were at that height. The second waiver is
19 regarding the fall zone. It requires a 1 to 1 fall zone. At the beginning of this process we were
20 going to install the tower to the north of this map. Working with the Town Manager and
21 officials, it was determined that a better location would be at the proposed location near the
22 parking lot when you first come onto the property. So the nature of the lot is trying to keep the
23 tower away from the fields as much as possible. That doesn't allow us to meet the fall zone. The
24 third waiver is in regards to signage. The nature is not for advertising purposes, it is to comply
25 with the FCC. This a small sign, 12 inches by 16 inches. It is just a sign to inform the public that
26 there are emissions on the tower. The fourth waiver is regarding landscaping. At the back of the
27 compound, where the tower will be installed is a fairly large wooded areas. We felt it would be
28 redundant to put landscaping there since it's a wooded area.

29
30 Chairman Belair asked for public input. There was none. He asked Mr. LaFontaine about the
31 waiver for a sign that's required. Should we fix the ordinance?

32 Mr. LaFontaine said, that's not a bad idea.

33
34 Mr. Pelletier asked, was the balloon test done?

35 Mr. Sousa said yes. He believes it was advertised. We flew it on a crane and submitted the
36 results as part of our supplementary filing. He showed pictures.

37
38 Ms. Donovan said she was on the phone at that intersection and her call dropped, so she is happy
39 to see this, it's a long time coming.

40 Mr. Lewis asked Mr. Sousa to speak about why its 150.

41 Mr. Sousa said Mr. Valenti will discuss that. Also here is Assistant Fire Chief Mike Galipeau.
42 Keith Valenti, C Squared Systems, showed a map of Verizon's coverage and the sites and
43 explained the maps. The areas in white on the map are the gaps in coverage that Verizon is trying
44 to address with this proposed site. It is a fairly extensive gap. The next map shows the resulting
45 coverage with that site. There are still gaps in coverage. The height, in terms of need, would be

1 most helpful addressing areas to the east where there will be a remaining gap that we are trying
 2 to fill in the best we can. Reducing the height would make that area worse.

3 Mr. Lewis asked if there is a map at 140 feet.

4 Mr. Valenti said Verizon is at 145 feet. We don't have a map showing a lower height.

5 Mr. Lewis said we had some abutters at the original meeting that asked about the height so that is
 6 why he asked the question.

7
 8 Mr. LaFontaine read the following conditions:

9 1. Prior to the building permit, pay for outside inspections per direction of Engineering
 10 Department.

11 2. Prior to the building permit, post bond for tower removal and disposal.

12 3. Prior to the building permit, submit proof of insurance.

13 4. Prior to the building permit, submit NEPA evaluation.

14 5. Prior to the building permit, note waivers on the plan.

15 6. Prior to the building permit, execute an agreement per Section 490-707E of the ordinance
 16 regarding allowing co-location on the tower.

17 7. Prior to the building permit, submit Engineering approval.

18 8. Prior to occupancy/operation, construct all site improvements, (tower location, dimensions,
 19 and setbacks, site grading, etc) in accordance with the approved plan.

20 9. Prior to occupancy, provide certified as-built site plan verifying compliance with approved site
 21 plan.

22 10. Prior to occupancy/operation, provide report from structural engineer and every five years
 23 thereafter.

24 11. Provide space on tower (at such a height that allows the town's emergency services
 25 objectives to be met), concrete slab for equipment, and access to generator for town's public
 26 safety communications.

27 12. The applicant and/or successors and assigns shall meet all contractual obligations under their
 28 lease between the town and the applicant.

29 13. The applicant agrees as a condition of approval and in exchange for the waiver allowing a
 30 structure significantly higher than is afforded by the Salem Zoning Ordinance, that it waives its
 31 right to extend the structure under RSA 12-K:10 and Section 6409 of the 2012 Middle Class Tax
 32 Relief and Job Creation Act. This condition shall be binding on all successors and assigns.

33 14. All representations made by the applicant or agents and all notes on the plans are
 34 incorporated as part of the approval.

35
 36 **MOTION by Mr. Feole to grant four waivers under Section 490-707D2 to reduce fall zone,
 37 increase height, landscaping and signage.**

38 **SECOND by Ms. Donovan.**

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

41 **UNANIMOUS**

42
 43 **MOTION by Mr. Feole to grant conditional approval of the Blue Sky Towers site plan with
 44 the 14 conditions as stipulate by Mr. LaFontaine.**

45 **SECOND by Ms. Donovan.**

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VOTE ON MOTION: 7 - 0
UNANIMOUS

NEW BUSINESS

1. GIROUX SUBDIVISION – Preliminary Hearing for lot line adjustment at 12 and 14 Sand Hill Road, Map 151, Lots 19 and 20.

MOTION by Mr. Feole to accept the Giroux subdivision application.
SECOND by Mr. Pelletier.

VOTE ON MOTION: 7 - 0
UNANIMOUS

Abutters: There were no abutters present.

Ryan Lavelle with James Lavelle Associates, is representing David Giroux and Larry Danz with regards to a lot line change between map 151 lot 19, and map 151 lot 20, which are 12 and 14 Sand Hill Road. This is a simple lot line change between these two properties. It is .12 acres. The reason for the change is due to how close the previous line was to the existing dwelling on 14 Sand Hill. It cut through their yard. It did not work for either party. This new location is in a more conforming location for the properties as opposed to the previous location. This is a proposed solution to an issue that makes all parties happy.

Staff comments:

They are transferring .12 acres from lot 20 to lot 19.

They submitted a waiver request for the lot line that is not radial to the street. That proposed lot line is immediately parallel to the existing lot line so it will continue to remain non conforming but we wanted them to apply for it because its technically a new lot line.

A variance was granted on February 4, 2020 for that second dwelling on lot 19.

Engineering submitted comments. The lot closure calculations that were submitted were incorrect. Revised ones were submitted since but not reviewed. That can be incorporated into the approval.

Recommend - if the board’s concerns are satisfied, he recommends that we hear this in one hearing, and grant conditional approval and the waiver. We have conditions.

Chairman Belair asked, by not radial it misses by about two degrees?

Mr. LaFontaine said yes.

Chairman Belair asked if there was any public input. There was none. Is there a letter in the packet for the waiver request?

Mr. LaFontaine said yes. It is dated January 23, 2023.

1 Ryan Lavelle said we basically had to do that because of the right angles not being parallel. And
2 with our plan it didn't seem like the way we had to do it would have made sense. We tried to
3 make it as parallel as we could given the circumstances and what was going on, on the site.
4

5 Mr. LaFontaine read the following conditions:

- 6 1. Prior to recording plan, set or bond monuments.
- 7 2. Prior to recording plan, submit Engineering approval.
- 8 3. All representations made by applicant or agents and all notes on the plan are incorporated as
9 part of the approval.

10
11 **MOTION by Mr. Feole to grant the waiver for the nonconforming radial lot line for**
12 **Section 278-647.**

13 **SECOND by Ms. Donovan.**

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15 **VOTE ON MOTION: 7 – 0**

16 **UNANIMOUS**

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18 **MOTION by Mr. Feole to hear this in one hearing.**

19 **SECOND by Ms. Donovan.**

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21 **VOTE ON MOTION: 7 – 0**

22 **UNANIMOUS**

23
24 **MOTION by Mr. Feole to grant conditional approval of the Giroux subdivision with the 3**
25 **conditions as stipulated by Mr. LaFontaine.**

26 **SECOND by Ms. Donovan.**

27
28 **VOTE ON MOTION: 7 – 0**

29 **UNANIMOUS**

- 30
31 2. **NOURIA ENERGY SITE PLAN – Public Hearing for 8560 sq. ft. gas station and**
32 **convenience store at 133 South Broadway, Map 108, Lot 730.**

33
34 **MOTION by Mr. Feole to accept the Nouria Energy site plan application as complete.**

35 **SECOND by Mr. Pelletier.**

36
37 **VOTE ON MOTION: 7 – 0**

38 **UNANIMOUS**

39
40 Abutters: There were no abutters present.

41
42 Chris Tymula, civil engineer with Greenman Pedersen is here on behalf of Nouria Energy. He is
43 also here with Heather Monticup from Greenman Pedersen, Mike Durant from Nouria Energy
44 and John Selle from Phase Zero. We were here in November for a conceptual discussion and
45 plans we presented include all the comments from that meeting. We were before the ZBA for lot

1 coverage relief. We met with staff and Steve Pernaw to discuss offsite and onsite circulation.
2 And we met with you in January to discuss the architecture. We will focus on the site plan and
3 changes from the November meeting. We are looking at the existing Gulf Station at 133 South
4 Broadway. It is an existing convenience store and retail and gas station. There are three existing
5 underground fuel storage tanks with about 400,000 gallons of storage capacity in the
6 Commercial Industrial zone. Everything there today will be raised. We are proposing a new retail
7 store with 8,560 square feet. There will be 6 fuel islands, with 12 positions. Three new
8 underground fuel storage tanks totaling 450,000 gallons of storage capacity. We have 16 striped
9 parking spaces and 12 spaces at the fuel islands and two potential EV charging stations. We have
10 a fenced dumpster enclosure, site lighting, snow storage and pedestrian connection to Route 28.
11 We modified the three curbcuts, one on Veterans Memorial Parkway and two on Route 28. The
12 changes from November were removal of the parallel parking spaces along Maryanns leased line
13 and some along the intersection as well. This allowed us to increase green space on site and add
14 landscaping. We reconfigured the Veterans Memorial Parkway access point to include a raised
15 scored island and we extended the median along Veterans Memorial Parkway to minimize cars
16 exiting the site. As part of this, we added some way finding signs along the north of site to get to
17 the highway and Route 28 going south. Based on discussions with Steve Pernaw, we shifted the
18 first driveway closer to the intersection to line up further away from the intersection and between
19 the drive aisle and we also aligned the northern driveway connection point to be more of a 90
20 degree angle as requested by Steve Pernaw. We tried to address comments from the November
21 meeting and we feel we did that. We have grading, utilities, erosion control and landscaping. We
22 got comments from RCCD and we are in the process of responding to those. We have not
23 received additional comments from Steve Pernaw or Engineering. We submitted a couple
24 conditional use permits. One for parking and one for signage. Now he will turn it over to John to
25 discuss the building architecture.

26
27 John Selle, architect with Phase Zero Design, said that the initial design we came forward with
28 was Nouria's prototype which he explained. We understood that was not likely to be approved
29 under the town design guidelines so we revisited this. He discussed the changes they made. We
30 spent more time on the sides of the store that are not facing the fueling areas. He discussed the
31 materials for the building. We understand that there are comments on the fueling canopy. We are
32 happy to discuss that. Regarding his client's perspective, we understand that the design
33 guidelines had it tied with architecture of the store. From Nouria's perspective, that fuel canopy
34 is an identifier of their brand. Nouria would like it to be blue and green which identifies the
35 Nouria brand to their customers.

36
37 **Staff Comments:**

38 The board reviewed this conceptually in November. The board previously referred to the site as
39 the gateway to Salem and required outside design review. Since then, the applicant made
40 significant improvements relative to architecture and landscaping. He discussed the
41 improvements. We agree it is a great improvement.

42 We recommend that enhancements be made to the canopy and the dumpster enclosure. The
43 design guidelines for service station canopies are in your packet. He discussed these.

44 There is not much continuity between the proposed building and the canopy, which remains
45 unchanged from the previous proposal.

1 He went through some local gas stations that were recently proposed. He showed pictures of
2 Seasons, Cumberland Farms and Klemms buildings.
3 We recommend that if the applicant is amenable, to add potentially a bronze pitched roof that
4 would be consistent with the proposed building. The design guidelines encourages eliminating
5 bold colors. So maybe a tri color is too much, maybe a band of blue or white.
6 He discussed the Bedford site. He can bring in pictures of those.
7 He showed the proposed gas station at 2 North Broadway with a pitched roof. He believes the
8 applicant here will propose a roof consistent with the building there. We think the canopy here
9 can be enhanced to keep with the guidelines.
10 Regarding the enclosure, he read what the guidelines say. There are several great examples like
11 at Tuscan which he showed pictures of. He is not recommending that they match all those
12 materials, but they should at least consider a vinyl fence instead of chain link.
13 Three curbcuts are shown. The previous applicant had closed the middle curbcut and restricted
14 Veterans drive to right in only.
15 Steve Pernaw had previously said that the driveway on Veterans should be restricted to right
16 only arrivals. But the applicant is proposing to extend that raised median which should prohibit
17 most traffic exiting from heading westbound. He discussed what they added.
18 A variance was granted in January for 81.6 percent lot coverage where 70 is allowed. Existing is
19 71.6 percent.
20 29 spaces are required, and 16 are proposed. They eliminated the parallel spaces. This was done
21 to increase landscaping and open space. Two spaces were identified as EV charging stations. We
22 don't have EV charging station guidelines or an ordinance. That may be something to consider.
23 Methuen has one and their primary recommendation is that they are located further away from
24 the entrance. Here they will not be restricted only to EV vehicles.
25 A conditional use permit is needed for 6 wall signs which he discussed.
26 Outside traffic and drainage reviews are pending.
27 A traffic study is not recommended per our consultant.
28 A truck turning plan was provided.
29 The board should consider if deliveries should be restricted to off peak hours.
30 NHDOT and staff approval are pending.
31 Recommend – continuance.
32
33 Chairman Belair asked if there was any public input.
34
35 Claire Karibian, 56 Atkinson Road, is here as a citizen and not part of the ZBA. The entrance
36 into the gas station will be eliminated in the middle there?
37 Mr. LaFontaine said that is not correct. That is proposed to remain.
38 Ms. Karibian asked if it will be a right turn in from Veterans into the gas station.
39 Mr. LaFontaine said, it is all right in and all right out unless you go through Maryanns. If you
40 want to go westbound on Veterans or southbound on Route 28.
41 Ms. Karibian asked, how do you get to Route 93 from there?
42 Mr. LaFontaine explained how you would go. He showed the island that will be extended.
43
44 Ms. Karibian asked, on Broadway you will put in a traffic island, correct?
45 Mr. LaFontaine said yes there will be a median on Route 28.

- 1 Ms. Karibian asked, will that be done by the State or the construction company?
2
- 3 Heather Monticup, traffic engineer with Greenman Pedersen, said that the median island on the
4 plan will be done by the Tuscan Village improvements, which are slated to start this spring. They
5 are already approved by DOT.
- 6 Ms. Karibian asked about people who want to go back to Route 93, going through Maryanns.
7 Will that be a problem with Maryanns being such a crowded restaurant?
- 8 Ms. Monticup said we provided a trip generation letter showing the amount of traffic and where
9 it will be going and what driveways. Although we say we have to use Maryanns, that is how it
10 operates today. The driveways today are restricted movements. There is a median separating
11 eastbound/westbound flow on Veterans. By extending the little porkchop island, that will further
12 restrict and hopefully eliminate people from jumping over the double left turn lanes. And that is
13 why there are the wayfinding signs.
- 14 Ms. Karibian asked, regards to traffic going through Maryanns, will that create a problem?
- 15 Ms. Monticup said, in that section it is a two way. We suggest that the increase in traffic will not
16 create a problem. As part of Chasers, the two way left turn lane was extended and the median
17 was brought back. So there is the ability to stack a couple cars to turn left into Maryanns. We
18 don't expect there to be any issues.
- 19
- 20 Chairman Belair asked, this property and Maryanns are the same property?
- 21 Ms. Monticup said, it is the same owner.
- 22 Chairman Belair asked, so there is no conflict with driving?
- 23 Ms. Monticup said that's correct. There is an agreement and Maryanns can go to Broadway.
24
- 25 Ms. Donovan said, when she looks at this, she sees warm colors and cool colors. She doesn't
26 think adding the same color metal roof to something that already doesn't match makes it look
27 better. She would like to see, where the band looks like it is all blue with one yellow stripe,
28 maybe eliminate the white part of that band, and make it look the same. That may soften the
29 look. She doesn't see adding a bronze roof making it look better.
- 30 Chairman Belair said that's what he was thinking too.
31
- 32 Mr. Pelletier said he doesn't think those poles holding the flat roof up are structural enough to
33 hold more weight. There is not much to it.
- 34 Ms. Donovan said she would ask if they would consider removing the white and making that
35 consistent to what we see on the far right on the band.
- 36 Mr. Tymula said, we are not committed to making any agreements tonight. It is something we
37 can talk about with the team and see what design elements we can do. We focused on the store
38 itself and the improvements. The store shown now is multiple iterations, and that was our focus
39 and the canopy. Nouria does have a brand image that they are trying to maintain. We can't
40 commit to anything tonight, but its something we can think about.
41
- 42 Mr. Feole asked them to go through the signs.
- 43 Mr. Tymula said, we are looking for two signs on the canopy. He showed these on the plan.
44 There is one over the main entrance to the store and two for tenant signs or partner signs on the
45 building itself. There is some lattice work to screen the mechanicals. We decided to take that

1 same design element that's on the front, and put it on the back. That way people going south on
2 Route 28 will be able to see the building. The signage is consistent with what was approved at
3 Klemms, and the signage on the canopy is consistent with Cumberland Farms. So we feel the
4 signage is appropriate here.

5 Mr. Feole suggested that they work with the Planning Department on the architecture, dumpster,
6 and canopy.

7 Mr. Tymula said we have no issue with the dumpster enclosure. We will make that change.

8 Mr. Pelletier mentioned the time of deliveries. Is there a plan for time of fuel deliveries?

9 Mr. Tymula said, they want to make sure that the deliveries don't impact the site. It is sort of self
10 regulating. He hasn't committed to anything at this time. We are looking for a 24 hour operation,
11 so they can regulate that.

12 Chairman Belair said, the same goes for the parking. Anytime an applicant asks for less parking,
13 it is at their peril.

14 Mr. Tymula said yes, we are showing 16 striped spaces. People do park at the pumps and go to
15 the store. Its pretty typical. There are 12 spaces there plus the 16, which gives you 28. We are
16 calling out the EV parking spaces as potential EV parking spaces. We didn't change the size or
17 dimension of the spaces. It is a federally funded program for the EV spaces. If they don't move
18 forward with that, they won't be EV spaces, and we will have 29 spaces.

19
20 Mr. Lewis asked, regarding the chargers, are you going with branded Tesla chargers or will these
21 be universal?

22 Mike Durant with Nouria, said for the EV charges we have selected a brand but it does change
23 sometimes with the granting. It is still undetermined. It could change but its not Tesla chargers.

24

25 **MOTION by Mr. Feole to continue the Nouria Energy site plan.**

26 **SECOND by Mr. Pelletier.**

27

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

29 **UNANIMOUS**

30

31 **PUBLIC MATTERS**

32

33 1. Email from Mark Gross

34

35 Mr. LaFontaine said that in the packet is an email from Mark Gross regarding a proposed sales
36 trailer across from the building 2000 condos. He showed the site plan and where it will be. They
37 will view the condos. There are 70 units. He asked Mr. Gross what the timeframe was because it
38 is a temporary proposal and he thought it would be a year. The sooner it is gone, the better for
39 the applicant because that means everything is sold. Do you have any concerns?

40 The consensus of the board is that they have no concerns.

41

42 Mr. Pelletier asked Mr. Gross, he assumes that all the people entering the trailer will be entering
43 through the parking lot and not off the rotary?

1 Mark Gross, Tuscan Village Development, said yes. All the potential customers would come into
 2 that parking area from that driveway at the bottom of the page and park in that temporary
 3 parking area.

4 Mr. Pelletier asked, before that trailer arrives, the road and sidewalks will be completed?

5 Mr. Gross said he thinks they are done for the most part.

6 Chairman Belair said he doesn't think we have a problem with it.

7

8 **MOTION by Mr. Bryant to adjourn.**

9 **SECOND by Mr. Lewis.**

10

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

12 **UNANIMOUS**

13

14 The meeting adjourned at 8:01 p.m.

15

16 For further information, kindly refer to the DVD dated 2/14/2023, located in the Planning Office.

17

18 Minutes by: Susan Strugnell, Planning Board Recording Secretary

19 Approved: Planning Board

20 Date: March 16, 2023