

**MINUTES OF THE
PLANNING BOARD**

**MEETING OF
August 22, 2023**

A meeting of the Planning Board was held on August 22, 2023 in the Knightly Meeting Room at Salem Town Hall.

PRESENT: Keith Belair, Chairman; Bianca Carlson, Secretary; Paul Pelletier, Town Council Rep; Sean Lewis; Damon Norcross; Linda Harvey, Alternate; Beverly Donovan, Alternate; 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. The 21 Keewaydin Drive Realty site plan has requested a continuance.

REVIEW OF MINUTES

Ms. Carlson said we have one set of minutes from August 8, 2023.

MOTION by Mr. Lewis to accept the minutes of August 8, 2023 as printed.

SECOND by Mr. Norcross.

VOTE ON MOTION: 5 – 0 - 2 (Mrs. Harvey and Ms. Donovan abstained.)

OLD BUSINESS

1. **277 LAWRENCE ROAD, LLC** – Public Hearing for 7400 sq. ft. warehouse/maintenance/site office building for landscaping business at 233 Lawrence Road, Map 114, Lot 12638. Continued from 3/16/2023.

Abutters: There were no abutters present.

Staff Comments:

He discussed previous meetings and revisions from the previous plan.

They submitted building elevations that have to be added to the plan set.

There are impact fees that will be due prior to occupancy, \$6,422 based on the office and warehouse use.

They show a wall sign. It looks larger than the 16 square feet. We just need to clarify that the signs are restricted to 16 square feet unless a conditional use permit is granted.

The 65 day limit was exceeded. If the board continues the plan, we recommend that you request an extension of the 65 day limit.

The public safety impact fee will be due and should be paid prior to occupancy.

1 The board previously had concerns regarding the storage of concrete construction materials. That
2 was addressed per that condition.

3 We received correspondence from Kerry Diehl representing from Tennessee Gas pipeline and
4 also Kinder Morgan. They had a comment regarding compliance with the State RSA that was
5 effective as of January 1, 2023 and it talks about sites that are in proximity to pipelines. It is
6 called the Advanced Pipeline Notification. The applicant is agreeable to a condition that would
7 condition approval per compliance with the State RSA.

8 Recommend - if the board's concerns are satisfied, he recommends conditional approval subject
9 to conditions.

10
11 Mr. LaFontaine read the following conditions:

12 1. Prior to building permit, pay for outside inspections per direction of Engineering Division.

13 2. Prior to building permit, verify compliance with NH RSA 674:75.

14 3. Prior to building permit, mark prime wetland buffer in field.

15 4. Prior to occupancy, pay road impact fee of \$6,422 and public safety impact fee of \$2,958.

16 5. Prior to occupancy, provide certified as built site plan.

17 6. Prior to occupancy, construct all site improvements in accordance with approved plan.

18 7. Sign to be no greater than 16 square feet.

19 8. Storage of construction materials are prohibited.

20 9. Any expansion of use requires further approval from the Planning Board.

21 10. All representations made by applicant or agents and all notes on the plan are incorporated as
22 part of the approval.

23
24 Ian Ainsley from Meisner Brem is here with John Belko, the owner and applicant. We were in
25 front of you a couple of months ago. This is a 7,400 square foot landscape building. It is the
26 same one you saw last time. We made a couple changes. The biggest one is that the Engineering
27 Division requested that we did more drainage on the plan. We went back to when the site was
28 vacant in 2012, and we used that as our starting point for drainage. We made sure this new site
29 plan, won't be discharging more than the pre-existing condition. He then showed the site plan.
30 The second thing is, you wanted to see the existing gas fueling station and see where it will be
31 proposed. We marked that on the plan. On the existing conditions plan, we show it in a central
32 location. We show on sheet 3 where it will go. He showed this on the plan. And there is a
33 concrete holding area so if there is any spill it will be contained within the concrete structure.
34 The other big thing that the board was looking for, is you wanted some listing of what will be in
35 the material storage piles in the back. That is listed on the plan. He then read from the list.
36 Otherwise it's similar to the plan you saw before.

37
38 Chairman Belair asked for public input. There was none.

39
40 Mr. Pelletier said he has driven by several times and the lot looks neat and coordinated. They did
41 a lot of work and the wall in front looks beautiful.

42 Mr. Lewis thanked them for addressing the gas issue.

43
44 **MOTION by Mr. Lewis to grant conditional approval of 277 Lawrence Road LLC with the**
45 **10 conditions as stipulated by Mr. LaFontaine.**

1 **SECOND by Ms. Donovan.**

2
 3 **VOTE ON MOTION: 7 – 0**
 4 **UNANIMOUS**

5
 6 2. **BPS REALTY, LLC SITE PLAN** – Public Hearing for 7,500 sq. ft. warehouse and office
 7 building at 17-21 Trolley Lane, Map 116, Lot 9921. Continued from 6/13/2023.

8
 9 Abutters: There were no abutters present.

10
 11 Staff comments:

12 He discussed the previous meeting and revisions from the previous plan.

13 He showed renderings of the plan.

14 On the elevation they show signage on both sides of the site and that’s to get visibility from
 15 Route 93, but it is not permitted without a conditional use permit. We raised that with the
 16 applicant.

17 Impact fees are due based off warehouse and office use and should be paid prior to occupancy.
 18 Regarding parking calculations, 20 spaces are required, and 20 spaces are provided. Any other
 19 uses may change that.

20 The 65 day limit has been exceeded so if the plan is continued, we recommend that a
 21 continuance is asked for.

22 A public safety impact fee is due.

23 We discussed screening for residential abutters at the last meeting. A 6 foot stockade fence and 6
 24 foot tall arborvitaes are shown.

25 We received comments from the Engineering Division yesterday and those can be incorporated
 26 as a condition of approval.

27 Recommend - if the board’s concerns are satisfied, we have conditions.

28
 29 Kurt Meisner with Meisner Brem Corporation, is here to represent BPS Realty. This is a
 30 proposal to construct a 9,800 square foot building at 17 Trolley Lane. The plan is essentially the
 31 same plan that you saw last time we were here. There were very minor issues that we talked
 32 about. One was that we needed outside drainage review and we have that approved. The other
 33 issue was the architectural drawings on the buildings. He then showed renderings of the building.
 34 Now we have finalized the drawings. Last time we talked about the hayloft door and the lights
 35 that were underneath that, breaking up the colors on the building. The colors are a dark grey and
 36 a lighter grey. The changes to the plan are very minor from last time you saw it. The last time the
 37 only hangup was the architectural view and the outside drainage review.

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

40
 41 Mr. LaFontaine read the following conditions:

- 42
 43 1. Prior to building permit, pay for outside inspections per direction of Engineering Division.
 44 2. Prior to occupancy, pay road impact fee of \$6,035 and public safety impact fee of \$3,220.
 45 3. Prior to occupancy, provide certified as-built plan.

- 1 4. Prior to occupancy, construct all site improvements in accordance with approved plan.
- 2 5. Any proposed use other than warehouse requires further approval from the Planning Board.
- 3 6. Dumpster pickup shall only occur between 7:00 am and 10:00 pm.
- 4 7. Applicant must operate business so that parking lot capacity is not exceeded.
- 5 8. All representations made by applicant or agents and all notes on plans are incorporated as part
- 6 of the approval.

7
8 Mr. Lewis asked Jacob to define warehousing.

9 Mr. LaFontaine said, we did the same condition for the adjacent parcel. That one used to be
10 residential and it was converted to a multi-tenant commercial building. The warehouse use
11 allows them to meet the parking requirement and that was initially the concern with the adjacent
12 property. If it was an auto repair shop, that's not consistent with warehouse. He can give you a
13 definition from the zoning ordinance.

14 Mr. Lewis said, there is office and mezzanine above unit one. He mentioned the dumpster
15 pickup. He is just trying to be mindful of the abutting residential property.

16 Mr. Meisner explained that the way this will work is, it will almost be a change of use. If we had
17 a change of use, we'd have to come back. It is intended to be a contractor's place.

18 Mr. Norcross asked, will the applicant seek a conditional use permit on the additional sign?

19 Mr. Meisner said, regarding the second sign on the back side, we are willing to forego that for
20 the time being. If he needs it in the future, he will come back for a conditional use permit for
21 that.

22
23 **MOTION by Mr. Lewis to grant conditional approval of the BPS Realty, LLC site plan**
24 **with the 8 conditions as stipulated by Mr. LaFontaine.**

25 **SECOND by Ms. Donovan.**

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

28 **UNANIMOUS**

- 29
30 4. DICKS SPORTING GOODS SITE PLAN – Public Hearing to remodel existing building
31 and convert portion of parking lot to 18,500 sq. ft. multipurpose field at 1 Mall Road, Map
32 107, Lot 11153. Continued from 6/13/2023.

33
34 Abutters: There were no abutters present.

35
36 Staff comments:

37 The Planning Board accepted this plan at the June 13th meeting.

38 The board had a conceptual discussion in April 2023. Since the applicant was last before you the
39 outside traffic and engineering reviews were submitted and the photometric plan was submitted.

40 There was discussion about potential impact to residential abutters.

41 They are requesting a waiver for increased height on the light post.

42 The board previously discussed enhancing the north façade. He showed what was initially
43 proposed in April and showed it where it is since. There is less to break it up on the north façade.

44 He had discussions with the applicant and they're willing to address that with a condition of
45 approval.

1 He showed the existing façade, and discussed this. There is a lot of blank wall, but it was one of
2 the main entrances. We want to ensure that this is keeping with the standard of design in this
3 area, since it's since next door to Tuscan.

4 He showed their locations in other areas of the country. The intent is to do something to break up
5 the wall. There is vegetation and that is to remain.

6 The board previously discussed the need for a secondary exit to access the parking field to the
7 north, but the applicant said they can't provide that.

8 Impact fees should be discussed. This category doesn't fit. It's an 18,500 square foot multi-
9 purpose field and our impact fee schedule doesn't capture a ton of uses. It captures a limited
10 amount of uses. Here, there isn't an exact category, the one most similar is health and fitness
11 club. He spoke with Steve Pernaw, and he was agreeable with that. He felt it was a good
12 approach. It would be \$2.08 per square foot, and it would be due prior to occupancy (\$38,480). If
13 the applicant is opposed to that, there is the ability in the impact fee schedule for unique land use
14 categories that are not found in the table, but they would have to provide a trip generation and its
15 \$180 per trip that is generated. Right now we don't have the trip generation so they would have
16 to provide that. It could be greater or equal to the \$38,480. Speaking with Mr. Pernaw earlier
17 tonight, we think this is a reasonable approach.

18 They are requesting a conditional use permit. There was previously a reduction of 478 spaces.
19 They are going to further reduce that. Right now there is 5,123 spaces required and 4,587 spaces
20 proposed.

21 Regarding architecture, we spoke about maintaining the high quality development with
22 architecture. They haven't provided a detail of the signage yet but we can handle that with a
23 condition. He read from the site plan regulations. They requested a waiver to exceed that height
24 because they will have the lights illuminate the multi-purpose field.

25 We requested that the board ask how late lights will be on in recognition of the residential
26 abutters.

27 They need a conditional use permit for that fourth wall sign.

28 There are public safety impact fees that will be due. There we use the retail calculation which is
29 probably maybe the best fit due to the public safety. He then read from that schedule. They
30 seemed agreeable to using the retail calculation for public safety

31 He has conditions if the board's concerns are satisfied.

32

33 Dan Clare with Langen Engineering is representing Dick's Sporting Goods. He thanked Jacob
34 and town staff and peer reviewers for working with us. Dicks is under pressure to get started.
35 There are only two things he needs to talk about. One is architecture. We had a phone call with
36 Dicks real estate people and they are looking at alternates to what they proposed, Dicks House of
37 Sport. He showed the elevations for Dicks House of Sport and mentioned where the door will
38 come out. He discussed this area and the structural diversity that was done on the building. This
39 board had asked about having access on that side. Changing this requires quite a bit of internal
40 process which is why we don't have something for you tonight, but they are looking at it. But
41 this is their preferred option and if the board is OK with that, they will go full steam ahead with
42 that. But if there are concerns, we will work on it and can accept it as a condition of approval to
43 come back with something. The second thing is the traffic impact fee. There is not a category for
44 what we are doing here. It is an auxiliary use. We are not expanding the footprint or increasing
45 traffic. It is intended to have people stay at the store longer. It is a place to provide outdoor

1 activity and not a place for people to drop kids off. It is also a public benefit. They will sponsor
2 things. Also the lights will be on from when the store is open. Right now its 9-9, and 9-7 on
3 Sundays. Regarding the fees, since there is no real way to pin down traffic generation on this,
4 their position is it won't create new traffic. It is just to get people to stay on site longer and create
5 an experience. We understand that there will be a fee, we just want to come up with something
6 that's fair and representative of what they are actually doing here. He would propose that we can
7 come back with a trip generation analysis based on customer data. We don't want to slow things
8 down, it is important to get in and get started. We want to come back and present something that
9 is more fair and tied to reality. He mentioned the waiver for lighting. The light poles are five feet
10 higher than allowed. Those light poles are for lighting the field only. They are designed
11 specifically for that square footage. They are down lighted, and bright but the spillage only goes
12 about 60 feet into the parking lot, and beyond that there is no impact. So it won't penetrate any
13 further than 60 feet. He explained why they have to be 5 feet taller. Regarding the conditional
14 use permit, the first one is for parking. We will use 58 parking spaces. The original request was
15 for 57. During the design process we ended up with 58 because of the crossing we are proposing
16 to install on the west side. So we added some landscape area and sidewalk, and a connection
17 across the circulation. That is where we ended up with 58 spaces. The conditional use permit that
18 you have before you is a continuation of the conditional use permit that you granted for the
19 theater. So we reduced that number from what it was in 2017, which he explained. We did an
20 analysis to show that it is not an issue with respect to parking. There is plenty of parking. The
21 second one is for signage. They are adding one additional wall sign On the north face, a
22 conditional use permit was required in order to allow for that additional square footage. We will
23 accept the condition of approval of the exact details of that sign but they will look just like the
24 other signs on the building.

25
26 Chairman Belair asked for public input. There was none.

27
28 Mr. Lewis asked, regarding the exterior lighting, the request for an additional 5 feet height, they
29 are down lights, like straight down?

30 Mr. Clare said yes.

31 Mr. Lewis said, we had people from Pleasant Street that spoke with us. In terms of the design is
32 there any sort of angling that can be done?

33 Mr. Clare said, they are angled towards the field, so they are not straight down. There was a
34 woman here who was concerned about noise and lighting. We talked about it at that time. That
35 was the only comment we received. We submitted a lighting plan and it only goes about 60 feet
36 from the edge of the fence.

37 Mr. Lewis said he doesn't have any problem with the reduction in parking or additional signage.
38 How you submitted the conditional use permit requests, was perfect.

39
40 Mr. Norcross mentioned the traffic impact. Looking at Minnetonka, there are a lot of things on
41 that field that aren't just trying out equipment. There are rentals, birthday parties and after school
42 programs. Field space in Salem is tight. You will get people reaching out to you, and he thinks
43 you will see a lot more traffic than you think.

44 Mr. Clare said, he is a traffic engineer, and we are not saying there won't be any, but we are just
45 saying you can't relate it to anything in the bylaw. He doesn't know what the program will be

1 exactly and if it will be like the one in Minnetonka. There will be public events and special
2 events, but on a daily average basis, the purpose of the field is not to bring more cars to the site.
3 It is to bring people and have them stay longer. We are willing to work with you and come up
4 with a fair assessment.

5 Chairman Belair asked, has Mr. Pernaw looked at this?

6 Mr. LaFontaine said, they do have the opportunity to complete the trip generation analysis and
7 we would have it reviewed by Mr. Pernaw. The impact fees are supposed to be assessed at site
8 plan approval so this would be the time to assess. There is the ability for the applicant to appeal
9 the fees if we assess them or we can say pay the road impact fees subject to these amounts or
10 submit a trip generation. If you divide \$38,480 by the 180, it's about 214 trips. He doesn't know
11 if that's accurate or not. They have the ability to say this is unique land use category and they
12 want to do the trip generation.

13 Chairman Belair suggested that we go with the unique land use category, because if it doesn't fit
14 in the boxes, we can't leave it there.

15 Mr. LaFontaine said, it is a lot of money but we often assess large impact fees. The rate is about
16 half of retail. We looked at other uses which he discussed.

17 Ms. Donovan said, it is not dissimilar to what was seen at their neighbor. She doesn't remember
18 how we figured that out but can we look at it in the same way?

19 Mr. LaFontaine said he doesn't know if we assessed an impact fee for the beer garden or lake
20 park.

21 Chairman Belair said he would look at it more like LL Bean and the pond, where they are trying
22 the product out.

23
24 Mr. Lewis asked, are you in a position to speak about how the programming is handled at other
25 locations? We can look at the retail if it is just an extension of retail, which is partly how you
26 presented it. But you also said there could be group activities, field rentals and special events,
27 which by Mr. LaFontaine's estimation puts you in a different category. He asked Mr. Clare to
28 talk about the programming

29 Mr. Clare said he can't, but Shannon, who was here before, spoke about it. He knows they don't
30 have a specific program worked out for this location but it is something they'll do in cooperation
31 with the community. They are doing that all over the country. We are not saying we won't have
32 any impact, we would just like to tie it to something that is tangible. He worked with the board
33 for almost 6 months, and given the uniqueness, if there is a way to apply that, let's look at it.

34 There was nothing he could tie it to.

35 Mr. Lewis asked about the appeal option. He mentioned the lack of playing fields in town. He
36 thinks that will provide more trip generation than perhaps we think.

37 Mr. Clare said, this is not a public field. Dick's controls that and does the scheduling. There may
38 or may not be games. They are all different. We also talked about hockey at one point. They are
39 looking at ice here but the programming has not been finalized. But it won't be a public field.

40
41 Mr. Norcross said he was at the last meeting. Clearly the other fields you have can be rented. It
42 may not be public but they will have access.

43 Mr. LaFontaine said it may be appropriate to assess it per this amount reviewed by Mr. Pernaw,
44 and add the caveat that they can submit a trip generation analysis for new daily trips for this
45 unique land use category. He read from the ordinance.

1
 2 Mr. Norcross asked, can we confirm that the lighting won't go beyond 60 feet and won't hit
 3 Pleasant Street?
 4 Mr. Clare said, it is not. It doesn't go beyond. He showed it on the plan.
 5 Ms. Carlson said, if anything, it seems that more of the foot candles are coming from the parking
 6 lot lighting than directly around the field. So she is not concerned about lighting or the height of
 7 light poles. She also doesn't have an issue with the amount of parking spaces being provided.
 8 She agrees that there probably will be additional traffic generated from the use of the field.

9
 10 Mr. LaFontaine read the following conditions:
 11 1. Prior to building permit, pay for outside inspections per direction of Engineering Division.
 12 2. Prior to building permit, enhance northern façade, to be reviewed by Planning Board.
 13 3. Prior to building permit, submit Engineering approval.
 14 4. Prior to occupancy, pay road impact fee of \$38,480 and public safety impact fee of \$10,360 or
 15 submit a trip generation analysis for unique land category based off of new daily trips generated
 16 by this use.
 17 5. Prior to occupancy, provide certified as-built plan.
 18 6. Prior to occupancy, construct all site improvements in accordance with approved plan.
 19 7. Note conditional use permit for parking and signage and waiver for light poles on plan.
 20 8. Applicant must operate business so that parking lot capacity is not exceeded.
 21 9. All representations made by applicant or agents and all notes on plan are incorporated as part
 22 of the approval.

23
 24 Mrs. Harvey asked, regarding the impact fee, so it will be charged at what is recommended, but
 25 then an appeal can be done later based on actuals?

26 Mr. LaFontaine said that's correct.

27 Chairman Belair said it is based more on Mr. Pernaw's recommendation to this board but in
 28 conjunction with the engineer.

29
 30 **MOTION by Mr. Lewis to grant conditional approval of the Dicks Sporting Goods site**
 31 **plan with the conditions as stipulated by Mr. LaFontaine prior to acceptance of the**
 32 **following, a waiver under Section 268-6:3.4 which will cover the additional 5 feet of height**
 33 **and the light poles, and for the two conditional use permits under Section 490-701D for off**
 34 **street parking and loading, which will cover the reduction of parking spaces, and Section**
 35 **490-702H the sign ordinance, with the additional condition that we sign off on the final sign**
 36 **design.**

37 **SECOND by Mr. Norcross.**

38
 39 Chairman Belair said there is a motion to grant the waiver, grant the conditional use permit for
 40 parking, and the conditional use permit for the sign, and approve the plan with the conditions as
 41 stipulated by Mr. LaFontaine.

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

44 **UNANIMOUS**

45

- 1 3. TUSCAN VILLAGE MASTER DEVELOPMENT SITE PLAN – Conceptual Discussion
2 on revised master plan for Tuscan Village to include 300 additional residential units at 20-
3 24 Via Toscana, Map 98, Lot 7887. Continued from 8/8/2023.
4

5 Abutters: There were no abutters present.
6

7 Staff Comments:

8 He discussed previous meetings and revisions from previous plan.

9 The purview is just revisions to building 1300. He showed the plans.

10 He showed the response to comments. The applicant agreed to pay impact fees as amended. Any
11 future residential development will include 10 percent affordable housing on site. They have
12 committed to a monetary contribution to mitigate the impacts. On recreation, they added a pickle
13 ball court to Rec Park and designated two additional areas of upland as recreation areas. He
14 showed these areas on the plan.

15 At the last meeting we didn't have outside fiscal impact analysis or outside traffic analysis done
16 and that was because the plan had been altered. Eric Halvorsen from RKG is here and will give a
17 presentation to the board on the fiscal impact analysis.

18 We had comments from Municipal Services Department on water and sewer impacts. The
19 estimated water increase is 31,851 gallons per day based off this proposal which is a total of just
20 over 200,000 gallons per day.

21 He has a memo from Steve Pernaw, one takeaway is that the applicant will need to verify the trip
22 generation budget and estimates using actual driveway counts. To this point we have used
23 projections. Mr. Pernaw is recommending that, as we approach closer to full build out of the site
24 we should verify that the projections are reflective of what is actually occurring on site. The
25 applicant understands that and agreed to a condition of approval to address that.

26 We spoke about workforce housing. There was a condition of approval in 2021 for 10% of
27 additional units to be provided at an affordable rate. The applicant will discuss that. Since that
28 time when we adopted the last master plan update in February 2021, the town in March of that
29 year adopted a workforce housing and multi-family project ordinance. We will have to address
30 that as we move forward for building 1300. His thought is that since this project came in after
31 March 2021, that the ordinance is applicable to these units and a variance would be required. We
32 can discuss that at individual site plan level.

33 We spoke previously about how recreation needs will be met. One recommendation was to
34 require enhanced programming for Rec Park. They added a pickleball court. We got comments
35 from Viewshed. We also previously discussed the possibility of a recreation area in the life
36 science district and we are pleased to know that the applicant has heard that recommendation and
37 is willing to designate an area of that portion of the parcel to recreation.

38 The outside fiscal impact analysis was revised to reflect the current proposal. It projects a
39 positive net fiscal benefit of \$866,872 to the town.
40

41 Eric Halvorsen, principal with RKG Associates, was hired by the town to complete the fiscal
42 impact analysis for changes proposed from Tuscan Village. He will give you a brief overview of
43 the report that we submitted. We will talk about the revenue side, the cost side and the net fiscal
44 impacts. We were asked to look at the proposed change to the plan itself. It's not the entirety of
45 the development, just the change being proposed which is the addition of 279 of residential units,

1 or roughly 336,000 square feet of residential; and the addition of about 345,000 square feet of
2 life science; an additional retail and commercial space, which is about 398,000 square feet; and
3 an increase of 524 parking spaces. The primary focus is on building 1300. Our approach looks at
4 four different things. One is revenue, which is property taxes. We look at municipal expenditures
5 or town service costs. We look at general government services, public safety, and cost to DPW.
6 Those are the three big factors. We did add an educational component and we have an estimation
7 of education costs and impacts in the memo. We met with town departments, and the applicant to
8 make sure everything we come up with was fact checked with all the departments. He discussed
9 development valuation and gross numbers. The total valuation of both building improvements
10 and parking is about \$194 million. This is just total taxes, not accounting for the costs. He then
11 discussed costs. He discussed municipal costs. There are four categories; general government,
12 DPW, police and fire. He discussed these numbers. He also discussed considerations for the
13 town costs, and costs for education. There are about .065 students per unit. The existing ratio by
14 number of units, we get about eighteen new students overall. The local education net fiscal
15 impact is about \$1.64 million. He discussed the fiscal impact reconciliation. The total is
16 \$866,000. He discussed the summary. Our projections are that this will be positive for the town
17 on the tax side and the education side.

18
19 Mr. Lewis said, just to be clear, table 1, the \$866,872 is your best estimate of what the town will
20 take in?

21 Mr. Halvorsen said yes, our estimate of what will be received in property taxes from a gross
22 perspective will be the \$989,019 and once we account for costs, its \$866,000.

23 Mr. Lewis mentioned table 6 on page 15. That is where we find the combined gross numbers. He
24 discussed these numbers. This is your best estimate for per year tax receipts?

25 Mr. Halvorsen said yes.

26 Mr. Lewis asked about the savings.

27 Mr. Halvorsen said, take the total town tax line, the 541,000 and subtract town service cost, the
28 negative \$419,000 will be left with \$130,000. That would not take the town service savings into
29 account.

30 Mr. Norcross said he is having a difficult time reconciling this. Are these numbers still positive
31 when you remove life science? We noted the large impact life science has on education. He has
32 to be sure for Salem that life science, which we don't have a lot of confidence in, that these
33 numbers are still positive.

34 Mr. Halvorsen said, the residential side wouldn't be impacted by that. The life science was a
35 discussion that we had quite a bit with the Town Manager and Jacob. If we take that off, that
36 would have a pretty serious impact when we measure the change.

37 Mr. Norcross asked, this is just net change, not the overall Tuscan impact?

38 Mr. Halvorsen said, exactly.

39 Mr. Norcross asked, what is that impact? Can you define what that impact will be on those
40 numbers if you took out life science?

41
42 There was discussion of life science.

43
44 Mr. Halvorsen said he can get back to Jacob about the impact of life science on the others.
45

1 Mark Gross with Tuscan Village Development, thanked everyone who came to the site walk. He
2 introduced Joe Faro, who will give a quick presentation on the recreational aspects of the project.
3
4 Joe Faro thanked the board and public that attended the site walk. We do hear the comments and
5 we do adapt the development as a result of these comments. He showed the overall
6 recreation/open space plan. There is over 6 miles of trails in the Tuscan Village. We are excited
7 to unveil the central village portion and you will see a lot of public space. The public space in
8 Tuscan Village costs over 40 million dollars. It has nothing to do with any one specific building,
9 it is a combination of all the public space infrastructure that has been built, and it's all free to the
10 public. The Tuscan Lake is full of fish and is used by the public and a lot of the users in the
11 development. It is not just people that live in the development, but residents in Salem, and it is a
12 focal point for many gatherings. He mentioned Linear Park, which we continue to build out. It
13 goes down the length of Tuscan Boulevard and it ends at Rec Park. He then showed Lake Park,
14 which is in the center of the village overlooking the lake. We provide fitness classes weather
15 permitting, every weekend. Those are free to the public and are operated by Drive Custom Fit.
16 You can sign up every Saturday morning. They are not always members. Members of the public
17 can come and do all kinds of different activities and we are having a health and wellness expo,
18 also free to the public. He is proud of the development. He also showed a picture from the Fourth
19 of July. This was the second annual Fourth of July. The traffic was out in less than half an hour.
20 He also showed the summer shoppes series. There are a lot of local vendors. He also showed the
21 holiday shoppes which starts with the Christmas tree lighting and is all season long and that is
22 free to the public. Operationally, there is a tremendous amount of logistics involved in public
23 events and we bear those costs. We are happy to do that. It is what this kind of town center
24 development is all about. He showed Rec Park. The plan was originally approved and we built it.
25 We got commentary that people thought there would be more and they would like to see more.
26 We heard that and we have a revision to Rec Park. He showed the original design. He also
27 showed the redesign plan. We have additional recreation. As for Rec Park, pickleball is
28 extremely popular. We are proposing to put that in and also proposing to put in a multi-function
29 fitness piece of equipment on the site. We see a lot of joggers and they could stop and use the
30 fitness equipment. We wanted to submit this to the board. We are here for the long term so if
31 something needs to be revised, we are here to do that. He then discussed Via Toscana and the
32 promenade pocket parks. The Artisan Drive and Via Toscana intersection is called the central
33 piazza. It has a central promenade which has pedestrian spaces to gather and enjoy the village.
34 He showed a life size chess board which is built and is free to the public. The sidewalks are 24
35 feet and the central promenade is 60 feet. We put a tremendous amount of quality and cost into
36 these public spaces. He showed a picture of the pocket parks. These renderings are exactly what
37 we built. And everyone in the public will be able to enjoy. The fountain is operational. The
38 central piazza is flush with the four corners of the village. We also have the opportunity to close
39 this area off so that on the festival weekends, of which we plan 20-25 throughout the year, free to
40 the public, you can walk these streets without cars. On certain weekends, we can close off the
41 street, and it becomes a walkable downtown. He then showed the Rockingham Park gardens. Our
42 special guest was unveiled yesterday, which is Sea Biscuit. There is a picture of Sea Biscuit
43 crossing the finish line, and we had a bronze statue made of the horse. We also had a re-creation
44 of the original Rockingham Park sign that was on Route 28. This is what we call the
45 Rockingham Park Gardens. We have a group that is helping us with this and they brought

1 pictures and artifacts from 1906 until 2001. He then showed the grand lawn which is the back
2 part of the Artisan Hotel, also public space. That is being built as we speak and it will open in
3 about 45-60 days. He then showed a perspective of that, where you can do weddings or events or
4 just sit and relax. He then showed another area that we are in the process of programming, it's a
5 large plaza between building 1200 and 1300 and is the size of Lake Park. We will work with
6 Jacob and Viewshed to propose something different that he thinks will work well for a plaza this
7 large and something for the public to enjoy at no cost to them. If life science changes, other uses
8 will go in. That property will not be left empty. We will use that property and in a way that will
9 be very impactful for the town. This area which we call Overlook Park, he showed the
10 conceptual plan. It has 4 pickleball courts and a basketball court. We will collaborate with Jacob,
11 Viewshed and others to program something that will work well. It is another great opportunity to
12 use public recreation space that is along Linear Park.

13
14 Chairman Belair thanked Joe for addressing that.

15
16 Mrs. Harvey said, one thing that the town doesn't have that she hears a lot, is that there is no
17 indoor court for winter time.

18
19 Mr. Gross showed the previously approved master plan and the revised master plan. The one
20 change of use is building 1300 and that will be primarily retail. There is where our specialty
21 grocer will be with the 300 apartments above. He discussed the master plan revisions. He then
22 showed the building 1300 change of use plan and the images of building 1300. He discussed the
23 performance criteria for the master plan that we have to address. He discussed the criteria for
24 Section 490-710D. He also discussed the performance criteria under the large scale
25 redevelopment ordinance. For municipal services, there are 4 main categories, which are general
26 government, Police Department, Fire Department, and DPW. He mentioned the fiscal impact
27 study which concluded that the incremental changes proposed will create a positive net fiscal
28 benefit to the Town of Salem and the Salem School District. He also mentioned the municipal
29 impacts. The net new residential and net new nonresidential, is a total gain of \$866,000 for the
30 town. He mentioned the local education impacts. They probably generate the most amount of
31 dollars. He discussed by grade, the Salem School District population for the development. This
32 comes from the School District. There are currently 622 residential units fully occupied for the
33 2022-23 school year. There are 85 town homes and 537 apartments and the student ratio is 0.065
34 or .066 students per unit. The additional 300 residential units will create about another 20
35 students in the Salem School District. He also mentioned the public safety impacts. Tuscan
36 Village will provide additional contributions directly to the Fire and Police Departments as
37 further mitigation for the Tuscan Village impacts. In RKG's presentation, they alluded to the
38 additional contributions to solve the gap financing. This includes contributions from the
39 developer to police and fire. He discussed what they can be used for. He read from the criteria
40 for Section 490-710 D(1)(b). That contribution can't be used directly for hiring personnel. We
41 are trying to figure out how do we get much needed personnel hired now with some of the
42 money. It is up to fire and police how they want to use those contributions. He then discussed
43 municipal impact fees for traffic, school, recreation, and public safety. It's about \$15 million and
44 then the contribution of \$3 million makes it \$18.7 million dollars. He read the criteria for natural
45 resources. He also showed the conceptual plan for the roadway system, and the pedestrian

1 linkage. He read the criteria for open space and pedestrian amenities. He showed the conceptual
2 master plan for open space. We are currently at 69% impervious and 31% open space. The
3 original master plan in 2016 was basically the north village and then in 2018 was the first master
4 plan for the 120 acres. We had approved 885 units. Look at the note on the bottom, it describes
5 the types of housing, which he read. Corsa was built at 256 and the Villas at North Tuscan
6 Village built 85. Hanover 1 was at 281, versus the original 275, and the Residence at Artisan was
7 originally 91 units of luxury apartments and they went to 70 units of luxury condo. He discussed
8 the residential density. We have available residential density of 193 units. We built the 74 units
9 as part of the 2021 master plan. That gave us 740 units of housing that we would have credit for.
10 He discussed these numbers. He explained that the available residential density for building 1300
11 is 443 units. That project covers us for building 1300 in terms of our ten percent requirement. He
12 then discussed the public benefits for the Tuscan Village development including all the revenues
13 for the town and school and creation of jobs.

14
15 Chairman Belair asked for public input

16
17 Kelly Moss, Park Avenue, is wondering why we went with the allocation of the police and fire
18 costs based on the call volume. It leaves a significant portion of the cost unallocated. She
19 discussed the police calls. We pay for that out of our property taxes. To leave that out of the
20 analysis doesn't take into account additional calls going to parks or library, related to the
21 increase in people in our town because of Tuscan. This analysis is assuming that any increase in
22 calls to nonresidential or noncommercial properties would be entirely borne by the current
23 residents and not by the Tuscan Village and the impact that they have. The money has to be paid
24 for in some way. On the fire its 75% of the costs. Our tax dollars still pay for those calls, so to
25 not allocate them in this analysis means that they are not taking into account any additional
26 increase in those calls coming from Tuscan residents and they will go to the library, use the parks
27 and drive on our roads. So those costs should be accounted for in this analysis. The life science
28 building and the impact of that, it was the highest revenue and lowest cost. So it has a huge
29 impact. She discussed the taxes coming from the life science. Without that building, it will be a
30 significant reduction in taxes coming in. She also mentioned the costs. The net was \$534,000 of
31 the \$749,000 net benefit to the town. Over \$500,000 of that is just from that building. When you
32 combine that with not accounting for all the nonresidential and noncommercial police calls, it
33 reduced it even further. She also mentioned the medical office, and office buildings. Their costs
34 were higher so those are net negatives. Her concern is whatever life science is replaced with,
35 could replace this net positive with a net negative. It doesn't seem like a good fiscal analysis to
36 her because what it could be replaced with, could be a net negative. She mentioned page 16, that
37 this estimate does not reflect estimated staffing needs for the Fire Department, and any additional
38 equipment that may be needed. The Fire Chief mentioned maybe needing an additional ladder
39 truck which needs staff. The cost for fire from this plan was \$272,287 based on table one which
40 shows cost for fire. The staff for a ladder truck will exceed that. She wants to make sure, before
41 we decide that this is a net positive, that we take into account for that. The truck may be a one-
42 time purchase, but the staff to staff it will be needed for many years and a one-time additional
43 amount of money they are giving to us, won't carry over for the many many years that we have
44 to staff that truck. There is no other building in town that needs a ladder truck so that should be
45 entirely considered a cost for Tuscan Village. She thinks this is a great project for the town. She

1 just wants to make sure the costs are accounted for and that whatever needs to be paid to make it
2 a financial benefit, ends up happening so it doesn't overly burden the residents of town.
3
4 Jeff Hatch, 35 Royal Circle, is glad they changed the note on the proposed plan to stipulate that
5 the workforce housing will be on site. What is actually on site? He believes 1300 is on its own
6 site, correct?
7 Mr. LaFontaine said, at the last Planning Board meeting the board did subdivide the parcel.
8 Mr. Hatch said, any workforce housing will be on that site, not within the walls of Tuscan
9 Village. They would have to be tied to that specific building, correct?
10 Mr. LaFontaine read from what the condition says. He discussed this condition.
11 Mr. Hatch said he is asking for the definition of what onsite means.
12 Chairman Belair said, the need or requirement, for the affordable or workforce housing for this
13 300 is taken care of already, by the Main Street project. What the developer has indicated is that
14 if he has additional residential beyond what is on this master plan, it will be on site.
15 Mr. Hatch asked, are you aware of you or any member of the board or the staff speculating that
16 the project on Main Street, any overage of the units could be saved as a credit or bank for any
17 building that was being built? When we approved that building, the residential portion of Tuscan
18 Village was supposed to be done. There was no speculation and no discussion in the three
19 meetings we had of that building about using those extra 24 units as credit for anything future
20 being built in Tuscan Village. He was on the board at that time and we had questions about
21 height, traffic, and the number of units. Nobody said, we are building 74 units because we may
22 need extra units in Tuscan Village for a future project. He voted yes for that project in a 4 story
23 building, which it says in the minutes that he preferred 3 stories, but he went with 4 because we
24 were getting 20 extra units. He thought it was a win win for the town. He mentioned the minutes,
25 because Mr. Gross said a couple weeks ago, that it was in the plan. Mr. Hatch said he has the
26 minutes of the meeting of July 27th. Page 13, line 24, he read from the minutes. On page 16, line
27 24, he read from those minutes. There is no mention of needing them for future projects. He then
28 gave a copy of the minutes to the board. He also read from the minutes of the meeting of October
29 26, 2021. This was when they changed the number from 92 to 74 units. There are 9 pages of
30 minutes, and not one word of needing those extra 20 units for future residential projects. He then
31 gave those minutes to the board. This brings us to the final meeting concerning that building
32 which ended up being approved. This one is 5 pages, and not one word of saying they will need
33 the 20 something units as the credit. He then gave those to the board. At that time, the residential
34 buildings were supposed to be done, there was supposed to be no more. A couple weeks ago, Mr.
35 Gross stated that it's also in the plan. Well, every plan that has been shown, what did it say? That
36 they would provide 10 percent on or off site. Nothing about we'd go ahead and need those 24
37 units. Mr. Hatch said, so he thought, maybe he is talking about the plan for the Main Street
38 building. That night he gave that plan to Mr. Lewis. He then asked Mr. Lewis, was there a note
39 on that plan saying they would need those 24 units or possibly any overage of those units over in
40 the Tuscan Village?
41 Mr. Lewis said, not to his recollection.
42 Mr. Hatch said, so it wasn't on the plan either. Now Mr. Gross said that Mr. Hatch's information
43 is not always factual. He will say that Mr. Gross misspoke in the heat of the moment. He doesn't
44 think they should get the credit or use that extra twenty something units over there for this new
45 building. And if you do give them credit, what units are you giving them for? The RSA which

1 we should have followed back then, which we didn't, our ordinance says that over half of them
2 have to be 2 bedrooms. There are only 19 two bedroom units. The rest of them are studios and
3 one-bedrooms. He asked the housing authority how does this happen? They said, it's not our job
4 to enforce New Hampshire law, we work for the Federal Government. He explained what they
5 said. It's your job to enforce the local ordinances and State RSA's. At the time, he wasn't aware
6 of the RSA and he didn't look it up, but now we are all aware of it. They should not get this
7 credit for something they have done and had no intention of building any more residential units
8 over there. To go back and try to get it, just doesn't fly.
9

10 Mr. Gross said regarding the issue on the taxes, there is a little confusion. If life science goes
11 away, those taxes associated with it go away but that doesn't mean that the project becomes
12 negative. It just means there is less taxes. But it will be replaced with something. It could be
13 more than life science, depending on what the development is. If its commercial, that's always a
14 positive for the tax base. This is an incremental increase over and above. He explained the
15 incremental increase in the report regarding life science. In terms of the housing, Mr. Hatch is
16 incorrect. In one of the first minutes, it said there is a need for additional residential in the
17 development, or something like that. We never said there will be no more residential
18 development in the Tuscan Village project at that time. That was never stated by us. Mr. Hatch
19 should talk to Steve Lewis about the issue he is talking about regarding workforce housing and
20 number of bedrooms. Mr. Gross said as far as he knows, that meets all the Federal and State
21 statutes that pertain to affordable housing. Your ordinance says affordable housing, it does not
22 say workforce housing. He thinks we are entitled to the credit. When we did that, it was before
23 the ordinance was enacted. It was in between the time that it was proposed, and the time it was
24 voted on at town meeting and that was a decision that the Planning Department made in
25 conjunction with us in terms of how it would be administered.
26

27 Mr. Lewis said, the thing he is trying to find and hang his hat on, is a legally binding point like a
28 signed agreement or note on the plan. Is there anything like that, that definitively states we are
29 proposing an overbuild here in possible anticipation of future residential?

30 Mr. Gross said he will go back to the 100 units. We only needed to build a certain amount of
31 units, to meet our requirement at that time. Why would we build twice as many as we needed?
32 Obviously, it was because we anticipated additional residential in the village.

33 Chairman Belair said, it was the Planning Board that reduced it. We suggested that you reduce it
34 because we were more concerned about scale. That was something that the Planning Board
35 suggested, and you had gone for and the number was 74 when you were done.

36 Mr. Gross said that's correct.

37 Mrs. Harvey said she was here when that was being done and she remembers that Mr. Lewis
38 saying that the State wanted at least 100 for the funding. That was part of why it had to be a
39 higher number, was to get the State funding for the affordable housing. We got it down to the
40 reduced number because of the height and also available parking was an issue. The State bought
41 off on that for that reason and still provided the funding but she remembers Mr. Lewis being very
42 specific that we need to have more to get the State funding. So she thinks that was what was
43 driving the higher number.

44 Mr. Gross said that was part of it.
45

1 Russell Carter, 9 Cortona Way, hopes you aren't sitting just looking into one person that has a
2 bone to pick or is looking at Facebook. He invites you to go to the park, he lives there and drives
3 it every day. There is no traffic. If there was, he wouldn't live inside the village. Regarding
4 people going there and things to do, he drove through there on the way here. The parking lot was
5 full. People were out walking dogs and enjoying it on a Tuesday night. He hopes you guys
6 recognize that the people that come up here are typically the folks that go to Yelp for complaints,
7 not the people that are out enjoying it. Two meetings ago it was basically all complaints. He
8 almost came down to give his positive opinion. He came two weeks ago and there were too many
9 people speaking on a positive behalf. He hopes you recognize that while there is negative, the
10 developer has shown that he wants what is best for the town. He is spending money to revise
11 plans that the town doesn't see. It is not free to pay for engineering. He hopes that you
12 understand that people that go there and enjoy it, won't always show up here. He lives in the
13 north village, and he bought a condo there because what was proposed and what is currently
14 being built. He has lived in cities and we are nowhere close to that, even with the 300 residential
15 units. He discussed Haverhill where he grew up. He used to come to Salem growing up to get
16 stuff tax free, like many people do. Now they have a reason to stay. He discussed what is on
17 Route 28. Since he has been old enough to drive, the Rockingham track has been a dump. He
18 thinks the overwhelming majority of people in town is happy with the Tuscan Village. There are
19 millions of dollars being poured in, just in taxes. He pays \$8,500 a year for taxes and he doesn't
20 have kids. We'll probably get an additional 20-40 students in school. That is what his tax dollars
21 go to. Maybe there will be kids from families that will be starting, but there will also be kids
22 coming out of school. He mentioned people buying condos who want to down size. At this point
23 we are dragging our feet. Regarding traffic, there is none. He drives it multiple times a day.
24 Regarding amenities, we can't get the town to rebuild a skate park and this developer is coming
25 in to revise plans to add stuff. He has to spend money on that and won't get a return on it. He
26 hopes you vote in favor of these residential units. The majority of people in Salem enjoy using
27 the facilities there. If anyone has an issue with Tuscan Village, they can meet him and he'd be
28 happy to tell them why they are wrong.

29
30 Mr. Gross said, at that time, we were going through the master plan development, which started
31 in December 2020, and at that time, there was no affordable housing ordinance like this. Because
32 we were in the middle, we spoke with Jacob and Ross a lot about how to navigate through this
33 because it's important for the town to have affordable housing. And the benefit for us was,
34 instead of building 30 here and 20 here, we'd build it all in one location, which makes sense. We
35 came to an agreement that, even though it wasn't on the books, we provided it and we agreed to
36 it.

37
38 Jeff Hatch, 35 Royal Circle, asked the Chairman about two issues. He would like to see you take
39 a vote on whether you will give them a credit or not.

40 Chairman Belair said he doesn't think we need to vote on that, but we need to vote on the plan.
41 He doesn't see how that is part of the regulation.

42 Mr. Hatch asked, so if the plan passes, they automatically get credit for that?

43 Chairman Belair said, that is the way the proposal is in front of us now, so essentially, we will be
44 voting on that.

1 Mr. Hatch said, he doesn't have a problem with the 300 units, but receiving credit for something
2 that was already done, before this was even a pipe dream, he would hate to see this plan fail
3 based on that.

4 Mr. Faro said, when the 74 units were contemplated, it was after the 883 units were approved in
5 the previous two master plans in 2016 and 2018. No affordable housing was contemplated at that
6 time because the ordinance didn't exist. We built these 74 units which cost us money. And after
7 the 883 units were approved, on both of those master plans, those 74 units were expressedly for
8 any additional residential units. There were conversations with Ross and Jacob and with the
9 board. It was after those two plans were approved, and after those 883 units of market rate
10 housing were approved, the 74 units divided by 10 percent were for another 740 units. Subtract
11 Caro and Hanover 2 and you get the balance which is 443 units. What he will commit to now, is
12 we will utilize that credit only for the purpose of building 1300 and we will wipe out the rest of
13 those credits and any further residential development. From here on out, we will have 10 percent
14 of those units on site.

15
16 Chairman Belair mentioned the impact fee schedule. This isn't where we would put it together, it
17 will be at the site plan level.

18 Mr. LaFontaine said that's correct.

19 Chairman Belair mentioned recreation. You guys have made some solid moves in the right
20 direction. That helps him out.

21
22 Mr. Pelletier asked Chief Best to the podium. It was noted tonight about the ladder truck. His
23 question in previous meetings to you and also in person on the site walk, was if our ladder truck
24 that we presently have, adequate enough to reach the top floor of the building. Yesterday it was
25 yes provided it has solid ground to work with, and Tuscan does. It was his recollection that if and
26 when a west side fire station is built, that the ladder truck will be housed in that location. Can
27 you verify this?

28
29 Larry Best, Fire Chief, said the question is, will our ladder truck reach upper floors, and roofs of
30 the current building? Yes. Our current ladder truck will reach and operate just fine there.

31 Regarding a second ladder truck in the future, that is something we talked about in the future.

32 There are large buildings in Tuscan, but there are also other large buildings in Salem where a
33 second ladder truck could be advantageous. Regarding where to house it, his thought was in the
34 west side, but that may change with your next Fire Chief. Everything that's occurring with
35 growth in this community, is fluid. Things will change based on growth and call volume.

36 Mr. Pelletier asked, so if there were a second ladder truck purchased, would it or would it not be
37 used for the Tuscan project or Tuscan area primarily, or would it be used town wide?

38 Fire Chief Best said, it could be used anywhere. Not just specific to Tuscan. He thanked the
39 board and the community for your support over the years. He has been Chief for almost 5 years.
40 He appreciates the support of you and the community. We have a great working relationship with
41 the community and Tuscan. Our inspectional services do a fantastic job, as well as the
42 firefighters and dispatchers. He wanted to thank you and give credit to them. In the future, the
43 Fire Department will continue forward. There is a tremendous amount of talent in the Fire
44 Department and everything will keep running. He thanked the board.

1 Mr. Norcross asked Mr. Halvorsen to speak to the call volume that Mrs. Moss spoke about.
2 Mr. Halvorsen said, this was a discussion that we went back and forth on with the Town
3 Manager and Jacob. The town felt that was the fair way to allocate it to look at the call volume
4 directly to commercial and residential. He explained the calls that were allocated.

5
6 Ms. Carlson asked, what would you say the likelihood of residential being proposed in future
7 updates?

8 Mr. Gross said, anything is possible. Look at where we've been and where we've come. We
9 don't have a plan right now.

10 Ms. Carlson said she wants to make sure that we are not saying affordable will be in future
11 updates and then there is no residential that will happen. She wants to make sure, we are not
12 saying there will be more affordable housing in the future and then that affordable housing will
13 never actually come.

14 Mr. Gross said, the reason we did that was because of this whole issue of offsite and we were in
15 between.

16 Ms. Carlson asked, what is the anticipated construction duration for building 1300?

17 Mr. Gross said, it is about 2 years, so 2025.

18 Ms. Carlson asked, so if it is approved tonight?

19 Mr. Gross said we can't move forward on that until we get the site plan. We are proposing to
20 start construction in November of this year if we get site plan approval before that and we'd be
21 opening late 2025.

22 Ms. Carlson asked, when you opened the other residential buildings, what was the occupancy
23 approximately at the time of opening?

24 Mr. Gross explained that they opened in phases. It depends on how the building is constructed.
25 Its almost 100 percent occupied by the time it's ready. They already have reservations for people
26 that want to move in there.

27 Ms. Carlson asked, what is the lease duration?

28 Mr. Gross said, almost immediately.

29 Ms. Carlson said, there was concern of opening the buildings and having an influx of impacts to
30 police and fire. She is trying to understand what that direct impact will be. If these 300 units are
31 approved, are they all opening on day one?

32 Mr. Gross said no. They will be phased. Generally it's about a year to get all three phases open
33 and occupied. The contribution is to create that funding gap. When buildings are first being built,
34 there are not a lot of calls for fire and police, most of it is the Building Department and
35 inspections. So it is not like the costs are 100 percent the first year. The gap funding is to provide
36 funding until that building opens and then the tax revenues from that building, provide the
37 services to continue that personnel.

38
39 Chairman Belair asked Jacob to read the conditions.

40
41 Mr. LaFontaine read the following conditions:

42 1. Prior to site plan approval for individual projects, update February 6, 2021 parking
43 management plan. Submit annual parking demand study for December 2022.

44 2. Add areas in front of building 1300 and in between buildings 1200 and 1300 to recreation
45 open space overview plan.

- 1 3. Prior to occupancy of individual projects (building 1300) build recreation areas of sufficient
- 2 size and character for new development.
- 3 4. Update Desman Shared Parking Report using the 2023 parking demand study by 2/28/24;
- 4 conduct driveway counts at all eight “gateways” in December 2024 to verify compliance with the
- 5 “trip generation budget”. Submit summary report by 2/1/25 and address if necessary; comply
- 6 with parking management plan dated 2/6/21, as amended and approved by town; applicant must
- 7 operate site so that parking lot capacity is not exceeded.
- 8 5. Comply with maximum 70% lot coverage for South Tuscan Village (120 acres minus Liberty
- 9 Utilities parcel).
- 10 6. The Planning Board has determined that the current impact fee schedule is insufficient and
- 11 without amendments have found this proposal to be premature, therefore the applicant will pay
- 12 impact fees for any new projects that have not been constructed to date in accordance with the
- 13 impact fee schedule as amended regardless of the timing and implementation of those revised
- 14 impact fees per Joe Faro 7/27/23 memo.
- 15 7. The applicant commits to providing workforce housing, as defined by the US Department of
- 16 Housing and Urban Development, units equal to at least 10% of any additional residential units
- 17 on site per Joe Faro 7/27/23 memo.
- 18 8. All representations (including 7/27/23 Joe Faro memo) by applicant or agents, all documents
- 19 submitted as part of the application, and all notes on plans are incorporated as part of approval.
- 20

21 **MOTION by Mr. Lewis to grant conditional approval of the Tuscan Village Master**
 22 **Development site plan with the 8 conditions as stipulated by Mr. LaFontaine.**
 23 **SECOND by Mr. Pelletier.**

24
 25 Mr. Lewis said, on condition 7, regarding Mr. Hatch’s point, and Mr. Gross addressed this,
 26 defining the word site, is that defined in any document referenced in 7, or do we want to define it
 27 here, or is it necessary?

28 Mr. LaFontaine said, in terms of onsite, we could note that it’s the 120 acre parcel.

29 Mr. Lewis asked, is that the intent Mr. Gross?

30 Mr. Gross said yes.

31
 32 Mrs. Harvey would like to make a clarification of the term affordable housing. That term should
 33 have been workforce housing. It’s in the motion, but she wants to make a clarification because
 34 Salem currently does not have an affordable housing ordinance. We used to have one, but it was
 35 replaced by the workforce housing ordinance years ago. That is the ordinance that is being
 36 discussed.

37 Mr. Gross said the 10 % refers to affordable.

38 Mrs. Harvey explained the difference. There is a big misconception about the people that would
 39 be moving in.

40
 41 **VOTE ON MOTION: 6 - 1 (Mr. Lewis opposed.)**

42
 43 **NEW BUSINESS**

- 44
 45 1. DEMERS AND LAGREE SUBDIVISION PLAN – Preliminary Hearing for lot line

1 adjustment at 58 Mary Ann Ave and 246 Shore Drive, Map 33, Lot 5228 and 5233.

2
3 **MOTION by Mr. Lewis to accept the Demers and Lagree subdivision plan application as**
4 **complete.**

5 **SECOND by Ms. Donovan.**

6
7 **VOTE ON MOTION: 7 – 0**

8 **UNANIMOUS**

9
10 Abutters: There were no abutters present.

11
12 Kurt Meisner with Meisner Brem Corporation, said that what we have is a lot line adjustment
13 and it's a product of the discontinuance of a section of road. There is a section of an old road,
14 which he showed on the plan. We went to Town Council a couple weeks ago and we got the
15 release of dedication for that section of road, which he showed on the plan. We did that for the
16 purposes of adding a section. Half of the property that runs up Maryann and an unnamed right-
17 of-way, that section will be added to this lot right here and another section of that right-of-way.
18 He explained what will be added to each lot. The owners are here. We need a plan that shows
19 those parcels so they can get into the title of those properties. Once the plan is approved, an
20 attorney will rewrite the deed. We are calling it a lot line adjustment but it is a product of a
21 discontinuance of the road. The Lagree lot has a house on it, and there is a vacant lot.

22
23 Staff comments:

24 Town Council did release a dedication of right-of-way at their July 10th meeting. Those minutes
25 are in the packet.

26 He got comments from the Engineering Division which can be incorporated as part of the
27 approval.

28
29 Chairman Belair asked for public input. There was none.

30
31 Mr. LaFontaine recommends, if your concerns are satisfied, to hear in one hearing and grant
32 conditional approval subject to conditions he has.

33
34 Mr. LaFontaine read the following conditions:

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

39
40 **MOTION by Mr. Lewis to hear in one hearing and grant conditional approval of the**
41 **Demers and Lagree subdivision plan with the 3 conditions as stipulated by Mr. LaFontaine.**

42 **SECOND by Ms. Donovan.**

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

45 **UNANIMOUS**

1
 2 Mr. LaFontaine asked if we opened this to the public.
 3 Chairman Belair said we did.
 4 Mr. LaFontaine explained to an abutter that it is not to be constructed, it is to be incorporated
 5 into the two adjacent parcels. There will be no road constructed.
 6 Mr. Meisner explained that there is an old paper street. The town has discontinued the use of that
 7 road. The two petitioners on either side of it, will get a portion of that right-of-way. There is no
 8 road to be constructed.
 9

10 The board recessed at 9:55 p.m. The board reconvened at 9:59 p.m.

11
 12 2. FALCO SITE PLAN – Public Hearing for amended conditional use permit for Prime
 13 Wetland buffer encroachment at 142 Brady Ave, Map 114, Lot 8668.
 14

15 Mr. LaFontaine explained that there was a question raised by one board member regarding the
 16 procedural requirements for a conditional use permit. The Planning Board may grant a
 17 conditional use permit to modify the requirement of subsections E, F, and G, which are in the
 18 wetlands ordinance, which include prime wetland buffer provided that the board finds that all the
 19 criteria are met. One criteria is that a recommendation from the Conservation Commission is
 20 submitted. This conditional use permit is an amended conditional use permit that the board
 21 approved in 2022. He thinks that conditional use permit request was included in the packet as
 22 well as meeting minutes, and minutes from the Conservation Commission meeting, where they
 23 provide a recommendation. This is different because traditionally, we’ve always interpreted the
 24 prime wetland buffer as a buffer, not a setback. If vegetation was disturbed, we wouldn’t have
 25 you re-establish the buffer, we’d have you meet the wetland setbacks, which is 40 feet. Here it
 26 was a vegetated site and they removed the vegetation and got a conditional use permit for the
 27 construction of a driveway grade and associated infrastructure within 100 feet of a prime
 28 wetland. The question came up when the applicant came in to install a patio. They installed the
 29 pool and that permit was issued without planning review because it was shown outside of the
 30 prime wetland buffer. We discussed this at our last meeting under Public Matters, and we asked
 31 for your direction on whether you wanted to review these modifications formally at a site plan
 32 level, and that is what brought us to this point. He wanted to let you know the background and to
 33 let you know that information, prior to making a determination to accept if the plan is complete
 34 or not.
 35

36 Chairman Belair asked Mr. LaFontaine, do you feel it needs to go back to the Conservation
 37 Commission? Are we within the statute to make the determination ourself without a
 38 recommendation, or do we need to have that?

39 Mr. LaFontaine said, if you look at it as an amended conditional use permit, and you feel that
 40 you have the recommendation from the Conservation Commission. There is a feeling that the
 41 recommended approval from the Conservation Commission is no longer valid because the plan
 42 has changed. They aren’t disturbing additional vegetation, they are locating structures within the
 43 prime wetland buffer. But they won’t remove any additional vegetation. The property owner
 44 indicated it was a misunderstanding that the fence line that demarcates the conservation area and
 45 also what remains of the prime wetland buffer. It was their understanding that they couldn’t put

1 anything in that area. It is up to the will of the board if you feel that the recommendation from
2 the Conservation Commission in May 2022 is still valid. There were 3 recommendations, which
3 he read. One was proposed buffers marked with placards and fence. That was done. Impact
4 mitigated with plantings, that was done, and three, the area be shown as conservation land on the
5 plan and we did attach those minutes. His initial feeling was that we have the recommendation
6 from the Conservation Commission on the disturbance. He doesn't want to the cut the legs out
7 from the Conservation Commission if their sentiment is different, and if it is different than what
8 was approved in 2022. It's tricky because traditionally we've interpreted the buffer as a buffer
9 and not a setback. Do we have someone come in every time? He discussed this.

10
11 **MOTION by Mr. Lewis to accept the Falco site plan application as complete.**

12 **SECOND by Ms. Donovan.**

13
14 Mrs. Harvey said, the problem is that the information that was put on the Planning Board form
15 didn't include the motion that was made at the Conservation Commission hearing to approve the
16 plan. It did include the conditions, but our minutes were included. She is on both the
17 Conservation Commission and this board. The motion made at the Conservation Commission
18 was that we recommend approval of this request to the Planning Board with the condition that
19 the land remain pretty much undisturbed. But that wouldn't be determined until construction,
20 because we didn't know what would need to be disturbed in order to construct the house. The
21 house and the road is what was presented to us at that meeting. This other stuff has now been
22 added to that plan, the patio, pool, shed, etc. Then there were other things like mitigation
23 proposed. Part of our meeting, we said that normally we don't like to recommend approval for
24 encroachments especially into a prime wetland buffer. Those are the highest forms of wetlands.
25 Based on New Hampshire law, a property owner has a right to develop their property. In this
26 case, there was a property owner who wants to put a house on the property and was legally
27 zoned, and variances were received. Our job is to protect the prime wetland and buffers. In this
28 situation, we have no choice in the matter but to recommend conditional approval for what was
29 presented to us. Now that whole plan has changed because of these additions. Therefore, she
30 believes it should go back to the Conservation Commission for a recommendation on the
31 additional changes to this plan, to come back with a recommendation back to the Planning
32 Board, on what we'd recommend based on our statutes and ordinances with respect to their
33 request.

34 Mr. Lewis asked for a point of order. We need to vote on whether or not to accept it.

35
36 Mr. Norcross made a point of inquiry. Is it factually correct that vegetation was removed from
37 this site since the Conservation Commission approved the plan?

38
39 Mr. LaFontaine said, the buffer would have been removed after the approval, but they submitted
40 an as-built site plan that showed that the limits of disturbance was in accordance with the
41 conditional use permit that they requested. He showed the plan, and the disturbance is
42 highlighted in yellow. They marked that with plantings and a post and rail fence. That area was
43 removed and that was done to construct the house. Since that time they haven't removed any
44 vegetation outside of that area. You have the shed, pool and proposed platform which is partially
45 within the prime wetland buffer and the fence. The question is if those constitute a new

1 application that will need review by Conservation Commission. If that's the will of the board, the
2 deadline is next week to go to the Conservation Commission the first week of September, and
3 come to the Planning Board the second week. If the Planning Board feels that this is a minor
4 amendment to the existing conditional use permit, and you are satisfied with the recommendation
5 from the Conservation Commission, then you can move forward. It is a little awkward because
6 of the fact that we've always interpreted it as a buffer but when the buffer doesn't exist then we
7 haven't retroactively applied it. But most of those sites are existing sites, but this is a site that
8 was developed in 2022.

9
10 Ms. Donovan asked, the patio and pool are within the buffer, and the shed isn't?

11 Mr. LaFontaine showed the buffer on the plan. He explained what is in and outside of the buffer.
12 Chairman Belair asked, so the driveway was in the buffer, but now we are just talking about the
13 patio?

14 Mr. LaFontaine said yes. The previous conditional use permit was for driveway grade and
15 associated infrastructure.

16
17 **VOTE ON MOTION: 7 – 0**

18 **UNANIMOUS**

19
20 Abutters: There were no abutters present.

21
22 Kurt Meisner with Meisner Brem Corporation is here to represent Luigi Falco, who is the new
23 homeowner of the property, and he is here. To clarify, the former buffer was at that line, which
24 he showed, but our position is that since the construction was completed, that the new buffer will
25 be along that fence line that was part of the permit. All of the work that was done on this site was
26 done within the permit that they got. Salem Manufactured Homes was the applicant at the time.
27 They built the home on the property, and sold it to Mr. Falco. Mr. Falcon then wished to put a
28 pool and shed on this property, which Mr. Meisner showed on the plan. It is outside of the buffer
29 and within the permitted area. So that buffer is gone. It is no different from any other property
30 that was previously developed where a buffer isn't 100 feet from the prime wetland line. None of
31 the work that was performed out here was within any setback. There is a difference between a
32 setback and a buffer. They are completely within their right. All we are talking about now is
33 timing. If he waited a year, nobody would have thought about this. He owned the property and
34 months later applied for a permit to build a patio. At that time, someone noticed there was a pool
35 and asked about buffer and that discussion took place. Mr. Meisner has submitted a letter to you
36 and we have complied with all the requirements of the original conditional use permit. Our
37 position is, that once that buffer is removed, the lawn is planted, its removed and it's within the
38 permit that now if he wants to build a shed, he is outside of the wetland setback, so that's OK.
39 And the pool is out here, outside of the setback, so that doesn't require a conditional use permit.
40 So there is no period in time where any permit that you ever issue, once the property is
41 developed, every time someone wants to do something in their backyard, they would have to
42 come in and ask for a permit from the Conservation Commission and the Planning Board. All the
43 work done here, was within the permit. We are here at the behest of the town staff to ask for an
44 amendment to a permit that we believe we don't need to ask for.

1 Mr. LaFontaine said, you are not here at the behest of town staff but under the behest of the
2 Planning Board because we reviewed this under public matters at the last meeting.

3
4 Staff comments:

5 He already spoke about the process of the conditional use permit. If you do a strict interpretation
6 of the ordinance it does refer to structures. So he thinks the Planning Board was valid in
7 determining that this should come in for an amended conditional use permit.

8 He discussed the request. There was Conservation Commission review and approval from May
9 4, 2022. Those are the three conditions that he read previously.

10 The area was shown as conservation land and there was declaration of restricted covenant in the
11 file, for that land.

12 The prime wetland buffer was 100 feet and there was 22 feet proposed and that was approved
13 previously, and that is where the fence line is.

14 A variance was granted with the condition to infiltrate the roof and driveway runoff, which they
15 did and received occupancy.

16 Recommendation - if the board's concerns are satisfied, we recommend that you grant the
17 conditional use permit with conditions that he can provide.

18
19 Mr. LaFontaine read the following conditions:

20 1. Construct all site improvements in accordance with approved plan.

21 2. Note amended conditional use permit to allow existing pool, fence, shed and proposed deck on
22 grade within 100 feet to a prime wetland, on plan.

23 3. All representations made by applicant or agents and all notes on plans are incorporated as part
24 of the approval.

25
26 Chairman Belair asked for public input. There was none.

27
28 Mrs. Harvey said, when it was presented to us the presentation was, "we don't know how much
29 of this we'll have to disturb because of the grading, in order to do a road and house. Whatever
30 we don't disturb will remain natural and that will be the edge of the buffer area." The fact that
31 we don't know if they disturbed more in order to get it out to where they were showing the fence,
32 that was presented as, "this is about where we think it will be, but we don't know for sure until
33 we get out there" which is why the motion was made the way it was. That will be determined
34 with construction. The fact that they have a right to put a house on their lot, doesn't mean they
35 have a right to a backyard. It doesn't mean they can remove natural habitat in a prime wetland
36 buffer in order to add additional lawn. She agrees that the ordinance says, if area is previously
37 disturbed it's no longer considered part of the prime wetland buffer. But it wasn't previously
38 disturbed, they disturbed it to do the house. We don't know how much additional may have been
39 disturbed. It is possible that we will recommend that parts of the lawn be returned to a natural
40 habitat, and that the shed be removed and that area be returned to a natural habitat. She doesn't
41 know the answer without looking at the property. That is something the Conservation
42 Commission does with all of our applications. She is requesting that this be continued to the next
43 meeting and we will have our meeting in between and we will have a recommendation at that
44 time.

45 Chairman Belair disagreed.

1
 2 Mr. Meisner said, the question and issue is, how much was disturbed and maybe there was more
 3 or maybe there was less. The amount that was disturbed is exactly in accordance with the
 4 designed plan. There was nothing additional disturbed. Item 1 in the conditional use application,
 5 the original one, it says the modification and work will serve to meet the purpose and the intent
 6 of the wetland conservation ordinance in section 490-706 by defining the limit of the buffer and
 7 the additional planting of trees. The whole purpose of what we did before was to define the limit
 8 of the buffer. That is what we are using now. Everything behind it towards the wetland is still
 9 buffer. Everything to the north side of it has been developed as a lawn and backyard. And it's
 10 reasonable to have a backyard when you have a house.

11 Mr. Lewis asked, is this a situation where we have to look at how we are interpreting the statute?

12 Mr. LaFontaine said, traditionally it has been interpreted as a buffer. He discussed this. If you
 13 interpret the ordinance strictly, it does talk about exempt properties and one is if the buffer
 14 doesn't exist. Here, the buffer was removed and there are additions. Do you think there is
 15 additional mitigation? They provided the post and rail fence and plantings in accordance with the
 16 ordinance and designated the remainder of the area as conservation.

17 Chairman Belair thinks that's getting into the Conservation Commission purview.

18 Mr. LaFontaine said, when the question came up if Conservation Commission approval was
 19 needed, his thought was, we have done quite a bit in terms of mitigation. Is there more they can
 20 do beyond what we required, like the buffer, plantings and area to be designated as conservation
 21 land?

22

23 **MOTION by Ms. Donovan to approve the Falco site plan as per its amended conditional**
 24 **use permit prime wetland buffer encroachment.**

25 **SECOND by Mr. Lewis.**

26

27 **VOTE ON MOTION: 6 – 0 – 1 (Mrs. Harvey abstained.)**

28

29 Mr. LaFontaine asked if we can hear item 4 first. That's the priority for the applicant. It's the
 30 same property owner.

31

32 Chairman Belair said, at the request of the applicant we will go to Main Street 380.

33

34 3. MAIN STREET 380, LLC SITE PLAN – Public Hearing for change-of-use (daycare center
 35 with 82 children) at 380 Main Street, Map 76, Lot 7303.

36

37 **MOTION by Mr. Lewis to accept the Main Street 380, LLC site plan application as**
 38 **complete.**

39 **SECOND by Ms. Donovan.**

40

41 **VOTE ON MOTION: 7 – 0**

42 **UNANIMOUS**

43

44 Abutters: There were no abutters present.

45

1 Michael Malynowski, from Allen & Major Associates, is here with David Abare, the owner of
2 the property. We are proposing a change of use at the old Windham parcel. It is three buildings.
3 We will convert the middle building, approximately 6,200 square feet, into a daycare facility.
4 Part of the proposal is to increase the water service. Currently there are several undersized water
5 services that serve the 3 buildings, from municipal services. The proposal is to bring an 8 inch
6 line into the property for sprinkler service for all the buildings. We have a decrease of about
7 7,200 square feet of pavement being removed. He showed the plan. We are removing 15 spaces
8 behind the building for a playground. We will be removing all of the pavement in that area. A
9 portion will be turned to grass and a section will be fenced with bark mulch for the playground.
10 We been working with Jacob as of this morning to revise the plan based on their comments
11 which have been addressed. Staff was looking for additional items relative to accessible parking.
12 There were 2 spaces in front and we restriped it to show those spaces and provide additional
13 signage. We will put signage that meets the requirements, and we will add some directional
14 arrows. It is not part of the change of use, but we added it to the plans. Those two buildings are
15 vacant and will remain vacant. We also added arrows behind the building. It is currently a one
16 way and most of that parking will be used for staff. We have a requirement for 155 parking
17 spaces that presumes that the previous office use for two buildings will remain, and the change
18 for the daycare. There are 221 spaces currently shown which takes into account the 15 being
19 removed to construct the playground. We addressed comments from Jim Brown regarding the
20 utility line. He explained those comments. Those are shown on the updated plans. We added
21 some landscaping in front of the building. Now there is minimal landscaping. We provided some
22 shrubbery and grass in front of the building to beautify that piece of it.

23
24 Staff Comments:

25 The proposal is for an 82 child daycare facility.

26 No changes to the drainage system.

27 They are on town water and septic. They have submitted a water upgrade plan.

28 Jim Brown reviewed it and provided comments, which we can condition as part of the approval.

29 Elevation drawings were submitted, which show the existing building.

30 The applicant did a very good job at 401 Main Street. We talked about potential enhancements
31 that can be made to the middle building. The one to the front and to the rear were upgraded and
32 look nice. The applicant did acknowledge that this one looks tired and there is intent to make
33 façade improvements at some point.

34 They are eliminating 15 spaces and are still OK. There are 155 spaces required and they
35 provided 222 spaces.

36 They will add upright signs to ADA, which is a requirement.

37 This portion of Route 97 is State right-of-way, so they may need NHDOT approval. We can
38 confirm that with the applicant.

39 There are no changes proposed to landscaping. He noticed that there is a small bed in front of the
40 building that could use enhancements. The applicant agreed to add plantings and they submitted
41 a planting plan and detail for dumpster enclosure.

42 We noted that the freestanding sign is in the right-of-way, so that will have to be addressed. At
43 401, we conditioned that the sign be removed out of the right-of-way. We think they will come
44 in for additional applications here, and it is up to the board if they want to tie that to this
45 application or a future one.

1 The hours of operation are 6:30 am to 5:30 pm.
 2 The board could request replacing the chain link fence with vinyl. The applicant has shown a
 3 chain link with privacy slats. It is up to the board’s purview. This is setback from the street, and
 4 will be visible as you enter, but it is pretty far removed.
 5 On past applications for daycares, we required a memo on drop off and pick up procedures. The
 6 board may want to request one. It is not all that consequential now with the vacant buildings, but
 7 if they are occupied, we may want a sense of how those procedures happen.
 8 There is an existing drive aisle that goes around the building. (The applicant said that area will be
 9 turned to grass). That comment is satisfied.
 10 He noted when he was at the site, there is existing vegetation in the State right-of-way, but we
 11 can coordinate that. It obstructs sight distance, but he can have the Safety Officer review that
 12 prior to occupancy if the board is comfortable with that. It is just some low brush that needs to be
 13 cleaned up.
 14 Recommend - if the board’s concerns are satisfied, he has conditions.

15
 16 Chairman Belair asked for public input. There was none.

17
 18 Mr. LaFontaine read the following conditions:

- 19 1. Prior to building permit, submit Engineering approval.
- 20 2. Prior to occupancy, construct all site improvements in accordance with approved plan.
- 21 3. Prior to occupancy, submit State childcare license.
- 22 4. Prior to occupancy, provide certified as-built.
- 23 5. Prior to occupancy, submit drop off and pick up procedure memo.
- 24 6. All representations made by applicant or agents and all notes on the plan are incorporated as
 25 part of the approval.

26
 27 **MOTION by Mr. Lewis to grant conditional approval of the Main Street 380, LLC site
 28 plan with the 6 conditions as stipulated by Mr. LaFontaine, and he would like to add the
 29 pick-up drop-off memo.**

30 **SECOND by Ms. Donovan.**

31
 32 **VOTE ON MOTION: 7 – 0**

33 **UNANIMOUS**

34
 35 Mr. Malynowski said, we have another change of use. How do we go about addressing that?
 36 The board agreed to hear the next plan tonight.

- 37
 38 4. MAIN STREET 401, LLC SITE PLAN – Public Hearing for change of use (2,400 sq. ft.
 39 self-serve laundry facility) at 401 Main Street, Map 76, Lot 7383.

40
 41 **MOTION by Mr. Lewis to accept the Main Street 401, LLC site plan application as
 42 complete.**

43 **SECOND by Ms. Donovan.**

44
 45 **VOTE ON MOTION: 7 – 0**

1 **UNANIMOUS**

2
3 Abutters: There were no abutters present.

4
5 Michael Malynowski, from Allen and Major, is representing 401 Main LLC, for the conversion
6 of a single tenant space, #106, from daycare to a self-serve laundromat. There is no proposal to
7 change parking. The parking shown is adequate. The septic system has capacity. The existing
8 one was overdesigned. Even with the addition of Aroma Joe's, that this board approved a few
9 years ago, we still have surplus capacity. The existing water service is provided by Methuen.
10 There is a large 8 inch line that comes in the back of the building that is adequate. The building
11 has gone under an extensive façade enhancement. That will all remain the same. Signage for the
12 new use will match the signs that are currently on the plaza now, which he described.

13
14 Staff comments:

15 Is to convert a portion of child care to a self-serve laundromat.

16 On the plan review form, we said it may need the OK from Methuen in terms of water. We got
17 correspondence from Jim Brown recommending approval subject to Methuen Water Department
18 review and approval. So we can make that a condition.

19 He noticed that Mr. Abare has done a very nice job with the façade improvements. The design
20 elements, the signage is consistent and it looks great and conforms well to our design guidelines.

21 He noticed that one sign sticks out because it didn't follow the design of the other signs. He
22 spoke with Mr. Abare about that, and there was miscommunication with the tenant. They didn't
23 come in for a sign permit. If they did, the Planning Department would have told them to be
24 consistent. It is great that they committed to meet our design guidelines and have the signage be
25 compatible with the buildings and patterns.

26 Recommend – he has conditions of approval.

27
28 Mr. LaFontaine read the following conditions:

- 29 1. Prior to building permit, submit Methuen Water Department approval.
30 2. Signage shall be compatible with building and surroundings through use of similar detail,
31 form, color, lighting, and materials.
32 3. All representations made by applicant or agents and all notes on the plan are incorporated as
33 part of the approval.

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

36
37 Mr. Lewis mentioned the septic. Aroma Joe's is on this. It was installed in the 1980's. We have
38 seen a project on North Broadway that will have a coffee shop and we discussed potential
39 impacts of a coffee shop on a private septic. When was the last time this was inspected?

40 Mr. Malynowski said, it was rebuilt in December of last year. The coffee shops draw a lot of
41 water, but very little goes to the septic system.

42
43 **MOTION by Mr. Lewis to grant conditional approval for Main Street 401, LLC site plan**
44 **with the three conditions as stipulated by Mr. LaFontaine.**

45 **SECOND by Ms. Donovan.**

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VOTE ON MOTION: 7 – 0
UNANIMOUS

PUBLIC MATTERS

1. Wayfinding signs for Tuscan Village

Mr. LaFontaine said, in the packet there was a letter from Mr. Gross regarding the wayfinding directional signage for Tuscan Village. He provided images of the signs that were approved and images of the signs that are proposed, which Jacob showed. He wanted to bring it before you. They intend to install three and Mr. LaFontaine wanted to make sure there are no concerns and that you are comfortable with the design of the signs.

The consensus of the board is that they are comfortable with the signs.

2. Kachadorian Park

Mr. LaFontaine said that Kachadorian Park submitted as-built plans. They are looking to occupy the space. There were a couple discrepancies on the as-built plan and also when we performed the site inspection checklist. Those items were sent to you via email. There are supposed to be 6 crab trees along the frontage. Those are not planted but in lieu of those, they put Birch trees, which Jacob showed on the plan. The 5 foot walkway pavers are shown on the plan, but not constructed. The applicant would prefer not to put them there. There will be heavy equipment, and they feel that the pavers won't hold up well. Jacob wanted to see if the board has any concerns with those areas not being constructed. There are a couple others items that will be constructed in the future like landscaping areas. There was a ZBA condition that the wheel and chassis be covered, but that hasn't been done because they are not displayed yet. Those items can be bonded if needed. Also jersey barriers were added. The applicant is asking to leave them for one year to allow vegetation behind them to be established and not be interrupted by the activity on the site. Do you have any concerns?

Chairman Belair asked Mr. LaFontaine, do you have any concerns?

Mr. LaFontaine said no.

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

3. 47 Wheeler Avenue

Mr. LaFontaine said he forwarded an email regarding a garage at 47 Wheeler Avenue. This is in the packet. The question is if the garage is incidental to a residential use. It is a very large garage. Chairman Belair said, you sent it earlier.

Mr. LaFontaine said, our ordinance allows garages that are incidental to a residential use. One question is if a garage that is greater in area than the gross floor area of the house is incidental?

Chairman Belair asked, does it say that in our ordinances?

Mr. LaFontaine said, it doesn't say about the area.

1
2 There was discussion about this.
3
4 Mr. Lewis asked if it is habitable.
5 The applicant said no.
6
7 Mr. Norcross asked if it meets the setback.
8 Mr. LaFontaine said, it meets the setback and there was a question about lot coverage, but it
9 meets that. There was discussion about historically that maybe the interpretation is that incidental
10 needs to be less than the house. He is fine with the interpretation that's been made by the
11 Planning Board.
12 Mr. Norcross said, you noted that the neighbor built one.
13 Mr. LaFontaine said, the example that was submitted was an older barn. We have several large
14 barns in Salem. He and Ross had gone out one time to look at it and he explained what they saw.
15 It was all personal items. That was one of the questions.
16 Chairman Belair said, if it's a business, then neighbors would complain.
17
18 The consensus of the board is that they are OK with it.

19
20 4. George Fredette

21
22 Mr. LaFontaine said there is an email from Mr. Fredette in the packet. It is for two minor site
23 plan amendments to 19 Keewaydin. Mr. LaFontaine wanted to bring it to your attention because
24 it is a change to the site plan. The dumpster location is moving and they will modify the
25 crosswalk striping. Do you have any concerns?
26 Mr. Pelletier asked, is the dumpster going in a logical place?
27 Mr. LaFontaine showed it on the plan.
28
29 The consensus of the board is that they are OK with it.

30
31 5. Michael's Flatbread and Market

32
33 Mr. LaFontaine said he has a request form Michael Ouellette who is the owner of Michael's
34 Flatbread and Market. He is requesting to conduct a one-time event, called Pizza Stock on Stiles
35 Road, behind his existing location. He provided a plan to show an area where there will be a
36 stage for music and standing area. There will be canopies and tables and they will be protected
37 with barriers. Everything will be accessed through the restaurant. The hours will be 2:00 pm to
38 9:00 pm. He said that's when a lot of the other tenants in the plaza close. Jacob read from the
39 letter. Does the board have any concerns?
40 Ms. Donovan said, it's a Derry nonprofit and they do really great work. She had them at a bunch
41 of her events and it is always very well run. She has no problem with it.
42 Ms. Carlson said, it is for a good cause.

43
44 **MOTION by Ms. Carlson to adjourn.**
45 **SECOND by Mr. Lewis.**

- 1
- 2 **VOTE ON MOTION: 7 - 0**
- 3 **UNANIMOUS**
- 4
- 5 The meeting adjourned around 10:55 p.m.
- 6
- 7 For further information, kindly refer to the DVD dated 8/22/2023, located in the Planning Office.
- 8
- 9 Minutes by: Susan Strugnell, Planning Board Recording Secretary
- 10 Approved: Planning Board
- 11 Date: September 12, 2023, approved