

**MINUTES OF THE
PLANNING BOARD**

**MEETING OF
May 12, 2009**

A meeting of the Planning Board was held on May 12, 2009 at the Salem Town Hall, 33 Geremonty Drive, Salem, NH.

PRESENT: Jim Keller, Chairman; Gene Bryant, Vice-Chair; Phyllis O’Grady, Secretary; Beth Roth, Selectman’s Rep; Ronald Belanger; Robert Campbell; Linda Harvey; Ed DeClercq, Alternate; Jason Haroutunian, Alternate; and Ross Moldoff, Planning Director.

The meeting was called to order at 7:15 p.m. Chairman Keller introduced the board members. There were no withdrawals. Chairman Keller then went over the agenda.

Worksession – Sidewalk Master Plan

Mr. Moldoff explained that in the 2001 master plan, the town adopted a map showing existing sidewalks, proposed sidewalks, bike routes, roads and State highways. The map isn’t very clear so we need a more detailed map. We’ve been talking about updating the sidewalk master plan since about 2001. Mrs. Harvey has updated the information and made an inventory of the existing sidewalks and also the proposed sidewalks. The town’s GIS coordinator was working on a project to get a detailed inventory of the existing sidewalks also. He measured the lengths and put together a database that links it to businesses, parking lots and schools. We want to present some of the information and go to a public hearing to update the sidewalk information in the master plan. He showed a map of the existing and proposed sidewalks.

Linda Harvey put the current wording from Chapter 9 transportation section of the master plan. She read the current wording of the introduction of the transportation section. She also read the current wording of the non-motorized facilities. The wording is a bit negative. A lot of places in the country started “the whole streets movements” which includes all forms of transportation such as autos, pedestrians and bicycles, etc. In New Hampshire it’s called Bikewalk NH. She took a lot of their information and tried to pull it into our master plan. In the newspaper, it said there were 31 miles of sidewalks. We have to find out if a mile is just one side of the street. This is just a preliminary proposal. She wants to add the wording “a good sidewalk system will connect destinations such as residential areas, schools, recreation areas, shopping areas, park and rides and places of employment.” She also wants to add the wording “an adequate sidewalk consists of..” and just say what an adequate sidewalk is. The next page is recommendations. She has current and proposed recommendations. One proposed recommendation is to prepare a plan with priorities and cost estimates to construct proposed sidewalks. She hopes that by putting this in the master plan, it would be added to our list of annual goals.

1 Chairman Keller regarding recommendations, he views the master plan as a strategic plan for
2 whatever component we're talking about. For the sidewalks, the existing recommendations speak
3 to the placement of sidewalks. He views the new ones as more tactical. He values the
4 recommendations. He's not sure they all belong here, as opposed to elsewhere in other
5 documents. He talked about prioritization of sidewalks, and maybe have a classification system.
6 Mr. Moldoff talked with Mrs. Harvey about that, whether they should be more vague or more
7 detailed. In general the master plan is a policy document, and the specifics are left for
8 implementation, but it could be a blend.

9
10 Chairman Keller said he wants to see where we need the sidewalks, what's the prioritization for
11 construction and what's our strategy of getting that implemented.

12 Mr. Moldoff said that typically the master plan as it relates to sidewalks has been a map. We can
13 go beyond that and have priorities such as near schools or major traffic generators. Typically we
14 wouldn't do costs in the master plan. But we would specify the locations and we can have
15 general priorities.

16 Mrs. Harvey said there is a program called "Safe Routes to Schools" which funds a significant
17 part of highway construction. The State has received millions of dollars for this program and
18 they've only spent about 20% of that because towns weren't applying for the funds. There is a
19 match, it's not a very big match, but the master plan has to have certain information that justifies
20 what you're doing so that's what some of these are going towards.

21 Mr. Moldoff said that he and Mrs. Harvey can look at the recommendations.

22
23 Mr. Belanger asked, would we be able to get some information from Engineering about the cost
24 of annual repairs. If we're doing a sidewalk program, we should let the taxpayers know the repair
25 costs.

26 Mrs. Harvey said there doesn't seem to be policies that give standards for sidewalk construction.
27 The Highway Department said the sidewalks are supposed to be 5 feet wide. A lot of the
28 sidewalks in town are less than 5 feet wide. So she had a recommendation that there should be
29 policies. We should have criteria for sidewalks. Is it appropriate in the master plan to say,
30 "prepare a policy?" She has, "prepare a policy for sidewalk maintenance" in her
31 recommendations.

32
33 Mr. Bryant asked, at the moment, do we plow every sidewalk in town?

34 Chairman Keller replied, no.

35 Mr. Bryant asked, so we don't know exactly how many miles of sidewalk we have, just that we
36 have 31 miles of sidewalk plowed?

37 Mrs. Harvey said the newspaper just said that there are 31 miles of sidewalk plowed.

38
39 Mr. Campbell suggested, in addition to saying where we want sidewalks, we should say where
40 we don't want sidewalks. We don't have a townwide policy on where we do and don't want
41 sidewalks. If people don't want sidewalks in residential subdivisions, then we should have that
42 and not ask people to put them there. But if we do want them, then we should make that the
43 policy. It shouldn't be an ad-hoc thing. Regarding plowing, in some towns it's the responsibility
44 of the person whose property the sidewalk is in front of, to clear it. He also mentioned that it

1 becomes ice when it's plowed. We should have a policy and build it to the policy and further
2 input on whether or not we do it to the policy isn't admitted.

3 Chairman Keller said he thought that a couple years ago, we came up with a proposed approach
4 that talks about the interior of the town as priority one.

5 Mr. Moldoff said we do have that.

6 Chairman Keller suggested maybe bringing that back for the board to look at. In some areas in
7 North Salem for example, they don't make sense.

8
9 Ms. O'Grady basically agreed with the majority of the board on sidewalks. They should be in the
10 densest areas of town. She's not convinced that it should be the responsibility of the person
11 whose sidewalk is in front of their house, because then who assumes the liability if someone gets
12 hurt in front of their house? Is it the homeowner or the town? They should be connected to the
13 schools. Don't put the liability on the homeowner.

14 Mr. Belanger said a lot of cities and towns make it the responsibility of the homeowner, but not
15 the liability. But with Salem, there are a lot of elderly people. Some people can't clean it. He
16 doesn't want to fine the elderly. Plus some people may be in Florida for the winter. Something
17 could be worked out for situations like that. We don't need sidewalks everywhere.

18 Mr. Moldoff showed a database done by Bob Gannon. The map shows existing and proposed
19 sidewalks, schools, parking lots, businesses, buffers from the schools, population density based
20 on housing type, and zoning districts. You can also have specifics, such as length, width and
21 material of the sidewalk, and how many curbcuts, crosswalks and pedestrian lights, etc.

22
23 Chairman Keller asked, a couple years ago, did we also have a connection plan?

24 Mr. Moldoff said we have that. It's on this map. He suggested you prioritize in general terms,
25 such as around the schools, around the malls and linking gaps. Those may be the priorities. He
26 will work on this and come back to you. He'd like to have a public hearing for the adoption of
27 this sometime this year.

28 Chairman Keller said we need to keep it strategic with goals and objectives that support that. It
29 will add a cost to the road program. Is it true that we can't use road impact fee money for the
30 construction of sidewalks?

31 Mr. Moldoff said that's correct.

32
33 Chairman Keller said he'd like to keep this on a regular agenda and get to a public hearing and
34 get it adopted.

35 Mr. Moldoff thanked Mrs. Harvey for her work on this and the bylaws.

36 Mrs. Harvey mentioned that Nathans Way, Wheeler Dam Road, Hunter's Run and Butler Street
37 have sidewalks that aren't necessary.

38 39 **REVIEW OF MINUTES**

40
41 April 29, 2009

42
43 **Ms. O'Grady made a motion which was seconded by Mr. Bryant to accept the minutes of**
44 **April 29, 2009 as written.**

1 **VOTE ON MOTION: 7 – 0**

2 **UNANIMOUS**

3
4 **OLD BUSINESS**

- 5
6 1.) **MAMMOTH DEVELOPMENT SITE PLAN** – Public Hearing for 25,000 sq. ft. retail
7 plaza at 2, 4, and 6 Hampshire Road, Map 151, Lots 101, 102, and 103. Continued from
8 3/26/08.

9
10 Abutters: There were no abutters present.

11
12 Mr. Moldoff read the following staff comments:

13 He discussed previous hearings and revisions from the previous plan.

14 Steven Pernaw has reviewed the plan and has comments, which are in the packet.

15 The focus tonight is on building layout, onsite circulation and traffic. Then we can move on
16 to architecture design.

17
18 Steve DeCoursey, Bohler Engineering, also here is Jeff, Michael and John Kaufman, Attorney
19 Campbell and Jeff Dirk. We still have the pharmacy with the drive-through that was moved.
20 There was a concern at the last meeting that some of the traffic circulation concerns to the rear of
21 the building, having traffic coming in at an angle in the rear wasn't good. So we moved the
22 drive-through and we have a bypass lane. We tried to connect each building with the sidewalks
23 to the front of the site to allow for good pedestrian circulation throughout the site. We added the
24 divider to avoid the potential for cut-through traffic. It's a 2,000 square foot building. That was
25 proposed to be a non-coffee shop restaurant, but we since changed it to retail. Retail needs a lot
26 less parking. Another concern from the last meeting involved the two way circulation behind the
27 buildings. The last submittal had one-way circulation. Now we're proposing two way traffic
28 circulation throughout the length of the area behind the buildings. He showed the direction the
29 customer traffic would enter the site and that it would be directed with arrows and dividers. We
30 would propose trucks only to the rear. Steve Pernaw recognized stipulating that deliveries be on
31 a restricted schedule and we're amenable to that. He also reviewed Mr. Moldoff's notes on the
32 latest plan. One of his comments was having a doorway in the area of the 10 spaces for the retail
33 use. We would consider putting in a corner entrance on the retail building at the northernmost
34 end of the building, something similar to the pharmacy. We also talked about the auto parts store,
35 which is 6,180 square feet, is a relatively low traffic generator. We went from a plan that was a
36 little over 25,000 square feet, down to 22,898 square feet. So it has been reduced. With the
37 changes that have been made, we feel we comply with the zoning and that the plan before you is
38 a good one.

39
40 Mr. Belanger asked, with a trailer exiting from the site onto Rt. 28, what does that do to traffic
41 going south for the other businesses as far as traffic congestion? He thinks it's going to be very
42 congested.

1 Mr. DeCoursey said we tried to design the radius going out of the site to allow a truck to get onto
2 Rt. 28. It would be 1-2 trucks a week at off hours for the pharmacy and we think it's the same for
3 the auto parts store.

4 Mr. Belanger asked about the median strip. What does that do to Horseman's Track who has
5 deliveries back in? They won't be able to. He also mentioned it will be difficult for Aleksa Auto.
6 Chairman Keller asked, does this plan still require employees to go out and make sure no cars are
7 driving near the delivery area?

8 One of the applicants replied "no."

9 Mr. DeCoursey explained that by modifying the drive-through and moving it to the side of the
10 building, it changed where the cars will be relative to the trucks, when they are making
11 deliveries. So it will eliminate the conflict.

12 Chairman Keller said the conflict is for trucks trying to get into the facility and cars needing to
13 go to the rear of the building.

14 Mr. DeCoursey said there was a partial one-way, two-way configuration. We made the entire
15 area in back two ways to avoid the conflict. So they can back in without having a direct conflict.
16 He believes the situation has been improved or mitigated by moving the drive-through to the
17 side.

18

19 There was discussion of trucks entering the site off Hampshire Road.

20

21 Mr. Campbell asked about the width of the handicap space. Its 8 feet in width. Why is it not as
22 wide as a normal space?

23 Mr. DeCoursey said the width is intended to work in conjunction with the striping next to it. We
24 will confirm its ADA compliant.

25 Mr. Campbell asked, is there a reason that there is a wheelstop on the handicap space and not on
26 the others??

27 Mr. DeCoursey said it's put there because the handicap space is required to have a sign.

28

29 Ms. O'Grady asked, is there enough clearance for a delivery truck to back up to the trash
30 enclosures and go back out after delivery? Or do they circle the building and come out on
31 Hampstead Road?

32 Mr. DeCoursey explained the truck circulation on the plan for deliveries and trash pick-up.

33

34 There was discussion of truck traffic.

35

36 Mr. Belanger mentioned that there is a bill proposed up in Concord on handicap spots, as far as
37 van accessible spots, that they be 16 feet wide. You have to have so many van accessible
38 handicap spots that only a handicap van can park in. That would make a difference on handicap
39 parking.

40 Ms. Roth asked, would the applicant be held accountable to something that's not passed the
41 legislature yet?

42 Mr. Belanger said he is just making them aware of it.

43

1 Steven Pernaw, town's traffic consultant, said his last memo dated 4/23/09 included 9 points,
2 which have all been addressed tonight. He will comment on three of them. On item 3, we
3 suggested that the board stipulate time restrictions on truck activity at the site. He thinks it has to
4 be pretty aggressive. You don't want delivery trucks in there while the site is open to the public.
5 The templates show that they have to encroach over parking stalls and use the full width of the
6 driveway on Hampshire Road and the full width of some of the internal aisles. So it really has to
7 happen when the site is not in use. On Item 7, we talked about our review of the turning
8 templates that were provided. We were provided with templates for a passenger car, a WB50
9 tractor trailer truck and a WB62 tractor trailer truck. We didn't receive templates for a dumpster
10 vehicle or a single unit. Item 9 is a concern he has that there's a certain mitigation package being
11 proposed assuming that the Lowes improvements are in place. There is also an alternative
12 package proposed if the Lowes improvements don't happen. He doesn't want that to fall through
13 the cracks. It should be stipulated on the site plan or somewhere else.

14

15 Mr. Campbell said some pharmacies are open 24 hours a day. Is there a conflict or will there be
16 hours when the site is not in use? Are you satisfied with respect to the circulation and the
17 parking?

18 Mr. Pernaw replied, yes, as long as you don't allow truck movements to happen when the site is
19 active.

20 Ms. O'Grady mentioned that it will be congested going down the drive aisle in a truck.

21 Mr. Pernaw said its do able with your vehicle. The templates are for full sized vehicles.

22 Mr. Bryant said we had some discussions last time and there is still nothing on the plan, but there
23 should be a draw to this facility from all the multiunit housing behind Lowes and there doesn't
24 seem to be pedestrian access. He doesn't want people to cross Broadway, but he assuming there I
25 is pedestrian access to get across Rt. 28 at the Lowes entrance across from Unos. Can they get
26 from there to here and where would you propose they cross?

27 Mr. Pernaw said there are two options. The first one is to cross to the island, use it as a refuge
28 then cross. Or cross further up Hampshire Street. There is no signalization or marked crosswalk.
29 At mid-block locations, (like at the Hampshire Street entrance) he would say not to put in a
30 marked crosswalk because pedestrians expect crosswalks at signalized intersections, which is a
31 good place for them. When you put in a mid-block crosswalk, pedestrians believe that they have
32 the right of way and that's when you run into problems. He would rather have them cross using
33 more caution by not having a marked crosswalk.

34 Mr. Bryant said there will be pedestrian traffic here.

35 Mr. Moldoff asked is there any chance of getting them through at the intersection?

36 Mr. Pernaw said it's not an easy answer.

37

38 Ms. Roth asked, are there sidewalks around the Garabedian building?

39 Mrs. Harvey said there is a sidewalk around the whole triangle.

40 Mr. Belanger asked, how do we stop a truck that wants to go in there to go to the auto parts
41 store?

42 Mr. Pernaw said the trucks he is concerned about are the tractor trailer delivery trucks.

43 Mr. Belanger asked about the possible congestion of traffic heading south. Will traffic coming
44 out of this site add more congestion to this intersection and harm the businesses in the area?

1 Mr. Pernaw said you won't see a noticeable change at the signalized intersection. It will be
2 minimal. Congestion will occur onsite which is a good place.

3
4 Mrs. Harvey said we have another application for the apartments to be built on the other side.
5 Part of that proposal was to have sidewalks and a crosswalk at the old railroad and stripe the
6 other side for a crosswalk. These two applications should be somehow put together. We have to
7 have this whole thing working together with all of these proposals. She suggested that Mammoth
8 Development put a crosswalk in where the railroad crosses the road. There should be a signalized
9 pedestrian signal. It's an area where we need to have a crossing.

10 Mr. Pernaw said he is familiar with the traffic signal warrants for pedestrian crossings. He
11 doesn't think you will have enough pedestrian crossings to meet the warrant. The warrant is a
12 real high number of pedestrians per hour all day long. You shouldn't plan on a signal at a marked
13 crosswalk.

14 Mr. Belanger said pedestrians will go the path of least resistance, which is through the triangle
15 building parking lot.

16 Mr. Pernaw said you can have flashing beacons at a crosswalk location. In paragraph 6 of his
17 memo he stated that the proposed median island on Rt. 28 won't affect access to abutting
18 properties. He made that statement based on the plan he reviewed. He thinks those other
19 driveways are to the north.

20 Mr. Belanger pointed out that if traffic is heading south, and traffic is coming out of that area, its
21 more traffic, which makes it harder for people to get into Horseman's Track or Aleksa Auto.

22
23 Chairman Keller asked for public input. There was none. He asked about the hours of operation
24 for the pharmacy.

25
26 Michael Kaufman, Kaufman Realty, said he isn't sure at this time. He doesn't believe that
27 they're looking to run a 24-hour store. Certainly not the auto parts store or the other retail. The
28 pharmacy may someday want to operate 24 hours, but most communities require us to come
29 back to the board for that. He will have a clearer answer next time.

30 Chairman Keller appreciates the work that's gone into the revisions. But he is in the same place
31 he was last time. The plan is too big for the site. We have to look at what engineering says but
32 we also have to look at what common sense says. There is too much going on and too much on
33 the site. Mr. Pernaw said to make sure we restrict truck access to off-hours. It's difficult to
34 enforce that. So that's a red flag. Another red flag is the in-between building access, roads and
35 traffic in the rear of the property, etc is all too much. He is not wavering from that perspective.
36 There is a common sense problem here. There is too much on the site, too many access paths,
37 and too much going on. He doesn't believe it will work.

38 Mr. Belanger agreed with Chairman Keller. Rt. 28 and Hampshire Road is one of the busiest
39 intersections we have, especially on weekends. It's a busy road.

40
41 Attorney Bernard Campbell, from Beaumont & Campbell Professional Association, said the
42 purpose is to review the process. He feels that the project meets the objective standards for a site
43 plan. Mr. Pernaw said the applicant had addressed all the issues except for deliveries. We may
44 want to ask Mr. Pernaw to explain where those conflicts occur. One possible position to take

1 would be to accept restrictions, to see the site in operation and then come back with an
2 amendment to the site plan at a later date after we see how it operates. The board should think
3 seriously about, if you have consultants and experts that say it can work and it can be safe, to
4 make personal judgments is a slippery slope. The board has to take seriously the comments of
5 the board's experts and the applicant's experts. He is not sure where the public safety issues are
6 and where the applicant failed to adhere to the basic standards of a site plan. You need to look
7 objectively to everything the applicant has done to address your concerns. Truck access is a
8 fairly specified science and he urged the board to give serious weight to the people who deal
9 with that. Those people suggested that the site can and will work. We have to presume that the
10 applicant is acting in good faith. The internal circulation of the site has been reviewed and meets
11 your concerns. He mentioned the traffic safety and circulation issues. He urged the board to
12 consider carefully acting in disregard of the people who have the specialized knowledge. He
13 hopes that we've addressed the traffic issues and that at the next meeting, we can move on to
14 other issues.

15
16 Chairman Keller had made a suggestion at the last meeting. He was in favor of the plan minus
17 the drive-through and the driveway in-between the buildings.
18 Attorney Campbell said the question is, does the position of the drive-through make the site
19 unsafe or not operate properly and the most recent traffic review suggests that's not the case.
20 Ms. Roth mentioned the entrance off Hampshire Road and asked about the route trucks would
21 take when making deliveries, and if this is the conflict that Mr. Pernaw was concerned about.
22 She asked Mr. Pernaw what his major concern is.
23 Mr. Pernaw explained that a tractor trailer requires the full width of the driveway when making a
24 right turn into the site. He indicated its all 3 lanes.

25
26 Jeffrey Dirk, Vanasse and Associates, explained the truck circulation.

27
28 There was discussion of the truck circulation and conflict.

29
30 Ms. Roth asked if there is any other way to avoid this conflict other than limiting the hours of
31 delivery.

32 Mr. Pernaw explained that the entrance could be widened and that intersections could be
33 designed so that the trucks don't encroach.

34 Mr. Dirk said the conflicts were with trucks entering the site off of Hampshire Road and when
35 delivery trucks are exiting the auto parts store, they go over some of the parking spaces. So that's
36 why it's important not to have customers on the site. The other conflict is that the truck also uses
37 the full width of the drive aisle in front of the auto parts store.

38
39 Ms. O'Grady said her concern is the island just above the throat. If it was shrunk a little at the
40 stop sign, that would give the truck more room. She asked the applicant and Mr. Pernaw to look
41 into that.

42 Mrs. Harvey mentioned the templates for exiting out onto Rt. 28. It looks like going south, it
43 takes up all 3 lanes of Rt. 28.

1 Mr. Bryant said the truck circulation on the property is very difficult and there is no way to
 2 enforce it and the board has to take that into consideration. We put a burden on our public safety
 3 services when we turn our problems over to them. He is not convinced that the plan for the drive-
 4 through has met his concerns over the way traffic is handled, especially in the back of the
 5 building. He suggested the property be phased and open without a drive-through. The additional
 6 retail spaces don't line up and it's confusing. The property is not well laid out. It's a very tight
 7 site for a fairly significant sized development.

8
 9 Mr. Belanger still has concerns. He has to look at the overall picture of the plan of the town. He
 10 mentioned other future development on Rt. 28. There will be an impact to the traffic for the other
 11 businesses in the area.

12 Mr. Campbell said we are a Planning Board and we have a responsibility for the site plan. We
 13 have no authority regarding operation. He is concerned with the drive-through and the possibility
 14 of it being open 24 hours a day. We have a site that fails to meet our requirements. You can't
 15 operate this site with the accessory things that have to happen, such as deliveries. He would
 16 expect to see them come back with a plan that applies the same standards we apply to everyone
 17 else. You need a place for the delivery vehicles to drive without wiping out parking spots or
 18 putting them in conflict with the traffic. He also noticed that there is no provision for parking for
 19 the ATM. Usually you have a couple spaces for that. The basic issue is the conflict on the site.
 20 You can't use the same square foot for conflicting uses.

21 Ms. O'Grady said she thinks it's a good site for CVS and she would support it on this site. You
 22 should make it work for yourself. She believes that the drive-up is necessary. It's easier for
 23 handicap people. She'd like to see you come back and make the site work for CVS.

24
 25 **Mr. Bryant made a motion which was seconded by Ms. O'Grady to continue the Mammoth**
 26 **Development site plan.**

27
 28 **VOTE ON MOTION: 7 – 0**
 29 **UNANIMOUS**

30
 31 The board recessed at 9:25 p.m. The board reconvened at 9:30 p.m.

32
 33 **PUBLIC MATTERS**

34
 35 1.) Old Silver Farm

36
 37 Mr. Moldoff explained that in 1990 the Planning Board approved a subdivision for Old Silver
 38 Farm with the condition that "they'd construct a level play field or mini-playground facility
 39 within a suitable area of the subdivision or on the adjacent town owned parcel, per the direction
 40 of the Recreation and Planning Departments, prior to the issuance of the 35th building permit."
 41 The applicant came in and said he is not there yet but he is getting close. Mr. Moldoff and the
 42 Engineering Director went out to the site. There is no suitable area on the site, so Mr. Moldoff
 43 suggested he come back to the Planning Board and suggested they offer a monetary commitment
 44 to cover the cost of the field or playground. The applicant came back with a letter and offered

1 \$5,000. The Planning Board said to get an estimate. The applicant sent us a letter with a
2 breakdown of the number. We felt Mr. Garabedian (applicant) should talk to the board. Mr.
3 Moldoff talked with the Recreation Director about what it would cost for a mini-playground
4 facility. The Recreation Department said \$12,000 – \$15,000 for that. It didn't make sense to do
5 one on the site. It made more sense to get the money instead.

6
7 Mr. Campbell asked, what does the master plan say about recreational facilities and the adequacy
8 of the spaces that we have for them?

9 Mr. Moldoff said generally it says the facilities we have are not adequate.

10 Mr. Campbell asked, why not use the money to develop a new site that the master plan says we
11 need?

12 Mr. Moldoff explained that we're expanding the facility at Hedgehog and improving it so that
13 more people can use it. There's nothing adequate on this site. There is only one small area that
14 wouldn't meet the goals in the master plan. So he suggested we get the money and put it towards
15 a town facility. They're building a skate park there and improving the playground equipment
16 there. They have a whole plan for that.

17 Mr. Campbell suggested that we have Mr. Garabedian go do that. The master plan says we need
18 more space. There must be land in this subdivision because they're building houses on it.

19 Chairman Keller said the intent is to put it in the recreation fund so that space can be created or
20 expanded. If it was \$4,500 in 1990, it will be a different amount in 2009. We should just take the
21 inflation value and put that amount in the trust fund.

22
23 Ms. O'Grady said that in the minutes of 11/13/90, it mentions a land swap.

24 Mr. Moldoff said that was defeated at town meeting.

25 Mr. Belanger said the Recreation Department said there is no place up there that's suitable for a
26 playground and if you put something up there, it wouldn't be used. So why put money towards a
27 park that won't be used? If you put it in the Recreation Fund, you can put it towards Hedgehog
28 or something else that it's needed for.

29
30 Paul Garabedian, applicant, said the \$5,000 figure wasn't from 20 years ago, it's the figure we
31 came up with now. He thought it was a fair amount to construct the field.

32 Mr. Moldoff said that in 1990, Al Adams estimated it would be about \$5,000. Mr. Moldoff told
33 Mr. Garabedian how the board felt. Mr. Garabedian said this is what it would cost today. He has
34 a construction company that would do it for that amount. Mr. Garabedian had also indicated that
35 there were other commitments and payments paid by him for the subdivision such as sewer
36 connection fees to Methuen.

37 Mr. Garabedian said he extended drain lines several hundred feet from New Hampshire to
38 Massachusetts. We paid extra to bring the natural gas line from Brady Avenue down Salem
39 Street to feed the subdivision. All the houses on Salem Street benefited from that. We had to pay
40 \$235,000 cash up front. We also had to pay Methuen \$75,000 for the sewer impact fees up front.
41 Today we have an impact fee of \$17,000 per lot on those lots that are sold now. We've
42 contributed our fair share towards the town.

43
44 Chairman Keller asked Mr. Moldoff for his recommendation.

1 Mr. Moldoff recommended that the board take the \$5,000.

2
3 **Mr. Belanger made a motion to take the \$5,000 to put in the recreation trust fund.**

4
5 **Motion fails for lack of a second.**

6
7 Mr. Bryant agreed that Mr. Garabedian was able to do a great deal of the work himself which
8 reduce his expenses. But the recreation facility that was discussed was 3.3 acres which is a
9 significant amount of land. It hasn't been deeded yet?

10 Mr. Moldoff said that part of the deal fell through. That was the land swap. He read the condition
11 again. There is no site that's been located or size.

12 Mr. Bryant said taking \$5,000 from 1990 and amortizing that to the present day is not completely
13 realistic either. There was some expectation on the board that the 35th building permit wouldn't
14 be 19 years later. He suggested that both sides look at this. \$5,000 isn't sufficient 19 years later,
15 but some amount more than that can be arrived at that is fair.

16
17 Mr. Belanger said our town planner has been negotiating with the applicant and Mr. Moldoff
18 said to take the \$5,000. The town got revenue from the taxes from that development and Mr.
19 Garabedian spent money on work up there. The town has benefited from that. He made the
20 motion because Mr. Moldoff recommended it.

21 Mr. Bryant said one other value to consider is that it's been 19 years without a recreation field.

22 Mr. Garabedian has done a lot for the community, but a promise to the town has come due and

23 Mr. Bryant is trying to get a fair and equitable agreement to what should be paid in 2009.

24 Mr. Belanger said there are other places where the money could be better used. Mr. Garabedian
25 has always kept his word. Mr. Belanger is satisfied with the \$5,000.

26
27 Ms. O'Grady agreed with Mr. Bryant. She doesn't think \$5,000 is sufficient. Its 19 years later.
28 She appreciates everything Mr. Garabedian has done for the town.

29
30 Ms. Roth said it shouldn't be our position to undue the contingencies of the approval of a plan
31 that a Planning Board did years ago. The approval was based on the fact that there would be a
32 recreation site established and we should probably decide on a number, or give a formula and let
33 that figure come forward. We shouldn't second guess it.

34 Mrs. Harvey agreed with Ms. Roth. Mrs. Harvey suggested we give Mr. Garabedian the option to
35 either do the work on a town facility in lieu of, or in addition to a monetary amount, if there was
36 something that the Recreation Department could come to agreement on, that would take the
37 place of it.

38 Mr. Bryant suggested we go with 10 years amortization.

39
40 Mr. Belanger said it's been a period of time since this was approved. Where has the town stood
41 in asking Mr. Garabedian for the playground? The ball has been dropped on both sides.

42 Mr. Bryant responded that we had no rights until the 35th permit.

1 Mr. Garabedian said the figure that Alan Adams came up with was for 3 ½ acres. Mr. Adams
2 was talking a larger area than what we're talking about now.

3
4 Mr. Bryant suggested \$10,000.

5 Mr. Moldoff said Mr. Garabedian's position is that he can do the work simply. There is no
6 requirement on size, it just says a playfield. Mr. Moldoff suggested splitting the difference at
7 \$6,000 or \$7,500. Mr. Garabedian is looking at a down economy and that the value of the lots
8 have gone down and he was paying money early on. We can come up with a number and come
9 back to you at the next meeting.

10 Mr. Campbell said the note on the plan says that "Silver Farm will construct a level playfield or
11 mini-playground facility within a suitable area of the subdivision or on the adjacent town owned
12 parcel." Part of the cost of doing that or the plan should have been allocation of a "suitable area
13 of the subdivision". There's much more to this than some grading. There is land there that has
14 some value and it's totally disregarded in this conversation.

15
16 **Mr. Bryant made a motion which was seconded by Ms. O'Grady, that subject to a**
17 **calculation, that the town would release Mr. Garabedian from his obligation for the sum of**
18 **\$10,000 or, the sum of \$5,000 at 5% compound interest rate over 10 years, whichever is**
19 **less.**

20
21 Mr. Campbell said he thinks we should have a way to get some recreational area and facilities as
22 was contemplated by the note on the plan. He doesn't think that any of the propositions before us
23 will get us anything. He will vote against this. We should get the land. The sewer, water and gas
24 were totally unassociated with this aspect of it. The master plan says we need recreational area
25 and facilities so we should get that.

26 Mr. Moldoff said that Mr. Garabedian is willing to offer \$6,000 in cash, or go out and find a spot
27 on the site where he can build the playfield. He is not interested in contributing more. The town-
28 owned land is sloping and fully wooded and not a good place to build a field.

29 Mr. Bryant said this will have to come back to the Planning Board for approval and we are going
30 to get into a conversation about a suitable area of the subdivision, and what this will look like,
31 access, and traffic.

32 Mr. Moldoff said he doesn't think its coming back to the board. He can go out and do this
33 subject to staff approval.

34
35 There was discussion of the condition.

36
37 Chairman Keller suggested that Mr. Moldoff visit the site, take pictures, and see what land is
38 available. Let us see it so we can make a determination. He will vote against the motion.

39
40 **Mr. Bryant withdrew his motion.**

41 Mrs. Harvey said she'd like input from the Recreation Director.

42 **Ms. O'Grady withdrew her motion.**

43
44 Mr. Campbell said he'd like a copy of the subdivision plan that was approved.

1 2.) Enterprise Bank

2
3 Mr. Moldoff said Jim Keenan is here to talk about a sign. Enterprise Bank wants to put a sign
4 where Prudential Verani was in the Eastpointe Plaza. It's a box sign, 12 feet by 2 feet. The
5 concern is the requirement for uniformity on signs in a multi-tenant plaza. At one point, all the
6 signs were the same at this plaza. Over time, we've gotten away from that. The box sign that
7 Prudential Verani had was considered to be a replacement sign. Mr. Moldoff had asked the
8 Chairman if it was OK. We decided to have Mr. Keenan come in. Mr. Moldoff suggested a flat
9 sign, but Mr. Keenan doesn't want a flat sign, he wants what was there previously. The
10 regulations say they have to be uniform. Mr. Moldoff read the regulation.

11
12 Jim Keenan, representing Enterprise Bank, said that if we thought taking down the sign that was
13 there and we couldn't put a new one, we would have left that one. The town is sending mixed
14 signals. The Building Department wants UL approved signs. The sign that was there couldn't be
15 UL approved. The intent was to replace the sign with a UL assembly approved sign. The bank is
16 the only tenant on that end of the building. That portion of the building faces Main Street. We
17 will be back for one more sign and it will be letters that will represent what's on the building
18 within that angle.

19
20 Mr. Moldoff said the Building Department issued the permit. They felt it was a replacement.
21 They have a valid permit issued by the Building Department.

22 Mr. Keenan said the Building Department is requiring that all signs have a UL assembly on it
23 which the new sign will have. You can't retrofit the old sign to have one.

24 Ms. O'Grady asked, can you take the old sign off and put it on the other side?

25 Mr. Keenan replied, the sign is twice the size of the one we're looking to put in the space. Every
26 other bank has box signs.

27
28 Mr. Moldoff recommend, to the extent that it's a replacement, we should say OK. He was hoping
29 to get something more uniform but it's replacing an existing permitted sign. The Building
30 Department felt it was a replacement. He didn't sign that one, he wasn't asked to. But he was
31 asked to sign this one.

32 Mr. Belanger agreed that there was a sign there. They would have left it there if they knew they
33 couldn't replace it. He is in favor of this.

34
35 The consensus of the board is that the sign is OK.

36
37 Mr. Keenan said that Enterprise Bank is opening this Saturday in their new location.

38
39 Mr. Moldoff said there has been work done without permits at Tux to Go. He will mail you a
40 copy of the letter. If you have any CIP Projects, Mr. Scott is interested.

41
42 **Mr. Bryant made a motion which was seconded by Ms. O'Grady to adjourn.**

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

1 **UNANIMOUS**

2

3 The meeting adjourned at 10:10 p.m.

4

5 For further information, kindly refer to the videotape dated 5/12/09, located in the Planning
6 Office.

7

8 Minutes by: Susan Strugnell, Planning Board Recording Secretary

9 Approved: Planning Board

10 Date: