

**MINUTES OF THE
PLANNING BOARD**

**MEETING OF
July 14, 2009**

A meeting of the Planning Board was held on July 14, 2009 at the Salem Town Hall, 33 Geremonty Drive, Salem, NH.

PRESENT: Jim Keller, Chairman; Gene Bryant, Vice-Chair; Phyllis O’Grady, Secretary; Ronald Belanger; Robert Campbell; Ed DeClercq, Alternate; and Ross Moldoff, Planning Director.

The meeting was called to order at 7:00 p.m. Chairman Keller introduced the board members. There were no withdrawals. Chairman Keller then went over the agenda.

PUBLIC HEARING

Road Impact Fee Assessment Procedure and Schedule

Chairman Keller declared the public hearing open at 7:05 p.m. He then went over the procedure for the public hearing.

Mr. Moldoff said one of the issues was the legality of the system regarding if there was a rational relationship of the zones. He asked that question to Bart Mayer who is a land use attorney. Mr. Moldoff asked him about Section 309-130A. He has included that section in the text of the new system. Basically, Mr. Mayer felt it was legitimate. He is familiar with the systems because he is the town attorney for the other two communities where this has been enacted. Mr. Moldoff explained Mr. Mayer’s opinion and read from his email. He has also provided in the packet a comparison sheet because there was a question about how the proposed fees compare to the existing fees. He looked at the approved projects from the last three years and put together a list showing the projects, locations, existing fees and proposed fees. Marty has proposed a 25% across the board reduction in the calculated fees. So that is also listed. He then adjusted the original fee for inflation and listed that also. In some cases the fees are higher, in some they’re lower. Overall, the new fees would be similar to the old fees adjusted for inflation. Mr. Moldoff also took a look at past Planning Board goals. This has been a goal since at least 2001, maybe before. The fee system was last updated in 1994. With this new system, we don’t have to do a townwide traffic system and it can be adjusted every year.

Marty Kennedy spoke about his memo from July 6th. There were questions from the last meeting. He addressed the major comments he heard separately in the memo. At the last meeting, he heard questions about procedure and economics. Regarding the cost estimate for the roadway construction, it was suggested that the \$2.1 million cost per mile was too high. The cost is based on a single lane in each direction with shoulders on either side. It’s based on a roadway width of

1 34 feet, with 24 feet for the road, and 5-foot shoulders on each side. There are a lot of other costs
2 that we didn't even include in the calculations. He has checked with the Engineering Department
3 and went through this with Bob Puff who believes that what we did was reasonable in terms of
4 cost. In any assumptions, it comes down to, were they reasonable, thoughtful and done without
5 bias? He believes they were. Another question is, why was the quality restaurant fee higher than
6 a high turnover restaurant? For a quality restaurant, even though the total number of trips is less,
7 of those trips, a higher proportion are new trips. We also figured in the distance traveled. The
8 quality restaurant tends to have a longer trip length. In the report, there was a reference to
9 capacity. It was confusing because he said the new formula doesn't have capacity in the
10 calculations. You can't use these fees for updating the existing system. It has to be for future
11 traffic. The word capacity was in reference to the idea that you can't be applying this to existing
12 maintenance. There was also a question regarding the number of zones. There were three major
13 zones in town. The question was, should there be more zones? Should they be smaller? You have
14 to look at the overall town. Where are the major changes in traffic characteristics and how traffic
15 flows? If you look at the zone between zones 1 and 2, we used the I-93 line. It's an obvious
16 border area. When we look to the north, you have the Route 28 corridor and the roads that are
17 impacted by that, but then you look north of that, where the characteristics of the traffic flow are
18 different. So there is the traffic zone line. He originally thought the three zones made sense. He
19 looked at it again and he still believes that three zones is right. He suggested that you stay with
20 the three zones. We also looked at, should we take an across the board reduction in all the fees?
21 He had suggested a 25% reduction and he is still recommending that. If you do apply the 25%
22 reduction, it's in the range of about where the other towns are.

23
24 Mr. Campbell asked a question with respect to zone. He believes that the smaller number of
25 zones is appropriate. If you place 100 new residences in zone 3, where do they affect traffic? It
26 should be where they shop, go for entertainment, go for work. etc. It seems to be inappropriate to
27 restrict the expenditures to where they live. They may live there, but that isn't where they're
28 putting demand on the roadways. What is the rationale for limiting it to one zone? How do you
29 deal with the impact of those 100 new residences on places that have the traffic impact, and how
30 does it relate to your designation of the costs to be attributed?

31 Mr. Kennedy said there are two issues. The reason for the zones is, if a development project is
32 located in one zone, there is a reasonable expectation that those dollars would go towards the
33 roadway projects close to their zones. What you're talking about is a separate issue, which are
34 the impacts to the neighboring zones. We looked at what the impacts would be on each of the
35 zones. Overall, it's close to a wash. The difference in the fees you'd be collecting would be
36 minimal. You want to have the money so that they see some benefit.

37 Mr. Campbell asked, so the traffic impact fees that are proposed are reasonably related to the
38 cost of making capacity improvements consistent with the increased demand of those fees,
39 correct?

40 Mr. Kennedy replied, it's based on the usage of the roadway system. The number of new trips
41 that would be added to the road system because of a new project and the length of travel on the
42 roadway system. You're looking at additional traffic and uses for the new development projects.
43 As development comes in, you need to upgrade the roadway system and you need to have plans
44 to continue the upgrades and spend the fees on those upgrades.

1 Ms. O'Grady said she is not necessarily thinking smaller areas would be beneficial. In zone
2 three, by adding residential developments, you will have to increase the capacity on the arterial
3 roads and some of the other roads in zone two. If you made smaller zones, you'd be required to
4 use the money in those zones. She doesn't think it would be beneficial.

5 Mr. Kennedy said that's why he is suggesting three zones.

6 Ms. O'Grady said in zone 3, there are arterial roads that do need constant maintenance. She
7 agrees we don't need more zones.

8 Mr. DeClercq asked, why not run the zones east to west instead of north to south?

9 Mr. Kennedy explained that the purpose of zones is looking at, where are the travel
10 characteristics similar and where are they different? The center of the town is really controlled
11 by Route 28. So you would expect the zones would run parallel to that route. And there are
12 differences in the way traffic runs on either side of Rt. 93.

13 Mr. DeClercq spoke about how people travel mostly east to west. So you're crossing all three
14 zones. So if you ran the lines the other way, wouldn't that all be in that zone?

15 Mr. Kennedy said we looked at that, and that influence is relatively small compared to the
16 influence of traffic that runs in the other direction.

17
18 There was a discussion of the zones.

19
20 Chairman Keller asked for public input.

21
22 Chris Goodnow, 23 Arcadia Lane, mentioned indexing of the fees. He mentioned Section 309-
23 131. The fact that the fees haven't been updated is a conscious decision historically by this
24 board. They've had the ability to do that for years.

25 Chairman Keller explained that we haven't been able to do that.

26 Mr. Goodnow also pointed out that the rents today on Stiles Road and in the Industrial Zone are
27 the same as they were 25 years ago. He also heard an argument that these changes introduce
28 fairness. Who has complained about the inequity of the system?

29 Mr. Moldoff said he doesn't know that anyone has complained.

30 Mr. Goodnow mentioned his client Salem Corporate Park Associates. They have paid impact
31 fees for the past 25 years. Other parts of this community where development occurred didn't pay
32 impact fees. But his client hasn't complained about fairness. The fact that they've paid fees for
33 25 years, it's inequitable that the rest of the town hasn't. He suggested that we keep the fee
34 structure identical for the existing two corridors and make everyone else adopt the new fees. That
35 would be fair to his client. His client is facing an increase of fees that they've paid from 200 % to
36 400 %, which is entirely unfair. He also mentioned economic development and the lack of items
37 on tonight's agenda. That's a pretty good indication of how things are going. He chaired a
38 subcommittee for the Planning Board on impact fees. He thinks they're the right thing to do. This
39 is a huge expansion of the area that's covered. There is a direct rational nexus to these corridors.
40 We are now considering the adoption of a system that takes us further away from that. He thinks
41 we're going backwards.

42 Mark Gross, with MHF Design Consultants, has some concerns about the system and how it
43 relates to the previous system. The previous system was based on capacity. This new fee isn't a
44 capacity based system, which is disturbing. It goes back to the issue on the zones. Do fees have
45 to be spent in the zone where the fees are collected? Where in zone 3 would you create capacity?

1 Creating capacity is adding lanes. This new system has no basis as the old system did. He
2 understands that the board wants to do this for fairness and he agrees with that. He has no
3 problem with assessing impact fees. The other is the ease of computing fees. In terms of the fees
4 and how they're used, who will make the determination on where the fees are spent? We need to
5 look again at the issue of the zones. He has concerns about a road impact fee system that's not
6 capacity based. The table that Ross showed about taking existing impact fees and increasing
7 them for inflation, that seems more of a rational way of looking at this. He suggested the board
8 look at that and come back. Why are the fees different if they're both based on a lane mile
9 costing \$2.1 million? That cost per linear foot is about \$400. Right now the bond estimates for
10 roads that are being approved are coming in lower. The town is approving road bonds that are
11 much less than \$400 per linear foot. So there is a disconnect there and that needs to be looked at.
12 He'd like to see more information on the \$2.1 million. The other question is, what happens to
13 existing projects that are currently approved, or ones that are partially built? If that project has to
14 come back in to the Planning Board for a change, do the new impact fees apply to that? If a
15 decision was made to go forward with that project based on the impact fees that were assessed,
16 and now when it comes back in, they're twice as high, where is the fairness there? And what
17 about projects that need additional extensions? How long does that approval last? When do the
18 new impact fees take place? What about a change of use?

19
20 Joe Friedman, Brooks Properties, has approvals to build more office buildings in town. He
21 mentioned the 25% reduction. He looked at a couple of our projects. At 11 Keewaydin, which is
22 one he just finished, the road impact fee was \$1 per square foot. With the new proposal it's
23 \$1.92, which is a 92% increase. He explained that this building could fit under three categories
24 and the fees would increase. He also mentioned one of his buildings on Northeastern Boulevard.
25 We have approvals to expand that building. The impact fee increase with the reduction is 856%.
26 We also have an approval on a daycare center on Keewaydin Drive, and that's almost a 5000%
27 increase. He doesn't know if the daycare will get built with these fees in place. How do we judge
28 what these fees will be? He has the same questions about existing projects and approvals and
29 grandfathering. He doesn't have a strong opinion either way. If this goes forward, you probably
30 won't see a lot of new buildings. This is one of many fees we have to pay to the town. If you add
31 up all the fees, it \$6.12 per square foot, plus offsite traffic improvements. He mentioned the other
32 fees.

33
34 Donna Morris is the Executive Director of the Greater Salem Chamber of Commerce. The
35 Chamber held a special meeting on Monday and wrote a letter to the Planning Board. She then
36 gave the letter to the board. She also read a statement based on the discussion of that board
37 meeting. The proposed fee would have adverse impact on the economic development of the
38 community. She mentioned the timing and magnitude of these fees. The poor economic
39 conditions would put the town at a significant disadvantage to other towns. The Town of Salem
40 should be working towards attracting and sustaining businesses and not risk driving business
41 away. When businesses leave, the tax burden falls on the citizens. The Chamber has over 380
42 business members and the majority of them are from Salem. There isn't a day that goes by when
43 someone doesn't call or come in and talk to her about the difficult economic conditions we are
44 in. She hopes the board takes that into consideration.

1 George Fredette is here because the numbers being proposed are eye-popping. There are some
2 miscellaneous categories that he thinks you should try to minimize. They include uses that don't
3 fit into that table that you have. Everything is based on daily vehicle trips. But what about a use
4 that has off-peak or occasional trips? What about a seasonal use? How are those considered in
5 this? He spoke about the issue of the zones. Perhaps they should be set up according to the uses
6 or the zoning ordinance districts in town. He understands that the bigger zones make it easier to
7 account for the money and easier to use the money, but another method may be more palatable.
8

9 Chairman Keller asked, how are we addressing the miscellaneous uses?

10 Mr. Moldoff replied that Mr. Kennedy addressed this at a previous meeting saying that there was
11 a standard dollar figure per new trip.

12 Mr. Kennedy said the categories are right out of the ITE trip generation manual. We created a fee
13 that's a dollar amount per daily trip that you would apply to uses that don't fit right in any
14 categories. Under that condition, the developer would have their traffic engineer do a traffic
15 study to determine how many trips per day that particular use does, and it would be reviewed by
16 Steve Pernaw, and then you'd plug that into the fee. Regarding seasonal uses, all these fees are
17 based on typical average conditions. If you have something that is so unusual, then you may have
18 to do something different, and if so, he'd suggest you go to Steve Pernaw. He thinks those odd
19 conditions would be fairly rare.

20 Chairman Keller asked about the basis of the road costs. He thought that the town engineering
21 staff reviewed this.

22 Mr. Kennedy said he talked to Bob Puff who said he is fine with it. Mr. Kennedy can submit the
23 actual calculations.

24 Chairman Keller wants to understand the point about the differentiation between the office tenant
25 categories. He asked how those numbers were derived.

26 Mr. Kennedy talked about the difference between a medical office and a regular office. On
27 average, a medical office generates a higher rate per square foot because they have patients going
28 in and out on a regular basis into a small office space. We've picked out what we think are the
29 most common uses that would come before the Planning Board. You can combine the different
30 types of offices into an average.

31 Chairman Keller asked, if the board adopts the zones as you've proposed, what are the
32 consequences of a possible future change in those zones, and how would money accumulated in
33 what is zone three today, be impacted if we reconfigured those zones?

34 Mr. Kennedy said it complicates things. If you wanted to, we could reassess it and move the
35 accounts around, but you should avoid that and try to pick the zones now.
36

37 Chairman Keller asked, what happens to the 4-5 categories of existing projects and also the ones
38 that are waiting?

39 Mr. Moldoff explained that the ordinance says that if a site plan or subdivision approval is
40 required, that the impact fees are assessed at the time of Planning Board approval. So if a project
41 came in to the board but they haven't yet received a building permit, the ordinance says that the
42 fee is assessed at the Planning Board action and collected at occupancy. The town attorney says
43 that projects that have already been through the Planning Board would pay the old fee. If you
44 extended it, the plan would pay the old fee. In a change of use, it would be the new fee.
45

1 Chairman Keller said his desire is to normalize the fee rate so that it addresses the decade plus
2 old lack of inflation escalation. Right now we lose money for every dollar spent on fixing roads
3 and that's wrong. He wants the fees aligned with the inflationary increase. He believes it should
4 be townwide. To Mr. Goodnow's point about a lack of increase in potential rents, that hasn't
5 stopped construction costs from escalating. It makes no sense to collect fees if they won't cover
6 the cost of the construction. Also, the board has looked at this for years. We had to legal review
7 it. In order for this board to simply add an escalator to the current ordinance, we require a
8 reconstruction of the entire methodology. So we decided to implement this system since we have
9 to do it anyway and try to do it in a more simple way across the board. He asked Mr. Kennedy to
10 compare the 25% reduction column versus the inflation column. It doesn't seem that the 25% is
11 sufficient.

12 Mr. Kennedy explained that this is an extremely small sample size. He compared it to the other
13 towns and their fees, and with the 25% reduction, it's about in that range. If you apply the
14 inflation factor, it brought it up to about where we were. If you apply the adjustment factor, the
15 overall fees would be up in the range of where we are before we do the 25% reduction.

16 Chairman Keller asked, how difficult is it to attempt to fill out the rest of the categories and
17 come up with more of a sample size?

18 Mr. Moldoff said we can make assumptions and come up with a number.

19
20 There was discussion of Chairman Keller's suggestion.

21
22 Mr. Bryant cautioned the board that if you take the reduction too far, in a number of instances
23 they would be paying less than they are now. He suggested we say that we agree to suspend any
24 future inflation adjustments for a couple of years.

25 Ms. O'Grady said she'd like to at least cover cost for the town so that it's not a burden to the
26 taxpayers and that the town is receiving the money back that they're spending. She thinks its
27 something between the 25% reduction and 53% inflation. She wants Salem to grow. If this is
28 going to be a detriment, then we have to come up with a different number. We can't give money
29 away on developing our roads. We need to be reimbursed for that.

30
31 Mr. Kennedy further explained that if you took the old system and all you did was adjust for
32 inflation, on average those numbers would be about the same as before you applied the 25%
33 reduction. And if you compare that calculation to other neighboring towns, you would be much
34 higher than where these other towns are today. If you reduce it by about 25%, you're back in the
35 range of about where the other towns are.

36 Mr. Belanger said, when this all started, the economy was much better. We have a lot of people
37 that aren't building like they used to. He sees empty stores on Rt. 28. The economy is very bad.
38 The other communities that we're compared to are ranked in the top 4 or 5 in the region and
39 Salem is ranked down the bottom. He doesn't want to see us do something that will take away
40 from Salem. He also spoke about real estate taxes. It shouldn't be up to a housing developer to
41 pay for all the roads. He'd like us to stay below these other towns and he doesn't want to take the
42 advantage away from Salem. He thinks we should hold off a few years and let the economy get
43 straightened out.

44 Chairman Keller said he's not willing to wait. We need to get it right. He mentioned the Salem
45 traffic impact fee 2009 chart. Is it possible to add a column to the chart which is the current fee?

1 Mr. Moldoff said that on the Pelham Road corridor there's a fee for office use, and for
2 manufacturing/industrial. Also with retail, there is just one fee for retail now on Rt. 28. Anything
3 other than retail, Steve Pernaw has to calculate the fee. On residential uses, there is typically no
4 fee.

5 Chairman Keller is looking at the project list. He is having a hard time getting around the fact
6 that 25% is sufficient. We can adjust and increase the reduction percentage. We can also do a
7 higher reduction percentage for some number of years and then tier it. Or we can approve and
8 adopt the fees as they've been proposed, or we can do nothing.

9
10 Mr. Bryant asked, can we make a decision now and delay the implementation?

11 Chairman Keller said we can set the implementation date whenever we want.

12 Mr. Belanger asked, what if we make that decision now, and then we get a new board? How can
13 you bind the new board?

14 Mr. Bryant said they can re-do it when they get elected next March.

15 Mr. Belanger said there won't be a big stampede to build medical offices if we get national
16 healthcare. He thinks there will be a serious problem.

17 Mr. Moldoff explained that after the last meeting, Mr. Kennedy prepared an initial memo that
18 had a 25% reduction and a 50% reduction. The reason we didn't give you that information was
19 because on average, it's the 25% reduction that Mr. Kennedy was recommending and he felt that
20 you were at that position with that number. Mr. Moldoff explained why it's difficult to calculate
21 out a number. One option is phasing it in or setting up an implementation date that is far enough
22 out so there's enough notice to the community. The ordinance allows you to do this after a public
23 hearing. The way we adopted the previous impact fees, we went to town meeting. Here you don't
24 have to do that, but you do want to give people enough notice.

25
26 Chairman Keller asked if any board members need additional information.

27 Mr. Belanger said he'd like a sheet with other towns, showing what their fees would be
28 compared to what ours are.

29 Mr. Kennedy said he can send that. He explained the chart. If you implement the fees without
30 any reduction, you will be higher than neighboring towns. With the reduction, it's about the
31 same.

32 Mr. Bryant mentioned that we had a couple issues on a couple of the miscellaneous uses and
33 questions on grandfathering. We could resolve all that with the implementation date.

34
35 Mr. DeClercq said the zones are OK with him. He'd like to see all our current impact fee
36 structure the way it is possibly implemented in a two year period and put an inflationary cap on
37 the increases.

38 Chairman Keller said it's already based on the book.

39 Mr. DeClercq said, it's in the book, but it's not based on reality. He spoke about the different
40 uses for office. Also, he'd like to see a single category for homes.

41 Chairman Keller said that it's all based on ITE.

42 Mr. Bryant explained that we have to go by some established standard.

43
44 Mr. Campbell said the issue of how a particular occupancy affects the traffic in areas where it
45 makes a meaningful difference on the roads is something he'd like to get an understanding of. If

1 you put 100 houses around North Salem, those people are the source of the trips that affect Rt.
2 28, Main Street and the arterial streets. He has a problem with the issue of the zones where it
3 doesn't seem to recognize that impact. He'd also like to see information on his concern about the
4 question of 25% and making it 50%. He spoke about losing the relationship to the real cost
5 versus the real necessity caused by that demand. Taxpayers usually don't like paying for things
6 that someone else causes a demand for. He'd also like a definition of what it means about
7 delaying things. If anyone is proposing to go back to some lower level, he'd like to hear what the
8 proposition is for all of these.

9 Mr. Kennedy said his understanding of Mr. Campbell's question is that you want a clearer
10 explanation of why we're not bringing trips from zones.

11 Mr. Campbell explained the information that he needs. What is the rationale for putting that
12 money where it doesn't solve problems? The people that live out there are causing the traffic on
13 Rt. 28. That's the problem he has with the zones. He'd like you to tell us, from where
14 developments are, where those are having real traffic impacts that mean something. That's where
15 the money should be spent and the plan should permit that.

16 Mr. Bryant said, if you look at North Salem and look at the amount of money that needs to be
17 spent, you're only looking at half of the coin. He explained that if you built 300 houses in North
18 Salem, you'd generate \$600,000. If a judge wants to know why the \$600,000 that we collected in
19 North Salem was spent in the depot, it's a problem. You don't generate a lot of money in North
20 Salem, but you don't spend a lot of money in North Salem and that's the reason for the zones.
21 The idea is to protect the residents of North Salem from having their impact fee money taken
22 from them and not spent on the very few projects that may need to be done in North Salem.
23 That's the point of the zones.

24
25 Ms. O'Grady said there are a couple of columns she'd like to see on the chart. She'd like a
26 current fee and an approximate actual cost column. What the actual cost would be for the town.

27
28 There was a discussion of the chart and the impact fee system.

29
30 Mr. Belanger said, if we had no development in Salem, the taxpayers would pay for the roads.
31 99% of the vehicles on Rt. 28 are from Massachusetts. Something from the taxes that are paid
32 should be going toward redeveloping the roads.

33 Chairman Keller said the impact fees are to widen the roads and intersections. It has nothing to
34 do with fixing the roads.

35 Mr. Belanger said he wants to stay competitive with other towns.

36
37 Dick Gregory said your timing is terrible. We should be encouraging development. He
38 understands that we don't have a townwide or a Salem traffic impact fee currently, and we
39 should. It's the Salem impact fee, so he doesn't know why there has to be three zones. The town
40 could be one zone. He also suggested that you work out this impact fee program and implement
41 it. He would implement it at 50% discount, not 25. It would be more close to what it is now for
42 the people who are paying it and you would get the people who aren't paying it. He thinks you
43 need to have it. If you have a townwide traffic impact fee system, it could be used in the town.

44
45 Chairman Keller asked Mr. Kennedy about his concerns with one zone.

- 1 Mr. Kennedy said you could do one zone. He doesn't suggest you do that because if you did, if it
2 was ever challenged in court, you'd need to explain the rational nexus for the location. With at
3 least two zones, you can say you're dedicating dollars for one project to one area. He thinks at
4 least two zones, but based on the size and characteristics of the roads, he is suggesting three
5 zones.
- 6 Mr. Campbell said he wants Mr. Kennedy to show us why one zone would work because of the
7 impact where it's needed, independent of where it's sourced. If you had to make a case for one
8 zone, he wants you to show us why it's the right answer, even though you don't recommend it.
- 9 Mr. Kennedy said he can give you that information.
- 10 Mr. Campbell said we should spend the money where people go on the trips.
- 11 Chairman Keller asked Mr. Kennedy if the principal reason he's advocating not to do that is
12 based on legal reasons. Mr. Kennedy said yes. Chairman Keller suggested we get opinions on
13 that.
- 14 Mr. Moldoff said he doesn't think you will get that answer from an attorney. The attorney has
15 said that it's the consultants call. The consultant is recommending three zones. The attorney said
16 it's the consultant who does the analysis, so they will defer to the traffic consultant. He can ask
17 the question but he thinks we already have the answer.
- 18
- 19 Mr. Belanger asked, these other towns that we're compared to, how many zones do they have?
- 20 Mr. Kennedy said 3 to 4. It's the same range.
- 21 Chairman Keller said there would be value to understanding what the traffic patterns are from a
22 traffic dispersion standpoint.
- 23 Mr. Bryant said, he thinks you'd find that, in North Salem, 80% of the traffic is caused by the
24 residents of North Salem. Even if everyone in town went shopping on Saturday at the same time,
25 that would still only be 30% of the traffic. What we're doing here is dramatic and it's a radical
26 departure from what we've done. He is uncomfortable not doing this by the science and numbers
27 that have been brought to us by the consultant. The attorney said that it's paramount that the
28 board has a rationale that reasonably supports a decision. The impact of people from North
29 Salem to the traffic downtown is a minor percentage of the traffic being caused by the demand
30 that was generated by the store for people to come shop in tax free Salem. The store is paying an
31 impact fee because it's generating a demand for people from out of town.
- 32 Mark Gross said a lane mile is defined as 34 feet of pavement (24 feet, plus 5-foot shoulders). He
33 doesn't recall ever building one that wide. If you take 24 divided by 34, it's two thirds. So that's
34 a one-third reduction in the cost to build a lane mile, so all those numbers get reduced by a third.
35 On top of that, take the 25% reduction of the third which is about 7 % and you're ultimately at a
36 40% reduction that would probably bring you to where you want to be in that 4th column on that
37 list.
- 38 Chairman Keller said he'd like the issue of the 34-foot roads revisited with Engineering.
- 39 Mr. Bryant said the cost that Mr. Kennedy developed didn't include things like lighting, curbing,
40 acquisition of land, drainage, etc. So we still need a number that covers the cost of what we're
41 doing.
- 42 Chairman Keller said the road standards that we hold the applicants to, that's what should be in
43 here in terms of the total infrastructure cost for road capacity.
- 44
- 45 Chairman Keller closed the public hearing at 9:12 p.m.

1
2 The board recessed at 9:12 p.m. The board reconvened at 9:20 p.m.

3
4 **REVIEW OF MINUTES**

5
6 1.) June 23, 2009 – Regular Meeting

7
8 **Ms. O’Grady made a motion which was seconded by Mr. Belanger to accept the minutes of**
9 **June 23, 2009 as written.**

10
11 **VOTE ON MOTION: 6 – 0**

12 **UNANIMOUS**

13
14 **OLD BUSINESS**

15
16 1.) SALEM ROCKINGHAM SITE PLAN – Public Hearing for re-approval of a 25,000 sq. ft.
17 retail building and 4 conditional use permits at 398-412 South Broadway, Map 143, Lots
18 192, 193, and 194. Continued from 6/9/09.

19
20 Mark Gross, representing Rockingham LLC, will request a withdrawal without prejudice. We
21 will come back later this year.

22
23 **PUBLIC MATTERS**

24
25 1.) Letter from 21 Keewaydin Drive

26
27 Mr. Moldoff said this is a 26,000 square foot office building at the end of Keewaydin Drive. It
28 was approved on 7/8/08, and they’ve asked for an extension for 12 months. He has no objections
29 to this.

30
31 **Mr. Belanger made a motion which was seconded by Mr. Bryant to grant the extension.**

32
33 **VOTE ON MOTION: 6 – 0**

34 **UNANIMOUS**

35
36 2.) Letter from Charlie Donahue

37
38 Mr. Moldoff said Mr. Donahue had a subdivision plan that was approved in 2005. It’s an open
39 space subdivision at the end of Gordon Avenue. The plan indicated as is required, that he would
40 plant street trees. He indicated that there would be a total of 29 trees planted along the right-of-
41 way. They developed several houses. They left some trees up in the vicinity of the right-of-way.
42 Mr. Donahue wanted to know if the board would waive the tree requirement for that lot so that
43 he doesn’t have to plant trees by the street since he left some up in the vicinity of the street. Mr.
44 Moldoff told him he couldn’t do that, but he would bring it to the board. If you want street trees,
45 he will get him to plant the trees.

1
2 Mr. Bryant asked Mr. Moldoff, would you say that the amount of trees that remain are somewhat
3 equal to the ones he had to plant?

4 Mr. Moldoff said yes. He would have needed 3 or 4, and he planted half a dozen.

5 Mr. Bryant said he has no problem with it.

6
7 Mr. Campbell said he'd like to understand where these are relative to the right-of-way line. We
8 created a zone there that has some uniformity. Now we have trees which aren't on the plan and
9 could be taken down at any time and it ceases to be what was intended when the plan was put
10 together. He doesn't see that these are a substitute for what's required by the plan.

11 Ms. O'Grady agreed with Mr. Campbell. If the house changes owners, those trees could come
12 down that are on the lot presently. She'd rather see continuity with the trees in the subdivision.

13 Mr. Bryant asked, how many trees would he have to plant on this one lot?

14 Mr. Moldoff replied, 3 or 4.

15
16 Mr. Belanger asked, what if he puts up the 4 trees on the site plan and then the trees die? If
17 someone buys the property, do they have to plant new trees?

18 Ms. O'Grady said the Code Enforcement Officer would make them plant new trees.

19 Mr. Belanger asked, why not let these trees be part of the site plan?

20 Mr. Bryant doesn't agree. He thinks it's unnecessary. The pictures show that these are
21 reasonably close to the right-of-way. There are more trees there than he would have to plant.
22 Only the current owner will be held to anything. It's a well landscaped property. He thinks its
23 fine the way it is.

24
25 **Mr. Bryant made a motion which was seconded by Mr. Belanger to forego the trees as**
26 **required in the site plan, and to have the site plan modified as requested.**

27
28 **VOTE ON MOTION: 4 – 2 (Mr. Campbell and Ms. O'Grady were opposed.)**

29
30 3.) 421 North Main Street

31
32 Mr. Moldoff received an email from a surveyor about 421 North Main Street. The surveyor is
33 going to the ZBA for variances on frontage and lot area in a Rural District. One lot has 1.9 acres
34 the way they want to subdivide it. Its currently 3.9 acres. They want two lots. They don't have
35 enough frontage. They drafted two proposals and want to see what Mr. Moldoff prefers. With
36 one proposal they will not be able to meet the building envelope requirement that we have in our
37 subdivision regulations so they'd need a waiver from the Planning Board. The second proposal is
38 a more zigzag lot line which Mr. Moldoff doesn't like but they would be able to meet the
39 building envelope requirement for both lots. He wants your thoughts. You don't have to rule on
40 it formally. There may be other alternatives.

41
42 Mr. Bryant asked, is it impossible to have one house off Lysette Drive and one off North Main
43 Street?

44 Mr. Moldoff said it's impossible because of the wetland. Would you be inclined to allow the
45 zigzag lot line or do you want a straight lot line with a building envelope waiver?

1 Mr. Bryant said he would lean toward the building envelope.
 2 Mr. Moldoff asked, should I ask them to come up with other alternatives?
 3
 4 There was discussion of the two plans.
 5
 6 Mr. Campbell explained that he'd be opposed to both layouts. They should try to meet the
 7 requirement instead of giving us two unpalatable solutions.
 8 Mr. Bryant said, if there was one we didn't want to see happen, we might suggest the other one.
 9 Mr. Belanger would rather see the second one. The second plan is more palatable.
 10 Ms. O'Grady said she'd like to see both lots have some kind of reasonable yard. It's too
 11 awkward the way they have both of them set up.
 12
 13 4.) 369 and 373 South Broadway
 14
 15 Mr. Moldoff said he received a letter regarding 369 and 373 South Broadway, which is the
 16 Daddy's Junky Music plaza. They have 6 trees that were planted by the State. Now those trees
 17 block the sign from the south. They've been talking about removing the trees and replanting
 18 them. He has to check with the State. Mr. Moldoff asked the board, do you care if he comes up
 19 with a landscaping plan?
 20 Chairman Keller said, as long as you like it.
 21 Ms. O'Grady asked, can you move the sign?
 22 Mr. Moldoff replied, not easily.
 23
 24 Chairman Keller asked for a compliance update.
 25 Mr. Moldoff said he doesn't have that but he will for the next meeting.
 26 Chairman Keller said, if we don't have suitable updates, then we may want to have Mr. Maglia
 27 come here.
 28
 29 **Ms. O'Grady made a motion which was seconded by Mr. Belanger to adjourn.**
 30
 31 **VOTE ON MOTION: 6 - 0**
 32 **UNANIMOUS**
 33
 34 The meeting adjourned at 9:41 p.m.
 35
 36 For further information, kindly refer to the videotape dated 7/14/09, located in the Planning
 37 Office.
 38
 39 Minutes by: Susan Strugnell, Planning Board Recording Secretary
 40 Approved: Planning Board
 41 Date: