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**MINUTES OF THE  
PLANNING BOARD**

**MEETING OF  
May 26, 2009**

A meeting of the Planning Board was held on May 26, 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; Ed DeClercq, Alternate; Jason Haroutunian, 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 Procedure and Fee Schedule

Chairman Keller declared the public hearing open at 7:05 p.m.

Mr. Moldoff said this has been a goal of the Planning Board for a few years to update this. It hasn’t been updated since 1994. He has copies of the May 2009 report.

Marty Kennedy, Vanasse Hangen Brustlin, will go through the presentation. He discussed the goals and objectives. The basis is the amount of travel that a development generates, multiplied by the cost to the facility. The fee equals the number of new daily trips, times the length of the trip, times the cost per lane mile, divided by daily volume per lane mile, then you subtract credits. The credit is an account for taxes, etc already paid. He discussed the traffic impact fee table which shows dollars per unit or square footage. (Beth Roth joined the board at 7:10 p.m.) Mr. Kennedy showed the impact fee zone map which shows three zones. Zone 2 represents the traffic most influenced by Rt. 28. You would create 3 separate accounts and the money would go into a certain account depending on which zone the development is in. He did a comparison of Salem to Hooksett, Plaistow, Concord and Hudson for retail. Hooksett and Concord have a similar system to the one proposed in Salem which is an overall average fee. In Hudson and Plaistow it depends on where the site is located in town. He also compared general office and single family. He also explained how this system adjusts for inflation. He talked about taking a cross the board reduction to all the fees. Hooksett and Concord take a 25% reduction and that is what he recommends for Salem. But if you do it, you have to do it against all the land uses. You need to be competitive to neighboring communities.

Chairman Keller asked for public input.

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1 Mark Gross said the board should consider that there's an ordinance. It looks like there may be  
2 conflicting language between this system and the ordinance. He read Section 309-130 which is  
3 standards and methodology for assessment. So that could be legally challenged. Who will  
4 administer the collected money? Who decides when the money is spent and what projects will be  
5 done? Have other towns ever been legally challenged in court? One criteria is what it costs to  
6 build a lane mile. Its \$795 a linear foot which is double what you would normally see. He's not  
7 sure 25% is the correct number. Looking at recent projects, Lowes impact fee would go from  
8 \$50,000 to \$400,000. You don't want to scare projects off. The Coke plant would go from  
9 \$37,000 to \$144,000. He discussed other costs in building a residential development. It adds up  
10 to about \$27,000 before you even start building the house. The board needs to look at these  
11 issues, especially the zoning issue.

12  
13 Chris Goodnow, 23 Arcadia Lane, has been involved in economic development for over 20  
14 years. The implementation of these changes will require substantive review changes in the CIP  
15 process. How does the Board of Selectmen allocate the funds? They will have to rely on the CIP  
16 process. If someone does a development on Pumping Station Road, the money could be used for  
17 improvements at the intersection of Lawrence Road and Rt. 28 because both of those are located  
18 in zone 2. What is the common sense nexus between Pumping Station Road and Rt. 28? If an  
19 office building is proposed in the Pelham Road corridor, the impact fee money could be used  
20 somewhere other than Exit 2. He wonders how that will be an improvement. Existing sites that  
21 have been approved but not constructed will be grandfathered. What about ones that need re-  
22 approval? Are they under the new impact fee changes or the old? The other half of this is the  
23 town wide traffic plan which we don't have. On the use schedule, a quality restaurant has more  
24 of an impact fee than a high-turnover restaurant. This doesn't fit in to the existing impact fee  
25 ordinance. Substantive change has to be made to the existing impact fee ordinance for this to be  
26 incorporated, otherwise it doesn't work. He also mentioned economic development. This is a tax  
27 on new development. You need to think about the whole. This will exacerbate the situation.  
28 These fees don't take into account the residential taxes. The implementation of this makes us  
29 more expensive and economically uncompetitive. This proposal will make the redevelopment of  
30 properties more difficult. We're in a race and this won't help us. This will discourage economic  
31 development. He doesn't think this is ready and it's not good public policy.

32  
33 Dick Gregory, 6 Belair Lane, mentioned the cost per lane mile. It's a huge number and it affects  
34 this system. Where did it come from? There is also conflicting information in the report, such as  
35 capacity. What is our history on impact fees? He also couldn't figure out the high quality and  
36 high turnover restaurant. He'd like to have those questions answered. He also mentioned  
37 grandfathering. Will an approved project be OK or will it have to pay the impact fee?

38  
39 Joe Friedman, Brooks Properties, 9 Red Roof Lane, asked about existing projects. What happens  
40 if a project changes? In 2006 we paid about \$1 per square foot for the roadway impact and now it  
41 would be \$2.56. Rents pay for everything and they haven't gone up. He also mentioned the total  
42 of the impact fees such as sewer, water and safety fees. He mentioned the discount. Why not just  
43 price it right the first time? He also asked about the unused money. It doesn't seem as clear on

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1 what the impact will be on us when we change uses in a building. Are the road improvements  
2 being done in the same general area as where the project is being built?

3  
4 Mr. Moldoff read an email from Tom Gioseffi, Stonehill Builders, who is against this. There is  
5 an impact fee ordinance. He read Section 309-131. He said we need to find out whether this  
6 system complies with a requirement in the existing impact fee ordinance that says “a  
7 proportional share of public facility improvements cost which are reasonably related to the  
8 capital needs created by the development and to the benefits accruing to the developments from  
9 the capital improvements financed by the fee.” We may want to hear from Mr. Kennedy and also  
10 our attorney on that. He also read Section 309-135 regarding the administration of fees. The  
11 town treasurer keeps track of who pays the fees and gives a report to the Board of Selectmen and  
12 the School District at the end of each fiscal year. So basically the administration of the fees is all  
13 regulated by our ordinance.

14  
15 Chairman Keller asked if we ever had to return an impact fee.

16 Mr. Moldoff said he doesn't think we've ever returned one.

17 Chairman Keller mentioned grandfathering of approved plans and renewals, and if there is a  
18 change of use, how that's interpreted.

19 Mr. Moldoff said we'll have to talk about that. He read what the ordinance says.

20  
21 Chairman Keller asked, have any of the other towns that have this fee structure been challenged  
22 in court?

23 Mr. Kennedy said to his knowledge they have not.

24 Chairman Keller asked Mr. Kennedy how he derived the cost per linear foot.

25 Mr. Kennedy explained that the calculation is based on a 2-lane roadway, single lane in each  
26 direction, 12 foot wide lanes with a shoulder. The road itself is two lanes.

27 Chairman Keller mentioned the question on disbursement of the funds and how the use of the  
28 impact fees would be determined. That would be unchanged. The Board of Selectmen has the  
29 sole authority to expend those funds as they see fit and that would stay the same.

30  
31 Mr. Bryant said, regarding the issue of how the money gets spent, these are political decisions.  
32 There's an opportunity for the people who care to see that money gets spent where it's needed. A  
33 point was made that the money will be spent outside of where it's generated. But the money  
34 that's generated in large quantities from big projects will be on Broadway and in the Exit 2 area.  
35 He spoke about Lowes. They will do a couple million dollars of front door improvements. But he  
36 pointed out that, because Lowes is by themselves in that situation, they carry the burden to fix  
37 that intersection because there are no resources from anywhere else, or at least not from the  
38 town. There may be a question of making more zones to help solve this problem. Regarding  
39 economics, there hasn't been a change in the impact fee schedule for 15 years. When times were  
40 good, the roads suffered or the taxpayers paid. It's important for the board to take a long range  
41 view. This is a fair and equitable way to see that everyone pays their fair share. There is work  
42 that needs to be done here, but to say it's not a good time to do because times are bad, is us  
43 walking away from our responsibility. We've had this on the agenda for 3 or 4 years and we

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1 need to do something. We have a plan, and we need to put work into refining it. But walking  
2 away is not an alternative.

3  
4 Mr. Campbell agreed with taking another look at things and refining it. We need to address some  
5 of the issues that were raised.

6  
7 **Mr. Campbell made a motion which was seconded by Mr. Bryant to close the hearing and**  
8 **make recommendations to staff and us to ourselves to address the issues that have been**  
9 **raised and plan on coming back for another public hearing.**

10  
11 Mr. Bryant said we need another worksession followed by another public hearing.  
12 Mr. Campbell explained that when making the motion, his intention wasn't to cut off discussion.  
13 Mr. Belanger suggested voting against the motion so that others can voice their opinion.

14  
15 **Mr. Campbell withdrew his motion.**  
16 **Mr. Bryant withdrew his second.**

17  
18 Mr. Belanger agreed that we have to go back to the drawing board. He doesn't want to do  
19 anything that would make people want to bypass Salem.

20 Mr. Haroutunian said we should have another worksession. He has questions on how the  
21 calculations came about.

22 Ms. O'Grady thanked Mr. Kennedy. We need to adjust the fee but not to the point where it will  
23 deter development. She is concerned that the roads needing improvements won't get them  
24 because they're in the wrong zones. So we need to work on this more.

25 Chairman Keller said the impact fee system that we have today is unfair. We should have it town  
26 wide. There's an economic reality to our current impact fee system. The town has observed a  
27 significant opportunity cost based on the current impact fee system because we haven't adjusted  
28 for inflation. We can't build the roads for the fees we're charging. What is the right value or fee  
29 structure? What are the right numbers with respect to each category of business? We should  
30 make sure the fees are rational. We need to get the answers to the specific questions that were  
31 outlined over the next month. Then we need to schedule a worksession and public hearing.

32  
33 **Mr. Bryant made a motion which was seconded by Mr. Belanger to close the public**  
34 **hearing.**

35  
36 **VOTE ON MOTION: 7 - 0**  
37 **UNANIMOUS**

38  
39 Mr. Moldoff gave his list of items to follow up on. One is to make sure we comply with the  
40 proportional share and the language in the existing ordinance. The question about who  
41 administers the money was answered. He can get a copy of this to the Board of Selectmen to be  
42 reviewed by them. There was a question about legal challenges to this system in other towns, and  
43 a question on the actual cost of construction per lane mile.

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1 Chairman Keller mentioned our ability to implement this new system within the context of the  
2 current ordinance's wording.

3 Mr. Moldoff also mentioned the questions of a quality restaurant paying more than the high  
4 turnover restaurant, the history of use of impact fees, the question of grandfathering, and on  
5 changes of use in properties.

6 Mr. Belanger mentioned the rate of inflation and what happens if there is deflation.

7 Mr. Bryant asked Mr. Moldoff to take another look at the map on the zones. How it's  
8 administered or where the money goes has nothing to do with us.

9 Ms. O'Grady mentioned her concern on the zones. She worries that, there are a lot of roads in the  
10 rural areas, and if no impact fees are taken, those roads will never get done.

11 Chairman Keller explained that road impact fees are for capacity improvements, not to resurface  
12 a road. The road impact fees have to be used for increases in capacity.

13 Ms. O'Grady explained her concern is the other arterial roads in zone 3 that need capacity  
14 adjustments because more houses have been put in. But it doesn't happen a lot, and the  
15 improvements are needed but the money isn't there. That's her concern.

16  
17 There was discussion of the usage of impact fee funds.

18  
19 The board recessed at 8:30 p.m. The board reconvened at 8:40 p.m.  
20

**REVIEW OF MINUTES**

21  
22  
23 Ms. O'Grady made a motion which was seconded by Mr. Bryant that the minutes of May 12,  
24 2009 be accepted as written.  
25

26 **VOTE ON MOTION: 6 – 0 - 1 (Mr. Haroutunian abstained.)**  
27

**OLD BUSINESS**

28  
29  
30 1.) WALSH SITE PLAN – Public Hearing for 6270 sq. ft. office building at 39 Main Street,  
31 Map 89, Lot 1140. Continued from 3/26/09.  
32

33 Mr. Bryant stepped down from the board.  
34

35 Abutters: Bishop Peterson Corp was present.  
36

37 Mr. Moldoff read the following staff comments:

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

39 The house on the lot was removed.

40 The drainage system was approved by our outside consultant.

41 He read the architectural criteria. You should vote on whether those criteria are met.

42 He asked the applicant if it's feasible to connect to the abutting lot.

43 We asked for detail of the floodlights to be added.

44 You should ask the applicant for an extension.

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1 A public safety impact fee would have to be paid prior to occupancy.  
2 Outside inspections and an as-built site plan are needed.  
3 Received an OK from the Fire Department, Public Safety and Public Works.  
4 Engineering had a couple details that they needed.  
5 Recommend - if you can resolve the remaining issues, you can grant conditional approval. He  
6 can give conditions.  
7

8 Kurt Meisner, Meisner Brem Corporation, is representing B&M Walsh. The biggest change is  
9 that we've added the underground infiltration system for the stormwater system. He has a letter  
10 from RCCD with approval. We've added a few details to the plan, such as lighting, and adding a  
11 few trees in front of the property and cleaning up loose ends. He discussed the architecture of the  
12 building.  
13

14 Mr. Campbell commented on the 3-foot change in elevation. He'd like to know where they are  
15 and how it relates to the abutting properties.

16 Mr. Meisner explained that the site had previously had a farmhouse on it. Towards the rear,  
17 we're raising the elevation. It's basically just in that spot. He explained the elevations. There are  
18 no changes in elevation at the property line.

19 Mr. Campbell asked, how does the elevation relate to the groundwater elevations?

20 Mr. Meisner said the existing high water table was about 36 inches and in some cases it was 42.  
21 We're up above that. We have about 3 feet of natural soil. It's not susceptible to flooding.  
22

23 Ms. O'Grady asked about the color.

24 Mr. Walsh said it's more of a sand color.

25 Chairman Keller asked for public input.  
26

27 Gene Bryant, 56 North Policy, with Bishop Peterson Corporation, said a suggestion was made on  
28 a connection between the properties. At this time, we're not in favor of that. We haven't been  
29 able to give it a lot of thought. We have a narrow driveway and we're not sure how it would  
30 align. We share an exit driveway with the parish rectory and we're not sure how the traffic  
31 pattern would work. Along with our own functions, we rent the facility and we don't have a lot  
32 of parking. The excess parking now goes across the street to St Joseph's. If there was a  
33 connection, people would probably park in Mr. Walsh's backyard. We don't want to get into  
34 management of that so we would rather not see it. Other than that, we're happy to see the work  
35 that Mr. Walsh is doing. All we care about is that the big trees between the properties stay there.  
36

37 **Ms. O'Grady made a motion which was seconded by Mr. Belanger that the architectural**  
38 **design meets the requirements.**  
39

40 **VOTE ON MOTION: 6 – 0**

41 **UNANIMOUS**  
42

43 Mr. Moldoff read the following conditions:

- 44 1.) Pay the public safety impact fee of \$9,405 prior to occupancy.

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- 2.) Submit approval from the Engineering Department prior to the building permit.
- 3.) Pay for outside inspections per the direction of the Engineering Department.
- 4.) Provide an as-built site plan prior to occupancy.
- 5.) All representations made by the applicant or his agents are incorporated as part of the approval.

**Mr. Belanger made a motion which was seconded by Ms. O’Grady to grant conditional approval of the Walsh site plan with the 5 conditions as stipulated by Mr. Moldoff.**

Ms. O’Grady asked the applicant’s intention on the big trees. Are they staying?  
 Mr. Meisner replied, yes they are.

**VOTE ON MOTION: 6 – 0  
 UNANIMOUS**

Mr. Bryant rejoined the board at 9:00 p.m.

**PUBLIC MATTERS**

- 1.) Salem Housing Authority

Mr. Moldoff explained that the Salem Housing Authority wrote us a letter asking for a change in the agreement that they have with the owners of the Club at Meadowbrook regarding the set aside of the affordable units. The board had recommended that we get an outside review. We did get that review. Mr. Goodnow agreed to take on the task. Mr. Moldoff read Mr. Goodnow’s conclusion which is, that the computation of the numbers is fine with him. Mr. Goodnow also recommended minor technical changes in terms of the agreement. The developers agreed to the changes. The developer and Diane Kierstead are both here. In the past, we did this under public matters when we dealt with the Kensington project.

**Mr. Bryant made a motion which was seconded by Mr. Belanger to affirm the agreement between the Club at Meadowbrook and the Salem Housing Authority and our execution of the agreement as required.**

**VOTE ON MOTION: 6 – 0 – 1 (Mr. Campbell abstained.)**

- 2.) Forever In Time Photography/Tux To Go

Mr. Moldoff said that Mr. Perrotta from Forever In Time Photography/Tux To Go is here. The Historic District Commission Chairman called us and said that a door was added to the side of the property facing McMann Court. We noticed that a storage container was put in back of the building. It isn’t noticeable from Main Street or Bridge Street. Mr. Perrotta said it’s been there for a few years. Also a shed overhang roof was put over the trailer. He needs approval from the Historic District Commission and the Planning Board. Mr. Perrotta wrote a letter requesting an

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1 after the fact approval. You have his letter, a picture of the door, picture of the storage container  
2 and roof and a copy of the last approved site plan from February 2000.

3  
4 Chairman Keller pointed out that the board has been consistent with not allowing those.  
5 Mr. Moldoff explained that if he came in and asked for permission for the door, we probably  
6 would have had no objection. It's not a historic structure. He doesn't think that the door detracts  
7 from the building. In fact, it probably enhances it. Mr. Moldoff told Mr. Perrotta that the board  
8 hasn't allowed storage trailers in other locations but they felt this is the first step to come in and  
9 ask.

10  
11 Michael Perrotta explained that Mr. Moldoff got a call about the door and then he also noticed  
12 the storage container. It was put in about 4 years ago. DES had visited and they didn't want the  
13 photo processing chemicals stored outside. So they suggested that Mr. Perrotta get a storage  
14 container. So he purchased a new one and had it painted the color of brick to match the brick  
15 wall. The reason that the overhang was built over it is because it has a flat roof and he didn't  
16 want snow and rain to rest on it and rust it and put holes in it. After that, the State of New  
17 Hampshire said he was in compliance to store the chemicals. Then Mr. Moldoff said he needed  
18 approval from the Planning Board. The door is on the right side of the building. It's for a  
19 separate entrance for his photography customers as opposed to his tuxedo customers. It's on  
20 McMann Court side. It's the same as it looks in the picture.

21 Mr. Moldoff doesn't think the door is the problem. The storage container is. It's not very visible.  
22 In the past though, that hasn't made a difference.

23 Mr. Perrotta asked, would it help if he put vinyl siding on it to make it look like the structure?

24 Mr. Moldoff said he thinks that would help. You can't see it from Main Street, but you can from  
25 McMann Court but only when you're close to it. He has received letters from abutters who  
26 weren't happy. He needs approval from the Historic District Commission. Two abutters sent  
27 emails objecting to the presence of the trailer. Those abutters are on Bridge Street.

28  
29 Mr. Bryant assumes there is a safety and access issue with the chemicals?

30 Mr. Perrotta replied, that's correct.

31 Mr. Bryant asked, what is the difference between what this storage container provides and what a  
32 cinder blocked, vinyl sided lean-to with a door and lock, what's the difference to the State of  
33 New Hampshire between these two?

34 Mr. Perrotta explained that this storage container is a cargo storage container used on ships. So  
35 he wouldn't have to worry about spillage. It's completely self contained.

36 Mr. Bryant explained that we really don't want storage containers. They're temporary,  
37 unattractive and nontaxable. Whatever is being accomplished by the storage container is  
38 supposed to be accomplished by a building meeting the building codes and taxable. The  
39 applicant only needs a concrete pad and cinder block walls.

40 Mr. Perrotta said he is proposing to build a structure around the container and leave the container  
41 inside. So from the outside it would look like a building structure.

42 Mr. Bryant said, we don't tell people what they can have inside their building. Mr. Bryant's  
43 recommendation would probably also be agreeable to the State of New Hampshire, the Historic  
44 District Commission and the Planning Board. He doesn't care if you have it inside the building.

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- 1 Chairman Keller agreed, but said it needs to be part of the building and taxed accordingly.  
2
- 3 Mr. Belanger said the door isn't offensive at all. It's hard to even notice the storage trailers. And  
4 a lot of places have them in their parking lot. And those are more offensive than what Mr.  
5 Perrotta has. If he can do something to block it off and put vinyl siding and it could be  
6 considered part of the building and could be taxable. Everything else looks fine.  
7 Ms. O'Grady said it's not the same situation as K-mart, because this is in the Historic District. If  
8 he made it look nice, she has no objection. She asked about making it a ramp.  
9 Mr. Perrotta explained that this entrance goes into the photography shooting room and the center  
10 entrance goes to the tux place. He stopped building everything, and he was going to ask the  
11 recommendation of the board.  
12 Mr. Moldoff said there is a ramp in front of the main entrance. You can get from the front door  
13 into the portrait studio.  
14
- 15 Chairman Keller asked, are they allowed any other signage?  
16 Mr. Moldoff said he doesn't think so. If he were to frame in the trailer, it would basically be  
17 putting an addition on the building and you wouldn't see a trailer.  
18 Chairman Keller suggested he close it, make it part of the building, make it applicable to the  
19 building code and taxable and make it palatable to the Historic District Commission. It should  
20 just be part of the building. The Chairman is fine with that as long as he plans to get it out of  
21 there someday.  
22
- 23 Mr. Campbell is trying to understand this in the context of the plot plan. He mentioned a  
24 rectangular 40 foot by 60 foot building. It appears that there is an extension on the building  
25 beyond that 40 x 60 foot dimension.  
26
- 27 There was discussion of this building.  
28
- 29 Mr. Campbell said the building doesn't reflect the plan.  
30
- 31 There was more discussion of this part of the building.  
32
- 33 Mr. Campbell is concerned of the precedent of allowing an extension on a building in the  
34 Historic District Commission without a site plan that reflects that.  
35 Chairman Keller said he thinks they would need a plan and a rendering showing what the  
36 applicant proposes to do.  
37 Mr. Moldoff said they would need to do a plan for the Building Department showing the outside.  
38 He can have Mr. Perrotta sketch up the site plan for the file.  
39 Mr. Campbell said he wants to see a site plan.  
40
- 41 Chairman Keller asked, is the handicap spot marked?  
42 Mr. Perrotta replied, yes.  
43 Mr. Moldoff said he'll work with the applicant and get an elevation drawing and a site plan. He  
44 can bring it back if you want to see it.

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1 Mr. Campbell said he'd like to see the plan that actually shows the building extension with  
2 sufficient detail that the Historic District Commission will approve. He'd like to see it after they  
3 approve it, and not authorizing proceeding until we see it after that.

4 Mr. Moldoff said he will work with Mr. Perrotta to get that ready.  
5

6 Ms. O'Grady said, the wording says proposed wheelchair ramp. You will put a concrete  
7 walkway?

8 Mr. Perrotta said we currently have a wheelchair ramp in place. It goes into the center of the  
9 building.

10 Mr. Campbell said the requirement is 1 in 12. So you have a 30-foot long wheelchair ramp  
11 required. He doesn't see a space that's consistent with the length of wheelchair ramp that would  
12 be required.

13 Mr. Moldoff said he will get an accurate plan.  
14

### 15 3.) Old Silver Farm 16

17 Mr. Moldoff said he went out to the site. The issue was recreation improvement. He walked the  
18 town owned parcel with Mr. Garabedian and drove through the subdivision. We found one area  
19 that we may be able to do something, although it's not ideal. He then walked it with the  
20 Recreation Director. We were both of the opinion that it's better to take the money than do  
21 anything out there. He showed pictures of the site. Based on the location and topography, it  
22 didn't make sense to do anything out there. There is one area where a water and sewer line has  
23 been distributed. The board has a composite tax map showing the area. That area is long but  
24 relatively narrow. It's really not suitable for a field, but you could put a playground there. But  
25 why do a playground when most of the houses have them? We didn't think it would be used.  
26 You could get a couple gravel parking spaces off the road. There is nothing suitable on the site to  
27 build a recreation area. Mr. Garabedian would prefer to give us money to be used at another  
28 location.  
29

30 Mr. Campbell said we may have to ask ourselves what's practical with respect to the terrain  
31 that's there.

32 Mr. Moldoff said we have 10 acres of land there that was not to be used for anything. Based on  
33 the slope, it's not suitable for a ballfield.

34 Mr. Campbell said playgrounds don't have to be ballfields. If there is 10 acres of land, you can  
35 put some parking spots and create a picnic place and say, there is 10 acres that you can walk in  
36 the woods. He mentioned the trails at Abenaki Park. This doesn't have to be structured  
37 playground. It has to be accessible. Ballfields aren't the only recreation. We need to be creative  
38 about what we can do. Make something permanent and make it available.

39 Mr. Moldoff said, if the consensus is that you want something on the site and you don't want the  
40 money to be used at Hedgehog, then he'll get that done. But that's not his recommendation.  
41

42 Mr. Bryant said there is more than one choice here. Mr. Campbell's idea is fine, a playground is  
43 fine. But the real choice is that what we want is more than \$5,000. The issue is, what's fair for  
44 something to the town as represented in the 1990 plan. All these other things are coming up as a

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1 way to avoid paying more than \$5,000. We won't get what we want, we will get \$5,000 worth of  
2 Mr. Garabedian's idea of improvements. We'd be wasting your time coming up with any plan  
3 for the real estate.

4  
5 Ms. O'Grady asked, who sets the standard as to what the amount should be?

6 Mr. Moldoff explained the condition of approval from 1990 and it was re-approved in 1994. He  
7 read the condition. Mr. Garabedian came to us and asked, what do you want me to do? We  
8 thought about getting money to do something in another area of town. Mr. Moldoff's sense is, he  
9 can't get more. He can only get what the developer is willing to do. Mr. Moldoff is suggesting  
10 that we take the money. We got him up to \$6,000. Mr. Garabedian will just go out and build a  
11 mini-playground on this facility and nobody will use it. If that's what we want, then we can talk  
12 about building walking paths and clear a portion of the town-owned parcel. But it's in the far  
13 southwestern corner of town, and no one will use it. It's not in a suitable location.

14 Ms. O'Grady thinks we should take the money. She doesn't want to cut down trees, and she  
15 doesn't know if people would go there. It does specify a ballfield or mini-playground. She  
16 suggested we put the money where its best used.

17 Mr. Belanger agreed with Ms. O'Grady. He doesn't recall anyone ever using Abenaki Park. If  
18 our Recreation Director says this won't be used, then people will complain to the Board of  
19 Selectmen about this playground that will end up being overgrown or full of trash. Or we can  
20 take the money and put it into a fund for recreation to go to a good use. Spending money where it  
21 won't be used is a waste of taxpayer money.

22 Mr. Haroutunian seconds the idea to take the money. From 1990 to now, the idea of recreation  
23 has changed. We should put it to where it will be used.

24  
25 Chairman Keller asked, who owns the non-town parcel?

26 Mr. Moldoff said, right now it's owned by Mr. Garabedian. He believes its part of the open space  
27 lots. He believes it will stay owned by him.

28 Mr. Bryant said that Mr. Garabedian doesn't want to build anything under the direction of the  
29 Planning and Recreation Department and he will hold out for the \$6,000.

30  
31 **Mr. Belanger made a motion which was seconded by Mr. Bryant to ask Mr. Garabedian to**  
32 **give \$6,000 to be put in the Recreation fund to be used at the discretion of the Recreation**  
33 **Department.**

34 **Chairman Keller said the motion is to receive no less than \$6,000 to be placed in the**  
35 **Recreation Trust Fund as consideration for, and substitute for the approved site plan**  
36 **which calls for the construction of a playground facility or recreation facility of Silver**  
37 **Farms Corporation approved site plan.**

38  
39 **VOTE ON MOTION: 6 – 1 (Mr. Campbell opposed.)**

40  
41 **Mr. Belanger made a motion which was seconded by Ms. O'Grady to adjourn.**

42  
43 Chairman Keller said he doesn't recall seeing on the compliance report, why there are still  
44 storage trailers in the back of the Riteaid that's next to the post office.

DRAFT

1 Mr. Moldoff said he will check.

2

3 **VOTE ON MOTION: 7 – 0**

4 **UNANIMOUS**

5

6 The meeting adjourned at 9:42 p.m.

7

8 For further information, kindly refer to the videotape dated 5/26/09, located in the Planning  
9 Office.

10

11 Minutes by: Susan Strugnell, Planning Board Recording Secretary

12 Approved: Planning Board

13 Date: