



**Town of Plaistow, NH
Office of the Planning Board
145 Main Street, Plaistow, NH 03865**

**PLANNING BOARD MINUTES
February 20, 2019**

Call to Order: The meeting was called to order at 6:30 PM

ROLL CALL: Tim Moore, *Chair*
Lisa Lambert, *Vice Chair*
Laurie Milette
James Peck
Francine Hart, *Selectman's Rep*
Geoffrey Adams, *Alternate*

Also present: John Cashell, *Planning Director*

Announcement of Continuance:

T. Moore noted that a request for continuance in the noted matter had been received:

PB 19-04: A request from Robert and Deborah Zukas for review of an application for subdivision. The proposal is to subdivide the existing 445,663SF (10.23A) parcel with 752.91LF of frontage on Sweet Hill Road into three (3) lots: New Lot 37-1 is proposed to be 135,113SF (3.10A) with 200LF frontage on Sweet Hill Rd. New Lot 37-2 is proposed to be 173,745SF (3.99A) with 250.18LF frontage on Sweet Hill Rd and 39.95LF frontage on Newton Rd. The remaining parcel, with the existing single-family dwelling is proposed to be 136,805SF (3.14A) with 302.73LF frontage on Sweet Hill Rd. The applicant has also requested consideration of a Conditional Use Permit for driveway access through wetland buffers on New Lot 37-1. The property is located at 108 Sweet Hill Rd, Tax Map 69, Lot 37 in both the LDR and ICR Districts. The applicants are the property owners of record.

T. Moore stated that the public hearing is continued to March 20, 2019. He added that this is the official notice of continuance, and not additional notice will be provided.

T. Moore was asked about the pending variance application before the Zoning Board of Adjustment (ZBA). He noted that was a separate hearing process but as far as he knew that was still moving forward.

Agenda Item 2: Minutes of the February 6, 2019 Planning Board Meeting

★ J. Peck moved, second by L. Lambert, to approve the minutes of the February 6, 2019 meeting.

F. Hart noted that there were sections where it was noted that there was discussion, but the content is too generic. She suggested that there be more detail and individual statements be attributed more to the speaker.

J. Cashell added that technically speaking it would be important to include who is pro and who is con, including their name, with correct spelling, and their address.

Other Board members agreed.

There was no additional discussion on the motion. The vote was 4-0-1 (Lambert abstaining).

Agenda Item 3: Public Hearings

73 Newton Rd

PB 18-27: A request from Jason Settineri C.O. Casset Holdings, LLC for acceptance and consideration of an Amended Site Plan Application for 73 Newton Rd, Tax Map 69, Lot 12 in the ICR District. The Plan Amendment proposes to remove an existing shed and replace it with a 30' X 50' equipment storage structure that will overlay and extend the footprint of the existing shed. The owner of record is Casset Holding, LLC

Jason Settineri and Joseph Castellano, owners of Casset Holding, LLC, were present for the application.

T. Moore noted that this application has not yet been accepted as complete and that would need to be decided prior to the applicants making a presentation. He noted there was a recommended draft motion in the Staff Report.

★ J. Peck moved, second by F. Hart, that the application for an amended site plan to locate an equipment storage structure at 73 Newton Road, Tax Map 68, Lot 12 be accepted as complete. There was no discussion on the motion. The vote was 5-0-0 U/A.

T. Moore opened the Public Hearing.

J. Settineri noted that they had applied for the amended site plan a while back. The application is to replace an existing shed with a larger equipment storage building. The checklist review discovered that the needed variance relief so the application was continued for that process. He also noted that the storage trailers currently on the site, and noted on the plan, will be removed once the new building is ready.

The Board reviewed the Plan with the applicant.

There was discussion about the hours of operation, which were noted to be 6:00a.m. to 6:00p.m., Monday through Friday and 8:00a.m. to 2:00p.m. on Saturdays.

F. Hart questioned if this was contrary to the 7:00a.m. to 7:00p.m. restrictions in zoning.

T. Moore noted that the 7:00a.m. to 7:00p.m. were construction hours, not business hours. He added that the business hours are part of the Planning Board's approval process and are separate from construction hours.

Concern was expressed that the 6:00AM start might be a nuisance to the abutters. The Board looked at the location of the residential abutters and the proximity to the new structure. It was also noted that the only activity that would be occurring would be when they are loading trucks; there might be the occasional back-up alert. It was noted that the building is for storage only, and that it is not a workshop. It was also noted that these are the same hours that they currently operate, doing the same activities as they will with the new building, and there haven't been any complaints.

T. Moore asked if there were any additional questions from the Board, there were none. He asked if there was anyone in the audience with questions or concerns. There was no one.

★ ***L. Lambert move, second by J. Peck, that the amended site plan to locate an equipment storage structure at 73 Newton Road, Tax Map 68, Lot 12 be approved with the following condition:***

- ***Updating of Note #16 to read: “Storage Trailers are to be removed prior to the closing of the building permit for the new equipment storage structure.”***

L. Milette noted that there was additional information in the staff report that needed to be noted for the record:

- ***A \$5,000 bond and Federal Form W-9 must be submitted prior to a building permit being issued***
- ***A Public Safety Impact Fees of \$1,212.00 is assessed and due prior to the closing of any building permits for the new structure.***

There was no additional discussion. The vote was 5-0-0 U/A.

33 Newton Rd

PB 19-05: A request from Michael A. Pushee, Jr. for consideration of an Amended Site Plan. The Plan proposes a change of use from a motorcycle sales and service business to a finishing and powder coating business and related minor site improvements. The property is located at 33 Newton Road, Tax Map 66, Lot 19 in the ICR District. The property owner of record is Michael J. Shaw.

Bruce Scamman, Emanuel Engineers and Michael Pushee, applicant, were present for the application.

B. Scamman noted that following information for the Board regarding the application:

- Mr. Pushee is proposing to buy the property from the current owner, Michael Shaw
- There is an agent letter from Mr. Shaw authorizing the Planning Board application
- The address is 33 Newton Road, which is across the street from Red Oak Drive and Country Club Lane
- The Amended Site Plan is for the change of use and a couple of other minor changes to the site
- The existing dumpster will now be located on a concrete pad
- There are now twenty-one (21) parking spaces proposed, including a handicap accessible space. This is an increase over the current eighteen (18) spaces
- There are four (4) waiver requests, one related to aisle width and the others related to landscaping
- Aisle width in one area is only 21.7 feet, it cannot be expanded without interfering with existing drainage on the site.
- Landscaping is existing and there are not areas where it can be improved, so waivers have been requested.
- It was noted that the parking lot in the front is lower than the road and that doesn't leave an area for additional landscaping
- All pavement is existing and will be cleaned up and re-stripped
- There are not multiple rows of parking that would provide for the ability to place interior landscaping islands, so a waiver has been requested there as well
- The drainage treatment swales have been neglected by the current owner and will need to be cleaned up and maintained to be functional
- The current use is as a motorcycle sales and service shop
- The proposed new use is a powder coating and finishing business, which is already services provided by the current motorcycle business

- The back building is proposed to be used by contractors, such as electricians and plumbers
- The existing New Hampshire Department of Transportation (NHDOT) driveway permit (1980) shows as shared driveway with the property next door. The abutting property has since been approved as a mini-storage business, with a new curb cut, therefore NHDOT requested a new driveway permit application be made. The application has been processed and is awaiting final signature

T. Moore noted that the latest Staff Report notes that the applicant has addressed all the checklist items and comments.

T. Moore asked if the Board had any questions.

F. Hart questioned why requests for waivers were coming before the Planning Board instead of the ZBA.

T. Moore explained that if the request waivers were from zoning ordinances they would have to request relief from the ZBA. But these requests are from site plan regulations which are under the jurisdiction of the Planning Board. He added that the Planning Board should not just arbitrarily grant waivers, there should still be a reasonable basis for the request and the request should not diminish the site and how it functions.

There was discussion about what metal finishing and powder coating entails. It was explained to be a process for finishing metal parts for other uses. There was discussion regarding venting and filtering for overspray and odors.

B. Scamman offered that, as the engineer, they do not design the spray booths, but he would assume that the business would have to operate to code and would be inspected by both the Building Inspector and the Fire Department.

G. Adams asked if there were requirements in the Planning Board's regulations. It was noted there are not.

T. Moore added that these functions were closely regulated by the State. He also noted that he was pretty sure there were applicable building and fire codes that would have to be complied with.

T. Moore asked if there was anyone in the audience who had questions or comments.

David Spero, United Coventry, property owner of 35 Newton Road, noted that his initial questions were the environmental impacts of the powder coating and painting, some of which had been minimally addressed earlier. He also questioned the hours of operation for the business.

B. Scamman noted the hours of operation to be 6:00a.m. to 7:00p.m., Monday through Sunday. He added that all activities were contained within the building so there shouldn't be any impact to the neighbors. He noted that this was not a construction site, there is no equipment running around the site.

The property was projected to the screen. It was noted that there was a large wooded area between the business and the abutting Spero property. It was also noted that there were no windows on the side of the building, only a fire escape door. It was also noted that deliveries to the site were made by FedEx-sized trucks.

B. Scamman explained that they don't traditionally work on Sundays, but there could be the occasional Sunday if they got behind or if there was a rush job to be complete.

D. Spero asked what kind of painting was done.

M. Pushee noted that it was primarily commercial parts.

J. Peck asked how the proposed hours of operation were different than the existing hours.

B. Scamman offered that he didn't know what the current hours were.

D. Spero added that he was just happy to know that there wouldn't be Harley's ripping up the street at 6:00a.m.

M. Pushee explained that at his current location (2 South Rd, Bradford) he had neighbors within twenty-five (25) feet and there were no complaints.

G. Adams asked which side of the building the exhaust was proposed to be.

M. Pushee replied that they hadn't gotten that far into the details, because he needed to get past this part of the process first. He noted that it could be through the roof or the side.

G. Adams suggested the through the roof, towards the rear of the building would be ideal.

T. Moore asked M. Pushee to explain his current operations in Bradford.

M. Pushee explained that he rents three (3) booths at his current location. There is oversight and permitting through the Environmental Protection Agency (EPA), the Occupational Safety and Health Administration (OSHA) as well as State and local officials. He noted there would only be one (1) booth in his new location. He added that he has had zero issues with any of his inspections. M. Pushee also noted that inspections are random, and if there is ever a complaint any one of these agencies could instantly shut him down.

J. Cashell asked about the proposed use in the back building.

B. Scamman explained that it was proposed for use by contractors such as electricians and plumber-type businesses. There would be no outside materials like dirt piles and no heavy equipment on the site.

J. Cashell noted that the proposed use was labeled as 'retail.' He added that the parameters needed to be specific to the proposed use.

B. Scamman offered that he was instructed by Staff to use the term 'retail' because that is how this use is currently defined per the Town's zoning ordinances. He said it was to differentiate the use from a contractor's yard where there might be stock piling of materials and heavy equipment. B. Scamman added that there wouldn't be anything like a flower shop or car dealership, more of a service business.

There was discussion as to how better label the back building to define the uses that would be allowed within it. It was suggested that calling it 'retail' was not appropriate as it implied that there would be sales to the public from the building. There was also discussion regarding limiting the number of businesses that could be in the back building. It was noted that a single contractor may have more than one business function, each having its own distinct business name. It was suggested that it would be more appropriate to limit the number of contractors, rather than the number of businesses. It was also noted it was important to be clear what the permitted use is in the back building so that it cannot be manipulated into something different going forward.

There was discussion regarding the needs of a business that would occupy the back building. It was noted that they would most likely be looking for an entrance, a bay to bring a work truck into,

office space, place to store materials and perhaps a bathroom. It was noted that the size of the building would somewhat limit the number of contractors that could occupy. It was decided that the word 'retail' would be eliminated in the description of the use of the back building on the plan.

There was additional discussion regarding the number of contractors that would be allowed.

T. Moore suggested that the Board review the language that was used for the nearby Red Oak Commercial Condos. Since the language was not readily available, the applicant would have to come back to get it approved by the Board. The applicant noted that having to come back would delay the closing on the property.

There was discussion about working through similar language with Staff as a condition of approval. Board members preferred to approve the language prior to the Plan being recorded. It was decided that the language for the number of contractors allowed would be worked out at this meeting.

There was additional discussion regarding the number of parking spaces. It was noted that there are twenty-one (21) proposed, which meets the regulations.

There was discussion regarding maintenance of the retention pond. B. Scamman noted that the areas need to be cleaned out and then maintained going forward.

L. Lambert asked if the sale of the property does not go through what happens to this site plan. She questioned if things were being done in a proper order.

T. Moore offered there were two (2) scenarios if the sale doesn't go forward; nothing changes and the site continues to operate as it currently does, or the current owner Mr. Shaw can come in and modify the site plan if he chooses to.

B. Scamman explained that it is common practice that a purchase and sales is conditional upon the new owner being able to get site plan approval prior to completing the purchase.

J. Cashell confirmed that there was no intention for outside storage.

B. Scamman replied that there are a couple of existing sheds on the property and they are remaining on the site, but there is no outside storage or stockpiling of materials proposed.

M. Pushee was asked why he was relocating his business. He responded that he lived in Plaistow and that his lease was soon up and the building was going to be converted to condos.

The discussion returned to the number of contractors that would be allowed to occupy the back building. After a short discussion the Board decided to limit the back building to no more than four (4) contractors. The applicant agreed. It was reiterated that the front building was for the exclusive use of the applicant for the powder coating and finishing business.

There was discussion about why it was important to be specific in what uses are allowed so that other uses, such as use car sales, don't creep in. It was also noted that there were other restrictions in zoning that would prevent used car sales once the site plan is amended. It was again noted that the size of the building would be self-limiting, but four (4) would be the max allowed.

There was discussion about the process once a plan is conditionally approved. It was explained that once the conditions have been met and verified by Staff the plan is then signed by T. Moore and recorded. The plan does not come back to the entire Board once conditions are met.

There as additional discussion about coordinating the language of this plan with the language of Red Oak plan, but it was again noted that it would delay the closing of the sale of the property.

It was suggested that the applicant could come back on March 6, instead of waiting until the 20th.

B. Scamman noted that he could not make a March 6 meeting. It was suggested that the language be finalized for this project and then work backward from there if another project's language needs to be reviewed.

There was a recap, the back building would be relabeled as use for contractors, not to exceed four (4).

L. Milette offered that still did not allow the Board to know what use would be going in the back building.

J. Cashell explained that it could only be uses that are allowed by zoning. He added that anything that was adverse things other than zoning are addressed with an easy call to EPA.

Waivers:

★ ***J. Peck moved, second by L. Lambert, to grant the request to waive Article I, §230-12.H. aisle width, for the reason stated in the request. There was no discussion on the motion. The vote was 5-0-0 U/A.***

★ ***F. Hart moved, second by J. Peck, to grant the request to waive Article III, §230-23-.B[2] front buffer strip, for the reason stated in the request. There was no discussion on the motion. The vote was 5-0-0 U/A.***

★ ***J. Peck moved, second by L. Lambert, to grant the request to waive Article III, §230-23-.B[3] side buffer strip, for the reason stated in the request. There was no discussion on the motion. The vote was 5-0-0 U/A.***

★ ***F. Hart moved, second by J. Peck, to grant the request to waive Article III, §230-23-.B[4] interior buffer strip, for the reason stated in the request. There was no discussion on the motion. The vote was 5-0-0 U/A.***

Approval:

★ ***F. Hart moved, second by J. Peck, to approve the Amended Site Plan for the Change of Use to a Finishing and Powder Coating business at 33 Newton Road, Tax Map 66, Lot 19, with the following conditions:***

- ***Receipt of NHDOT Driveway Permit, Permit number to be noted on Amended Site Plan***
- ***Note to Amended Site Plan for any granted waivers***
- ***Back Building to be labeled as a business building for no more than four (4) contractors***

There was no discussion on the motion. The vote was 5-0-0 U/A.

Agenda Item 4: Old Business

Agenda Item 5: New Business:

Agenda Item 6: Communications, Updates, & Other Business:

Master Plan – Route 125 Updates

J. Cashell provided the Board with information regarding alternative ways to provide economic development to the Route 125 corridor. It was noted that communities are developing more life style corridors which include living, play and work opportunities within the same district. There was discussion about the planning these types of areas as part of a long-range goal. These changes help develop a district into an area that helps reduce the tax burden on the residential districts. Access to water and sewer are vital to the development of these areas. Water will soon be available to the Route 125 corridor and it will be important to being working with the City of Haverhill to provide sewer. It was noted that there are challenges to working with not only another town, but another state, but sewer access is key.

There was additional discussion about the need to be able to access Route 495 more directly to deal with the traffic issues along the state line border. It was noted that there had been many discussions with Haverhill in the past about the traffic in that area, but they have no incentive to help Plaistow with traffic and continue to pile up the restaurants along the border. It was also offered that Haverhill not only isn't concerned about traffic to Plaistow, but "dump" activities they don't want in other places, such as a methadone clinic, and now a cannabis shop, along our border as well. It was suggested that discussions about the traffic and 495 access need to be at higher levels than the City of Haverhill.

J. Cashell noted that he knows Executive Directors of both Merrimack Valley Planning Commission (MVPC) and Rockingham Planning Commission (RPC) and getting discussions started between these two entities would be key to a long-range plan for economic development. He noted that he would be willing to facilitate bringing them together. He offered that networking and bringing parties together would facilitate the process.

There was discussion that equally as important as providing these life style type communities was attracting the right businesses to them, which will help impact the tax revenues, and it all comes back again to providing the right zoning options and infrastructure. It will take vision, planning and implementation.

T. Moore offered that he had contacted RPC regarding a proposal to do a Build-Out Analysis for the Master Plan update. The proposal had not yet been received, but was expected soon. He noted that the kinds of economic development being discussed would need to be conveyed to RPC for the analysis and perhaps a couple of different scenarios could be considered, traditional and the life style communities being discussed. T. Moore noted that the Build-Out Analysis would be of the entire town, not just the commercial district. He added that it was impossible to predict how things might be built out in the future without knowing what specific changes might be made to zoning.

J. Cashell explained that it would be important to consider an overlay district that provided all the ingredients for higher-end uses and development, where there are greater tax revenue potentials.

Next steps are to start working on acquiring sewer and the Build-Out Analysis. It was noted that Haverhill has an under-used sewer capacity now and is looking for new customers, so the timing to talk with them might be right.

T. Moore noted that there would be a lot of work involved with the economic development section of the Master Plan. He suggested that other chapters, that might be a little easier to complete, should also be moved along so the Board will not be having to review all the sections at the same time.

It was noted that S. Whitman has been asked to re-prioritize the scope of work for completing the Master Plan update, with economic development being the higher focus.

J. Cashell stressed the importance of updating the Master Plan as soon as possible so that implementation could begin. He noted that there were resources available through RPC for assistance and if it is a question of funding there are grants that can be pursued.

F. Hart questioned if it were possible to get executive summaries on the chapters that have already been completed so that implementation could begin.

T. Moore noted that the intent was to have the executive summary as the last piece that would bring all the sections together into an action plan. He offered that was the initial direction that was given to S. Whitman with the new stewardship of resources format of the Master Plan.

F. Hart expressed frustration that the Master Plan is updated and then never implemented. She suggested that subcommittees of residents and members of other committees could be solicited to become involved with implementation of the completed sections as they are completed instead of at the end of the update process.

J. Peck noted that the Library had recently developed a strategic plan that is review for progress at each of their meetings.

T. Moore offered that it was always the intent to implement the actions identified in the Master Plan update, the problem becomes getting the commitment to do so.

J. Cashell added the problem is usually those involved are burnt out with the update process by the time it comes to the implementation part. He offered that it is key to get the update completed as soon as possible, with site specific to Route 125 being the priority.

There was discussion regarding involving RPC in assisting Steve Whitman (Resilience Planning and Design) with the Master Plan update. There was suggestion to request the RPC lead the Route 125 Economic Development piece of the Master Plan which would then allow S. Whitman to continue with the other sections.

T. Moore suggested to wait and see what S. Whitman comes up with before turning it over to RPC.

J. Cashell offered that handout he had given the Board was the guide to getting the economic piece of Route 125 done and moved into implementation mode. He added that less than 10% of the people in a town are the ones who do 99% of the work to build and support local government, which is the greatest cause of burn out.

F. Hart noted that the Board of Selectmen will be looking again at town-owned properties again in April. There will be discussions about which parcels to retain and where it might be important for land to be acquired. She added that having information from the Planning Board about economic development would be important.

J. Cashell explained that Hudson was very aggressive with its approach to town-owned property and they were able to make a lot of money with sales, enough to build a new fire station.

F. Hart offered it was equally important to make sure that conservation and open space land is being preserved properly as well.

L. Milette asked what the amount was raised from last year's land sales. It was noted to be between \$150K and \$200K.

Zoning Amendments

J. Peck offered compliments to T. Moore for his recorded zoning ordinance presentation on the cable scroll.

71 Plaistow Rd

F. Hart noted that the property at 71 Plaistow Road had not been auctioned off, but retained by the bank. She asked if the Board had the authority to direct the Code Enforcement Officer to begin assessing per day fines for the removal of the cars from the property.

There was discussion about the frustrations with the current conditions of the property and how cars continue to be moved on/off the site in disregard of zoning and site plan. It was noted that there are fines available through the RSAs, but that it would require actions through the courts. Members of the Board expressed frustration with the length of time, noting that it has been 3-4 years, that the violation has persisted without resolution. It was noted that fines could be assessed, but without a court order they would not be collectable. It was noted that Mike Dorman's latest update offered that he is trying to work with the bank now after many years of trying to work with the previous owner.

It was suggested that the Board move forward with revoking the site plan. It was noted that the bank would have an easier time selling the property with an approved site plan. It was also noted that it didn't matter if there was an approve site plan or not, the process would still be the same to get any kinds of fines.

J. Cashell offered that it would have to go through a legal process before fines could be assessed and they would have to be assessed through the courts. It was asked how to begin that process. J. Cashell suggested that the Board of Selectmen be asked to direct the Code Enforcement Officer to begin the legal process, up to an including actions in the Court to get resolution.

F. Hart noted that she would be taking the matter to the Board of Selectmen and requesting that they direct M. Dorman to move this matter forward.

There was no additional business before the Board and the meeting was adjourned at 8:54p.m.

Respectfully Submitted,
Dee Voss
Administrative Assistant