



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

**PLANNING BOARD MINUTES**

**May 15, 2019**

**Call to Order:** The meeting was called to order at 6:34 PM

**ROLL CALL:** Tim Moore, *Chair*  
Lisa Lambert, *Vice Chair*  
Laurie Milette, *arrived 6:50 p.m.*  
James Peck  
Francine Hart, *Selectman's Rep*  
Geoffrey Adams, *Alternate*

Also present: John Cashell, *Planning Director* and Steven Keach, Keach-Nordstrom Associates, *Planning Board Review Engineer*.

**Agenda Item 2a: Minutes of the May 1, 2019 Planning Board Meeting:**

★ *F. Hart moved, second by J. Peck, to approve the minutes of the May 1, 2019 meeting. There was no discussion on the motion. The vote was 5-0-0 (U/A).*

**Agenda Item 2b: Minutes of the May 4, 2019 Planning Board ProQuip Site Walk Minutes:**

★ *J. Peck moved, second by L. Lambert, to approve the minutes of the May 4, 2019 Planning Board ProQuip Site Walk Minutes. There was no discussion on the motion. The vote was 4-0-1 (T. Moore abstaining).*

T. Moore stated that L. Milette will be late to the meeting and that G. Adams will be appointed as a voting member for the Board in her absence.

**Agenda Item 3: Public Hearings:**

**Continued from March 20, and April 17, 2019**

**PB 19-06: A request from Milton Real Properties of Massachusetts, LLC for consideration of a Lot Consolidation and Final Site Plan Review. The Plan proposes that 143 Plaistow Rd, Tax Map 30, Lot 73, a parcel of 1.78A with frontage of 247.98' on Plaistow Rd and 233.34' on Main St be combined with 145A Plaistow Rd, Tax Map 30, Lot 72 a parcel of 18.1A with 122.03' frontage on Plaistow Rd, for a total parcel size of 19.88A, and 603.30' total frontage. The Plan further proposes development of the site to include a 12,000SF equipment rental and maintenance facility; 1,800SF equipment wash building; approximately 9AC of equipment display and storage; and related site improvement for fuel storage, drainage/stormwater management, landscaping and lighting. Both parcels are located in the C1 district. The property owners of record are: William H. Sanborn Revocable Trust for the 143 Plaistow Rd, Tax Map 30, Lot 73 parcel, and Sanborn Realty Trust for the 145A Plaistow Rd, Tax Map 30, Lot 72 parcel.**

Lee Allen, Civil Engineering Dept. Head for Colby Company Engineering, LLC (CCE) and Brad Ferrin, Corporate Facilities Manager for Milton CAT, Ethan Flinkstrom, Mechanical Engineer for Colby Company Engineering, LLC (CCE) were present for the application.

Kelly Ovitt Puc, Attorney from Sulloway & Hollis P.L.L.C. was present for the application.

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T. Moore offered that K. Ovitt Puc and L. Allen would be representing the applicant and offering a timeline presentation and a review of the comments offered in the letter from Keach-Nordstrom Associates, Inc, dated May 8, 2019.

K. Ovitt Puc offered a review of the letter that she submitted to the Board in regard to Milton Real Properties of Massachusetts, LLC.'s (MRP) application, dated May 10, 2019:

Chronology:

- MRP started working with the Board in October 2018.
- MRP had a Preliminary Design Review in December 2018.
- MRP presented the application for Site Plan Review in January 2019.
- There have since been two (2) Public Hearings.
- There has been one (1) Site Walk of 143 & 145A Plaistow Rd.
- There has been a review by a 3rd Party Reviewer.
- There have been three (3) sets of comments from Keach-Nordstrom Associates, Inc.
- There have been four (4) attorney letters addressing the proposed use.
- There has been a final decision that the proposed use is a retail use, which is allowed in the Zoning Area.
- All questions, concerns, and comments have been presented by abutters and have been reviewed by the applicant.

Planning Board's Site Plan Review Authority:

MRP's Proposed Use is Permitted:

MRP's Proposed Site Plan Should be Approved:

Conclusion:

There was a discussion that the meeting needs to move forward that testimony needs to be limited to information that has not already been addressed. It was discussed that it has been decided that the proposed use is a permitted use and now it needs to be decided if the applicant is meeting all requirements relating to traffic, drainage, storm water, and wetland impact.

L. Allen offered a review to address comments in the letter from Steve Keach, Keach-Nordstrom Associates, Inc., dated May 8, 2019.

*L. Millette arrived at 6:50 p.m. G. Adams no longer a voting member.*

L. Allen offered comments on:

- The status of State permits
- The status of waivers requested
- Changes made to the storm water plan
- Traffic

L. Allen offered a review of the changes that have been made to the design of the storm water system and the three (3) stages of the new design.

L. Allen addressed concerns regarding the two thousand (2,000) gallon storage tank. He stated that the tank is to be covered and will sit on a concrete pad with grooves.

L. Allen asked if there were any questions or comments.

J. Cashell introduced S. Keach as the principal engineer on the project and offered that he was in attendance to provide comments and feedback.

There was a discussion that the goal of the applicant is to fulfill the requirements of numerous state agencies:

- New Hampshire Department of Transportation (NHDOT) Driveway Permit (pending)
- New Hampshire Department of Environmental Services (NHDES) Alteration of Terrain (AoT) Permit
- NHDES Construction Approval for septic system

S. Keach offered some examples of requirements needed outside of Site Plan Regulations:

- Additional notes to be added to the Site Plan
- Construction/Demolition Plan
- Locations of septic system, wells, and utilities
- Proposed construction near the wetland buffers, etc. (limits of clearings staked and noted on the Site Plan.
- A response to abutters regarding vegetation
- M. Dorman, Plaistow Core Enforcement Officer, is to be onsite during construction.
- Additional details of construction Page 3, Comments # 7 and # 8 (ex. stockade fence details: (Home Depot or Commercial Grade and how will it be installed)
- Specific attention paid to noteworthy comments Page 3, Comment # 9

S. Keach offered that there needs to be substantial re-visitation of the storm water system. The previous initial design did not address qualitative factors to satisfaction. It was stated that the invert doesn't match, slope doesn't match, and there are no pipe sizes shown.

It was discussed that the concept of the storm water system is fine but there is still a lot that needs to be done to make it construction ready.

S. Keach offered comments regarding Page 5, Comment # 12. The May 8, 2019 letter was based upon the April 26, 2019 Site Plans. There were comments received by the NHDOT on May 1, 2019 regarding the geometry of the Plaistow Rd./ Route 125 driveway. It has been asked that the driveway have a squarer geometry. Once NHDOT requirements have been met there will need to be a review to make sure that they are sound and that they are compliant with the Town.

S. Keach offered comment regarding Page 5, Comment # 13. It was stated that the waiver request could not be accepted and that the applicant has withdrawn the request for the landscaping waiver.

S. Keach offered comment regarding Page 5, Comment # 14. It was stated that there is support for the use of reclaimed asphalt pavement (RAP) as the conditions of the business might compromise a more rigid area and approval of RAP would allow for any damaged areas to be taken up and resurfaced.

S. Keach asked if the Board had any questions.

There was a discussion about the concerns that the previous storm water management report only addressed issues relating to quantity and not quality of the water going into an unnamed tributary. It was discussed that it is understood that the changes made to the storm water management system proposes to filter the water further. However, it is still unknown as to what soluble chemicals will still be left in the water.

S. Keach offered that the new storm water management system will address quality concerns by use of the StormTech system that will have hydrodynamic separators and that details will exit on

the project's Site Plan. He offered that the separators are tested both in labs and real-world tests and that specification information is provided by the manufacturer, which is approved by NHDES.

S. Keach offered that there will be a requirement to have an Operation and Maintenance Manual, which will be noted on the Site Plans. It will be understood that it is the responsibility of a competent person to log and certify that the maintenance has been done. If upkeep of the Operation and Maintenance Manual is not done it will be considered a Site Plan violation and can be enforced.

There was a discussion that the previous storm water management system presented showed that there would be no discharge of storm water. There was some expressed concern that the newly proposed system has discharge points. It was discussed that L. Allen will need to tweak the design so that there is no discharge.

S. Keach offered that there will need to be a Letter of Intent and a note on the Site Plan presented prior to construction that states Storm Water Pollution Prevention Plan protocol will be followed. If it is not followed, it will be considered a Site Plan violation.

There was a discussion regarding the six (6) foot high stockade fence, tree height, and vegetation screening. It was discussed that specific information regarding the stockade fence is not available at this time. It was discussed that there is a Plant List available on C114 of the Site Plan. However, there is some concern about the availability of common species and not so common species.

There was a discussion about sheets C115 and C116 of the Site Plan in regard to the location, height, casting, and specific details of light fixtures. It was discussed that the detail shows mounting of twenty-five (25) feet. It was discussed that the fixtures including the pole and base need to be capped at twenty-five (25) feet.

J. Cashell asked if any concerns regarding emitted odors have been addressed.

S. Keach responded that the emission of odors has not been discussed.

J. Cashell addressed the audience to state that public attendance has remained steady and that the Board invites the public to express concerns and comments. However, it is also to be understood that it is the responsibility of each individual to keep up to date on the application and review process and also understand and respect the credentials of the individuals doing the reviews and analysis. He offered that S. Keach was invited to the Public Hearing to educate both the Board and the audience.

There was a discussion about the concerns regarding traffic impact.

S. Keach offered that he has not yet seen a Traffic Impact Study. However, the NHDOT standard scope is available. The Board was provided with the Vehicle Trip Generation Projections Memorandum from Scott W. Thornton, P.E., Vanasse & Associates, Inc., dated May 8, 2019.

There was a discussion that S. Keach's comment letter offers sixteen (16) points that need to be addressed and resolved by the applicant. L. Allen was asked how long he expects it would take to address all of the issues.

L. Allen offered that he would be able to offer responses in roughly one (1) to two (2) days.

There was a discussion regarding the availability of spill material being available on site and what happens to it after a spill is absorbed. It was discussed that there is appropriate spill material on site and that when it is used, it is disposed of properly, and new spill material is made available.

There was discussion as to whether there is a plan in place to address the removal of contamination such as petroleum discharge. It was discussed that the process is highly regulated and that all spills are required to be reported.

T. Moore offered a discussion regarding Winter maintenance regarding snow plowing, salting, and sanding. He asked if a biodegradable deicing compound has been considered.

L. Allen offered that a biodegradable deicing compound has not been requested and that salting and sanding is expected to be treated as it is on other sites.

S. Keach offered a suggestion to the Board that they review the Green Snow Throw Program.

T. Moore asked if the Board had any additional questions.

There was some additional discussion regarding performance specifications and discharge information available for the updated storm water management system. It was discussed that there is information regarding effectiveness testing that is made available by the manufacturer.

There was some discussion regarding the Conservation Commission Report. There was a discussion about having a Joint meeting of the applicant, Planning Board, and the Conservation Commission to allow the applicant to answer any questions that the Conservation Commission may have regarding the project.

J. Cashell asked if Milton CAT has employed the use of capture tarps.

L. Allen responded that Milton CAT has not.

B. Ferrin offered that capture tarps have not been needed at other locations and that there are spill prevention kits, etc. to address spills.

J. Cashell addressed the audience and expressed that there have been many abutters concerns stated and documented previously. It was requested that only new concerns from the audience be presented for Public Comment.

#### Public Comments:

Jeff Bezer, 13 Village Way, offered that he agrees with many of his neighbors' concerns. He asked how the project would benefit the Town of Plaistow, and asked if there would be any negative repercussions if the Site Plan was rejected.

Luke Fitzgerald, 7 Village Way, offered his concerns that it is still unknown as far as what contaminants might be going into the water, it is unknown as to what impact the project will have on the traffic pattern on Main St. He asked for the Board and abutters to review the 2011 traffic study that is available on the Town website.

Melissa Garland, 15 Village Way, offered that most of the area at other site locations are covered by concrete. She asked why this site proposing RAP instead of concrete.

Doug Meteisis, 3 Village Way, expressed concerns regarding:

- The weight of the equipment causing damage or excessive wear and tear on Town streets.
- Just one (1) piece of equipment could weight fifty (50) tons.
- There is no limit to what type of equipment can be positioned on site.
- There are still many environmental concerns about the impact of the project on the aquifer used by many communities.

- In his opinion, ProQuip should be held responsible for the testing of the aquifer and discharge points on a recurring basis.

Patricia Doherty, 3 Stonebridge Dr., asked about the operating hours and noise levels of the business.

T. Moore offered that the business hours will be 7:00am to 7:00pm.

S. Keach offered that the noise level will depend on each individual piece of equipment.

J. Cashell offered that the Town now has a Noise Ordinance in place. If there is a complaint, it will be investigated by the Town to assess if there is a violation of the Noise Ordinance.

Judith Nadreau, 7 Tuxbury Rd., offered a handout and presentation to the Board showing an aerial “bird’s eye” view of the project site and surrounding communities to show how connected all of the properties are to each other including:

- Zoo Creatures, abutting property, business owned by Kevin McCurley
- Tuxbury Meadows (and the position of the well system)
- Stonebridge Village (and the position of the well system)
- Village Way properties (abutting the proposed Milton CAT project site)
- Quick Stop Tire Shop, abutting property, business owned by Pierre Sader
- Sanborn’s Candy Shop, abutting property, business owned by Theodore Sanborn, Jr.

J. Nadreau provided a copy to the Board, and offered a review of, her letter to the Board entitled “You Can’t Contain Mother Nature because It’s Going To Rain And It’s Going To Snow”.

Richard Anthony, 4 Village Way, offered a “Thank You” to the Board for making public the letter of opinion from Anthony Cleary of Wadleigh, Starr, and Peters, P.L.L.C, dated April 3, 2019, regarding the Zoning Determination relating to 143 and 145A Plaistow Rd. as well as making a motion to have all further Zoning Determination Letters made public with the appeal process printed on them.

R. Anthony offered that there have been numerous abutters objections to the project documented. He provided the Board with a copy of a letter from the Law Office of Scott E. Hogan, dated May 13, 2019. He offered comments regarding:

- Review of neighboring properties
- The planting of trees on the project site. If the trees are planted young, it is going to take many years for them to reach approximately ten (10) feet. In the meantime, the project site will be ugly and unsightly.
- He offered that he feels that the Board doesn’t need to approve the project just because all required boxes have been checked.
- He asked if the Board felt that the project truly represents a business that the Town of Plaistow wants.
- He offered that no one wants to have to smell diesel fuel and other odors generated from the operation of the business.
- He offered that it has been stated that the Zoning Determination has been considered closed. However, he stated that the abutters don’t agree and feel that the business is still considered a contractor storage yard, not retail.
- He offered a review of the letter from the Law Office of Scott E. Hogan, dated May 13, 2019.

The Board was provided with a copy of a letter drafted by Sanaz Anthony, 4 Village Way, dated May 6, 2019.

Kevin McCurley, 149 Plaistow Rd., expressed his concerns about the storm water management system's separators serving as nothing more than a coffee filter. He stated that one (1) gallon of diesel fuel can contaminate one million (1,000,000) gallons of water. He stated that he's not hearing anything presented that gives him assurance that the water coming out of the separators is clean. As an abutter, he does not feel comfortable or protected. He stated his concern that once the project is approved, that the abutters no longer have any say in the matter.

J. Cashell asked K. McCurley to only offer comments based upon information that has not already been introduced previously. He stated that the applicant and representatives have agreed to have a joint meeting with the Conservation Commission and the Board and assured him that his testimony is taken very seriously and is extremely helpful to the process.

Dan Johnson, Plaistow Consultants, offered the following recommendations and comments regarding the project:

- There should be recurring monitoring and testing of wells.
- There should be a fence buffer, not just property line set backs of twenty-five (25) feet from the wetlands.
- There should be yearly permits and inspections required.
- There should be four (4) foot wide berms to compensate for trees.
- How long will equipment be allowed to idle?

T. Moore asked if there were any additional questions.

There was a discussion that the sixty-five (65) day review period has expired and that there is a need for an extension. It was recommended that the extension be brought out to June 30, 2019 to allow for additional review of information, the Board to make an informed decision and provide a thoroughly drafted letter of decision.

J. Peck called point of order to discuss an extension on the review of the project.

T. Moore offered the following timeline:

- June 19, 2019: Joint meeting with the Conservation Commission, applicant, and the Board to review all previously presented materials and additional information requested from the applicant.
- June 30, 2019: Board to arrive at a written decision which will be filed and a copy submitted to the applicant.

There was a discussion that if the Board does not come to a decision by the end of the June 19, 2019 meeting, that an additional "working session" meeting will be scheduled before June 30, 2019.

K. Ovitt Puc, offered that the applicant is prepared to address all comments presented in the letter provided by S. Keach. She asked for clarification on the additional information being requested by the Board.

There was a discussion that the following additional information is requested by the Board:

- A final version of the Site Plans (work out that have not been drafted yet including notes to establish parameters to bring the project to the point of construction).
- Additional information regarding the storm water management system specific to the hydrodynamic separators such as performance testing results which are available through the manufacturer.
- Quantitative Trip Generation details and turning movements

- Comments to be provided by the Conservation Commission
- Fish and Game Audit, requested by the abutters
- Fencing Detail to be provided on the Site Plan
- Operation and Maintenance Manual as required by NHDES

K. Ovitt Puc offered that a Fish and Game Audit is unnecessary due to having a NHDES AoT Permit.

J. Peck offered that the NHDES AoT Permit does not offer information based upon an audit of wildlife. He asked what specific information will be provided to the Board.

K. Ovitt Puc offered that she will look into what information is provided with regard to the NHDES AoT Permit.

J. Peck offered concerns that during the Site Walk there were concerns regarding the driveway and that it looked to be within the seventy-five (75) buffer that is required.

Charlie Zilch, SEC & Associates, offered a brief review of the wetland mapping. He stated that the driveway is seventy-five (75) feet away from the wetland and meets setback requirements.

There was a discussion regarding landscape maintenance. It was discussed that landscape maintenance is a Site Plan requirement.

There was a consensus by the Board that the project review will be extended until June 30, 2019. The Board will provide written notice of decision by that date.

K. Ovitt Puc offered that she would provide the Board with a letter agreeing to the extension.

T. Moore asked S. Keach if he will be available for the June 19, 2019 meeting.

S. Keach responded by stating that he will be in attendance at the meeting.

*T. Moore called for a break at 6:25 p.m. The meeting was called back to order at 6:30 p.m.*

#### **Agenda Item 4: Conceptual Discussion Re: 88 Plaistow Road – Change of Use:**

Michael Malynowski, Senior Project Manager for Allen & Major Associates was present for the application.

M. Malynowski offered the following information regarding the project:

- Allen & Major Associates were the original Civil Engineers on the project.
- The project was originally started back in the Fall 2017 and finished in early 2018.
- The project went before the Board for Site Plan approval and reviewed through the ZBA for variances.
- The property is located on Route 125 next to Tractor Supply.
- The proposed use with retail area and a motor coach was approved.
- Since then the owner has opted not to expand and decided to sell the property.
- The owner now has a proposed buyer for the property.
- The applicant is now looking to go before the ZBA to get a variance for a change of use to be used as a climate controlled self-storage facility.
- There will be a reduction of paved area since the traffic on site will now be limited to small cars and trucks.



It was discussed that self-storage is not a use that is allowed in a Commercial District and that is the reason for going before the ZBA to request a variance for the change of use to allow for a self-storage facility. There will also need to be a review of parking requirements and a wetland variance.

There was a discussion that the property is an extremely wet area.

M. Malynowski offered that the State will allow for some wetland filling and that there is already a permit on file. He stated that the project is not imposing any new impacts. However the applicant will need to go through the Board to amend permits and a formal application will need to be submitted for a NHDES AoT Permit.

There was a discussion that the facility is to be used solely as climate controlled self-storage and that there will not be any storage of vehicles or business conducted within the units.

There was a brief discussion regarding abutting properties. It was discussed that there is a large area in the back that is Town owned property.

The history of the property was discussed briefly and it was discussed that there was some ground penetration radar and environmental engineering completed. Over six hundred (600) pages of documentation from NHDES has been reviewed and closer reports have been completed.

G. Adams asked if a request can be made that a note is provided on the Site Plan stating that there will not be any exterior storage on site.

J. Cashell asked if the applicant can provide a list of other self-storage facilities owned.

M. Malynowski offered that he would submit a list of other properties to the Board.

#### **Agenda Item 5: Old Business:**

##### Master Plan Contract:

There was a discussion regarding the signing of the current Master Plan Contract provided to the Board by Steve Whitman, Resilience Planning & Design LLC.

There was a discussion and review of the current contract balance, what has been paid to date, encumbrances available, and the remaining balance that needs to be funded.

F. Hart offered that the BOS approved \$6,032.50 to be paid out. Encumbrances are still being worked on.

T. Moore offered that it may be possible to come up with some additional funding.

There was a discussion regarding a recommendation from 2004 Future Land Use in regard to prime wetlands.

There was also a brief discussion regarding the MS4 Storm Water Management Plan.

J. Cashell suggested that there be scheduled a joint meeting with the BOS, Conservation Commission, and the Board to discuss the recommendation regarding prime wetlands.

#### **Agenda Item 6: New Business:**

##### Member Personal Email Addresses (Discussion):

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There was a discussion that personal e-mail addresses and phone numbers are only to be shared with members of the Board.

There was a discussion about creating Town e-mails. It was discussed that Town e-mail addresses cost \$15 per month per e-mail address and that all current domains are full. In order to add additional email addresses the Town would need to upgrade to a new level.

It was discussed that the Board should not say anything in e-mail that they are not comfortable being made public. It was also discussed that since Planning Board business is discussed, it opens up personal e-mail to review if requested.

May 22, 2019 – NHMA Planning Board Basics Training (Reminder):

The NHMA Planning Board Basic Training will be held May 22, 2019 from 6:30pm to 8:30pm.

**Agenda Item 7: Communications, Updates, & Other Business:**

There were no Communications, Updates, & Other Business presented.

**There was no additional business before the Board and the meeting was adjourned at 10:06p.m.**

**Respectfully Submitted,  
Samantha D. Cote  
Recording Secretary**