

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



PLANNING BOARD MINUTES
August 18, 2021

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

1. ROLL CALL:

Tom Alberti, *Ch.* – Present at Town Hall
Tim Moore, *Vice Ch.* - Present at Town Hall
Laurie Milette - Present at Town Hall
Karen Robinson – Present at Town Hall
Greg Taillon, *Selectman's Rep.* Present at Town Hall
Maxann Dobson, Alternate – Present at Town Hall
Bill Coye, *Selectman's Alt.* - excused
John Cashell, *Planning Director* –Present at Town Hall (non-voting)

Also Present: Charlie Zilch, SEC Associates, Inc., Plaistow, NH
Jonathan Rauch, Federated Realty Five, LLC, Traverse City, MI
Joseph Coronati, Jones & Beach Engineers, Stratham, NH
Dave Sanderson, ConvenientMD
Keith Barnard, 20 Palomino Road, Salem, NH

2. REVIEW/APPROVAL OF AUGUST 4, 2021 MINUTES:

Draft minutes of the August 4, 2021 meeting were included with the meeting materials. No corrections were made.

G. Taillon moved, second by T. Moore to approve the minutes of the July 21, 2021 meeting as written.

The motion to approve the minutes as written passed 5-0-0

3. PUBLIC HEARING:

Ch. Alberti opened the Public Hearing at 6:32 PM and read the following into the record:

Continued from May 19, and June 16, 2021, and July 21, 2021

PB 21-06: The completeness of an application from J&R Realty Trust, Jeffrey Raymond, TR for a commercial site plan that proposes to raze the existing residential structure and construct a 2-story, 1,120 SF office building on the existing footprint. The plan further proposes a 1-1/2 story, 3,400 SF, 4-unit trade business building; related drainage; landscaping; lighting; and parking. The property is located at 190 Plaistow Road, Tax Map 44, Lot 2, in the C3 (formerly C1) zoning district. The applicant is the property owner of record. If the application is found to be complete, the Planning Board may immediately conduct the public hearing.

C. Zilch, reviewed the application, noting that it was originally planned that J&R Gutters was to be the sole tenant, but that the building inspector determined that the business was a contractors' yard, that the ZBA denied the variance on two grounds, that was then appealed by the client's attorney, that was also denied and it is going to court. He reported that the client and attorney are considering the Board's suggestions to soften the site to be more in keeping with the C3 District but have made no determination yet. He said there have been no plan changes as yet. He said they have the driveway permits for Route 125 and Old County Road and have made the majority of changes recommended by Keach-Nordstrom Associates (KNA). He reported that his client's attorney had planned to be a present at this hearing but had cancelled due to illness, and asked for another continuance for one more meeting.

Ch. Alberti asked if, with regards to the ZBA decision, there was an original Plan A and this is under consideration is Plan B and asked if Plan A to develop it as a J&R site is still under consideration. C. Zilch said he thinks that if J&R Gutters can't use the site as it wanted it will develop and rent the units.

Ch. Alberti asked about the timeline for a continuance. He said the Planning Board had given some suggestions to the applicants back in May and has seen no updates since then. J. Cashell said the Board could continue the hearing until September 1st or 15th but it might be prudent to go into October. Ch. Alberti asked which date would be best for the applicant considering there may be some court action. C. Zilch did not know that timeline but reported that the applicant was amenable to the idea of changing the facade of the four-unit building and to additional landscaping. He said that some of the issues were the site restriction having to do with storage units, and asked for a continuance to Sept. 15th.

GT. Taillon asked if there were any other major changes that need to be resolved. C. Zilch said they were waiting for final determination from DOT and he understands the permit is ready to be signed and the Town permit would follow and there are no other variances. He said the remaining question is the use of the site and what the client and the Planning Board will accept. K. Robinson said she understood the 4 bays to be a warehouse and that needs to be changed completely. Ch. Alberti agreed this needs some further discussion and asked whether the applicant was waiting on the court decision; he noted he would not want to take a lot of the applicant's and Board's time with discussion if this was the case. He further noted that storage containers on a property need Planning Board approval and cited Plaistow Zoning Regulation §220-17.3 and J. Cashell noted it is appropriate for the Board to say that the storage containers in the front parking lot are not appropriately sited. He also noted the Board's questions about the egress onto Old County Road cutting across incoming traffic and creating a busy intersection. C. Zilch noted the Old County driveway restriction is local and that the State had asked be exit only to avoid cars trying to access it off Rt2. 125.

Ch. Alberti continued the hearing to September 15, 2021 and noted no further abutter notices will be sent out for this continuation.

Continued from July 21, 2021

PB 21-08R: The completeness of an application from Federated Realty Five, LLC, Attn: Jonathan Rauch, for an amended site plan that proposed to demolish an existing commercial structure and construct a new

5,150SF medical office structure with associated parking, drainage, and utilities. The applicant is also requesting a Conditional Use Permit. The property is located at 49 Plaistow Rd, Tax Map 26, Lot 67, in the C1 Zoning District. The applicant is the property owner of record. If the application is found to be complete, the Planning Board may immediately conduct the public hearing.

T. Moore moved, second by G. Taillon to accept the application for an amended site plan that proposes a 5,150SF medical office structure with associated parking, drainage and utilities at 49 Plaistow Road, Tax Map 26, Lot 67 as complete.

The motion to accept the application as complete passed 5-0-0.

Ch. Alberti opened the Public Hearing on the application. J. Coronati, Jones & Beach Engineers and Dave Sanderson, ConvenientMD introduced themselves. J. Coronati noted he had handed out information about ConvenientMD as well as letters in support of ConvenientMD from local communities. He described the plan for the location.

G. Taillon asked if there will be any egress changes and if there will; still be an exit off the property onto Garden Road and was told yes but there would be some changes. J. Coronati said the curb cut that allows a cut through from Rte. 125 to Garden Rd. would be removed and full traffic access will be from the traffic light across from Walmart. He reviewed the parking areas and noted the parking aisle width at the back of the building is one of the two waivers they are requesting because it is less than 20' and they wish to use the 4 four spaces there used for employees only. He also noted their dumpster will be in that area in the same location as the existing dumpster. They will close one curb cut on Rte. 125, fill in the sidewalk and create more landscaping. The parking lot will not encroach any further towards the wetland at Little River than what already exists and will be all new pavement. He said that at the Conservation Commission's request no snow dumping signs will be added along the street and guard rail. He said there are some locations for snow storage on the site but not along the wetland area.

J. Coronati said the other waiver they are asking for is the parking area in the front of the building being less than 12' from the property line. G. Taillon asked if there was something unique about their urgent care vs the existing urgent care further up the road, and if ambulances would be coming through the parking lot. D. Sanderson said that other types of urgent care facilities such as Clear Choice, CVS Minute Clinic, CareWell, etc. can treat about 25-30% of what would normally be able to be treated at an ER, while they are able to treat 70-75% in part because they have a larger facility, more exam rooms, are licensed federally to use more moderately complex equipment, and all staff have a minimum of 15 years ER experience. He also noted their relationships are with insurance companies, they are not affiliated with any hospital and there are no hospital overhead or administration fees. He said an ER visit for strep throat would run about \$1,800 with all the lab work, while it would be \$250 at ConvenientMD. Regarding ambulance or other transports he said due to their broader scope of service only 1 to 1.5% of patients who come in ultimately have to be transported.

Ch. Alberti asked how the size of this facility compared with their average facility and was told all facilities are within 3% of the same square footage. He asked how many patients are seen a day and was told a mature clinic would see about 60 patients and have 8-10 employees. He asked about the truck access to the dumpster and was shown the traffic schematics for a front loading truck.

Ch. Alberti noted that there are a lot of accidents at the intersection the driveway fronts and asked if there was any consideration of eliminating the Garden Road entrance and exit. J. Coronati noted that the business is not a big traffic generator like a shopping center but is mainly for the local people and that cutting off a back entrance to a local road tightens access for them. G. Taillon asked how they might minimize people cutting through the property. Ch. Alberti noted that people still use the cut through to access the Walmart

shopping area and conflict with people exiting left out of the shops. K. Robinson said the lights would have to be changed for the exiting cars. It was suggested that having the Gardner Rd. entrance be one way only. J. Cashell noted that the TD Bank site is also heavily used and has a cut through. J. Coronati noted they will be narrowing the entrance on Garden Rd. A No Thru Traffic sign was suggested. There was ongoing discussion about the traffic from the various businesses along Rte. 125. J. Coronati suggested there might not be as much cut through while the business was open and they might look at closing the Garden Rd. entrance at night. Ch. Alberti asked if, given Rte. 125 is a state road if the lights could be changed. J. Cashell suggested that ingress off Rte. 125 and egress onto Garden Rd. might solve the problem. T. Moore suggested the Board could work with the State to change the timing of the lights to eliminate head on collisions. J. Coronati said that switching the lights is not simple but is doable.

Ch. Alberti said one of the pending issues was to receive the Conservation Commission's comments on the Conditional Use Permit (CUP) and the comments have been received. T. Moore said the plan does infringe on the 35' buffer, as did the existing plan. and their main concern was signage prohibiting snow dumping along the wetlands border. He noted the ConCom was in favor of supporting the issuance of the CUP when the condition is met. Ch. Alberti read from the ConCom letter "The conservation Commission supports the issuance of a CUP provided the developer place 3 signs along the guard rail at the southern border that state no snow is to be dumped over the guard rails and hence drain untreated into Little River."

Potable water was addressed. J. Coronati said they would like to connect to the water system when it is available. He noted there is a line running by the site now for water suppression and they required to have a water sprinkler system as well as a fire alarm system. He said the building is currently serviced by a well and they can use it while waiting to be connected to the potable water system or for longer it had not been decided yet. He said he does not believe the abutter is connected to the well. Ch. Alberti noted he was not sure when the potable water system will be available; G. Taillon said that the first focus will cover the fire suppression sites so if they are hooked up to that once the water is turned on they will be on the water line. He recommended the applicant have a discussion with acting Town Manager Greg Colby about this. T. Moore said the pump house on the Atkinson/Plaistow town line on East Rd. needs to be completed. Once that is completed the whole system needs to be sanitized. J. Coronati said there would be an entirely new septic leech field and tank constructed in the back of the building.

There was discussion about the front landscaping and the Garden Rd. cut which is overgrown and it was agreed to pay particular attention to aid sight lines at the Garden Rd. cut. There was more discussion regarding the lights and Ch. Alberti said he would request more information from DOT.

Ch. Alberti noted that the two waiver requests were not submitted on the proper forms and need to be sent in and asked the requests be spoken to. J. Coronati said one is for the aisle width in the back of the building which starts at 20.6' and declines to just under 11' and the parking spaces are for employees only. He noted there are 25 parking spots. Ch. Alberti asked about medical waste disposal and was told they contract for this and one bag is taken every other day. Supply deliveries would happen in the back area and are generally by FedEx van. J. Coronati said the second waiver is for the front parking area which is less than 12 feet from the property line.

Ch. Alberti opened the hearing to public comment. Domenic Mangano, owner of the Village Coin Shop, 51 Plaistow Rd C, Plaistow, NH spoke to the number of people using the site as a cut through and the number of accidents. He asked if the north side of the property would be completely closed off. He said drivers cut through the back of his parking lot and onto 51 to get out to Rt. 125. He suggested a fence be built. J. Coronati said there would be no pavement on the north side of the building and it will be landscaped. D. Mangano said he has seen lots of accident there because there is no red arrow on the light. With no further comments forthcoming, Ch. Alberti continued the hearing to September 15, 2021 and noted no further abutter notices will be sent out for this continuation.

PB 21-10: The completeness of an application from 17 Commerce, LLC c/o Keith Barnard, for an amended site plan for a change of use from an indoor gymnastic facility to a telecommunications business, including improved access to Route 125, removal of the existing swimming pool and patio area and replacement with pavement, and a small increase to the parking pavement. The property is located at 191 Plaistow Rd, Tax Map 44 Lot 20 in the C3 Zoning District. The property owner of record is Neale Realty Trust, Paul E. and Elizabeth V. Neale, TR. If the application is found to be complete, the Planning Board may immediately conduct the public hearing.

T. Moore moved, second by K. Robinson to accept the application for an amended site plan proposing a change of use from a gymnastics studio to a telecommunications facility at 151 Plaistow Road, Tax Map 44, Lot 20 as complete.

The motion to accept the application as complete passed 5-0-0.

Ch. Alberti opened the public hearing. Applicant's representative Charlie Zilch, SEC & Associates, Plaistow, NH introduced applicant Keith Barnard and reviewed the plan. He noted the site was approved back in 1999 for commercial use and that it has held up very well due to the changes made to it back then. He noted that applicant K. Barnard is the owner of Modern Link Communication and currently conducts his business in Kingston, NH and wishes to relocate. He has 20 staff and remote and onsite technicians and provides a range of service throughout the area. The building will be used for office space and storage of the various electronic components used for installation, upgrades or repairs at various sites throughout the area. Most vehicle traffic in and out will be office personnel, small service pickups and occasional small-to mid-size box trucks delivering product which requires a change to the site's entrance off Rte. 125 to allow delivery trucks to back into the loading area. The entrance and exit will be about 22' across each, with 15' island between them.

Ch. Alberti asked about the scope of the business. K. Barnard said telecommunications, Wi-Fi, microwave, internet cell tower construction for all the major carriers as well as small municipality work in northern NH and ME, and some government work. He said he has four crews of approximately four people. He said that the crews meet at the office building, gather the materials they need and then leaving their vehicles they deploy to the job site in the foremen's truck, return and the foremen take their trucks home. He said he and one of the project managers are generally the only people at the site all day. Ch. Alberti asked if they use boom trucks or other large vehicles for their projects; K. Barnard says he doesn't own any boom or bucket trucks but sometime rent them. He said it is possible he might own one within the next five years but nothing large. He noted for they use F350 utility body full crew pickup trucks. Ch. Alberti said the site is in the C3 Zone which is more restrictive on outside storage and trucks. K. Barnard said that he is not a general contractor and that the inside gymnasium facility will host a lot of their materials which can't sit outside in the elements unless they are plugged in due to the RF and electrical connections. He said that the materials that come in should be out for installation within 15 days. He noted there are trucks and two 12' tow behind trailers that will be parked where the filled-in pool is located behind the building and will not be visible to the public. He noted the trailers go to job sites and are often not at the facility.

G. Taillon asked if there will be any change to the building itself and was told they are adding access doors in the back for loading and that there will be no change in the size of the building. There is no plan to change the exterior of the building or adjust the landscaping. He said he does not have any of the cable trucks, large spools or bucket trucks which are used by specially licensed high voltage contractors.

Ch. Alberti noted that the fire alarm system will need to be updated and approved by the Fire Department and asked about the driveway permit which C. Zilch said is still being reviewed.

Ch. Alberti invited public comment but there was none.

T. Moore move, second by G. Taillon move to approve the site plan for a 2-story, 1,120 SF office building on the existing footprint; a 1-1/2 story, 3,400 SF, 4-unit trade business building; related parking, drainage, lighting and landscaping, with the following conditions:

- Receipt of a NHDOT driveway permit for the Plaistow Road curb cut, and the related information updated in the note on the plan.***
- Receipt of a Town of Plaistow driveway permit for the Old County Road curb cut, and the related information updated in the note on the plan.***
- Address Staff Checklist Review Comments and update plan as necessary***
- Address KNA Review Comments and update plan as necessary***

The motion to approve the site plan passed 5-0-0.

Ch. Alberti concluded the Public Hearing at 8:27pm.

4. DISCUSSION – 125 DEVELOPMENT CORP/NEWTON NH PROJECT

Ch. Alberti noted that he is an abutter to the project and would recuse himself if there is a hearing on the project and asked if as the Chair he could participate in this discussion. It was felt that he could as no decisions would be made.

J. Cashell said he had sent a legal opinion request to Attorney Cleary because there was no development at all planned in Plaistow and it states that explicitly on their plan. Atty. Cleary said there is a New Hampshire law that requires all towns have to sign off on it whenever there is a subdivision plan that includes more than one town. J. Cashell said that because all the construction is in Newton and the closest any development gets to the Plaistow property that is included is over 1,800 feet away, Atty. Cleary said the Planning Board should send notice to Newton that once they are done with the plan Plaistow will have its public hearing and take appropriate action. Ch. Alberti suggested the Board could say it would sign off on the plan on the condition that no development occurs in Plaistow. J. Cashell said there is a possibility a lot line relocation may be needed for the lot on the plan that does include Plaistow property. T. Moore asked if any of the Plaistow land lots extend into Newton. J. Cashell said there is only one lot that has some Plaistow land and that lot has some development planned that would be 200 feet minimally from any land included in Plaistow. T. Moore noted that the plans were seen some time ago and that because there had been some plan with building in Plaistow it would be a good idea to include the no development in Plaistow note on the approved plan. J. Cashell said that Newton through the planner is requesting a formal letter from the Chair acknowledging the situation; he offered to draft the letter and have Ch. Alberti review and edit it. Ch. Alberti asked if they need this letter to proceed further; J. Cashell said there is a new engineering firm involved with it but they are still in the development, and some variances have been granted but others have not.

5. OLD BUSINESS

Ch. Alberti noted that there were some conditions and approvals required of the North Ave plan. T. Moore said the developer went to the Conservation Committee and that the plan hadn't changed much since they had last seen it. He said the ConCom made a recommendation to support the Conditional Use Permit.

K. Robinson had questions regarding landscaping at a site where it seems there is not enough room as originally shown on the plan. J. Cashell said they would get in touch with the developer and make sure they are building according to the plan they presented. Ch. Alberti suggested T. Tombarello visit the site. K. Robinson and L. Milette discussed the commercial set back of 50' and suggested that this should go on the ballot in 2022 to be amended to 75'.

Ch. Alberti referred to the conditions set on the North Ave development specifically the four lots that had wells beyond the wetland and there was to be no development beyond the wells and crossings, and asked how we can ensure these conditions are adhered to. J. Cashell said they have to come back with a plan that accurately reflects the requirements of the Board which will be reviewed by Keach-Nordstrom and the staff.

6. NEW BUSINESS:

The agenda for the September 1st meeting was discussed. J. Cashell noted that each Board member was to consider any zoning amendments or agenda items for the September 1st meeting and forward them to Dee Voss. Ch. Alberti noted there is the 2 Main Street application to be reviewed at that meeting; that it will be going to the ZBA but it is not on the ZBA agenda for the end of August and wondered whether they would meet their requirements by the next meeting. J. Cashell said he would clarify this with D. Voss. T. Moore said there are a few things on the list for Zoning Board agenda including storm water issues, and that the ConCom will be talking about wetlands and hoping that will be ready for voting in March.

It was noted that the Board has PB 21-11 and PB 21-12 on the agenda for September 1st. It was felt they would be quick hearings. The meeting on September 15th would have J&R Realty, ConvenientMD and possibly another plan.

There was discussion of the timeline for bringing Zoning amendments to the public. T. Moore noted they really should not be held more than 90 days ahead of Town Meeting; that once you have a public hearing and approve a zoning change you could enforce it but if it failed at Town Meeting there could be issues.

7. ADJOURNMENT

There was no additional business before the Board and the meeting was adjourned at 8:53 PM.

Respectfully Submitted,

Charlene A. Glorieux
Minute Taker