

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



PLANNING BOARD MINUTES
February 17, 2021

Public Hearing Meeting

Call to Order: The meeting was called to order at 6:35 PM

Ch. Peck read the following COVID-19 statement:

The Plaistow Planning Board, due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, is authorized to meet electronically, and these reasons shall be reflected in the minutes. Notice of this electronic meeting was sent to all abutters and published in the Eagle Tribune Newspaper.

The Plaistow Planning Board is utilizing the GoToWebinar program of the GoToMeeting platform for this electronic meeting. All members of the Board have the ability to communicate contemporaneously during the meeting through the GoToWebinar program, and the public has access to contemporaneously listen and, if necessary, participate in this meeting. The link to access this meeting was provided on the Town's website, with the notice where to email with It is strongly suggested that you test the link in advance of the meeting to make sure you are able to access it. Please report any issues to jcashell@plaistow.com.

There is a "raise your hand" feature of the program that will allow attendees to participate in the discussion. There is also a Q&A box for the public to type questions during the meeting. The Public can also send emails with questions or concerns prior to and during the meeting to jpeck206@plaistow.com. Please note: all questions and concerns typed into the Q & A box or sent via email will be read aloud to become part of the public record. The meeting will also be live on Plaistow Access Cable - Channel 17 and will be livestreaming on the Town's website

- 1. ROLL CALL:** James Peck, *Ch.* - Present at Town Hall
Tim Moore, *Vice Ch.* - Remote
Laurie Milette - Present at Town Hall
Francine Hart, *Selectman's Rep*- Remote
Karen Robinson - Present at Town Hall
Tom Alberti, Alternate – Present at Town Hall (non-voting)
Geoffrey Adams, Alternate – Present at Town Hall (non-voting)
Greg Taillon, *Selectman's Alt* - Absent (non-voting)
John Cashell, *Planning Director* – Present at Town Hall (non-voting)

Also Present: Maxann Dobson, Resident
Lawrence Ordway, Resident
Joseph Tardif, Resident (remote)
Charlie Zilch, SEC & Associates
Bill Hall, Civil Design Associates
David O'Keefe, D&P Realty Trust

2. REVIEW/APPROVAL OF JANUARY 20 , 2021 MINUTES:

Draft minutes were included with the meeting materials. No corrections were made to the draft minutes.

F. Hart moved, second by K. Robinson approve the minutes from January 20, 2021 as issued.

The motion to approve the minutes as amended passed 5-0-0.

3. ALTERNATE MEMBER CANDIDATES

Ch. Peck introduced Maxann Dobson, 5 Nicholas Road, Plaistow as a candidate for alternate member of the Planning Board. He noted she has been very involved in the Town for many years, most recently as Chair of the Budget Committee and wanted to continue to help the Town. M. Dobson said she wanted to know more about what is going on in the Town especially planning, development and where the Town is going in the future. Ch. Peck noted he knows M. Dobson and that the Planning Board could use another alternate member as Tom Alberti is running for the Board

L. Milette moved, second by K. Robinson to approve adding Maxann Dobson as an alternate member to the Planning Board.

The motion to approve passed 4-0-1(F. Hart).

4. PUBLIC HEARING:

Ch. Peck read the notice: **PB 21-01:** The completeness of an application from D&P Realty Trust, David O'Keefe, TR for an amended site plan that proposes the addition of a 1,568SF storage building, associated paved driveway and related drainage improvements. The property is located at 26 Main St, Tax Map 37, Lot 11, in the CII 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.

Ch. Peck noted that the staff review indicates the application is complete. L. Milette noted that the Code Enforcement Officer's letter refers to Table 220-32D and said it should be Table 220-32C which is the C2 district. Ch. Peck noted it is a mistake in the letter but it changes nothing as it is a permitted use.

F. Hart moved, second by T. Moore to accept the application for an amended site plan to allow a 1,568SF storage building, additional paved driveway, and related drainage, for the property located at 26 Main Street, Tax Map 37, Lot 11, as complete.

The motion to accept passed 5-0-0.

Ch. Peck opened the public hearing at 6:34pm.

C. Zilch, SEC & Associates, Plaistow, NH reviewed the changes that had been made to the site plan that has been before the Board over the last few years. He said the property has an existing commercial building in the rear of the lot that houses office space for the business that was approved in 2017 and has been operating there since that time. Also on the lot near the front is a storage building. It was noted that there are two businesses which share a common driveway, shared parking and a shared well. They are looking for approval to construct a 28x56' 1,568SF storage building addition to the existing storage building which will house equipment and products for both the businesses. Total site coverage will go from 20 to 25% so they

will be adding a drainage structure at the end of a culvert which releases storm water runoff into the wetlands.

Ch. Peck asked about the relationship between the 2 side-by-side lots, one owned by David O'Keefe and the other by Patrick O'Keefe. C. Zilch said there are two separate businesses, one is robotic pool cleaners and the other is retail pool supplies, and the storage is used by both. He said they ran into issues getting supplies due to Covid19 and couldn't service their customers, so they want to increase the storage to avoid this type of problem in the future. Ch. Peck noted this is a C2 District and retail space is normally 2,000SF and it looks like this is close to 4,000SF. C. Zilch said some of the buildings are just storage with no retail sales, and part of the professional building is just office space. Ch. Peck suggested that with the second lot there combined footage approached 8,000SF. C. Zilch said he would check but thought the retail part would not exceed 2,000SF per lot. D. O'Keefe explained that the large building which houses the Television store also houses offices for several of their businesses.

T. Alberti asked if the storage building would be used by both businesses and was told it would. L. Milette noted there will be a patio on the new building and asked if merchandise would be displayed there; C. Zilch said the patio is an existing structure and there is no showroom. T. Alberti asked if chemicals will be stored there. D. O'Keefe said there would be no chemicals stored in the new building at all.

Ch. Peck read the characteristics of the C2 District and expressed concern that the two lots will approach 10,000SF in buildings which is not the intention for C2, and said the Board needs to take this under consideration. C. Zilch noted that much of the property will be left as leaching fields, storage and buffers. L. Milette asked if the business is changing, noting she has seen lines of pallets with wood stove pellets being sold. D. O'Keefe said they will not be selling wood stoves but have had pellets for sale. L. Milette noted that the Board has given lot 26 many waivers and she noted these waivers will stay with the amended site. She wondered if any of these could be changed to help buffer the site as it seemed to her a lot of trees were taken down where the pellets are. D. O'Keefe said the electric company recently took down some bushes when putting up new poles and are supposed to put in some new ones in the spring. T. Alberti noted this is a busy vehicle traffic area and asked if there would be an increase to the volume with the proposed changes to the sites. D. O'Keefe said the cleaners have to be sold online and are shipped out, that people cannot buy them on site. He said there are different pool cleaners for that side of the business and must be bought on line sale and shipped out to the customer. However the other side does sell different brand cleaners via retail.

There was no public comment. Ch. Peck closed the public hearing at 7:25pm and called for a motion and vote.

K. Robinson moved, second by F. Hart to approve the amended site plan to allow a 1,568SF storage building, additional paved driveway, and related drainage, for the property located at 26 Main Street, Tax Map 37, Lot 11, with the following condition:

- Per the recommendation of Keach-Nordstrom Associates, confirmation of the relocation of the portable storage container and a copy of its permit are received by the Planning Department

The motion to accept passed 4-1(L. Milette)-0.

L. Milette said she did not believe the plan fits the C2 District and that there is more retail going on than the 2,000SF limit. J. Peck said he had some concerns also and though the amended plan has been passed he asked the applicant to provide further information on the retail aspects later. L. Milette noted that since she has been on the Board this is the 5th time the plan has been amended. C. Zilch noted there is not much more that can be done on lot 26.

In addition, Ch. Peck read the following into the record:

Pre-Construction Meeting:

- Prior to work commencing the applicant will schedule a pre-construction meeting with the Planning Department.

Bonding:

- The applicant shall post a bond of \$5,000 prior to the commencement of any work on the site.

Impact Fees:

- Based upon additional square footage of 1,568, assessed at \$0.42/SF, The Public Safety Impact Fee is assessed at \$658.56 and are due prior to the closing of the building permit and/or issuance of a certificate of occupancy for the new storage building

Ch. Peck read the next Public Hearing notice: **PB 21-02:** The completeness of an application from Total Construction Solutions, LLC c/o Kyle McManus for a subdivision that proposes a seven unit (3 bedroom each) detached residential condo development PRD, with a public right-of-way. The subject parcel is 18.41 acres with 237.97 feet of frontage on Sweet Hill Road. The property is located at 44 Sweet Hill Road, Tax Map 62, Lot 29, in the MDR and LDR zoning districts. The owner of record is 44 Sweet Hill, LLC. If the application is found to be complete, the Planning Board may immediately conduct the public hearing.

Ch. Peck said he had a question on the completeness and L. Milette note that the condominium documents have not been presented to attorney Cleary for review yet. C. Zilch said the documents are being prepared but they are not completed yet. J. Cashell said that as the project moves toward the conclusion of the Board's review and all the issues are ironed out that is when the draft condominium documents would be submitted for the Board's review and when revised the Board would forward them for legal review. He noted that until it is known that the project will be successfully approved there is no point in submitting the condo documents. He noted that after the Public Hearing tonight there should be a good idea of what remaining issues might be. He said it is significantly complete enough to hold the public hearing this night.

F. Hart moved, second by K. Robinson that the application for a seven (7) lot, detached, condominium, planned residential development (PRD) at 44 Sweet Hill Road, Tax Map 62, Lot 29, be accepted as complete.

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

Ch. Peck opened the public hearing at 7:31pm

C. Zilch introduced Bill Hall, Civil Design Associates who has been working with him on the project, and Kyle McManus, Total Construction Solutions, the owner of 44 Sweet Hill Road, LLC. He noted they had been in before with a concept review, and discussed the site plan, wetlands and abutters. The project's name is Horizon Way and there will be seven three-bedroom single-family detached condominium units clustered together in the first 500 feet of the property and will have no lot lines. Total area of open space is about 12 acres. All units will be served by municipal water and will be tied into one pair of septic leach fields north of the seven units.

B. Hall said the plan was generated after meetings with the Planning Board, planning staff, Fire Department and DPW and are looking for some relief from some aspects of subdivision regulations for the roadway. He noted that the 4 waivers being requested help shorten the road minimize the scale and allow more of a buffer with abutters. He noted the amount of fill needed will be 40,000 yards rather than the original proposal if 55,000 yards. C. Zilch said that narrowing the roadway allowed bringing the buildings in closer which lessens disturbance and fill. He also asked to wait on the waivers until all the comments from the DPW and Fire Department are received. He said there are no variances needed.

Ch. Peck said Building Safety Department had no comment, but Highway Department was concerned with utility ground junctions being in the way of snow plowing. C. Zilch said they would probably push the junctions back to give them room; Ch. Peck said he had spoken with him and things seemed to have worked out to his satisfaction. C. Zilch said they are working on providing turning radii for fire trucks and school busses.

Ch. Peck asked about the grading of the road and if you fill in the road how wide do you fill it, and where does runoff goes. He also mentioned the gullies between Partridge Lane and the new road and asked if the runoff would be going into the wetlands and not the abutters' property. B. Hall said it would just be going into the wetlands as it currently does. J. Cashell asked where plowed snow would be storage. He suggested snow could be stored in the easement area on the westerly side of the road where there is no dwelling, and also at the end of the cul de sac between the two houses. CH. Peck asked the plan show where the snow would be stored. C. Zilch said this was discussed with the road agent and there is a large area on the left side of the cul de sac as well as the easements in front of the houses.

L. Milette asked if there are other roads in town with Cape Cod berms because she believes the plows will chew them up. J. Cashell said the DPW supervisor is responsible for making sure anyone plowing goes on their route before the snow starts. He said as long as the berm is properly constructed they should be ok; that a plow might scar the berm but not take it out. G. Taillon suggested that a berm not be constructed where the snow is going to be dumped. C. Zilch said they might be able to do something like a driveway entry to accommodate that.

T. Alberti asked about the impact to water quality in the area this project would have. B. Hall said the state storm water requirements with which they must comply are being followed here. He said the fill will come from construction areas where municipal water are being put in in Plaistow and Haverhill and other such sites, He noted everything gets tested before being brought on site.

T. Moore asked if units 5 and 6 could be rotated a bit and allow a straight path for plowed snow to go as the plow comes straight down rather than ending up in the driveway? C. Zilch said that might be difficult to accommodate, the houses must stay where they are. T. Moore asked about common areas since there are no lot lines. C. Zilch says each unit has its own common area for things like swing sets.

Public Comments: Abutter Lawrence Ordway, 3 Sequoia Lane, Plaistow said that people on Sequoia lane have water problems and he is concerned about what he has heard about snow storage and said that any increase in water flowing into Sequoia Lane would be a major problem. He asked how the plan would limit the amount of water going into Sequoia. C. Zilch said that there is a continuous slope down into the wetlands 700 feet into the property and they are adding fill for the first 500 feet and then it will slope to the back. He said runoff behind the houses will go into the wetlands as they have been doing, and anything else will be captured and directed to the infiltration basins. L. Ordway said the leaching fields will be directly behind his house and he wanted if that would have any effect on granite 20 years from now when the leaching fields fail. He noted seven houses with 5 people in each house pouring waste into deteriorated leach fields and how will this be handled so the abutters on Partridge and Sequoia will be protected. C. Zilch said the homeowners will be responsible to maintain and repair, and there will be a septic tank behind each residence and waste water will be gathered into a series of manholes and be directed to the back of the property. The leaching fields are enviroseptic system and are slightly oversized and are sited due to property line setbacks. L. Ordway asked if each homeowner would be required to have their tank pumped out after a certain period of time and C. Zilch said he could make it part of the condominium documents.

Abutter Joseph Tardif, 1 Sequoia Lane, Plaistow joined remotely. He said that he has been in his house for 20 years and one reason he bought was all the woods out back and that every year he has had water in his basement and that concern is a serious one. He asked if there was a lot size requirement in Plaistow for a single home. J. Cashell said this is an open space development proposed as a condo property and because it has municipal water and a communal leaching system, the size of the lot doesn't matter because you don't

need well radii and individual leaching systems. He said it was meant to create the lowest impact on the entire property, and that there are still a number of issues that still need to be addressed in the design before the applicant comes back to the continued public hearing. He asked C. Zilch how long it would take them to address the design issues before the Planning Board should be scheduling the continued hearing. C. Zilch asked for it to be continued in a month. J. Cashell asked for a complete assessment of the issues and that the abutters' concerns be addressed. Ch. Peck asked the applicant to address the water issue more fully at the next hearing.

J. Tardif talked about the issue of rural appearance of the Town and its quality of life. He said his lot will have 2 houses being built behind it which impacts him much more. Ch. Peck noted there will be a 50 foot buffer between the properties. J. Tardif asked about the land use table which says the minimum lot requirement is 40,000 and that doesn't follow with the proposal. J. Cashell said this is not a standard subdivision and noted that in a standard subdivision there would not be a required 50 foot no-disturb buffer zone.

There were no further public comments. Ch. Peck continues the public hearing until April 7, 2021.

6. NEW BUSINESS

a) Request for Escrow Release – 18 Chandler Ave (Chandler Place). Ch. Peck asked for a motion.

K. Robinson moved, second by T. Moore that the escrow balance being held for the project at 18 Chandler Ave be released and returned to Chandler Place, LLC., and the account be closed.

The motion to release and return the balance and close the account passed 5-0-0.

b) Ch. Peck said he did not run for Planning Board again and read into the record:

I wanted to let you all know that I decided not to run for Planning Board again after much deliberation. It was a very tough decision as I have enjoyed my three years as a Board member including the last year as your Chair.

I am proud of what we have been able to do and very much appreciate all the great support I have received from each of you as we tried to improve things in our town and to legally approve projects that we can be proud of.

Thanks especially to Laurie Milette for her advice and research. She gets little credit for her contributions, but, to me, she has been invaluable to myself, to the board and the town. If she wanted, she would make a great Chair or Vice Chair.

Thanks also to the sage advice of Tim Moore on all matters. He remains the go-to guy on all planning issues and was open and honest in his help for me.

While John Cashell and I perhaps started out at some odds, we quickly aligned after a few weeks, and the board is fortunate to have someone with his experience guiding us forward. Thanks, John.

Dee Voss also gives her all to the board and, while she needs to perhaps be more open and sharing with board members, she is a solid contributor to town planning. Thanks, Dee.

I am also proud to have been involved in bringing talented newcomers to the board.

Karen Robinson has been very passionate in her ideas and proposals, and I trust will continue to be. Her proposal for a new C-3 district will likely get passed in March and will help lessen the impact on the town and on Main Street. Karen would make a great Chair or Vice Chair

I'm very glad that Tom Alberti has decided to run for a permanent position after serving as an alternate. He has great ideas and goals and I fully support him. Tom would make a great Chair or Vice Chair in my opinion.

Finally, I am proud to have been involved in the hiring of our superb minute-taker Charlene Glorieux. She is detailed and perfect for the job.

Francine Hart, too, is stepping down from the BOS and her role on the Planning Board. While we have disagreed on some board items, she has been a thoughtful contributor and questioner to all our hearings. She also has done a stellar job as a selectman.

So thank you to all for your support and contributions.

We can be proud of what we've done as we drive by the Plaistow Medical Center and the Ocean Storage building as well as our contribution to the new water tower and the new pump-house on East Road. The developments on Carli's Way and on Sweet Hill will be done the way they should be. Even the new Milton Cat building and storage areas will be done with the environmental safeguards we required.

The revised Master Plan we worked hard on should give a road map for the Board going forward. The zoning ordinances we recommended such as returning the three lots on the southern end of Main Street back to C-2, the sound ordinance to protect our citizen's rights and the proposed barriers for trash dumpsters which will beautify our town are Improvements we should be proud of as well.

There are definitely challenges and opportunities ahead, such as how the board handles the expected jump in commercial development along Route 125 once potable water goes in. With the passage of the multi-use overlay zone, that should make it more attractive to developers to promote residential and commercial side by side which is the trend.

In closing, I wish all the best to the Board and the Planning Staff going forward. I'm not going anywhere just yet and will be your Chair for the next two meetings. After that, I will be available should anyone wish to pick my brain.

J. Cashell noted this will be F. Hart's last meeting. She said it had been a pleasure to work with the Board and that she looks forward to Tom Alberti on the Board and other members, and that she is excited to see all the new people signing up for positions in the Town and the new ideas they will bring. She thank h. Cashell for guiding and guarding the Board members.

7. COMMUNICATIONS, UPDATES, FYI'S AND OTHER BUSINESS

J. Cashell reported on the Regional Impact Meeting he attended earlier in the day. He said the applicant did not show up or have a representative at the meeting. There were several Planning Board and ZBA members from Newton at the meeting, and there was a quorum of the committee members at the meeting. There was discussion of what has been proposed as a 36 lot subdivision that does include a portion of residentially zoned land in Plaistow. He pointed out that there is no potential development of the Plaistow land unless there is a roadway that ties into an existing roadway in Plaistow. The man who was the project manager for the development is now the former project manager and will no longer represent the applicant. J. Cashell said it is likely to before anything new comes along with this project. He noted that the Regional Planning Commission has only an advisory role and everything else is done at the local level.

7. ADJOURNMENT

There was no additional business before the Board and the meeting was adjourned at 8:57 PM.

Respectfully Submitted,

Charlene A. Glorieux
Minute Taker