



Town of Plaistow, New Hampshire
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PB Minutes 3/6/13

March 06, 2013

Call to Order: 6:30 P.M.

Item One:

ROLL CALL: Present was *Chairman*; S. Ranlett, *Vice Chairman*; Charles Lanza, *Selectman Ex-Officio*; Robert Gray, Tim Moore and Gennifer Silva.

Also present was *Alternate*; Geoff Adams, *Alternate*; Joyce Ingerson, *Chief Building Official*; Mike Dorman, *Town Planner*; Leigh Komornick and *Recording Secretary*; Laurie Pagnottaro.

Item Two:

Minutes of February 06, 2013

R. Gray motioned to approve the minutes of February 06, 2013 as written, second by C. Lanza.

T. Moore asked that G. Silva be added as present to the roll call with the time she came in late next to her name.

C. Lanza noted that he did not appoint G. Adams as a voting member for the meeting, but S. Ranlett did.

R. Gray motioned to include the changes in his motion second by C. Lanza.

There was no further discussion on the motion and the vote was 5-0-0, U/A.

Item Three:

Additional Review with Representatives of Hillcrest Estates Regarding Construction and Vesting Timelines for EHD Project "Reserve at Snow's Brook"

Present for the discussion was Attorney John Cronin, Steven Doherty from Snow's Brook Project and Mr. Palmer.

Atty. Cronin explained that he has become involved in this project during its later stages around 2011. He explained that S. Doherty was before the Board last month and after discussion with them regarding the meetings results he reminded them that the plan was approved in March 2011. He stated that it is typically a one year to start active work and four years to complete but the statute has been changed and now is two and five years. The statute also allows the PB to grant

extensions. He noted that at the end of the last meeting it was decided that the applicant would start the project and if more time was needed he could come back before the Board for an extension. He stated that they should have instead discussed the start date; it was approved with conditions in March 2011. He added that some debate over whether the start date is the date of approval or the date the plan is recorded. He stated that it was approved in December 2010. He is concerned that if they do not have a firm extension date set up and with the March date approaching someone could come in and say it goes by the approval date not the recorded date. He would like to push the start date back, everything is ready to go. The permits have been extended. They would like until March 10, 2014 to start. If they cannot finish by the end date they can come back before the Board but they do not think that will be an issue.

L. Komornick stated that she was taught that the recording date of the mylar starts the clock.

Atty. Cronin noted that the statute says both. He just wants to make sure there are no inconsistencies.

R. Gray asked for clarification that they want to extend the start date one year from now.

Atty. Cronin replied yes.

L. Komornick added that the applicant was going to start due to the wetland permit expiring, but that has now been extended. She feels March is a safe date as the Town consistently goes with the recording date.

C. Lanza asked if they would still do the phasing part of the project.

S. Doherty explained that none of the plan has changed. They were against a tight clock, but were able to get the wetlands permit extension. They hope to clarify with the Board when the start date is. They hope to get more time in case it is a wet spring. He added that the bond will be all set and the communication agreement is all set as well.

T. Moore motioned to approve an extended start date to May 15, 2014 to allow more time for wet weather/spring, second by C. Lanza.

L. Komornick explained the Boards concern regarding the phasing. She stated that they have no regulations that discuss phasing and if a road is built and they back out all the Town has is a site plan. She suggested that the applicant give the Board a timeline with their plans marked to reflect that.

S. Doherty agreed.

There was no further discussion on the motion and they vote was 5-0-0 U/A.

Item Four:

A public hearing on a site plan amendment to a previously approved site plan to include a 6' X 11' addition to an existing shop building, portable storage boxes and an outdoor storage rack. The property is located at 29 Newton Road, Tax Map 66, Lot 20, totaling 7.29 acres and 598.25 feet of frontage. The owner of record is George Pynn Realty, LLC.

Present for the hearing was Kevin Hatch, Cornerstone Survey Associates to represent George Pynn.

S. Ranlett asked K. Hatch to explain to G. Pynn that he needs to start coming before the Board prior to starting his projects.

K. Hatch gave plans to the Board members and explained that they are the same plans submitted earlier. It has minor revisions highlighted on the plan. He added that G. Pynn has brought the additions onto the site already and was notified that he would need a permit and site plan amendment for them. They are the portable storage boxes with staging frames on top of them, a storage rack, and a 6' X 11' storage shed.

R. Gray asked if he has approval to do masonry work on the site or is it just storage.

M. Dorman replied that G. Pynn is a mason but he is not sure what he is doing out on the site.

K. Hatch added that G. Pynn is storing staging and storage containers on the site that will go back to job sites in the spring when work starts up.

S. Ranlett asked why G. Pynn added all this without a permit.

K. Hatch replied that he cannot answer that. He added that the shed does need a permit but that he feels the storage boxes and rack do not.

S. Ranlett asked if the storage racks should be below the 6' fence.

K. Hatch replied that it is a 10' fence and nothing is stored above the fence at this time.

R. Gray asked M. Dorman if storage containers are a violation of the site.

M. Dorman explained that he has suggested they be put on the plan because they do spend a lot of time on site.

C. Lanza asked what the addition is.

M. Dorman answered that it is a permanent structure, he has not been inside but he thinks it might house a heater or generator. There was more discussion regarding what might be inside.

R. Gray asked if there is enough of a back out radius for the parking spaces near that structure.

M. Dorman replied yes and added that there was an overhead door.

R. Gray asked if the storage containers are dry storage and asked if they are off pavement. He added that nothing should be motorized.

K. Hatch replied that they are dry storage and are off pavement.

L. Komornick noted that nothing motorized is noted on the plan.

R. Gray asked if having the storage boxes with the scaffolding over it in anyway interferes with assigned parking spaces.

M. Dorman replied there are no assigned spaces, it is dry storage there. The spaces are behind it.

K. Hatch added that it is long term storage; someone can still use the spaces.

L. Komornick explained that she has printed out all the site plans for the site over the years. She said there have been changes needed for each one; the last one was the retaining wall. She

asked K. Hatch about the level spreader, if the area has been changed from the original plan.

K. Hatch replied that he does not think it has changed; it is still there.

L. Komornick stated that the only other differences are some of the notes are different and the snow storage has changed, one has been taken away but it was not noted. She also noted inconsistencies with the dry storage, gravel storage and no vehicle storage notes. She wanted to make the Board aware.

K. Hatch replied that he thought it was no vehicle storage on the gravel portion.

L. Komornick asked that a note be added to the plan to reflect that.

R. Ranlett read a letter submitted to the Board from abutter William Sullivan, 25 Newton Road, dated March 6, 2013. In the letter he expressed the following concerns:

- Constant vibration & reverse alarm from boom lifts
- Hauling equipment from property as early as 4:00 am
- Noise pollution from cleaning equipment
- Profanity
- Motorized vehicles parked off pavement
- No bituminous curb along dry storage area
- Storage racks above fence line
- No permits for additions & no fines
- Drainage & erosion control approved without seeing it installed

L. Komornick noted that she provided a copy of this letter to K. Hatch.

Present for the hearing was William Sullivan, 25 Newton Road. He provided the Board with pictures of the site. He stated vehicles are always off the pavement; today there were four, three company vehicles and a pick-up truck. He discussed his concerns (listed above) with the Board.

R. Gray noted that hours are 7am to 7pm according to site plan. He questioned whether more than storage is happening at site.

S. Ranlett explained that it is also a masonry business. He stated that the Board will look at the conditions of the site plan.

L. Komornick asked K. Hatch if the auto-repair shop that is on the 2004 site plan is gone.

K. Hatch replied that there no longer is an auto-repair shop.

L. Komornick noted that looking back at the plans; she does not see any reference to it being a masonry business. The original intent was for storage units, then the auto-repair shop.

K. Hatch stated that the masonry business is what it was originally approved for.

M. Dorman also stated that the original use was for George Pynn Masonry. He added that he does not need to come back before the Board to change from auto-repair back to the masonry business because he never left the site.

L. Komornick would like to have the masonry use reflected on the new plan.

W. Sullivan explained to the Board that before the last snow storm, the yard was packed with equipment; it was moved to the other property with the storage bins.

There was a lengthy discussion regarding W. Sullivan's concerns and the pictures he provided the Board as well as whether the George Pynn Masonry business use was on the plans. It was decided that the site plan is not clear and will need to be updated; the notes and what is allowed to happen on the site. Storage racks should not be over the fence.

T. Moore stated that the masonry business has been there all along. His concern is what G. Pynn is doing with the cement after cleaning his equipment outside. Can it be done inside or can he do it in an area that can have more sound screening and what is he doing with the cement scraps.

S. Ranlett told K. Hatch to explain to G. Pynn that the business can only be run from 7am to 7pm, can only park trucks on the pavement, and the racks on the storage side must go.

R. Gray expressed concern regarding the use of lifts in the dry storage area. He does not want motorized vehicles in the dry storage area; the area should be paved.

The Board discussed this issue.

T. Moore noted that it is assumed that for a dry storage area there will be equipment that will come in once or twice a day to store stuff. If however there is constant activity loading and unloading all day then he supports paving the area. He added that at the time of approval the Board was under the assumption that the site was used for the mason business but would be used for storage only.

L. Komornick will research the minutes. She added that what is on the plan is not reflective of what is happening on the site and the Board needs to know what is going on at the site.

S. Ranlett stated that there can be no gas or oil vehicles parked on the dry storage overnight. He added that G. Pynn will need to come in before the Board to answer their questions.

There was discussion regarding the presumptions of uses on site plans.

The Board decided that G. Pynn will come back before the Board to answer questions and that he will need to update the plan.

R. Gray asked if the storage rack was considered a structure.

M. Dorman answered no.

S. Ranlett stated that the trailers will need permits as well as pay the fines.

K. Hatch asked if the paving of the storage area that was discussed is preferred by the Board.

S. Ranlett replied that it is preferred but not at this time. They would like to wait until G. Pynn comes before the Board. He asked when G. Pynn will be home from Florida.

K. Hatch was unsure but will find out and let L. Komornick know so he can be put on the agenda.

The hearing was continued until April 17, 2013. It was noted that this is the abutter's notification.

S. Ranlett told K. Hatch to tell G. Pynn to be at the April 17th meeting. He added that they may move forward with the hearing even if he is not present. He stated that there can be no more alterations made to the site.

Item Five:

Review/Discussion of possible subdivision and site Plan review Regulations Amendments

L. Komornick explained that no amendments were done this year or last year. She is not sure if she is missing some but she has provided the Board with a list of the possible amendments. She and M. Dorman would like to deal with the bonding requirement for subdivisions which is still 10%. They feel it should be 50% because of the roads; if the Town needs to stabilize the road it will cost more money. The whole section 235-23A4 needs to be cleaned up.

The Board discussed 50% and that it seems like a lot of money, what it would cover, and that it may pose a financial challenge to many developers.

M. Dorman read the from the subdivision regulations to the Board: The purpose of the construction bond shall be to hold an amount sufficient enough to ensure that the health, safety, drainage, potential erosion, and wetland issues can be successfully addressed with no cost to the Town. The Planning Board reserves the right to require more than the percentage they are asking for but as a minimum the following items must be bonded:

- Make safe and secure all unfinished structures
- Restoration of 25' no cut no disturb wetlands buffer to its natural state including wetlands, vegetation
- Loom and hydro-seed all disturbed areas

L. Komornick suggested that the Board can look at Snows Brook; the engineer has already put together a full schedule and an estimate for all the units and how much they will disturb.

C. Lanza asked if they allow letters of credit and bonding.

M. Dorman answered yes, cash also.

The Board discussed what other towns are doing. It was decided that they will look at the Snows Brook numbers before making a decision. L. Komornick will scan and send them out to the Board members.

R. Gray asked L. Komornick to find out what other towns do.

L. Komornick explained that most of the amendments are straight forward. She stated that for the record drawings they would like to make sure that all record drawings are recordable at the Registry of Deeds because right now they are not always prepared to be. She used Karl's Circle as an example. She noted the amendment regarding the wetland stamp.

T. Moore thought the Board had already discussed and took care of this change.

L. Komornick will check on it.

C. Lanza suggested they not set a duration, require the stamp but the wetland scientist is licensed and will do due diligence.

R. Gray noted that per the last BOS meeting, they were informed that MS4 will have more strict requirements. He suggested they wait until the requirements come in.

L. Komornick will coordinate with Rich Masters to update their spread sheet with all the new tasks.

She agreed with waiting.

Item Six:

Discussion on the Development of a Template for “Notice of Decision” for Planning Board Actions on Subdivision and site Plans

L. Komornick asked the Board to read through the planning Board Procedures she provided for them. She also provided some sample notice of decisions for the Board to review for language.

She wants to make everything consistent. She added that their attorney will need to review these as well.

The Board will have any changes and suggestions ready to discuss at the next meeting.

S. Ranlett explained that C. Lanza did not go up for re-election. He thanked him on behalf of the whole Board for his time and efforts. He added that C. Lanza has expressed an interest in coming back as an alternate; they will hold him to it.

Item Seven:

Non-Public Session Per RSA 91-A:3 11(c)

S. Ranlett explained that the Board will go into non-public session under RSA 91-A:3 II(c), Reputation. There will be no decisions made in non-public and no more business will be conducted after the non-public session.

R. Gray motioned to go into non-public session under RSA 91-A:3 II(c), matters of reputation, second by T. Moore.

Roll Call vote: 5-0-0 U/A

S. Ranlett – yes

T. Moore – yes

R. Gray – yes

G. Silva – yes

C. Lanza – yes

Item Eight:

Other Business/Updates: Misc. Notices, letters, and other Correspondence from Dept. of Building Safety, Planning Department and ZBA; Status of Projects

Adjournment

There was no further business before the Planning Board and the meeting was adjourned at 9:00 P.M.

Respectfully submitted as recorded by Laurie Pagnottaro.

Approved by the Planning Board on _____

Steve Ranlett, Chairman

