



Town of Plaistow, New Hampshire
145 Main Street, Plaistow NH 03865
Phone: (603) 382-8469

PB Minutes 4/17/13

April 17, 2013

Item One:

Chair S. Ranlett called the meeting to order at 6:30 P.M.

Item Two:

ROLL CALL: Present was *Chairman*; S. Ranlett, *Selectman Ex- Officio*; Robert Gray, Tim Moore, Gennifer Silva and Shem Kellogg (arrived late).

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

S. Ranlett appointed G. Adams a voting member for the meeting until S. Kellogg arrived.

Item Three:

Minutes of March 06, 2013

T. Moore motioned to approve the minutes of March 06, 2013, second by G. Silva.

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

Minutes of April 03, 2013

R. Gray motioned to accept the minutes of the April 03, 2013 meeting, second by G. Silva.

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

Non-public Minutes of March 06, 2013

T. Moore motioned to approve the non-public minutes of March 06, 2013, second by G. Silva.

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

Item Four:

Continuation of 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 George Pynn, owner, and Kevin Hatch, Cornerstone Surveyors.

S. Ranlett explained to G. Pynn that if he wants to do anything to the site he needs to come before the Planning Board first.

K. Hatch submitted site plans, a list of amendments to the site plan and a history of the site to the board.

S. Kellogg arrived at 6:40 pm.

K. Hatch explained that the site plan he has submitted to the Board is essentially the same plan with a few additions. The application they submitted included the 6' X 11' addition to shop building which is currently on hold and two portable storage boxes which will be moved to job sites soon. The zoning regulations for storage boxes state approval is needed but is good for 12 months (RSA 220-17.3(c)).

M. Dorman explained that once they get approval by the Planning Board for storage boxes they renew year by year paying the \$50.00 fee per unit whether they are there full or part time.

K. Hatch added that the application also included the storage rack located in dry storage area. He recently walked the site and added a few items to the site plan: an outdoor dumpster which is screened by the fence and the building and he updated notes on the plan to reflect that Pynn Masonry and storage is the site use. Also noted on the plan are the following:

- All setbacks
- Hours of operations (which did not change)
- No motor vehicles allowed on graveled areas
- Auto repairs to be done inside shop building
- Any change of use shall require Planning Board approval

K. Hatch explained that the scaffolding is kept out behind the storage building and is shown on the plan. He added that it is a large piece of equipment that rarely comes back but does need a place for storage when it does return to the site. He reviewed the history of the site stating the following:

- G. Pynn bought the site from PUMA Construction Co in Nov, 2000
- It has been used as G. Pynn Masonry ever since
- In 2002 it was approved for storage units and shop
- 2004 it was approved for the addition of the auto-repair shop; which was removed a few years later
- 2012 it was approved the retaining wall

R. Gray asked about the engine on the power scaffolding and if it was sitting on the dry storage area.

G. Pynn replied that it is a Honda 11 horse power and is currently in the dry storage area.

S. Ranlett expressed concern about storage being in the area designated for snow storage. He would like that area empty.

R. Gray also expressed concern over anything with a motor being stored in the dry storage area.

There was some discussion regarding the snow and dry storage areas. It was noted that the applicant is asking for re-approval with the area as a dry storage area.

S. Ranlett suggested a waiver for the dumpster area.

The applicant was okay with the waiver.

K. Hatch stated that the applicant can remove the engine from the power lift before storing if the Board wishes.

R. Gray asked what the storage racks on the south side are holding.

G. Pynn replied staging braces and reinforced wire; only dry storage.

S. Ranlett asked if these items can be kept below the fence line.

G. Pynn answered yes. He added that the original plan was approved for a 6' fence. The abutter was not happy so he made the fence 12' high to keep the peace.

R. Gray asked what is being stored in the portable storage boxes.

G. Pynn replied the more expensive materials like copper flashing. He added there are no motorized or power equipment stored there.

G. Silva asked about the cleaning of the cement mixers outside of the building.

G. Pynn replied that it has only happened once. It is usually done inside and the concrete goes to Galloway and he has receipts. He explained that there is nothing hazardous in the concrete; it is crushed and made into gravel for other construction jobs. He added that the back-up alarms are a safety requirement on all equipment.

There were no further questions from the Board and the hearing was opened up to the public.

Present was William Sullivan, 25 Newton Road. He presented a packet to the Board as well as pictures of the site taken from 2004 on.

W. Sullivan reviewed the contents of the packet with the Board (a copy was provided to K. Hatch as well). He stated that the storage racks along the south fence are considered a structure according to the Towns definition and requires a permit. He read the definition to the Board.

M. Dorman disagreed that the racks are a permanent structure. He added that it is the Boards definition and so they need to decide if it is or not.

W. Sullivan next discussed concern over the parking spaces; 5 or 6 spots including the handicap spot all has storage in them. He also asked what is being stored in the blue containers (shown in the pictures).

K. Hatch stated that he has not yet seen the pictures provided to the Board. He added that a yes there is some storage in some spaces but that there are only six required and so there is sufficient spaces available. He stated that they can black out the lines of the spaces not needed if the Board wishes.

W. Sullivan asked where they park their vehicles that are longer than 20'.

K. Hatch replied that note #8 shows they meet the parking regulations. He added that they need to operate on the site and if they cannot make it work then the applicant will need to go somewhere else.

S. Ranlett explained that in the back along the gate there is pavement and it is not open to the public; it would be the best place to park the truck. He does not need a parking spot for it as long as it is on pavement. The parking spaces are for the employees.

T. Moore agreed that they do not require a parking space for that type of vehicle.

W. Sullivan was concerned that the applicant has been parking the vehicle on the dirt.

There was more discussion on this issue. It was decided that if the applicant continues to park his vehicles off pavement then it will be an enforcement issue that M. Dorman will need to enforce.

S. Ranlett explained that tonight they are only here to discuss and possibly approve the amendment. From here on in any violations will be an enforcement issue.

R. Gray added that if W. Sullivan is not happy with a decision M. Dorman makes in regards to enforcement, there are proper avenues he can take to resolve those issues; the Town Manager and Board of Selectmen, but not the Planning Board.

The Board again discussed the definition of a structure at length. The Board took a vote and all agreed that the rack is not considered a structure.

T. Moore added that although it is not normally what he would call a structure, that maybe it is not clear in the zoning and should be looked at.

L. Komornick noted that per page 19 of the Site Plan Review Regulations it would fit into #5. She read it to the Board.

S. Ranlett stated that per the vote of the Board tonight the racks are not considered a structure. The racks are not currently above the fence and so not visible to the abutter.

W. Sullivan stated his concern regarding the lighting on the flagpole is that it is too close to the street. He thinks a state permit is required.

M. Dorman stated that the flagpole is on his property; no permit is needed. His only issue is that it can shine in your eyes when driving up Route 108. He has spoken to the applicant about screening it better.

L. Komornick asked that K. Hatch add the flagpole to the plan. K. Hatch will add it.

W. Sullivan asked if it is still two separate lots; they cannot have two businesses on one lot.

K. Hatch replied there is not.

L. Komornick explained that per decision by the Planning Board there can be more than one business on a lot as long as it does not affect the health safety and welfare of the public.

R. Gray asked that they add a note to the plan that states no motorized vehicles / engines of any type on the dry storage area.

K. Hatch stated that note #10 states "no motor vehicles shall be stored on the gravel dry storage area". He will expand the note to include "no motor or engines of any type".

The Board discussed unregistered vehicles and equipment; and whether more than one can be on the property.

S. Ranlett explained that construction companies may not always register equipment as they can load them on trailer and haul them to job sites.

The Board came to the consensus that as it would be approved as part of the site plan and is not being parked in the driveway it will not be a code violation.

W. Sullivan stated that hours of operation are 7 to 7, but at hours before this the truck is being pulled of the property.

S. Ranlett stated that he needs to contact M. Dorman when there is a violation and he will deal with it.

W. Sullivan expressed concerns over the wetlands. He explained that he gets a lot of water. Since the 3' wall and fence have gone up the water is no longer near his swing set but washes down towards the back of the property and has made a wetland along the back of his (W. Sullivan's) property. He submitted pictures of the wetland taken this past Sunday.

G. Adams asked W. Sullivan if there was already a wetland area in the back of his property.

W. Sullivan replied no; it was not there before.

K. Hatch noted that in 2002 the wetlands were flagged on this property and was flagged right up to W. Sullivan's lot line. He explained that it was not flagged onto W. Sullivan's property because they were not there to flag his property; but the wetland continued across the property line. When he (K. Hatch) did a test pit for W. Sullivan prior to the fill for the septic system, by today's definition, the back half of W. Sullivan's lawn was wetland. He added that when W. Sullivan complained to G. Pynn about the wetland, G. Pynn sent his laborers out there to clean and dig W. Sullivan's ditch line to make it flow like it had in the past. He noted that drainage calculations approved by the Town Engineers and Planning Board verify that the applicants site did not increase the flow in that direction. He noted that culverts on the opposite side of Route 108 were not maintained by the state which allowed water to run across Route 108 into the applicant's driveway and down through the dry storage area and into the side yard. He added that there is a good chance that flow was the sheet flow coming across Route 108. He explained that they harassed the state to clean the culverts and they did. He stated that to say the Sullivan property is not wetlands is incorrect.

W. Sullivan reiterated that he did not have water on his property before, but now he does.

There was further discussion regarding this issue.

T. Moore agreed to have the Conservation Commission go out and do a site walk of the property.

G. Silva noted that in the wetland pictures there seems to be oil going into the wetlands. She expressed concern over what it is coming from.

K. Hatch answered that rust colored staining in wetlands is usually nitrated from decomposing leaves and it happens year round.

G. Silva suggested that T. Moore look at that as well with the Conservation Commission.

W. Sullivan noted that the rest of the packet is enforcement issues.

M. Dorman stated that under the new MS4 Permit, post construction maintenance on the drainage systems is now required.

W. Sullivan asked why a swale was not installed on their property.

K. Hatch explained that the drainage design was approved by the Board; they have collected their water through a catch basin, culvert and level spreader which diffuses the water before it reaches the wetland.

W. Sullivan asked how far the wall is from the no-cut no-disturb zone.

S. Ranlett replied that the applicant received a variance from the ZBA to put the wall in.

W. Sullivan asked if there should be a fence between the applicant's two properties.

K. Hatch replied that it was three properties that have been merged into one property and was approved by the Board.

S. Ranlett explained that a fence is not required.

W. Sullivan asked what was in the blue storage containers.

G. Pynn replied that they are for water to mix concrete and are currently empty.

W. Sullivan asked if the propane tanks should be secured and not up against wood or other flammable material.

M. Dorman stated no, it is not a requirement.

G. Pynn added that they are required to be secured in a fashion so they do not tip over and become a projectile.

S. Ranlett explained that many of these issues are code enforcement and that M. Dorman will need to address them if violated.

M. Dorman reviewed the list of possible violations with the Board:

- Hours of operation; 7 to 7
- Large trucks to be parked on pavement only

The Board discussed if the truck leaving before 7am was considered operating before the hours of operation. The Board members felt it was not.

G. Pynn added that they load all vehicles the night before if they will be leaving early in the morning to beat the traffic. They do not consider hours of operation driving the truck off the property to go to a job site to be hours of operation.

S. Ranlett asked G. Pynn to park in a way that they can just drive right out of the property without the back-up alarms going off.

S. Ranlett suggested a waiver to the screening of the dumpster.

T. Moore motioned to accept a waiver from RSA 230-23.b(5), second by G. Silva.

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

The Board asked for the following conditions to be met for approval:

- Clarification to be added to the existing waiver regarding no motorized vehicles or any engine with fuel or oil allowed in the dry storage areas.
- The flag pole/ light must be added to the site plan.
- Conditional approval is based on a letter of approval from the Conservation Commission based from their site-walk.
- A note be added to the plan from the waiver from RSA 230-23.b(5) for no dumpster screening.

R. Gray motioned to conditionally approve the site plan amendment based off of the conditions listed above.

W. Sullivan asked what the screening will be for the storage area.

S. Ranlett asked if the applicant would put shrubbery to screen the fence from the abutters view.

K. Hatch explained that this area is a wooded area and therefore is already screened; they comply.

R. Gray motioned to waive the landscape buffer for the fence between the two properties, second by G. Silva.

There was no discussion on the motion and the vote was 4-0-1, S. Kellogg abstained.

L. Komornick noted that if the area is in fact wooded a note would have satisfied the regulation.

W. Sullivan stated that this was not the area he was concerned about; he can see the area from the street to the back of the property, the new storage area, from his kitchen widow.

The Board discussed possible solutions for the screening.

T. Moore stated that if natural vegetation is there you do not want to take it out and plant shrubs. He will include this in the Conservation Commission review; sight distance for the screening.

G. Adams asked if and when the dry storage area had been approved.

L. Komornick replied that it was approved as part of the retaining wall but that they did not address the buffering because it was not brought out that it could be seen.

R. Gray amended his motion to include that a note be added regarding the waiver for the screening between the stockade fence and abutters property and that a note will be submitted to the Planning Board from the conservation Commission regarding the natural screening from W. Sullivan's windows to the site, second by G. Silva.

L. Komornick asked if a note can be added to the plan that states that the natural vegetation buffer currently exists and not be cut.

K. Hatch will add the note.

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

S. Ranlett explained to W. Sullivan that any issues can be discussed with M. Dorman. If he is still not happy then it can be discussed with the Town Manager and then the Board of Selectmen.

Item Five:

Review of the up-dated Planning Board Rules of Procedure based upon changes made at the April 03, 2013 Planning Board Meeting.

S. Ranlett read through all of the proposed changes for the following sections:

Page 2, H

Removal in accordance with RSA 673:13. The Board of Selectmen at the request of the Planning Board hold a public hearing to remove a member or alternate member from service on the Planning Board upon written findings of inefficiency, neglect of duty, or malfeasance in office. A written statement shall be filed with the Town Clerk giving reasons for such removal

Page 4, C through Page 6, 7a

- Recording Secretary.
 - Ensures a written record of all meetings of the Board takes place and provides a draft copy to the Town Planner in a timely fashion such that the compliance with RSA 91-A can be maintained.
- D. Town Planner.
- **Professional Support:**
 - Serves as professional staff support for activities of Planning Board, Town Manager and other Departments and Committees as needed.
 - Provides supervision to the Recording Secretary and ensures draft copies of Planning Board minutes are available to the public in compliance with RSA 91-A. Presents the draft copies of minutes to the Planning Board at the next possible Planning Board meeting for corrections and/or approval. Ensures approved minutes are posted to the Town web site.
 - Prepares and posts all agendas, meeting notices, and meeting cancellations in accordance with RSA 676:4.
 - Prepares packets containing all pertinent documentation including agendas, draft meeting minutes, meeting materials and staff report to all Board members in time for an adequate review for the bimonthly meetings.
 - Receives and processes an extensive variety of requests for information in person, via email and by telephone regarding Planning Board and Planning Department related questions.
 - Receive applications for subdivisions, site plan review, minor site plans, condominium conversions, conditional use permits, lot line adjustments and any other permits requiring Planning Board approval. Ensure all necessary components of applications are present for Planning Board review including review comments from all applicable

Town departments and committees. Such departments and committee may include, but not be limited to, the following: Police Department, Fire Department, Water Department, Highway Department, Highway Safety Committee, Town Manager, Building Department, and Health Officer.

- Schedules site inspections/site walks and accompanies Board Members to site inspections/site walks, as needed.
- Reviews and monitors development of plans and projects in progress for technical completeness and for conformance to zoning, site review and subdivision regulations.
- Effectively handles correspondence between Town and Planning Board appointed Engineers and Attorneys, Developers, Engineers, RPC and other agencies.
- Prepares Notices of Decision and records plans at the County Registry of Deeds.
- Coordinates and participates in plan reviews, pre-construction meetings, and site inspections with Planning Board Engineer and Code Enforcement Officer.
- Prepares correspondence as directed by the Chair or the Board.
- Responds to inquiries from the public and private organizations.
- Establishes and maintains Planning Board and other project files.
- **Master Plan, CIP, Zoning Ordinance and Regulations:**
 - Prepares updates to the Town's Master Plan.
 - Prepares updates to the CIP and provides administrative support to the CIP Committee including preparation of (CIP) agendas, correspondence, takes and transcribes minutes and maintains the CIP narrative.
 - Coordinates spreadsheet and budget analysis of CIP with Town Manager.
 - Prepares annual updates to the Zoning Ordinance, Zoning Map, Subdivision / Site Review Regulations and administers them accordingly.
- **Legal Requirements:**
 - Coordinates legal matters with Town and Planning Board legal counsel to ensure that all legal issues and requirements are administered properly and met.
 - Informs Planning Board and other staff of legal changes in the area of land use law.
- **Support of Other Committees and Meeting Attendance:**
 - Attends meetings of Conservation Commission, Recreation Commission, Selectmen, Highway Safety Committee, Plaistow First Committee, Economic Development, and others as needed.
 - Serves as the Board's liaison between the Planning Board/Planning Department and municipal departments, Rockingham Planning Commission (RPC) and other State Agencies.
- **Budget and Financial Responsibilities:**
 - Assists in the development and administering of Planning Board annual operational budget.
 - Monitors site and subdivision development escrow and bonding requirements with the

Town Treasurer and town appointed Engineer.

- Monitors site and subdivision development impact fee accounts with Town Treasurer and Building Inspector.
- Prepares monthly and annual reports for recording of revenue with Town Treasurer.
- **Assessing Assistance and Geographic Information System (GIS) Support:**
 - Provides updates to Assessor on approved Planning Board applications.
 - Works with GIS system including mapping production.
- **Training and Education:**
 - Attends courses, seminars and conferences if needed to maintain knowledge of current State RSA's , zoning issues and computer skills as applicable

Page 8, A (c) (d) (f) and the note

- Minutes of Previous Meeting(s) and Vote by Board.
- d. Scheduled Hearings on Subdivision/Site Plans/Amendment Proposals and/or Workshop Items.
- f. Report of Committees/Subcommittees. [Rockingham Planning Commission (RPC) and Capital Improvements Program Committee (CIP)]

Note: The Board may, by vote at a regular meeting, change the above order to better accommodate the public or the Board.

Page 9, 2 (a) (b) (c) and (d)

- Non-Public Session.
 - A motion to enter non-public session must be made and duly seconded in public session. Voting shall be done by a roll call vote and recorded in the public session minutes. Motion carries with an affirmative vote of non-disqualified members present.
 - All non-public session motions made and duly seconded shall be carried by an affirmative vote of a majority of non-disqualified members present. Voting results shall be recorded in the minutes of the non-public session.
 - Motions to seal the minutes of a non-public session must be made and duly seconded while in the non-public session. A roll call vote must be taken on such a motion and must be recorded in both the Non-public session minutes and the Public session minutes where the motion to enter a non-public session was made. An affirmative vote of a majority of members present in the non-public session will carry to vote to seal. The motion to seal the minutes shall specify the period of time the minutes are to be sealed.
 - Vote to adjourn the non-public session. Motions to adjourn the non-public session must be made and duly seconded in the non-public session. A roll call vote must be taken on such a motion and must be recorded in both the non-public session minutes and the public session minutes where the motion to enter a non-public session was made.

- Press releases issued shall correspond with the recorded minutes of Board meetings and shall be given to the press by the Town Planner, Chair, or Vice-Chair at the direction of the Chair.

R. Gray stated that in Non-Public C., in the second sentence; the roll call vote does not need to be recorded in the non-public minutes but only in the public minutes.

The Board agreed to eliminate the words “both the non-public session minutes and” from this sentence. This section will be read again and voted on at the next meeting.

S. Kellogg motioned to approve all the changes read with the exception of Non-Public Session C, second by G. Silva.

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

Item Six:

Reading of Communications Directed to or From the Board

There were none.

Item Seven:

Report / Update by Tim Moore on RPC Activities

T. Moore reported the following:

- The May meeting in Seabrook will be on Climate Adaptation and Sea Level Rise. The exact location and guest speaker will be announced later.
- The July, September or October meeting will be on MS4 Regulations and will be hosted in Plaistow at the Town Hall. The exact date to be announced later.

L. Komornick explained to S. Kellogg that she provided the RPC with his contact information so that they can contact him.

Item Eight:

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

M. Dorman gave the Board the following up-dates:

- A hair salon will be moving into 207 Main Street; parking and septic is fine.
- A frozen yogurt store will be going in at the Sousa property at Great Elm Plaza.

The Flag Connection is coming back to town; he will be going over with the Fire Chief to look at it.

The Silverman Property has a purchase and sale on it; will be a medical facility.

S. Ranlett noted that they handed out the up-dated zoning to all the Board members. He added that the Natural Resources Subcommittee will be meeting after this PB meeting. They will work on the CIP up-date to the next meeting.

S. Ranlett thanked everyone who participated in the "Run for the Savages"; \$15,000 was raised for the Jimmy Fund and the Dana Farber Cancer Institute. A great turn out!

Item Nine:

Adjournment

There was no further business before the Planning Board and the meeting was adjourned at 8:40 P.M.

Respectfully submitted as recorded by Laurie Pagnottaro.

Approved by the Planning Board on _____

Steve Ranlett, Chairman