



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

## **PB Minutes 5/1/13**

May 01, 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, *Vice Chairman*; Tim Moore, Gennifer Silva and Shem Kellogg.

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

### **Item Three:**

#### **Minutes of April 17, 2013**

R. Gray motioned to approve the minutes of April 17, 2013, second by T. Moore.

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

### **Item Five:**

#### **Review of the up-dated Planning Board Rules of Procedure based upon changes made at the April 17, 2013 Planning Board Meeting.**

S. Ranlett read the following proposed changes to the Board:

225-6. Procedures Page 9, 2(d)

- Non-Public Session.
  - 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 the public session minutes where the motion to enter a non-public session was made.

R. Gray motioned to approve all the changes to 225-6 Procedures 2 sections a – d, second by T. Moore.

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

L. Komornick will provide copies of the updated Rules of Procedure to the Board of Selectmen.

**Item Four:**

**A Site Plan Application that includes an office and showroom to be located in the existing residential dwelling (except the garage which cannot be used commercially), the outdoor display of storage sheds for sale, and associated customer parking on property located at 15 Newton Road, Tax Map 66, Lot 28. The property is located in the Integrated Commercial Residential (ICR) District and totals +/- .61 acres of land with 100 feet of frontage. The owner of record is Patrick M. Connolly Contracting, LLC.**

Present for the hearing was Patrick Connolly, Patrick M. Connolly Contracting, LLC. and Tim Lavelle, Lavelle and Associates, INC.

T. Lavelle gave the Board copies of the site plan. He explained the following to the Board:

- They propose to convert the existing dwelling into an office and showroom

They will show items such as cabinets, carpet & flooring samples, and roofing samples

They propose to make the area behind the dwelling an area to display storage sheds

The garage will be residential use only

No materials will be stored on the site; it will just be a showroom. After sales are completed the materials are delivered to and work is completed at the job sites

The existing parking and lighting is adequate for this use

They propose to plant a row of arborvitae trees for screening on the south side of the property (the side abutting Ralph Scovotti's property).

They do not have the NHDOT change of use driveway permit yet but are expecting it

R. Gray stated that he was not sure the NHDOT would allow a change of use permit for a commercial site without a paved driveway; the existing driveway is crushed stone.

The Board discussed the driveway further; using permeable vs. impermeable surfaces.

T. Lavelle explained that the applicant has no problem paving the driveway if the Board wishes; they would prefer to use concrete as proposed.

L. Komornick noted that they will need to make sure the drainage will work if they pave the driveway.

T. Lavelle noted that the State deems gravel/stone driveways impervious; they go unmaintained and become as hard as pavement. The reason they wrote proposed concrete is because it has a concrete entrance and they would prefer to continue to use it for esthetic reasons.

There was more discussion on this issue.

M. Dorman noted that the concrete is not impervious and impervious is the Town's requirement. He added that the Board can waive it if they wish.

L. Komornick stated that as they get into the MS4 Permit requirements they will need to look into

this issue further and update their regulations. One MS4 requirement is that they will need to keep track of how many impervious paved surfaces are in Town so they do not go over a certain percentage. She is not sure of the percentage.

G. Adams explained that a pervious surface acts as a natural filter and is better for the environment in the long run.

It was decided that the applicant will use a pervious concrete surface for the driveway.

T. Lavelle noted that the catch basin shown on the plan has been cleaned-up by the applicant and is working properly. He added that it is a state catch basin and Mr. Driver from the District 6 office went out to look at it. He noted that Mr. Driver will be out to look at it again.

L. Komornick stated that he could discuss the permeable driveway with Mr. Driver when he is there. She also suggested that they add a note to the plan stating that the garage is for residential use only and add the date of the variance denial and reason for denial. The Board and applicant agreed.

M. Dorman asked the applicant where he will park his trailer; there is no place on site for it,

P. Connolly replied that it will be parked off-site at his house; the vehicle will be left at the drag strip.

M. Dorman asked how they will get the storage sheds in and out of the site and asked where they will be built.

P. Connolly answered that the display sheds will be built on the site and left there for display.

T. Lavelle added that there is no plan for access around the garage on a regular basis; only in the future if the septic system needs repair. That area will be lawn.

R. Gray asked how the showroom samples will be delivered.

T. Lavelle replied that some will be brought in, some are already there and the two display sheds will be built on the site. He will add a note to the plan that customer sheds are to be built off-site.

G. Adams suggested adding wording the note for the residential garage restriction. He asked that "due to zoning restrictions" be added to the note.

The Board discussed his suggestion and decided that the variance will already be stated in the note with the reason for denial.

M. Dorman added that where it states existing dwelling on the plan should state "proposed showroom".

T. Lavelle will make the change.

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

Present was Mr. and Mrs. Ralph Scovotti, 13 Newton Road.

R. Scovotti stated he does not have a problem with the current proposal but he does have some concerns. He noted the following concerns to the Board:

- He would like the full 20' buffer between the properties that was there originally; not just a row of trees
- The applicant has not stopped doing work on the site regardless of stop work order
- Deliveries are still happening
- He has no privacy or quality of life
- He has an agreement with the applicant that pillars would be put in so no vehicles can go into the back yard but that has not happened

R. Scovotti stated that if the applicant will put in the 20' buffer in on his property as it was originally there then he will be happy. He added that he had a packet that shows the same buffer for other properties along Route 108.

S. Ranlett asked how far from his deck to the garage.

R. Scovotti replied 65' to the property line and about 75 or 80' to the garage. He added that with the way the land is sloped they will need very high trees to screen it.

Mrs. Scovotti added that if the trees do not fill in the whole extended buffer area then the applicant will still use the buffer; he does not keep his word.

There was more discussion on the buffer.

R. Gray noted that many of these issues are enforcement issues.

T. Moore suggested planting a double row of trees off-set from each other.

There was more discussion regarding this suggestion.

S. Ranlett explained that they can either have a fence or the trees. They are trying to work both with him and the applicant.

R. Scovotti stated that he will be happy with the double row of trees. He would still like the pillars to be put in to keep vehicles out of the back yard.

M. Dorman stated that he needs the 20' buffer line to be delineated as well so it is clear for enforcement issues and for everyone.

S. Ranlett explained to the applicant that he will need to put in an off-set, double row of arborvitaes up the lot line

T. Lavelle asked for clarification of where the trees line would start. They would like to start it half way up the garage, after the side door, so not to block door and keep it visible to the street. He asked about the height of the trees as well. He noted that they had decided to not put the pillars/monuments in as they did not go with the scheme and if they applicant ever needs to get into the back area it would be impossible.

After a lengthy discussion it was decided that the applicant will plant smaller shrubs in the front to impede vehicle traffic then start with the larger arborvitaes behind the side garage door. The shrubs will go from the corner of the garage to the lot line. They will also need to add a note to the plan that states no commercial use in this area.

The applicant agreed to this.

R. Scovotti expressed concern that the small shrubs will still not keep vehicles from entering the

back of the property.

S. Ranlett explained that after tonight if this plan is approved these issues will be enforcement issues to be addressed with the Building Inspector. They will set conditions the applicant will need to meet. The shrubs will be planted every two feet to keep out vehicles and there will be a double row of trees planted along the property line for screening.

R. Scovotti expressed concern that the 6' tall arborvitaes will not be tall enough to properly screen the property.

The Board discussed this issue and whether Hemlocks might be taller. M. Dorman looked up the Town's buffer requirements and if there is a height requirement.

R. Gray stated that they are doing more than the Town requires; they are following the regulations.

R. Scovotti asked if it is required in the ICR District that someone needs to be living on the site to have a business there.

S. Ranlett stated that they can have a business there without anyone living at the residence in this district.

L. Komornick read the buffer screening regulations to the Board, page 19 of the Site Plan Review Regulations. It stated that a dense four season screen should be provided using one or any of the combinations provided.

M. Dorman added evergreens should be 6' and deciduous 12'. He added that no spacing was given but what L. Komornick read earlier answered that.

It was decided that the Board is giving more than the requirement.

R. Scovotti asked if this buffer will be in place before he moves his stuff in.

R. Gray replied that all the site work will need to be complete before an occupancy permit is issued, as with any site plan.

R. Scovotti stated that he and the applicant still have a problem with the lot line survey.

S. Ranlett replied that that is a civil issue and is not the Boards concern.

L. Komornick added for the record that their civil issues will have nothing to do with the issue of the occupancy permit if all the site work is completed as agreed.

S. Ranlett asked R. Scovotti if he is satisfied with the buffer.

R. Scovotti replied yes.

L. Komornick noted that per the requirements; the required side and rear buffer strips shall begin at the inner limits of the front buffer strip and run parallel with the side and rear property lines. She stated that if the Board is not requiring it to be within 12' of the front property line then they will need to waive it.

T. Lavelle noted for the record that they stopped the arborvitaes before the back lot line because it has a natural buffer; it is still wooded.

T. Moore motioned to grant the waiver for the side buffer 12' from the road, second by G. Silva.

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

S. Kellogg motioned to grant the waiver for the front landscape buffer because it will impede drainage and be in the right of way. The motion was second by G. Silva.

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

T. Moore motioned to conditionally approve the site plan based from the following list of conditions:

- Receipt of NHDOT driveway permit
- Driveway and parking lot will be paved with a pervious surface with striping
- One handicap parking space will be delineated with a sign
- A note will be added "customer sheds will be built off-site"
- Change existing dwelling to "proposed office/showroom" on plan
- Note #4 be expanded; stating that the garage is for residential use only and add the date of the variance denial and reason for denial and add the word "existing"
- On the side buffer along the south property line a double row of arborvitae will be planted off-set and 3' apart beginning at the corner of the garage
- A row of shrubs will be planted 4' perpendicular off the corner of the garage to the property line
- A note for both waivers granted listed on the plan
- No occupancy permit issued until all site work is completed

The motion with all the conditions was second by G. Silva.

M. Dorman asked what the time frame was for the completion of the site work.

P. Connolly replied 30 days from tonight.

L. Komorick replied that if the Board sets a time frame they will need to request a bond; they do that for all other site plans.

The Board discussed the time frame issue. It was decided that no time frame was needed because all the site work needs to be completed before the occupancy permit is issued. It was also noted that no pre-construction meeting is necessary.

L. Komornick will add to the Notice of Decision that no bond is necessary, no pre-construction meeting is necessary, and no impact fees need to be paid as the building is existing.

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

### **Item Six:**

#### **Reading of Communications Directed to or From the Board**

L. Komornick explained that she received a call from William Sullivan; Route 108. He asked to be updated on the Conservation Commissions and S. Ranlett's visit to the Pynn site.

S. Ranlett stated that everything looked fine to him when he went out there last Saturday. His only recommendation would be to put a 6' picket fence on top the retaining wall that was approved. He is not sure if they can ask for this now.

T. Moore stated that the Conservation Commission will meet tomorrow night. They will discuss the fence.

L. Komornick will call Mr. Sullivan back and explain that the Conservation Commission will be meeting tomorrow and the Board will have their final decision by the May 15<sup>th</sup> meeting. She added that G. Pynn did turn in his building permit and is now in compliance.

### **Item Seven:**

#### **Report / Update by Tim Moore on RPC Activities**

T. Moore explained that every two year NHDOT is looking for projects to be added to the ten year plan. They have just finished ranking them and sent them to the NHDOT. He has a copy of that list. He added that they should have received requests for slides for the annual meeting.

L. Komornick was not aware. She has a lot of pictures; she will take care of it.

### **Item Eight:**

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

G. Adams explained that he attended the Planners Association Seminar on Monday. While there he asked two zoning attorneys what a good procedure would be in regards to appointing alternate members a voting member until the full time member arrives. They strongly suggested putting the following procedure in place: Leave the alternate member in for the remainder of the hearing that is in session then pause the meeting and take out the alternate and appoint the full time member for the remainder of the meeting. He added that applicant could argue that the Board member did not hear the full hearing and did not get the full view and made an erroneous decision; it has happened in a couple of cases. He suggested putting it into their procedures.

L. Komornick suggested that if the Board verbally agrees to it tonight, from here forth it can be how they do business until they can amend the Rules of Procedure.

T. Moore stated that it rarely comes up, but he feels they Board already does this.

The Board agreed that in the future they will do this.

L. Komornick noted that the four members interested in the conference are all registered.

R. Gray reported on Board of Selectmen (BOS) activities. He explained that the BOS gave a goal to the Town Manager to coordinate a Land Use Summit that would involve all the land use Boards. The only caveat is that the discussion be narrowly focused. They agreed to have the chairman of the BOS, the chairman of the PB, the Town Manager and Town Planer sit down and discuss what the topics should be. He will report back to the Board when they know what the topics will be and what the date for the meeting is.

S. Ranlett stated that they will add the studies on Main Street, but if the Board has any other ideas to add to the agenda let him know at the next few meetings.

L. Komornick informed the Board that they will most likely be receiving funds for the Safe Routes to School application they submitted. The funds will be to do the study of the conceptual design and some money will purchase the bike rodeo among other things. If this happens they will hire a firm and public meetings will be held. They will need to look at all the studies.

The Board discussed the summer schedule. There will be no meeting on July 3<sup>rd</sup>.

L. Komornick stated that the Economic Development meeting will be held at Town Hall on Friday May 11<sup>th</sup> and lunch will be included.

L. Komornick informed the Board that retired Fire Chief Donald Petzold passed away. His wake is this evening and the funeral is tomorrow (May 2, 2013) at 10:00am. He was the first full time Fire Chief in Plaistow.

Item Nine:

### **Adjournment**

There was no further business before the Planning Board and the meeting was adjourned at 8:20 P.M.

Respectfully submitted as recorded by Laurie Pagnottaro.

Approved by the Planning Board on \_\_\_\_\_

\_\_\_\_\_  
Steve Ranlett, Chairman