



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

PB Minutes 6/19/13

June 19, 2013

Item One:

Vice Chair T. Moore called the meeting to order at 6:40 P.M.

Item Two:

ROLL CALL: Present was *Chairman*; S. Ranlett (arrived at 6:45), *Vice Chairman*; Tim Moore, *Selectman Ex- Officio*; Robert Gray. Shem Kellogg and Gennifer Silva were excused.

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

T. Moore appointed alternate G. Adams a voting member for the meeting.

Item Three:

Minutes of June 05, 2013

R. Gray motioned to approve the minutes of June 05, 2013, second by G. Adams.

There was no discussion on the motion and the vote was 3-0-0 U/A.

Non-Public Minutes of May 15, 2013

R. Gray motioned to approve the non-public minutes of May 15, 2013, second by G. Adams.

There was no discussion on the motion and the vote was 3-0-0 U/A.

S. Ranlett arrived at 6:45

Non-Public Minutes of June 05, 2013

R. Gray motioned to approve the non-public minutes of June 05, 2013, second by G. Adams.

There was no discussion on the motion and the vote was 3-0-1; S. Ranlett abstained.

Item Four:

A Public Hearing on a lot line adjustment application for a plan resulting in the conveyance of a +/- 3 acre portion of a parcel of land known as Tax Map 41, Lot 83 owned by John Alden Palmer, Jr. Revocable Trust of 2006 to the Town of Plaistow and the conveyance of a +/- 3 acre parcel of land owned by the Town of Plaistow known as Tax Map 40, Lot 60, to John Alden Palmer, Jr., Trust under John Alden Palmer Jr. Revocable Trust of 2006.

S. Ranlett stepped down for this hearing.

Present for the hearing was Dan Johnson of Plaistow Consultants Land Surveyors. He explained the following to the Board:

- The plan includes two parcels of land; one owned by Alden Palmer and one owned by The Town of Plaistow.
- The exchange is for a piece of land at the end of Davis Park owned by the Town, for a portion of land owned by Alden Palmer that abuts the Town Safety Complex and the Town Cemetery.
- A boundary survey was done for both parcels and they are both 3 acres of land.

There were no questions from the Board.

Present was Brad Shaw, 5 Cheney Lane. He asked what the proposed plan is for the land being exchanged.

L. Komornick replied that a conceptual plan has been done for the possible future expansion of the safety complex which requires additional land. She added that this hearing is only for a lot line adjustment and the possible expansion is not part of this hearing.

R. Gray stated that it could be used for a possible extension of the Town Cemetery as well.

There were no further questions.

R. Gray motioned to approve the lot line for Tax Map 40 Lot 60 to John Alden Palmer Jr., Trust and the lot line adjustment for Tax Map 41 Lot 83 to the Town of Plaistow, second by G. Adams.

There was no discussion on the motion and the vote was 3-0-0 U/A.

S. Ranlett rejoined the Board at 6:50 pm.

Item Five:

A Public Hearing on a Site Plan Amendment to a plan last approved by the Planning Board in 2003 for stump grinding and associated activities related to ProBark Industries. This amendment is to show vehicle parking for employees and company vehicles for Pro Bark Industries and Mayer Tree Company, update the status of buildings on site - including the proposed location of an office trailer - and to locate all other existing and proposed activities and product locations. The property is located at 51 Kingston Road, Tax Map 43, Lot 19. The property totals 33.63 acres in the Town of Plaistow and the Town of Newton, NH, with 27.6 acres located in the Town of Plaistow. The portion of the property in the Town of Plaistow has 96.93 feet of frontage and is located in the Industrial 1 (I1) District, with a 400 foot setback portion from Kingston Road being located in the Low Density Residential (LDR) District. The owner of record is EDNA Properties, LLC.

Present for the hearing was Craig Donais, representing EDNA; Jack Sullivan, Sullivan Engineering Group; Dan Mayer, Mayer Tree Service; and Jeff Brown, ProBark Industries.

J. Sullivan explained the following to the Board:

- Mayer Tree Service is the new owner of the property
- ProBark is still operating out of the site
- They want to update the 2003 site plan; new owner, update current buildings, show locations of stump piles and mulch piles, add office trailer, formalize employee parking
- Proposed parking areas are outside of fenced area and are porous pavement
- The north uplands area will voluntarily have a vehicle exclusion placed on it
- The office trailer and employee parking will be outside gated area for safety reasons
- Operations will continue as before

Atty. C. Donais explained that there is no change in use on the property from the original 2003 site plan. He stated that a noise study was conducted in 2003 and that the consultants reported no concerns at that time. The equipment that was assessed in 2003 is the same equipment used today and new testing should have similar results. There is currently no specific regulations regarding noise levels by the Town and the site plan has already been approved by the Planning Board. He stated that this amendment will clarify the existing conditions on the site; the removal of some buildings, employee parking, the addition of the trailer. They will be positive improvements and will add a level of safety. The three companies on the site will work well together.

L. Komornick explained that the staff report addresses many of the complaints she has received from abutters as well as a memo from Normandeau Environmental Consultants. She added that Robert Jones has submitted several e-mails to her with a number of concerns. The staff report covers all of his concerns except flood conditions in the lower part of his backyard. He has asked if the area should be considered a flood zone.

M. Dorman left to check the flood Insurance rate maps.

S. Ranlett asked the applicants, based on one of the staff report recommendations, to add a note to the plan describing what types of activities are being done in the remaining buildings.

D. Mayer explained that there are two buildings remaining; one is dry storage and the second building is their mechanic shop. They are the same as in the 2003 plan.

L. Komornick stated that the Town of Newton has asked for the minutes of tonight's meeting and asked if anything substantial has changed on their side of the site.

D. Mayer replied no, nothing has changed on that side.

L. Komornick noted for the record that they did get a demolition permit.

The Board read/reviewed the list of abutter concerns/ questions in the staff report. The following was offered as a result of the review:

- **Other issues, input by others and questions raised by abutters and Staff's associated response/recommendations:**
- **Abutter Question to Be Answered by the Applicant:** What number of grinders and their power were on site as part of the 2003 Site Plan approved by the Planning Board? What number are out at the site currently? Is there other equipment not part of the

2003 plan? I.e. Dye machine, number of bulldozers and large construction equipment?

Question 1 Reply: D. Mayer stated that they use the same grinders (two) as in 2003, a mobile grinder and a stacker. They have added a tier four loader. There are no dye machines; they do have a bulldozer and have always had it.

- **Abutter Question and Associated Response:** The leaching catch basin shown on the plan - While still in place, it is NOT operational and it is filled with concrete. There was also a catch basin with pipe running out to the wetlands that is no longer there.

Question 2 Reply: J. Sullivan replied that the catch basin is no longer there and the leaching catch basin is no longer operational and is filled with concrete.

- **Staff Request and Associated Recommendation:** Staff has requested but not received information on the numbers and types of truck trips in and out of site for ProBark and specific numbers for Mayer Tree. (Atlas Motors also operates out of this site, however, we don't have a recent count of their trucks in and out and this amendment does not involve them).

Staff Recommendation: Get this info from Mayer Tree and ProBark and add it to the plans and suggest right turn out only...NHDOT Driveway Permit Amendment Not Needed – Not an increase of 100 trips.

Question 3a Reply: C. Donais answered that the number of trips will vary year to year and season to season. Spring is higher; a typical day is 30 to 60 trips but will not exceed 100 trips. Mayer vehicles will leave in the morning for job sites and may return during the day to drop off and pick up materials. They have a driveway permit with the 2003 approval.

Question 3b Reply: L. Komornick noted that per court ruling the Board does not have the authority to ask them to take a right turn only out of their driveway.

D. Mayer stated that they voluntarily turn right only now when it is feasible to do so.

J. Brown replied that they also try to take right turns when they can; it is a 50/50 split. It does add 25 minutes extra time to their trips. He will try to increase the right turns out. He added that the drivers do respect the speed limits, street laws, and pedestrians.

- **Abutter Issue Raised and Associated Staff Recommendation:** Pothole at end of driveway causes trucks to make loud clanking noises when they run it over. According to an abutter it is filled occasionally by ProBark with gravel or some loose material.

Staff Recommendation: Require applicant repave the driveway into the site to eliminate potholes that can generate loud banging noises that the abutters will hear. Also, continued maintenance of driveway for dust control.

Question 4 Reply: J. Brown replied that the potholes are filled weekly; the maintenance is done.

There was some discussion and the applicants agreed to re-pave the front entrance.

- **Abutter(s) Issue Raised and Associated Response by Normandeau and Associates:** Normandeau has reviewed the MSDS Sheets for the dye used to make bark mulch red or black, as well as the location of piles being dyed. According to Normandeau, the dyes are not hazardous and ProBark is utilizing erosion control methods to contain it so it does not get into Little River.

No comments were made.

- **Abutter Question Raised and Staff Response:** Regarding it being located in the Aquifer Protection District, there are no hazardous materials on the site, therefore it is not in violation with our Zoning Ordinance.

No comments were made.

- **Abutter Question Raised and Preliminary Response by Normandeau and Associates but Needing Applicant Input:** An abutter has asked if there are there any invasive insect problems such as the Emerald Ashborer that could be being brought into the site from wood products? Have Dan Mayer answer this, but, according to Rich Masters of Normandeau and Associates, generally it's associated with ash trees and they probably don't bring them onto the site.

Question 7 Reply: D. Mayer explained that Ashborer is only found in Concord N.H. and is quarantined in that area by the USDA.

- **Town of Plaistow Fire Department Review Request and Associated Response:** The Plaistow Fire Chief John McArdle has reviewed the plans and has provided the following comments:

- **Regarding his overall review of plan:**

“From what I see, they are putting in a parking area for employees and moving the trailers.~ Are there other things I am not aware of?~ I would request that the fire pond dry hydrant be repaired and restored to operational condition.~ I believe it was damaged by a snow plow a couple of winters ago.”

- **Regarding a specific question about the locked gate and the need for a Knox Box:**

“In the past, when Pro-Bark (Not the current owners) ran the site, we had a Fire Department lock on the gate.~ They would put our lock in series with their lock (making it a link) and, if we had to access the site, we unlocked our lock.~ If someone made a mistake and bypassed our lock, we would cut either the chain or the lock, whichever was easier to cut through with Bolt Cutters. If we cut the chain, then we would reattach our lock to theirs and secure the site. We have similar arrangements at the former Westville home site and the construction site at Village way.~ I had not asked for a Knox box on this gate, however if I asked, I believe they would put one on.”

Question 8a Reply: D. Mayer stated that they will call the Fire Chief and have it tested.

Question 8b Reply: J. Brown stated that the Fire Department has a lock on and a key to the main gate for the last eight years; they can get into the site.

- **Town of Plaistow Police Department Review Request and Associated Response:** The Plaistow Police Department was contacted regarding any abutter complaints received due to truck traffic on near 51 Kingston Road for the last year and upon a review by dispatch of the calls received it was communicated that there had not been any complaints about truck traffic.

Question 9 Reply: S. Ranlett read from the Police Department that there have been no complaints about truck traffic.

S. Ranlett read the abutters main concern about the noise to the Board. He noted that if anyone would like a copy of the report they can get it from the Planning Office:

- **Abutter(s) Issue and Additional Response to Information in the Memorandum from Normandeau and Associates:** Noise.

Regarding Noise, Staff reminds Board members that when ProBark was before the Planning Board in 2003, they were required to conduct a Noise Study. The following is an excerpt from the December 3, 2003 Planning Board meeting when they received approval:

Frank Kuhn, Air & Noise Compliance, presented the report on his noise study done for the subject location. He offered a table that summarized the results of the study and explained that the sound produced from the facility was not at such a level as to exceed federal noise guidelines. He noted there was already a lot of noise in the test area produced from general traffic patterns. (This is also noted in the Noise Study conducted by Atlas Motor Express in 1987 due to their introduction of more trucks on the site and by the ambient readings conducted by Normandeau and Associates in the field on Tuesday, June 18, 2013).

In 2003, F. Kuhn said that the noise was not in the adverse category and he didn't see the need for mitigation beyond what Pro-Bark was already doing. He explained the details of the summary report, noting that there were levels recorded with the machinery in different locations around the site. Mr. Kuhn offered that sound was measurable and quantifiable. He added that noise was a subjective issue and that what sounded fine to one person, could be considered noise to another listener. Mr. Kuhn said that sound often becomes noise when it is different than what the listener expects to hear in a particular environment.

M. Curran asked if the sound levels were taken in the afternoon when other things are operating.

F. Kuhn answered that the study was taken between the hours of 10:00 a.m. and 1:00 p.m., noting that the other facility (Atlas Trucking) was not operating.

There was discussion of the meaning of the results and the difference that the second machine operating would make. Mr. Kuhn explained how the numbers would be affected by different things at different times of the day and of the year (with full foliage versus defoliated trees).

F. Kuhn agreed, stating that the sound could be measured and that noise was an interpretation of the sound.

There was discussion about what things could and were being done to mitigate the noise, such as the placement of the stock piles and layout of the equipment. It was noted that although trees can be a noise barrier, there needs to be 100 feet or more of them to be effective. It was offered that care should be taken to make sure that the driveway is maintained and the equipment is not banged unnecessarily. Mr.

Kuhn stated that he didn't feel that there was enough of an impact to warrant extensive mitigation measures.

M. Curran questioned the placement of the machines on the site.

Jeff Brown, owner of Pro-Bark, offered that the machines were placed about as far away as they practically could be. He said that it was a tradeoff that they would either be making noise by moving the stockpile to the machines or by moving the machines to where the stock is.

It was also noted that the equipment back-up alarms were noted as a source of some of the noise. He offered that they could not be disconnected as it was a federal requirement to have them.

L. Komornick noted that when the 2003 noise study was done they had no recommendations or concerns about the noise. She added that Normandeau attempted to complete a noise study yesterday (June 18, 2013). The ambient levels were fairly high due to the busy road but they were unable to get any reading from the equipment as they were not running when he was there. He will need to go back out to get those readings at another date.

D. Mayer and J. Brown explained that the machines were running all day yesterday.

L. Komornick replied that they will need to follow up on it as the applicants have agreed to do the noise study and it is the number one complaint of the abutters.

S. Ranlett read an excerpt from the December 3, 2003 minutes (from the staff report) to the Board. He read that the sound produced did not exceed federal guidelines. He asked the applicants if the grinders were as far away from the residential properties as possible.

D. Mayer and J. Brown explained that the grinders move around the site; there are eight different grinding sites. They make stock piles to use as sound barriers between the work area and the residential areas and rarely use the grinders on the outer edge. He added that they try to be as contentious as they can.

L. Komornick stated that it is important to note a letter written to the Board from abutter Scott Sullivan. In the letter he specifically references prohibited uses. She added that the abutters present tonight hope the Board can explain why this is happening in this district; she feels the Board should do that.

The Hearing was opened to the public.

Present was Scott Sullivan, 3 Old County Road. He read his complaint letter submitted to the Board. He is concerned with the excessive noise and vibration coming from the ProBark site which is disturbing his use of his property. He refers to RSA sections 674:44 2a.3 and 674:4 2b which address noise and vibration.

S. Sullivan asked the applicants if the same equipment exists now as there were in 2003.

J. Brown replied yes; there were three in 2003 and now they have two. Mayer does have a grinder but they never have three grinders running and it is rare that two are running on the same day.

S. Sullivan expressed concern that when the noise study was done the other day (June 18th at 12:22pm) the machines were all just idling. He spoke with the individual conducting the noise study (Jeff) and expressed concern to him that the machine were only idling and not running. He offered to call the consultant at a later time when the machines are running. He also called the Town Planner to come down one day when the machines were running so she could hear the noise but he is not sure if she did.

The applicants stated that the machines were running on that day. They added that they welcome the study.

There was further discussion regarding the abutters concern and the hours the machines are running.

D. Mayer stated that hours of operation are 7 to 7, but Mayer Tree Service can be called out at anytime if an emergency arises.

J. Brown stated that the hours they are grinding is Monday through Friday 7 to 5 and in the busy season on Saturday's from 7 to 12; same hours as with the 2003 approval. He added that when Normandeau came to do the study on June 18th he sat 50 feet in from Kingston Road and never entered the gate or spoke with himself or D. Mayer and so could not have had a visual of the property.

There was further discussion regarding the study. L. Komornick will coordinate with Normandeau and ProBark and get the study completed.

S. Sullivan noted that he did his own noise study and it was 60 decibels inside with the windows closed and insulated walls; the equivalent of a fridge motor running. He conducted this on the same day the enforcement officer came out.

L. Komornick reminded the Board that this plan was approved in 2003 and the intensity of use has not been increased. The amendment has nothing to do with the noise but instead the parking, change in owner, etc... She added that the applicants have agreed to do the noise study voluntarily.

J. Brown stated that they are only running at 20% of what they were running 7 or 8 years ago.

S. Sullivan suggested having the noise study done in a longer stretch of time to get a clear picture of the noise happening on the site.

S. Ranlett clarified that the hearing is for an amendment to add a trailer, parking and new owner. He asked if any abutters have any concerns other than the noise issue.

Atty. C. Donais stated that it is a minor site plan they are here for, the use has not changed but may have decreased in intensity since the approved 2003 site plan. There are three structures that do no longer exist that they want to update the plan with; oil tank and concrete pad have been removed.

Present was Robert Jones, 47 Kingston Road. He expressed concern regarding the noise stating that over the years it has increased tremendously. He added that the volume of storage has also increased. He is also concerned with the dye and chemicals used to stain the bark mulch.

L. Komornick replied that there are no hazardous chemicals used on the site. The MSDS's are available for the public to look at.

R. Jones also expressed concern over the offensive smell in the spring time.

D. Mayer replied that in this business you can get a compost smell. They are working on processing the existing pile; it has been at least 20% processed at this time. There is an aging factor with these types of materials; compost and black mulch.

D. Mayer added that the smell is from chemicals, not the piles. Rain can make the smell worse.

L. Komornick stated that one question from R. Jones regarding the 2003 plan was that it had no specifics on pile size, height, volume or quantity. There are no restrictions on the amount of material they can have on the site.

J. Brown answered that there is absolutely less (materials) on the site now than in 2005/2008.

R. Jones expressed concern over Little River near Old County road and how it floods every spring.

J. Brown replied that they constantly monitor Little River and they have a silt sock out there all the time.

Atty. C. Donais stated that they level of activity has increased in the last few years to include the processing of the pile; but it has not exceeded the approval amount of 2003. He added that for a period of years it was quiet so that is why it may seem increased at this time.

D. Mayer asked if they would discuss the issues they came here to discuss. He added that they agreed to do the noise study and it may be better if they came back after it was completed to discuss it. They were not prepared for this type of discussion.

There was discussion regarding whether the noise should be a part of this hearing as the applicants have voluntarily agreed to the noise study.

It was decided that if the Board does not have any problem with the amendment changes then that should be approved and if the noise study measurements exceed federal guidelines then something needs to be done as it would be a violation of the site plan. The Board can call the applicants back in to mitigate the concerns independently of this application

Atty. C. Donais stated they are here tonight for four things:

- Locating the parking outside of the primary work area
- Moving the office trailer outside of the work area for safety reasons and security
- To indicate the Mayer Tree Service
- Limit the use of the point for vehicle parking

He stated that if the Board does not want to approve these four changes then ProBark can operate the vehicles as the current site plan is. Sound limits were studied in 2003 and there are no specific limits noted on the plan for sound levels or under state law.

R. Gray replied that there is a noxious use that noise in general is not permitted in any zone and it is up to the Board to interpret the ordinance.

Atty. C. Donais stated that the Board at that time approved the plan and determined that whatever the limits were in the 2003 study that they were acceptable limits and were not a noxious use.

There was more discussion.

M. Dorman stated that the applicants came before the Board because he has asked them to bring their site up to compliance. He recommends that the Board approve the minor site plan. The noise study will be done independently of this amendment.

Atty. C. Donais added that if the Board decides that the noise is a noxious use then it is an enforcement issue and the Board and Town can deal with that when and if the need arises. He pointed out that the 2003 study does set up a baseline for how the property should be viewed in addition to the 30 year history of the site and its use by other businesses and wood related activities.

L. Komornick reminded the Board about the Normandeau memo that addresses many of the abutter concerns. She said it was highly recommended that the Town look at the environmental concerns and so they did and this memo is the outcome; a ten page memo with significant information regarding the site. She suggested that the memo be taken into the record. Three outcomes were recommended in the memo:

- Further analysis of the noise generated by the site activities
- Best management plans to prevent particles and sediments from running into Little River; including a compost sock along the shoreline and fire pond
- Fugitive dust from material storage and handling operations be controlled by spraying water or other means such that no airborne particles migrate off the property

She feels it is important to acknowledge the memo.

S. Ranlett stated that it is part of the record and if anyone wants a copy they can obtain it from the Planning Office.

The Board reviewed the memo. S. Ranlett noted from the memo that Normandeau stated they will go back out to the sight when it is running to get additional information.

Present was Sam and Laure Cafiso, 62 Kingston Road. S. Cafiso explained that when he found out about the site plan review he asked the Planning Office if they would only be able to speak about the items on the amendment or if it would be open to address any issues on the site that address the site's compliance.

L. Komornick replied that she did say issues of compliance meaning the activities conducted with the dye for example. That is why she pursued the environmental memo. She stated that people have the right to discuss what is bothering them but that it is different from saying the Board has to reverse the approval for a site.

S. Cafiso stated that the noise is an issue. He is also concerned with the Board asking the trucking companies to turn right out of the driveway. This makes all the trucks drive past his house; is his house less important than Town Hall? He added that the trucks are obeying the speed limits and street laws.

L. Komornick replied that it dates back to the Atlas site plan approval.

S. Cafiso replied that in 1989 when the superior court judge sat in his living room, he asked them to split the difference and turn south half the time.

L. Komornick added that there was a south bound traffic study done as part of the Atlas case and the outcome was significant and it was just based on trucks; not ProBark.

S. Cafiso stated that there are Town ordinances preventing anything from leaving a commercial site; sound smell, vibration, and dust.

L. Komornick said it is §220 and is included in the staff report. She added that the ordinance was in place at the time of approval but nobody appealed the decision of the Board back then.

There was further discussion regarding this ordinance.

Atty. C. Donais clarified that §225, Town Ordinance, deals with prohibited uses; refuse matter, vibrations, noise etc... This is an approved site plan, 2003, with a noise study done at that time, same equipment is being used and it is in an industrial district. It complies with the zoning ordinance. According to the minutes of that hearing in 2003 there were no abutters present to complain about the use. They are not asking to change the use. If the Board has information that the use is noxious and violates §225 then they can visit that when and if that issue arises. There is no information at this time, however, that would require any sort of enforcement or revocation of the site plan.

L. Komornick noted that S. Cafiso has meet with her and she wrote down all his concerns. She will get him a copy of the Normandeau memo as it addresses many of his concerns and questions.

J. Sullivan stated that the applicants have done more than they needed to do for this site plan amendment in an effort to make neighbors happy.

D. Mayer stated that abutters can always go to him if they wish.

S. Cafiso asked if the trailer will have a bathroom and use the existing leach field.

D. Mayer replied it has a tank.

Present was Denise Hubber, 48 Kingston Road. She stated that the noise is a concern but she also wanted to express concern over the applicant knowing when the noise study will be held.

L. Komornick replied that they need to be contacted so the applicants can start up all the equipment.

G. Adams agreed that the testing should be done off site and that the applicants should not be contacted. The other Board members agreed.

D. Hubber asked if the second company, Mayer Tree Service, is a change of use with the 24 hour service and trucks coming in and out at all hours. She also expressed concern over trucks she see's idling on the road out front of ProBark early in the morning; 5:15am.

D. Mayer replied that their trucks are parked in the site; they cannot control outside trucks.

M. Dorman stated that as long as they are not operating on the site outside the hours of 7 to 7 they are okay; vehicles can come and go.

There was more discussion on this issue. It was decided that the trucks can come and go with no restrictions as long as they are not operating on the site. Mayer is contracted for emergency situations.

L. Komornick clarified that the application is seeking approval for a new tenant on the site, Mayer Tree Service that has vehicles go off site and bring back raw materials. The amendment is for a new tenant.

Atty. C. Donais agreed that that was one of their four requests. He added Mayer Tree will leave the site to get the material from ProBark. Nothing, however, prevents ProBark from using their own trucks to do that itself. He added that if it does not get approved then the other option is for ProBark itself will do what Mayer Tree does.

They discussed this concern further. It was decided that the Board would like the average number of trucks for each company noted on the plan. The Board also agreed that it is an allowed use with the new tenant.

J. Brown stated they had ten tractor trailers on 2003 and currently only have three. Mayer has 3 or 4 for a total of seven trucks on the site; one log truck and two chippers.

L. Komornick stated that if a truck is on the street idling the abutters should call the police.

D. Hubber asked about the sign the applicants received approval for that is not up.

M. Dorman replied that the variance is good forever.

D. Mayer explained that the sign will be up soon.

S. Sullivan asked if the equipment on the site should be declared on the plan.

R. Gray replied that the equipment is not a structure and would not be on the plan.

L. Komornick suggested a note be added to the plan to indicate that when the equipment is being used they will mitigate the noise.

S. Ranlett noted that it is already on the plan for the mitigation of the noise. He added that they cannot tell the applicant where to park the equipment on the lot. J. Sullivan will make sure the note is on the plan.

Atty. C. Donais stated there was a question regarding how many vehicles are there today. He clarified that the question is how many does the site plan allow; there were ten previously.

D. Mayer stated that during an emergency situation it can be up to 50 registered vehicles; in an extreme situation; but an average of 20 trucks per night.

L. Komornick stated that the applicant s will need a waiver for the scale of the plan.

R. Gray stated that he does live in ear shot of the site, although he is not an abutter. He added that noise is an issue. He cannot make the applicants shut down their machines but he asked the applicant if they would consider limiting the grinding operation times to 8:30am to 5 pm instead of from 7am to 7pm, except in extreme emergency situations. Their hours of operation would still be 7 to 7.

After some discussion D. Mayer answered no.

T. Moore motioned to accept the site plan amendment as complete, second by G. Adams.

There was no discussion and the vote was 4-0-0 U/A.

T. Moore motioned to grant the waiver for scale, 235-18t, second by G. Adams.

There was no discussion and the vote was 4-0-0 U/A.

T. Moore motioned to approve the site plan amendment with the following conditions:

- The applicants will work with the Fire Chief to make sure the fire pond is functional
- The site will not exceed 50 company vehicles
- A note be added to the plan for the use of best management practices for the location of grinders
- A note added to the plan for the waiver for 235-18t; scale of plan
- The applicants will pave the entrance of the site
- Note one building in Plaistow and what it is used for

The motion was second by G. Adams.

There was no discussion on the motion and the vote was 3-1-0; R. Gray voted against the motion.

S. Ranlett explained that once the noise study is completed and they have the results they will have the applicant to come back in before the Board to discuss the results in case there is an increase and they need to mitigate.

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 informed the Board that on June 24, 2013 the RPC will host an open House at Exeter High school from 5:30 pm to 8:30 pm.

Item Eight:

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

R. Gray stated that the Land Use Summit will be coming up possibly in July sometime. He added that it should involve any land use Boards.

There was discussion regarding what the agenda will be at the Summit. It was decided that S. Ranlett and R. Gray will come up with the agenda and set the date for the Summit.

Adjournment

There was no further business before the Planning Board and the meeting was adjourned at 9:26 P.M.

Respectfully submitted as recorded by Laurie Pagnottaro.

Approved by the Planning Board on _____

Steve Ranlett, Chairman
