



**Town of Plaistow, NH
Office of the Planning Board
145 Main Street, Plaistow, NH 03865**

PLANNING BOARD MINUTES

November 7, 2018

Call to Order: The meeting was called to order at 6:30 PM

ROLL CALL: Tim Moore, *Chair*
Lisa Lambert, *Vice Chair*
Laurie Milette
James Peck, *excused*
Steve Ranlett, *Selectman's Rep, excused*
Geoffrey Adams, *Alternate*
Francine Hart, *Alternate Selectman's Rep*

Also present: P. Michael Dorman, *Chief Building Official*

T. Moore appointed G. Adams as a voting member for the meeting in J. Peck's absence.

F. Hart is the voting member as Selectman's Representative.

Agenda Item 2: Minutes of October 17, 2018 Planning Board Meeting

There was a brief discussion regarding some minor edits that are needed to be made to the meeting minutes which included:

- Page 7: Ending of the first paragraph needs to state that "The Board requested a continuance because they needed more time to review the peer review comments."
- Page 10: The lines that show strike through due to edits, need to be removed.

★ L. Lambert moved, second by F. Hart, to approve the minutes of the October 17, 2018 meeting, as amended. There was no additional discussion on the motion. The vote was 4-0-1 (T. Moore abstaining).

Agenda Item 3: Public Hearings:

PB 18-22: A request from Pest End, Inc. for an Amended Site Plan for a change of use to an Automotive Fleet Maintenance Facility. The property is located at 78 Plaistow Rd, Tax Map 27, Lot 16, in the C1 District. The applicant is the property owner of record.

PB 18-23: A request from Pest End, Inc. of New Hampshire for an Amended Site Plan to add an access (travel) lane between the subject property and the property located at 78 Plaistow Rd. The property is located at 80 Plaistow Rd, Tax Map 27, Lot 17, in the C1 District. The applicant is the property owner of record.

Tim Lavelle, James M. Lavelle Associates, and Andy Carace, Pest End property owner, were present for the applications.

T. Lavelle offered the following information about the applications:

78 Plaistow Road, Tax Map 27, Lot 16:

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- The property is being proposed to be used for an Automotive Fleet Maintenance Facility.
- The property is and was an existing garage, and was also used as a car lot in the past.
- The property is located on the corner of East Rd. and Route 125.
- There is an existing building and paving.

80 Plaistow Road, Tax Map 27, Lot 17:

- Lot 17 and Lot 18 currently share a driveway entrance and exit onto Route 125.
- The goal is to put in an access easement across from the existing driveway, across the front of Lot 17 to Lot 16 to allow for an entrance and exit from East Rd.
- The problem that currently exists is that travel from the North on Route 125 must go to the light and make a U-turn to be able to enter the property.
- The proposal includes the addition of a one (1) foot berm at the edge of the gravel parking area to keep storm water from draining into the wetlands, as requested by the Code Enforcement Officer and Building Official, and a siltation sock to be added down by the wetland.
- The easement for Lot 17 will also allow for cross through access in case Lot 16 ever falls under new ownership.
- There will be no increase to septic loading and no vehicles will be held for sale.

T. Lavelle asked if the Board had any questions.

L. Milette asked if there are any floor drains for any oils spills.

T. Lavelle offered that there are no floor drains or oil separators. If there is any type of an oil spill it will need to be mopped up.

There was a discussion about any provisions that are made for drainage and storage of oil.

A. Carace offered that the basic services that are done consist of oil changes, brake repairs, tire rotations, etc. for a fleet of forty-five (45) vehicles. There will be a mechanic or mechanics on site for maintenance of the vehicles.

T. Lavelle offered that there are thirty (30) gallon containers that will be positioned underneath the vehicles and once those containers are filled they will be brought a third party who utilizes the used oil for heating purposes.

There was discussion that the parking areas will only be used for maintenance vehicles and not for personal vehicle parking.

L. Lambert asked M. Dorman if parking on a gravel area is permitted.

M. Dorman offered that since the Site Plan is existing parking on the gravel area is permitted. However, if it were a new Site Plan the requirement would be that the parking area be paved.

M. Dorman offered that the current gravel area creates a better separation and filtration of water runoff toward the wetlands than the current paving requirements for new Site Plans.

There was a brief discussion about the concerns relating to snow storage near the wetland edge.

T. Lavelle offered that the intent is just to push the snow off the edge of the parking area but inside the berm. He also offered that there are currently four (4) test pits within the wetland for testing.

There was a brief discussion about the existing buildings located on Lot 17 and Lot 18 which include Pest End and Pro-Tech Lawn Care. It was discussed that customers go to Lot 18, Building 82 which is the only office for use with the public.

A. Carace offered that he will continue to conduct business in both Methuen, MA and Plaistow, NH.

T. Moore asked if the Board had any additional questions.

There was a brief discussion about the procedure of snow plowing over the gravel parking area.

T. Lavelle offered that the gravel freezes and the plow just pushes the snow over the gravel and up to, but not beyond the berm. He noted that the Amended Site Plan will need to be adjusted to show that the snow removal is not intended to go beyond the berm.

T. Moore asked if the Board had any additional questions or if there were any questions, comments, or concerns from the audience.

No one from the audience presented any questions, comments, or concerns.

T. Lavelle offered that the following waivers have been requested:

Amended Site Plan for the Repair Facility, Map 27, Lot 16:

1) Waiver for Site Plan Regulation 230-13: Standing, Loading, and Unloading requirements.

T. Lavelle offered a brief explanation for why this waiver was requested.

2) Waiver for Site Plan Regulation 230-14.1.NN: Location of Fire Lanes.

T. Lavelle offered a brief explanation for why this waiver was requested.

3) Waiver for Site Plan Regulation 230-12.H.2.b: There shall be a minimum front buffer of twelve (12) feet from the property line.

T. Lavelle offered a brief explanation for why this waiver was requested.

4) Waiver for Site Plan Regulation 230-23.B.32.b: There shall be a twelve (12) foot wide front buffer strip.

T. Lavelle offered a brief explanation for why this waiver was requested.

T. Lavelle noted that there is a small seven (7) to eight (8) foot strip of grass between the sidewalk and the parking area.

Amended Site Plan for the Repair Facility, Tax Map 27, Lot 17:

1) Waiver for Site Plan Regulation 230-13: Standing, Loading, and Unloading requirements.

2) Waiver for Site Plan Regulation 230-14.1.NN: Location of Fire Lanes.

3) Waiver for Site Plan Regulation 230-12.H.2.b: There shall be a minimum front buffer of twelve (12) feet from the property line.

4) Waiver for Site Plan Regulation 230-23.B.32.b: There shall be a twelve (12) foot wide front buffer strip.

Amended Site Plan for Town Map 27, Lot 16:

★ L. Lambert moved, second by L. Milette, to accept the Amended Site Plan for Tax Map 27, Lot 16 as complete. There was no discussion on the motion. The vote was 5-0-0 (U/A).

★ L. Lambert moved, second by F. Hart, to grant the waiver for Site Plan Regulation 230-13: Standing and Unloading Lanes. There was no discussion on the motion. The vote was 5-0-0 (U/A).

★ L. Lambert moved, second by L. Milette, to grant the waiver for Site Plan Regulation 230-14.1.NN: Location of Fire Lanes.

Discussion:

M. Dorman offered that there is no comment from the Fire Chief about the fire lanes. He noted that emergency vehicles can access the site and fire apparatus can reach the property from the street.

L. Milette offered that there is a note on Page 3: Checklist Page 5 stating that the staff has reviewed the fire lanes.

There was no additional discussion on the motion. The vote was 5-0-0 (U/A).

★ L. Lambert moved, second by F. Hart, to grant the waiver for Site Plan Regulation 230-12.H.2.b: Front Buffer as the proposed drive is designed to match the abutting properties which exist without a twelve (12) foot buffer to the front property line due to Route 125 expansion.

Discussion:

L. Milette asked for clarification on Page 2 of the Staff Report regarding State Approvals needed for curb cuts on Route 125 and East Rd.

T. Lavelle offered that there are currently three (3) existing driveways: two (2) on East Road and one (1) on Route 125. A new NHDOT Driveway Permit will be required.

There was no additional discussion on the motion. The vote was 5-0-0 (U/A).

★ L. Lambert moved, second by L. Milette, to grant the waiver for Site Plan Regulation 230-23.B.32.b: Front Buffer Strip, as the proposed drive is designed to match the abutting properties which exist without a twelve (12) foot Front Buffer Strip due to Route 125 expansion. There was no discussion on the motion. The vote was 5-0-0 (U/A).

There was a review of the checklist to include:

General Administrative:

- Amendment of Title Block

T. Lavelle offered that the Title Block has been amended to state: "Pest End, Inc. Amended Site Plan of Repair Facility."

State Approvals Needed:

T. Lavelle offered that the NHDOT Driveway Permit is a pending item for Lot 16, and that once it is received, it will be forwarded to the Board for review.

- No Impact Fees are to be assessed for the project.
- Board Site Plan Regulations require the posting of a \$5,000 bond.

Site Plan Regulation Compliance:

- Checklist Page 2: Easement Language

T. Lavelle offered that the Easement Language has not yet been submitted just in case the Board had some revisions that needed to be made first.

- Checklist Page 2: Waivers

T. Lavelle offered that the waivers are listed on the Amended Site Plan: Note 15, 18, 19, and 20. However, they will need to be edited to show that the waivers have been granted.

- Checklist Page 3: Zoning District: The Plan indicates the Zoning District that the property is located in, but does not indicate that the proposed use as a Repair Facility is a permitted use in the district.

T. Lavelle offered that the permitted use has been stated on Note 2 of the Amended Site Plan.

- Checklist Page 4: Location of Wetlands

It was discussed that the addition of silt socks (SiltSoxx) has been addressed and confirmed.

- Checklist Page 4: Wells

It was discussed that the well radius has been added to the Amended Site Plan.

- Checklist Page 4: Location, names, and widths of existing streets abutting the site

It was discussed that the widths of the abutting streets have been added. However, the width of Route 125 varies.

- Checklist Page 5: Distance to next similar use

T. Lavelle offered that it is shown in Note # 17 on the Amended Site Plan.

- Checklist Page 5: Note stating "Change of use requires review and/or approval of the Planning Board"

T. Lavelle offered that it is shown in Note # 16 on the Amended Site Plan.

- Checklist Page 5: Snow Storage

T. Lavelle offered that he has made a note to adjust the snow storage line to be located back behind the berm.

- Checklist Page 5: Location of Dumpster

T. Lavelle offered that it is noted on the Amended Site Plan that the dumpster will be located on a concrete pad.

- Checklist Page 5: Exterior Lighting

T. Lavelle offered that the existing lighting is shown on the Amended Site Plan's legend.

- Checklist Page 5: Fire Lanes

It was discussed previously in the meeting that a waiver has been requested for the fire lanes.

- Checklist Page 5: Parking Calculations
- Checklist Page 5: Landscaping
- Checklist Page 5: Hours of Operation

T. Lavelle offered that it is shown in Note # 5 on the Amended Site Plan.

- Checklist Page 5: NHDOT Driveway Permit

T. Lavelle offered previously in the meeting that the NHDOT Driveway Permit is pending and will be forwarded to the Board once received. He stated that the NHDOT may require them to cut off one (1) of the three (3) curb cuts. However, that has not been determined yet.

★ L. Lambert moved, second by F. Hart, to conditionally approve the Amended Site Plan for Town Map 27, Lot 16 with the following conditions:

- **Receipt of the NHDOT Driveway Permit**
- **The submission of the Easement Language to be reviewed by the attorney for the Town of Plaistow.**
- **There is to be a note added on the Amended Site Plan that all the waivers were granted.**
- **Reversal of the snow storage and berm indicators on the Amended Site Plan.**

There was no discussion on the motion. The vote was 5-0-0 (U/A).

Amended Site Plan for Town Map 27. Lot 17:

★ L. Lambert moved, second by L. Milette, to accept the Amended Site Plan for Tax Map 27, Lot 17 as complete. There was no discussion on the motion. The vote was 5-0-0 (U/A).

★ L. Lambert moved, second by L. Milette, to grant the waiver for Site Plan Regulation 230-13: Standing and Unloading Lanes. There was no discussion on the motion. The vote was 5-0-0 (U/A).

★ L. Lambert moved, second by L. Milette, to grant the waiver for Site Plan Regulation 230-14.1. NN: Location of Fire Lanes. There was no discussion on the motion. The vote was 5-0-0 (U/A).

★ L. Lambert moved, second by L. Milette, to grant the waiver for Site Plan Regulation 230-23.B.32.b: Front Buffer Strip, as the proposed drive is designed to match the abutting properties which exist without a twelve (12) foot Front Buffer Strip due to Route 125 expansion. There was no discussion on the motion. The vote was 5-0-0 (U/A).

★ L. Lambert moved, second by L. Milette, to grant the waiver for Site Plan Regulation 230-12.H.2.b: Front Buffer, as the proposed drive is designed to match the abutting properties which exist, without a twelve (12) foot buffer to the front property line due to Route 125 expansion. There was no discussion on the motion. The vote was 5-0-0 (U/A).

T. Lavelle offered that on Lot 17, the driveway is staying as it is. Therefore, a NHDOT Driveway Permit is not required for this site.

L. Lambert moved, second by F. Hart, to conditionally approve the Amended Site Plan for Town Map 27, Lot 17 with the following condition:

- There is to be a note added on the Amended Site Plan that all the waivers were granted.

There was no discussion on the motion. The vote was 5-0-0 (U/A).

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**The Planning Board will also consider the following:**

**- Amendments to the Planning Board Fee Schedule:**

T. Moore offered that the review of the PB Fee Schedule will be postponed until Dee Voss, Planning Coordinator is able to be in attendance.

**- Amendments to the Planning Board Roadway Profile:**

T. Moore offered that the review of the PB Roadway Profile will be postponed until Dee Voss, Planning Coordinator is able to be in attendance.

**- Amendments to the Planning Board's Rules of Procedure:**

T. Moore offered that in October Dee Voss, Planning Coordinator, attended a Law Lecture Series and it was determined that the PB needs to tighten up the procedures to accept Site Plans as complete. Therefore, there may be some additional changes made to the PB Rules and Procedures in the near future.

**- Approval of the Capital Improvements Program:**

L. Milette offered that she feels that the PB should be included in the review of the CIP drafts as they are reviewed and revised since the PB will ultimately be the Board approving the document.

T. Moore offered that starting in 2019, after every CIP Meeting he will forward a copy of the draft to the PB for review.

T. Moore offered that there was one (1) amendment to the CIP document that included the HVAC system for the Historical Society.

***★ L. Milette moved, second by F. Hart, to approve the Capital Improvements Program (CIP) for 2019-2024 as amended. There was no discussion on the motion. The vote was 5-0-0 (U/A).***

**Agenda Item 4: Request for Bond Reduction - Eugenia Lane**

T. Moore offered that the review of the request for the bond reduction at Eugenia Lane will need to be postponed as the Board does not have the information available for review.

There was a brief discussion about the location of Eugenia Lane.

**Agenda Item 5: Old Business:**

**Zoning Amendment Review:**

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T. Moore offered that the Zoning Amendments are not yet ready for review by the Board.

There was a brief discussion about the creation of the wording for the Zoning Amendments to be added to the Town Report.

M. Dorman offered that there needs to be a review of the ICR Zoning District Line for Route 108.

It was discussed that the PB would like to be able to review the Zoning Maps before having the discussion about the property lines for Route 108.

There was a discussion that the language for the warrant article for Route 108 will be similar to the wording that was created for Route 125.

There was a discussion about a traffic light installation that was done on Route 125 over the Plaistow NH/Haverhill MA border. It was discussed that the Board was told, and it was discussed by the Board, that there would not be a change made to the traffic pattern.

There was discussion that a change in zoning was necessary to allow for plans to develop four (4) small lots in the area in the future.

M. Dorman offered that there have been meetings to discuss putting an O'Reilly's Auto Parts in Plaistow in the area of Route 121A.

M. Dorman offered that the State of New Hampshire will need to get involved to help with the traffic backup situation, heading South, due to the traffic light installation on Route 125 in Haverhill MA.

There was a discussion about the need for synchronization of the traffic lights. It was stated that there is a cost associated with the synchronization of the traffic lights which is estimated to be between \$230,000-\$300,000.

There was discussion about the concern of traffic taking alternate routes through the back roads of Plaistow to avoid the traffic congestion at the lights.

There was a brief discussion of the location of the traffic light (at Cushing Ave. in Haverhill, MA) in relation to the travel lane reduction from two (2) lanes into one (1).

M. Dorman offered a very brief discussion of the Zoning Amendment on ADUs (Accessory Dwelling Units) based upon the RSA. (RSA 674:21).

F. Hart offered a discussion regarding Zoning Ordinance Article III, 220-5, Prohibited Uses, Section A. She offered that this ordinance is not currently enforceable, as there are no parameters as to what levels of noise or measurements of odors, dust, etc. may be considered obnoxious or injurious. She offered information regarding a noise study that was done July 10, 2013 by Normandeau Associates which listed decibel levels that were appropriate up to levels that would cause hearing loss. The study included decibel level recommendations for Land Use categories including Residential, Commercial, Retail, and Manufacturing.

F. Hart asked that the Board consider utilizing the noise study as a way to determine appropriate decibel levels and add the parameters to the Zoning Ordinance.

There was discussion on how to appropriately use the noise parameters to enforce the Zoning Ordinance. How would decibel levels be measured? Would there be warnings issued before moving forward with a violation?



T. Moore offered that the language for the proposed Zoning Ordinance amendment would need to be created and brought before the Board to be voted upon.

F. Hart offered to write up the appropriate language needed for the proposed Zoning Ordinance amendment for Article III, 220-5, Prohibited Uses and will present it to the Board to be voted upon at the next meeting.

M. Dorman offered that it may be appropriate to put the Zoning Ordinance amendment up on Plan Link to get feedback from other communities who may have similar Zoning Ordinances in place.

There was a discussion about writing up the amendment such that if someone is found to be in violation of the Zoning Ordinance, that the costs involved would fall upon the violator as a fine, as opposed to the cost going to the Town.

There was discussion that a first offense vs. intentional or repeat offenses needs to be taken into consideration, as well as time of day/hours of operation parameters.

There was a very brief discussion regarding the topic of Commercial/Industrial Use before Site Plan Approval.

It was discussed that Dee Voss, Planning Coordinator, will draft up the language for the warrant articles relating to the Zoning Ordinance Amendments.

There was a discussion on the process of presenting the language for the Zoning Ordinance Amendments during a Public Hearing. At the Public Hearing the Board will vote on each one to amend, drop, or post it to the warrant article. It was also discussed that the voting numbers will also be listed on each warrant to show the number of "yes" and the number of "no" votes that took place.

M. Dorman offered that the language for each of the Zoning Ordinance Amendments will be provided to the Board for review at least a week before the Public Hearing is scheduled.

F. Hart offered that it is required by statute that when there are monetary warrants that the BC and PB need to vote and there needs to be a numeric tally of the votes. The BC does not vote on non-financial warrants.

T. Moore asked if the Board wants to add a definition of an extended stay motel. The Board agreed that they do not want to add a definition of an extended stay motel.

F. Hart offered that there are specific uses for an extended stay motel and the Town does not have any need or reason for there to be one in town. The Zoning issue that was presented at a previous meeting was that the Motel Ordinance for Plaistow does not allow kitchens. Other problems that were presented was that there would also need to be provisions made for management to be on site twenty-four (24) hours per day and there needs to be accommodations for multiple people staying in one (1) unit.

T. Moore asked if there were any other Zoning changes needed or any additional discussion.

#### **Agenda Item 6: New Business:**

##### **71 Plaistow Rd. - Status, Next Steps:**

M. Dorman offered that the property was auctioned off and the bank bought it back. He spoke with Dee Voss, Planning Coordinator, to make a recommendation to the Board to revoke the Site

Plan. The RSA requires the Board to notify all of the property owners of the intent to revoke the Site Plan.

M. Dorman offered that he contacted Harmon Law Offices, P.C., who was the law office that handled the auction, and spoke with Elena Peterson, who asked him to write up and forward to her an explanation of the situation at hand and that she would forward the letter to the appropriate party in her office to assist with obtaining the names and addresses of all the interested parties.

M. Dorman will follow up with the PB once a response is received back from Harmon Law Offices, P.C. If he does not hear back within two (2) weeks, he will follow up with E. Peterson.

L. Milette offered that the bank has owned the property for quite some time now and that some measure needs to be taken to expedite the process of being able to revoke the Site Plan.

M. Dorman offered that he has to get names and addresses to send notifications of the Board's intent to revoke the Site Plan. He offered to follow up with Harmon Law Office to let them know that the PB has decided to move forward with revoking the Site Plan.

There was discussion about having a letter drafted up by Town Council to provide notification to the bank of the current Site Plan violations and provide a deadline to initiate a faster resolution of the violations.

#### **Agenda Item 7: Communications, Updates, & Other Business:**

There was discussion about updating the Rules of Procedure so that the first PB Meeting of every month consists of workshops and the second PB Meeting of every month consist of Public Hearings. There was also discussion about whether or not putting this language in the Rules of Procedure would cause too much restriction if special circumstances come up. The concern to postponing Public Hearings is that public notifications are required to be sent out ahead of time. Continuations do not require re-notification.

#### **Planning Board Meeting Schedule:**

**There will not be a PB Meeting held on November 21, 2018.**

**The next PB Meeting will be December 5, 2018 which will include:**

- Zoning Amendment Review**
- Rules of Procedure**

**The December 19, 2018 PB Meeting will include:**

- Exeter Med Public Hearing**

**There will be a PB Meeting on January 2, 2018 and January 16, 2018.**

**There was no additional business before the Board and the meeting was adjourned at 8:15p.m.**

**Respectfully Submitted,  
Samantha D. Cote  
Recording Secretary**