



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

PLANNING BOARD MINUTES

March 20, 2019

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*
Francine Hart, *Selectman's Rep*
Geoffrey Adams, *Alternate*
Steve Ranlett, *Alternate Selectman's Rep*

Also present: John Cashell, *Planning Director*

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

Agenda Item 2: Minutes of the March 6, 2019 Planning Board Meeting

- ***L. Lambert moved, second by L. Milette, to approve the minutes of the March 6, 2019 meeting. There was no discussion on the motion. The vote was 4-0-1 (F. Hart abstaining).***

Agenda Item 3: Nominations/Election of Officers:

- ***L. Lambert moved, second by F. Hart to nominate T. Moore as Chair of the Board. There was no discussion on the motion. The vote was 5-0-0 (U/A).***
- ***L. Milette moved, second by F. Hart to nominate L. Lambert as Vice Chair of the Board. There was no discussion on the motion. The vote was 5-0-0 (U/A).***

Agenda Item 4: Public Hearings:

a. PB 19-07: A request from Peter A. Leblanc for consideration of a condominium conversion application. The application proposes to convert an existing duplex to a condominium form of ownership. The property is located at 2 East Pine St, Tax Map 38, Lot 120 in the C2 district. Robyn A, White and Peter A. Leblanc are the property owners of record.

T. Moore stated that PB 19-07 will be continued until the April 17, 2019 Planning Board Meeting.

b. Continued from February 20, 2019

PB 19-04: A request from Robert and Deborah Zukas for review of an application for subdivision. The proposal is to subdivide the existing 445,663SF (10.23A) parcel with 752.91LF of frontage on Sweet Hill Road into three (3) lots: New Lot 37-1 is proposed to be 135,113SF (3.10A) with 200LF frontage on Sweet Hill Rd. New Lot 37-2 is proposed to be 173,745SF (3.99A) with 250.18LF frontage on Sweet Hill Rd and 39.95LF frontage on Newton Rd. The remaining parcel, with the existing single-family dwelling is proposed to be 136,805SF (3.14A) with 302.73LF frontage on Sweet Hill Rd. The applicant has also requested consideration of a Conditional Use Permit for driveway access through wetland buffers on New Lot 37-1. The property is located at 108 Sweet Hill Rd, Tax Map 69, Lot 37 in both the LDR and ICR Districts. The applicants are the property owners of record.

Charlie Zilch, SEC & Associates, was present for the application.

T. Moore gave a brief overview of the presentation procedure to include:

- The applicant will have the opportunity to provide a presentation as a Public Hearing.
- The Board will then have the opportunity to comment and ask questions.
- The audience and abutters will then have the opportunity to comment and ask questions.

C. Zilch offered an overview of the property specifications and configurations. He offered a review of the application to date. He gave a brief overview of each of the three (3) proposed subdivided lots and the specifications and pending requirements of each.

- Lot 1: Has access driveway that will be approved by New Hampshire Department of Transportation (NHDOT). Wetland setback will not be impacted.
- Lot 2: Minor issue with the driveway, as it does not comply with wetland setback requirements. Variance will be needed from Zoning Board of Adjustment (ZBA).
- Lot 3: Minor issue with the driveway, as it does not comply with wetland setback requirements. Variance will be needed from ZBA.
- Lots 2 and 3 will require state required driveway permits and conditional use permits.
- There has already been a meeting with the Conservation Committee and the applicant will be meeting with the ZBA next week.
- There are no waivers needed.

C. Zilch asked if the Board had any questions.

J. Cashell asked if the plans will be revised after the meeting with the ZBA?

C. Zilch offered that the Site Plan will be revised according to the ZBA's recommendations.

T. Moore asked if the audience had any questions.

Maureen Russell, 100 Newton Rd., expressed her concern that the property exists on the aquifer and she feels that the removal of trees on the property of 108 Sweet Hill Rd will cause additional storm water runoff onto her abutting property. There is already concern about the current runoff freezing and causing icy road conditions on Newton Rd. in the winter.

C. Zilch offered that there were meetings with abutters and the Town Consulting Engineer to address concerns regarding drainage issues. The engineer suggested leaving as many trees on the property as possible and using gutters on the rooflines to direct storm water runoff into dry wells or rain gardens. There was also discussion about the possibility of constructing an infiltration pond and infiltration trenches on both sides of the driveways.

C. Zilch offered that with all of the discussions taking place and everything being taken into consideration, he feels strongly that there will be no additional storm water retention or flooding concerns.

Sue Tomasz-Taylor, 102 Newton Rd. expressed her concerns about the cutting of additional trees on the 108 Sweet Hill property causing additional storm water runoff that will cause flooding in abutters yards and basements. She wants to make sure that water runoff on the property will be addressed as well as the water running off of the houses themselves.

C. Zilch offered that the intent is to take all drainage issues into consideration while also keeping tree removal to a minimum.

T. Moore stated that the Public Hearing for the 108 Sweet Hill Rd. application will be continued at the April 17, 2019 Planning Board Meeting.

c. PB 19-06: A request from Milton Real Properties of Massachusetts, LLC for consideration of a Lot Consolidation and Final Site Plan Review. The Plan proposes that 143 Plaistow Rd, Tax Map 30, Lot 73, a parcel of 1.78A with frontage of 247.98' on Plaistow Rd and 233.34' on Main St be combined with 145A Plaistow Rd, Tax Map 30, Lot 72 a parcel of 18.1A with 122.03' frontage on Plaistow Rd, for a total parcel size of 19.88A, and 603.30' total frontage. The Plan further proposes development of the site to include a 12,000SF equipment rental and maintenance facility; 1,800SF equipment wash building; approximately 9AC of equipment display and storage; and related site improvement for fuel storage, drainage/stormwater management, landscaping and lighting. Both parcels are located in the C1 district. The property owners of record are: William H. Sanborn Revocable Trust for the 143 Plaistow Rd, Tax Map 30, Lot 73 parcel, and Sanborn Realty Trust for the 145A Plaistow Rd, Tax Map 30, Lot 72 parcel.

Lee Allen, Civil Engineering Dept. Head for Colby Company Engineering, LLC (CCE) and Brad Ferrin, Corporate Facilities Manager for Milton CAT were present for the application. Ethan Flinkstrom, Mechanical Engineer for Colby Company Engineering, LLC (CCE) and Kelly Ovitt Puc, Sulloway & Hollis PLLC were also in attendance.

Charlie Zilch, SEC & Associates, was also present for the application.

T. Moore gave a brief overview of the presentation procedure to include:

- The applicant will have the opportunity to provide a presentation as a Public Hearing.
- The Board will then have the opportunity to comment and ask questions.
- The audience and abutters will then have the opportunity to comment and ask questions.

L. Allen offered a review of Page C-106 on the Revised Site Plan to show that the previously presented above ground storage and drainage area have been changed to underground storage and drainage. There are two (2) underground Stormtech chambered systems that allow for some drainage into the NHDOT drainage system.

L. Allen offered that there is now a 70 FT grading limit and a 120 FT tree buffer and a 50 FT vegetation buffer between the edge of the proposed site and Village Way. The parking area now has a 200 FT buffer from the nearest abutter property line on Village Way.

L. Allen offered that a representative from SEC & Associates went out to the property and staged orange flags about 4 FT high to the edge of the storage area and pictures were taken to test the visibility of the storage area to surrounding abutters.

J. Cashell asked if there were any illustration or pictures that could be provided for Board review.

L. Allen offered that the pictures showed nothing but woods. No flags were visible.

J. Cashell offered that it was requested previously that elevation illustrations be provided to the Board and is still a requirement that will need to be met at the next Board Meeting.

L. Allen offered that all issues presented during Keach-Nordstrom's peer review have been addressed, such as two (2) "no parking" signs being included for handicapped parking spots, the 12 FT landscaping buffer along the front property line for Route 121A and Main St. All specifications have all been met to stay out of the non-construct area. He stated that there was also another meeting with Dee Voss, Planning Board Administrative Assistant, to review the application checklist again and the application is now compliant with all Town ordinances.

J. Cashell asked for a review of the project's storm water controls.

L. Allen offered that the storm water storage area will now be positioned underground. The catch basins will drain backward into a chamber system, treated, and transferred into a one hundred (100) year storm drainage

system. It is estimated that the storm water runoff will be reduced by one (1) CFS from what it is currently by utilizing this system.

J. Cashell reiterated that all parties involved in the application need to make sure that there will be no flooding or contamination issues caused by the proposed project.

L. Allen offered that there have been requests for two (2) waivers made with the ZBA. One request is to not have to pave the parking area where vehicles will be stored and the other is to not have to provide the regulated number of landscape strips in the interior pavement.

L. Allen offered that the equipment to be rented will be brand new to three (3) years old. Therefore, leaks from the equipment will be little to none. In case of any type of spill NHDES spill procedures are in place.

L. Milette asked about the 2,000-gallon diesel tank that is to be placed on site and its proximity to the abutters on Village Way. It was the Board's understanding that the tank was to be moved to the opposite side of the site away from Village Way.

L. Allen offered that the entire building is to be moved closer to the roadway and the tank will move with it. It is understood that a NHDES permit will be required.

L. Milette offered that the homes on Village Way are on a shared well system due to previous contamination.

L. Allen offered that the tank will consist of a concrete, double walled barrier. Therefore, if any type of a spill happens the inner lined tank would contain it.

B. Farrin offered that there has been a meeting with some of the abutters to discuss concerns and gather feedback. He stated that the intention is to make the proposed site ProQuip's main headquarters. The equipment is expected to have a one (1) to three (3) year turnover. There will be no heavy equipment repairs on site and all local, State, and Federal requirements will be met. He expressed that it is the applicant's intent to be good neighbors and no shortcuts will be taken as they are in it for the long haul. There is a very extensive spill control and contamination prevention program in place.

F. Hart offered that abutters have expressed concerns about the height of the equipment creating an eye sore.

B. Farrin offered that the equipment located on site will not include cranes. He offered that the the proposed site will be a balanced site and that any equipment stored out back will be below the tree line.

There was a brief discussion that it looks as though the storm water chambers shown on Page C-106 of the Site Plan spill out close to abutters septic systems.

L. Allen offered an overview of how the storm water outflow will work and that the system will actually turn away from abutters properties.

Sanaz Anthony, 4 Village Way, expressed concern that storm water runoff will run right through their property at 4 Village Way.

L. Allen offered that the proposed storm water runoff system will cause storm water runoff to be less than there is currently.

S. Anthony offered a PDF presentation to illustrate the storm water runoff, environmental, and aesthetic concerns expressed by herself and other abutters that reside in the Village Way community. She also presented pictures that a neighbor provided of ProQuip's current site on Old Road. The pictures visually present a totally different outlook of what is currently being maintained by ProQuip as opposed to what they say the new proposed site will look like.

S. Anthony expressed concern that now that the storage area will be positioned underground, it will allow ProQuip to store more equipment on site. The equipment that ProQuip rents on Old Road property dates back to 2003, not a turnover of three (3) years like they have stated. There is concern from abutters that if ProQuip is allowed to occupy the proposed site that the property values for Village Way will decline considerably. There is concern that the beauty of the village-style community will be ruined. A petition has been established by abutters opposing the application. The Village Way community provides a substantial amount of tax revenue to the Town and the residents are hoping that the Board will take their concerns to heart. There is also concern from abutters about:

- The proposed ProQuip site becoming just like the current property located on Old Road with is aesthetically unpleasant.
- The additional traffic created by heavy equipment driving through Main St.
- The loss of sound buffering due to the removal of nine (9) acres of trees.

Matthew Braucher, Braucher & Amann Attorneys at Law, asked if the presentation offered by Sanaz Anthony, 4 Village Way, would become part of record.

J. Cashell offered that yes, the presentation would be on record.

Kevin McCurley, 149 Plaistow Rd, offered his concerns based upon his past experience with the Route 125 expansion. He offered his experiences with drainage issues and water runoff and the adverse effects it had to the water quality on his property. He offered that many animals such as turtles and salamanders can no longer survive on his property due to water contamination caused by water runoff. He offered that once water has been touched by gas or petroleum it ruins the water for drinking and for animals. There are constant concerns about water runoff into the wetlands and Kelly Brook Water Shed. Once water touches gas or petroleum it cannot be broken down. There needs to be reassurance that the water system will be preserved. Building is not permitted on wetlands therefore it should not be acceptable for it to be polluted either. There is concern for the effect it has on many animal species as well. Past contamination has made it such that many animals can no longer live in areas subject to water runoff. He offered that the Route 125 expansion ruined his wetlands. The wetlands act as a sponge and any chemicals contained in water run off cause contamination. Because of the contamination salamanders, frogs, and other amphibians that used to be on his property are gone and can no longer inhabit the area. He feels personally that he was misled and lied to about the handling of drainage and water runoff during the Route 125 expansion.

T. Moore offered that water treatment is a concern and is being addressed.

Richard Anthony, 4 Village Way, offered that people often forget the environmental impact caused by development. An example would be the Shell Station on Plaistow Rd. There is a need for potable water because all of Plaistow has become contaminated. One (1) gallon of gasoline can contaminate thousands of gallons of water. Treatment and clean up cannot touch some types of contaminants. In some cases contaminants can make sites unusable for thirty (30) to forty (40) years. The concern starts with a little spill here and there. In most cases only people who are concerned with getting in trouble come forward to report it.

K. McCurley offered that NH Fish and Game know that there are rare reptiles and amphibians in the area and have been studying them for years. Animals such as wood turtles and brook trout cannot survive in any level of contamination.

Audrey Peck, 206 Oak Ridge Rd., expressed her opinion that she has seen this struggle between abutters and businesses before, and expressed to the applicants that in her opinion they have a big fight ahead of them.

Douglas Meteisis, 3 Village Way, offered a reading of his revised Open Letter, which has been provided to the Board.

Laurie Monahan, 10 Tuxbury Rd., offered that she has received letters from the school about water being at okay levels. However, she still doesn't allow her children to drink water at the school; she has them bring water from home.

Judith Neale, 17 Tuxbury Rd., asked the Board to review the petition offered by the abutters opposing the application. She expressed concerns about contamination of water and pollution. She stated that every year water needs to be conserved due to low levels. She is concerned the levels will only get lower due to development.

S. Anthony offered a brief review of the petition signed by abutters. The Board been provided a copy of the petition and all signers therein.

J. Cashell offered that the applicant now has the opportunity to rebut the abutters comments.

B. Ferrin, offered that the plan has changed from what was presented originally. There were concerns about the open pond, so the plan was changed to underground storage. It is possible to make a condition that equipment cannot be stored on top of the storage area.

B. Ferrin offered that a full application has been completed and has gone before the Board. It is the applicants' belief that the project is abiding by all Zoning Ordinances. It is true that some items will need to be reviewed by engineers.

T. Moore offered that an Alteration of Terrain (AoT) permit will be required.

J. Cashell offered that there is a level of seriousness to the abutters concerns and that ProQuip will have their work cut out for them to establish a burden of proof. There is question as to whether the proposed use is appropriate. You have properties close by and there is concern that the business is not aesthetically pleasing.

B. Ferrin offered that the property has not been purchased. All details will need to be worked out before final sale takes place.

J. Cashell offered that the Public Hearing for PB 19-06 will be continued until the April 17, 2019 Planning Board Meeting. He stated that there will not be another abutters notification sent out.

T. Moore announced a ten (10) minute recess.

Agenda Item 4: Old Business:

There was no Old Business presented.

Agenda Item 5: New Business:

There was no New Business presented.

Agenda Item 6: Communications, Updates, & Other Business:

There was a discussion about some formal training options for the Planning Board.

F. Hart has consulted with Lori Sadewicz, Human Services, to get some suggestions such as through the Rockingham Planning Commission.

J. Cashell offered that the Board does not currently have a lawyer on staff. Is it possible to attract a lawyer from the NH Municipal Association? What does the Board really want to learn?

J. Cashell offered that after listening to the meeting, many legal issues have presented themselves. Where does the Board stand after the initial Public Hearing? There is a need to make sure that the Board is on solid legal ground in regard to whether the application for ProQuip is a truly acceptable use for Zoning determination.

J. Cashell offered that he will work with Dee Voss to get an attorney to review the application file for ProQuip in order to get a proper legal determination.

F. Hart asked what recourse the Board has if what is stated on the Site Plan is not abided by. There are serious concerns about contamination issues.

T. Moore offered that a HazMat team gets called in for any major spills. The concern is more toward a little spill here and there and the accumulation over time.

L. Milette expressed concern regarding the letter of Zoning Determination dated February 6, 2019. Members of the Board offered that they never saw the letter and it is understood that there is only a thirty (30) day window to appeal it.

F. Hart asked if that meant that the deadline to appeal the determination has passed.

T. Moore offered that NH Statutes are set such that the Board can deny a Site Plan as not being a permitted use.

J. Cashell offered that he will work to get a legal opinion on the Pro Quip application before the Board's next Workshop Meeting. There needs to be a validation of the proposed use allowed within the District and a thorough review of the Site Plan.

L. Lambert expressed that she is not comfortable with J. Cashell using his computer to present at the Public Hearing because of his e-mail being shown up on the screen. It doesn't seem professional.

J. Cashell offered that presenters and developers need to be coached on exactly what is expected in the presentation.

T. Moore offered that it would be appropriate for the Board to set up the presentation and then hand it off to the presenter.

There was a discussion about the importance of the Keach-Nordstrom document in the Staff Report.

J. Cashell offered that the Board should only be presenting the Site Plan that is available in the Board packets that are prepared for the meeting. Presenters should not be allowed to pass out new materials during the Public Hearing.

F. Hart offered to contact the NHMA to inquire about Board training opportunities. She will speak with D. Voss about looking into the Rockingham Planning Commission (RPC).

L. Milette asked what the Board is required to do to protect the best interest of the abutters.

L. Lambert asked when the Capital Improvements Program (CIP) starts up again.

It was discussed that the Capital Improvements Program (CIP) starts up again in the Summer to Fall 2019.

T. Moore offered that the Chair of the Planning Board is also the Chair of the Capital Improvements Program (CIP).

J. Cashell offered that the BOS has to request that the Board conduct a Capital Improvements Program (CIP). CIP doesn't have to be done every year. Typically, it is done every three (3) years.

There was a brief discussion that out of all Warrant Articles only two (2) didn't pass. Also, the implementation of a Noise Ordinance was a positive thing.

- ***L. Lambert moved, second by F. Hart to nominate L. Milette as Capital Improvements Program (CIP) Representative for the Planning Board. There was no discussion on the motion. The vote was 5-0-0 (U/A).***
- ***F. Hart moved, second by L. Milette to nominate G. Adams as Capital Improvements Program (CIP) Alternate Representative for the Planning Board. There was no discussion on the motion. The vote was 5-0-0 (U/A).***

There was no additional business before the Board and the meeting was adjourned at 9:35 p.m.

Respectfully Submitted,
Samantha D. Cote
Recording Secretary