



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

PLANNING BOARD MINUTES

April 17, 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
Francine Hart, *Selectman's Rep*
Geoffrey Adams, *Alternate*

Also present: John Cashell, *Planning Director*

Agenda Item 2: Minutes of the March 20, 2019 Planning Board Meeting.

★ F. Hart moved, second by L. Lambert, to approve the minutes of the March 20, 2019 meeting. There was no discussion on the motion. The vote was 4-0-1 (J. Peck abstaining).

Agenda Item 3: Public Hearings:

a) Continued from February 20, 2019 and March 20, 2019.

PB19-04: 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.

C. Zilch offered an overview of the property specifications and configurations. He offered a review of the application to date.

- The three (3) driveway variances have been granted by the Board of Adjustments.
- Attorney has drafted up easement documents.
- The site line easement of 400 feet will be maintained.
- Measures to avoid storm water impact have been addressed.
- New Hampshire Department of Environmental Services (NHDES) Subdivision Approval has been approved.
- Notes 16 and 17 have been added to the Site Plan.
- New Hampshire Department of Transportation (NHDOT) Driveway Permits are still pending.

– A Conditional Use Permit is needed.

C. Zilch offered that he met with District 6 last week and that recommendations made by the Board and Keach-Nordstrom Associates have been addressed and updates have been made.

C. Zilch asked if the Board had any questions.

J. Peck confirmed with C. Zilch that the ZBA has approved the driveway variances.

J. Peck asked for confirmation that all abutters concerns have been addressed.

C. Zilch confirmed that all abutters concerns have been taken into consideration and addressed. He offered that storm water runoff has a tendency to sit on 108 Sweet Hill Rd normally during the Spring, but that it is short term. He said that an infiltration basin was considered. However, it would require cutting down more trees. Rather than having to cut down trees a better remedy of creating infiltration trenches along the driveway with crushed stone seems like the better option. Suggestions will be made to the future homeowner(s) in regard to addressing stormwater runoff. The Conservation Commission suggested the possibility of tipping the driveway away from the wetland.

T. Moore asked if the Board or audience had any additional questions or comments.

John Herrick, Jr., 110 Newton Rd, expressed his concerns regarding the stormwater runoff on 108 Sweet Hill Rd. in the Spring and the Fall. In his opinion that water sits on the road for quite some time and he doesn't want the proposed project to exacerbate the stormwater problem that is already there. He expressed his concerns about the problem getting worse and asked if it would be possible for the State to put a culvert pipe back in the general area.

T. Moore offered that the Board could ask the State about the culvert but that it may end up just transferring the problem from one side of the road to the other.

J. Herrick, Jr. offered that there used to be a culvert pipe at that location. However it was removed. He stated that there are no residences on the opposite side.

T. Moore offered that the Board would ask NHDOT about considering putting a culvert back in.

Maureen Russell, 100 Newton Rd., asked if the future property owners will be required to take appropriate measures to address the stormwater runoff, or if it would just be a suggestion.

T. Moore offered that the house style that will be built on the property is an unknown at this time.

M. Russell asked if the future homeowner would be made aware of abutters concerns.

J. Cashell offered that the applicant's engineer is responsible for making sure that all concerns have been addressed as a condition for approval.

C. Zilch confirmed that there was a culvert located on site back in the 1950's, as shown on the NHDOT plans. However, it was removed and another culvert was put in further North.

C. Zilch offered a review of Note 17 on the Site Plan. He stated that Note 16 and Note 17 have been added and would put enforcement in the hands of the Code Enforcement Officer. He also offered that he has met with a prospective property owner. If stormwater runoff poses a Ed a significant problem, it is possible to look into a drainage device or culvert system.

C. Zilch offered that the lot is big enough that a house could be positioned in many different locations on the lot.

J. Cashell offered that if there is a significant problem that exists then the Department of Public Works and the NHDOT can and should work together to remedy the problem.

There was a discussion that it needs to be understood that the parcel of land is very large. There are only two (2) additional houses to be built on a ten (10) acre parcel.

T. Moore asked if the Board or audience has any additional questions.

G. Adams offered that in his opinion, if the NHDOT removed the culvert previously, then they must have felt that it wasn't necessary in that location.

T. Moore closed the Public Hearing.

★ F. Hart moved, second by J. Peck, to approve the Conditional Use Permit for the driveway access on new Lot 37-1, to be established by the subdivision of 108 Sweet Hill Rd., Tax Map 69, Lot 37. There was no discussion on the motion. The vote was 4-1-0 (L. Lambert opposed).

★ F. Hart moved, second by J. Peck, to approve the 3-lot subdivision of the parcel at 108 Sweet Hill Rd., Tax Map 69, Lot 37 in the LDR and ICR Districts, with the following conditions:

- **Note added to the Plan for Conditional Use Permit approval.**
- **Surveyor's Note to plan to certify that monumentation of the new lots have been done.**
- **NHDOT Driveway Permits (Lots 37-1 and 37-2) are received and permit numbers noted on the Plan.**
- **The 30-day appeal period for the ZBA variance approval expires (April 28, 2019).**

There was no discussion on the motion. The vote was 4-1-0 (L. Lambert opposed).

b. Continued from March 20, 2019.

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) was also present for the application.

B. Ferrin stated that they would be offering some additional details and information as requested by the Board at the last meeting.

B. Ferrin offered a brief review of the timeline of meetings held previously:

- Conceptual Review Meeting with the Planning Board (January 16, 2019)
- Public Information Meeting with Abutters (March 13, 2019)
- Public Hearing with the Planning Board (March 20, 2019)

B. Ferrin offered that applications have been submitted, but are still pending for:

- NHDES Alteration of Terrain (AoT) Permit (preliminary comments have been received back and are being reviewed)
- NHDOT Driveway Permit

B. Ferrin offered a review of some visuals on the overhead display.

- View of storage area and tree line from as viewable from certain points on Village Way:

J. Cashell asked if the tree line will remain as shown or if some trees will be cut down.

B. Ferrin offered that the tree line will remain the same with no trees cut down.

J. Peck asked how far back the equipment storage area is from Village Way.

B. Ferrin offered that there is a three hundred (300) foot buffer between Village Way and the equipment storage area.

J. Cashell asked for an approximation of the height of the trees that make up the tree line shown.

B. Ferrin offered that the trees stand approximately thirty to forty (30 to 40) feet tall.

- View and review of the facility located in Richmond, VT which has been in operation since 1996:

J. Cashell asked for an overview of the parking surfaces.

B. Ferrin offered that at this particular facility the parking surfaces are made of concrete in the front and gravel in the back.

J. Peck asked if the facility is an equipment rental facility like the proposed facility is to be.

B. Ferrin offered that the facility is not an equipment rental facility but rather a full service repair facility with a wash bay.

J. Peck asked if there are petroleum tanks on site.

B. Ferrin offered that there is a fill tank on site and that the facility has an evaporator system for water runoff as opposed to the recycling system that is proposed on the current application.

- View and review of the facility located on Concord St. in North Reading, MA.:

B. Ferrin offered that this facility is located on a protected aquifer and that the parking surfaces are a combination of concrete, asphalt, and recycled asphalt.

J. Cashell offered an explanation of the importance of using concrete as a parking surface for heavy equipment using the example of an army base. Concrete can handle the weight of heavy

equipment without damage, prevents spill contamination, and provided proper drainage. He asked if concrete is cost prohibitive for the current application.

B. Ferrin offered that concrete would present a considerable cost to the project and that he feels from prior experience at other facilities, that it is not necessary. He mentioned that they have brought in someone to address stormwater and hydrogeological matters.

J. Cashell emphasized the importance of the developer addressing the all of the Board and the abutters' concerns with the presentation of solutions to each one of those concerns.

B. Ferrin responded by emphasizing that rather than just being labeled as a developer he wanted to bring attention to the fact that the business is a family owned business and that they are "in it for the long haul" and not just looking to develop the property, sell it, and move on. He added that they are taking all environmental concerns seriously.

B. Ferrin stated that he would like to bring up the topic that was in the media regarding the relocation of the Sanborn Candy Shop. He stated that he has had contact with Ted Sanborn, Sr. and that Ted supports the project and wishes them the best moving forward.

J. Cashell addressed the audience and asked if everyone was able to hear the presentation. He also offered that anyone who wishes to speak will have their chance to be heard.

J. Peck expressed some concerns that he asked B. Ferrin to comment on:

- The visuals presented are of facilities other than the current facility located on Old Rd. in Plaistow which previously showed equipment parked on soil.
- The height of some of the equipment at the current facility located on Old Rd. In Plaistow is higher than the ten (10) feet stated previously.
- The company's website, which has now been taken down for some reason, previously showed equipment dated as old as 2005. However, it was previously stated that for the current project there would not be any equipment older than three (3) years old.

B. Ferrin responded to J. Peck's concerns with the following comments:

- The property that the current facility is on located at 22 Old Rd. in Plaistow is leased, not owned. ProQuip has been there since 2015. However, the site is not up to Milton CAT standards which is why Milton CAT is looking to relocate to the proposed 143 Plaistow Rd. location.
- On the proposed property, only the equipment located at the front display would be extended. The equipment located in the back-storage area near Village Way will not be fully extended.
- Milton CAT is currently in the process of changing out the entire fleet of equipment. Therefore, the intention is to only have new CAT equipment.

Chris Barisano, Sales Manager for ProQuip at the 22 Old Rd. Plaistow location, offered that they were contacted by headquarters and told to take the website down because it did not currently display any CAT equipment. He stated that a ProQuip has currently spent ten (10) million dollars this year on a new fleet of equipment.

L. Allen offered some information regarding the Peer Review done by Keach-Nordstrom Associates.:

- The NHDOT Driveway Permit and the AoT Permit are still pending.
- Intent is to consolidate two (2) lots into one (1) single lot.
- There was a recommendation for the Plaistow Fire Department to review and comment on the application. However, the interim Fire Chief did not feel comfortable doing the review. Therefore SFC, Fire Engineering Consultants with the State of New Hampshire,

we're hired to complete the review. They reviewed the Site Plan but they still need to review the Building Floor Plans before the review will be considered complete.

- There was a recommendation that the Plan be stamped by all appropriate professionals involved.
- There was one (1) SF error in the labeling of the total combined lot size, which has been corrected.
- There was a review of the wash bay system to ensure that there is no discharge from the wash bay into the septic system. The wash bay system is noted as a recycling system on the Plan.

J. Cashell asked for L. Allen to elaborate on how the wash bay system works.

L. Allen responded by stating that water goes into the tank, any sediments are filtered out, and the water is then re-fed into the system to be used again. The system has an internal water cycle where the water never leaves the wash bay. All sediments are collected in a filter. The filter is changed out every two to three (2 to 3) months and the old filter is bagged and taken to a landfill. There is a water supply line which adds water into the system to replace any water that may have evaporated.

L. Millette asked L. Allen to read Note # 9 located on Page C103 that gives reference to the project being located in the Aquifer Protection Zone.

L. Allen read Note # 9 located on Page C103 to the Board, as requested.

L. Millette offered a review of Page 135 and Page 136, specifically # 11 and # 12 of the book of Zoning Ordinances that reference Prohibited Uses within an Aquifer Protection Zone. She emphasized that it states that any laundry or car wash establishment not served by central municipal sewer is a prohibited use and includes all onsite handling, disposal, storage, processing, or recycling of any hazardous or toxic materials.

J. Cashell offered that there would be a waiver required if a car wash facility is not allowed within an Aquifer Protection Zone. He asked L. Allen if he is aware of the prohibited uses within an Aquifer Protection District and if he was prepared to respond and offer comments in response to the stated concerns.

L. Allen stated that he was not aware of the prohibited uses. However, he offered comment that the proposed facility is not a car wash, but rather a wash bay which is an associated use with rental equipment. He reiterated that no water is being discharged from the facility. He requested to defer comments until a determination can be made whether the wash bay is a prohibited use or not.

L. Lambert asked if there is a drying area within the wash bay facility. She expressed concern that if there isn't a drying area and the equipment is being removed from the building while still wet, that there will be some sort of run off.

L. Allen offered that if the equipment is put outside wet, that any runoff would be collected by the stormwater system.

Charlie Zilch, SEC & Associates, offered that there are several levels or types of aquifers in Town. This project is believed to be the least intensive. He offered a review of 220:133 Use Regulations on Page 129 of the Zoning Ordinances which talks about a specific type of aquifer that is more sensitive. The District would have a saturated thickness of twenty (20) feet or greater and a transmissivity level greater than one thousand (1,000) SQ Ft. This proposed project has less than that.

J. Cashell offered that in order to understand the Ordinance in proper context, you would have to read it in its entirety. The wash bay would require a Conditional Use Permit and a waiver. It needs to be proven with facts that the use is not detrimental to the environment. This topic is a major oversight for anybody to overlook.

L. Allen offered that the topic of the Aquifer Protection Zone and prohibited uses was never brought up in the Peer Review.

J. Cashell offered that the topic has now been brought up by the Board and will need to be reviewed thoroughly to see if the applicant has grounds to proceed with the project.

L. Milette offered that there was a large packet of information regarding the project, received April 12, 2019, that was over two hundred (200) pages. She stated that she has not yet had a chance to read through all of it. However, there was a section that references runoff into an unknown tributary and then into Little River. She stated that at the previous meeting, the residents expressed a lot of concern about the Little River Water Shed.

F. Hart asked in what landfill the sediment filters from the wash bay would end up.

L. Allen offered that he would get an answer to give the Board regarding the sediment filters and their disposal.

E. Flinkstrom offered that the sediment that collects in the filter is primarily just muddy sediment. He stated that Clean Harbors would be hired to pick up the sediment filters and take them away. They are automatically treated as hazardous waste.

J. Peck reiterated the fact that the project document received addressing the main responsibilities regarding runoff was approximately two hundred and ten (210) pages. He offered that given the size of the document, the Board would need enough time to thoroughly review the document to fully understand all that is in it.

L. Allen offered that a topic of discussion at the last Board meeting was the use of recycled asphalt in lieu of gravel in the back-storage area. Waiver language was discussed. The project is not proposing any gravel area; all is to be recycled asphalt or concrete.

L. Allen offered that the amount of cover over pipes was discussed with Keach-Nordstrom Associates. There is a possibility of a mathematical error which will be discussed and corrected if needed.

L. Allen offered that there was additional documentation submitted to NHDES for the AoT Permit application regarding storm water that was not included with the documents submitted to Keach-Nordstrom Associates. However, review was completed by NHDES and there were no comments regarding storm water.

L. Allen offered the following information:

- The outlet pipe depth for the storm water system has been added to the Plan.
- Additional details have been added to the Plan.
- The details regarding signage and pavement markings still need to be worked out with the NHDOT for the NHDOT Driveway Permit.

F. Hart asked if Route 121A Main St access way shown on Page C111 is entrance only.

L. Allen responded by stating that the Route 121A Main St access way is full access. However, it still needs to be discussed further with NHDOT.

L. Allen offered the following information regarding the two (2) waivers requested:

- There is a requirement for all parking and equipment storage surfaces to be asphalt. The application is proposing recycled asphalt instead of new. It was stated that Steven Keach, Keach-Nordstrom Associates, agreed with the reasoning stated and asked for details on how thick the recycled asphalt would be.
- Regarding landscaping requirements: all calculations have been done for interior areas, driveways, and parking areas. A substantial number of trees have been added. There will be twenty-two (22) more shade trees and sixty-five (65) more shrubs added to the Plan in an effort to block the view of the building. It is a possible consideration to take these additional plantings and move them to the back as landscape screening for the abutters.

J. Cashell asked if all comments and concerns regarding stormwater will be addressed and if so, when will responses to concerns be complete.

L. Allen offered that all comments and concerns regarding stormwater will be addressed within the next ten (10) days. Keach-Nordstrom Associates will re-review and the Plan will be revised.

Rip Patten, Environmental Engineer for Credere & Associates, offered a review of current and proposed Best Management Practices regarding stormwater. He stated that he was hired by Colby Company Engineering, LLC (CCE) on behalf of the developers. He was hired to do an independent 3rd party review for environmental best management practices to be implemented.

R. Patten offered the following information:

- He reviewed the design drawings.
- He spoke with Colby Company Engineering, LLC (CCE) and Milton CAT about their current procedures.
- He reviewed current facility conditions and operating practices.
- He documented his review into a document that was provided to the Board.

R. Patten offered that the prevention of spills is most important. He has documented the number of best practices currently incorporated at the site and offered the following regarding proposed standards, prevention of spills, and aquifer protection:

- Maintenance is to be done within the facility.
- Proper storage of petroleum and hazardous materials
- Self-contained wash bay
- No floor drains
- Above ground, double walled, storage tank subject to Spill Prevention and Control Counter Measure Plan required by the Environmental Protection Agency (EPA).
- Diesel fuel stored in outside tanks

R. Patten offered the following information regarding documented procedures for maintaining equipment:

- The age of equipment is to be three (3) years or less.
- There will be inspections to ensure no spills.
- Any drips are to be addressed immediately.
- There is a spill response procedure.
- Design recommendation have been made for a drainage manhole as a last measure, which will also act as an oil/water separator. There will also be a pre-treatment chamber in the infiltration gallery to remove silt and sediment.

R. Patten offered that overall the facility meets all standards of care. The execution of the procedures shows that they put a high level of importance on best management practices.

F. Hart asked if there are any logs or documentation to provide proof of daily inspections.

R. Patten stated that he is not aware of any logs or documentation regarding the daily inspections.

J. Peck expressed his concerns regarding fill oil dripping from dispensers causing contamination. He asked for a description of safeguards that will be taken for this project to avoid contamination from fill stations.

R. Patten offered that the procedure is to have an attendant present while filling is taking place and any and all drips will be addressed immediately.

E. Flinkstrom offered that the NHDES requirements regarding filling stations require the sloping of concrete and protective barriers to be in place.

J. Peck asked if there is currently training in place or if training will be a new procedure.

R. Patten offered that since the tanks will be new, training will be done specific to the introduction of the new tanks. The intent of the new facility is to bring it up to Milton CAT standards.

J. Peck asked what is in place for spill response.

R. Patten offered that there will be spill kits on site.

T. Moore asked if the Board or audience had any questions.

T. Moore opened up the Public Hearing for abutters questions and comments.

Doug Meteisis, 3 Village Way, offered a picture (from his cell phone) to the Board of self propelled tower lights displayed after dark (10 units running at once) on the current ProQuip property at 22 Old Rd. He expressed his opinion that there is absolutely no way that those lights cannot be seen by abutters. He also gave a reading of his revised Open Letter, dated April 17, 2019. He offered that the presented view of the facility located in Richmond, VT clearly shows equipment parked on gravel even though paved areas are available. He expressed his opinion that recycled pavement introduces it's own problems. He also expressed his concern that some spills may be covered up and left to sit rather than being taken care of immediately.

David Truell, 2 Village Way, read a letter that he wrote expressing his concerns:

- Concern about Zoning decisions being made without including abutters in the discussion.
- He stated that he does not believe ProQuip to be the right type of commercial business for the location because of the environmental impact that they will have on abutters.
- He expressed his opinion that he felt ProQuip taking down their website after abutters brought to the attention of the Board that the equipment on site was older than the three (3) years stated, was an untrustworthy move on their part.

Sanaz Anthony, 4 Village Way, offered an introduction of herself and her profession as a classroom teacher In MA for twenty (20) years. She stated that she and her family have been residents of Plaistow for fifteen to sixteen (15 to 16) years. She expressed her concerns regarding the approved Zoning determination. She stated that she has driven by the current facility located at 22 Old Rd. and is extremely concerned and horrified by what she saw. She stated that the Old Rd location is zoned industrial as a "contractor's yard", not commercial. She stated that she trusted that the Town of Plaistow would protect residents from this type of

business going in next to residential properties and opening up the possibility of that company contaminating the water shed.

S. Anthony offered a review of the “Timeline of Events with Regards to the Zoning Determination” handout that has been provided to the Board.

S. Anthony provided copies of letters from Attorney Braucher, a date stamped Zoning Map, and a copy of the Zoning Determination Letter.

S. Anthony expressed to the Board that residents of North Reading, MA receive letters regarding the water quality and they cannot drink the water.

S. Anthony asked the Board to review the Source Water Protection Plan which is a forty (40) page document provided by the Town of Plaistow in August 2015. She asked the Board to please keep this document in mind when making a final decision regarding this project.

Richard Anthony, 4 Village Way, expressed that he would like to elaborate on the Source Water Protection Plan as a document that represents promises made. He gave a brief statement regarding the availability of potable water.

R. Anthony offered a a review of best practices and stated that in most cases best practices are practices that are mandated. He expressed his concern about having diesel tanks on site. Crazy things can happen, such as a catastrophic event that could unintentionally cause one thousand (1,000) gallons of diesel to run off into the wetland. Controls need to be put in place.

Best Practice Suggestions:

- Not to have diesel tanks on site. What is the necessity to have diesel tanks on site?
- Use of concrete on parking and storage surfaces even though it's expensive, because in the long run it would be less expensive than the cost of contaminating Little River. There is no guarantee that if there is not a catastrophic event, that small spills would be taken care of.
- Testing to be done of the storm water system

S. Anthony and R. Anthony offered that an Industrial “Contractor’s Yard” should not be allowed in a Commercial area.

R. Anthony offered that there are documented “species of concern” (ex. Wood Turtle) located in the wetlands located on Tuxbury Rd., Village Way, and Stonebridge Dr. The Board has been notified and NH Fish and Game Department has been copied on the notification. He has been in contact with the Department of Environmental Services to inform them of the Fish and Game Department’s knowledge of “species of concern”. They are going to have their Wetlands Department look into it. Any developer should be required to have an environmental audit done with a Fish and Game Biologist to determine if there are more species in the area as well.

Kevin McCurley, 149 Plaistow Rd, offered that he has a wetland on his property that has been contaminated by the runoff from Route 125. He showed the Board a video on his cell phone of the current condition which shows visible proof of contamination.

K. McCurley offered for the record that he has nothing against ProQuip or the development of the 143 Plaistow Rd. property.

T. Moore and J. Cashell asked K. McCurley to send the Board a copy of the video that he has shown to the Board.

K. McCurley offered an overview of his previous experiences with contaminated groundwater on his property at 26 Chandler Ave. He also gave a review of his experiences with runoff and

contamination of the wetland on his property located at 149 Plaistow Rd. caused by the expansion of and runoff from Route 125.

K. McCurley offered his concerns:

- Well drained soil on the property will be replaced with asphalt.
- Snow plowing will pick up contaminants from the pavement, then the snow will be moved to snow storage areas which are right next to the wetlands.
- The culvert for Village Way leads down to Little River. Little River and Kelly Brook still have wood turtles and brook trout because of the fact that the water still has a reasonable level of quality. The slightest amount of contamination could cause these species to diminish.
- Concerns about ice melt. Ice melt contains sodium chloride and calcium chloride which cause an increase in pH and cause water to become caustic. This would cause areas where there is wildlife to degrade which is a precursor to diminished drinking water standards.
- Per EPA standards, something as small as one (1) gallon of motor oil can contaminate one million (1,000,000) gallons of water.

K. McCurley stated that he just wants to feel confident that ProQuip is satisfying all abutters concerns and can provide a level of confidence that the abutters are not being disregarded.

Theodore Sanborn Jr., Sanborn's Fine Candies, read a letter that he drafted and gave an introduction of himself and his family's history in the Town of Plaistow. His family has run Sanborn's Fine Candies in Plaistow since 1957. He feels that the business has become a local landmark in and has provided a significant amount of revenue to the Town. He expressed that he is opposed to the sale of the property and has no affiliation with the project. He also stated that if the proposed project falls through he has plans to purchase the property and maintain his business. He is asking the Board to consider the morality involved not just the legality of it.

R. Anthony provided the Board with petitions from additional residents who are opposed to the proposed project.

Luke Fitzgerald, 7 Village Way, read a letter that he has drafted, and offered the following information:

- There are currently twenty-five (25) homes with twenty-three (23) children living in Village Way.
- The vast majority of residents have voiced their opposition to the proposed project.
- There are ecological, environmental, and zoning issues regarding the project.
- There are concerns about the pending increase in traffic if this project is approved.
- On March 13, 2019, Milton CAT held a public meeting at the Hampton Inn in Haverhill MA where they specifically told the public that the access way for Route 121A, Main St, would not be used. However, at tonight's meeting, Milton CAT has stated just the opposite, that it would be a full access way.
- There is concern about the increase in traffic on Main Street that will be caused taking into consideration that Main St. is part of the Safe Way to Schools. The increase in heavy equipment traffic would cause dangerous traffic conditions.
- There is concern that Main St. in Plaistow will become like Route 28 in Salem NH.

L. Fitzgerald offered that he would e-mail a copy of his letter to the Board.

T. Moore offered that there is much more information to be gathered and reviewed. Therefore, the Public Hearing will be continued until May 15, 2019. There will be no additional notification mailed to the abutters.

J. Peck asked if a site walk could be scheduled.

All members of the Board concurred.

J. Cashell offered that the following concerns need to be addressed:

- Concerns about the use and storage of diesel on site. It is absolutely necessary to have diesel tanks on site taking into consideration best practices.
- The parking and equipment storage surface needs to be impervious.
- There are a number of environmental concerns regarding the impact to the wetlands. If something happens, there would be a catastrophic cost and the environmental impact cannot be undone.

J. Peck asked if the Board could get the Conservation Commission's input regarding the project.

L. Allen offered that the NHDES AoT Permit has an environmental component to it. The permit application includes an environmental analysis.

J. Cashell offered his opinion that a NH Fish and Game Environmental Audit is a reasonable request. The abutters are concerned for good reason. The applicant and the Board need to prove that that everything possible is being done to avoid environmental impact.

J. Cashell offered that May 15, 2019 is the last Board meeting before the review deadline expires on May 24, 2019. A written request would need to be submitted to request an extension to June 30, 2019. He reiterated that no further abutter notification will be given. The Public Hearing will be continued until May 15, 2019.

R. Anthony offered that the NH Fish and Game database for species of concern and endangered species is updated twice per year. When a siting of an animal such as a wood turtle takes place, it is entered in real time. He copied the Board, the Department of Environmental Services, and the biologist at the NH Fish and Game Department at the same time. He requested that if an Environmental Audit is completed that the Board please request that the audit be completed by a NH Fish and Game biologist and not someone with lesser credentials.

K. McCurley offered that he has been seeing wood turtles since 2012 and that he often provides data to the NH Fish and Game by filling out a report via the NH Reptile and Amphibian Reporting Program (RAARP). The NH Fish and Game biologists that he work with are Brendan Clifford and Michael Marchand.

J. Cashell reiterated that the project applicant will need to get back to the Board's staff to address the environmental audit and traffic concerns.

B. Ferrin offered that there is currently an application that has been submitted with NHDOT which should provide the information requested regarding traffic concerns.

J. Cashell offered that the Board would like to see a thorough Traffic Impact Assessment completed by a traffic engineer that effectively shows the level of traffic impact that the project would create. The goal is to see any impacts to the level of service regarding traffic.

F. Hart offered that she would also like a bit more information regarding the access way for Route 121A.

J. Cashell reiterated that it is of the utmost importance for the developer to address all of the abutters environmental concerns to put them at ease and to allow the Board to make a fully informed decision regarding the future of the project.

R. Anthony offered that the Environmental Audit is completely separate from the NHDES AoT Permit documentation regarding specific animals of concern. The NH Fish and Game needs to be specifically requested to do an Environmental Audit.

c. Continued from March 20, 2019.

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.

Tim Lavelle, James M. Lavelle Associates, was present for the application.

T. Lavelle offered the following information regarding the application:

- The property houses an existing duplex. The application is proposing to turn the duplex into separate condominiums so that the units can be sold and owned separately.
- There is a well in the back and the property is serviced by an existing gas main.
- The NHDES Subdivision Approval is still pending.
- There were a couple of revisions requested by the Condominium Association

T. Lavelle offered a review of the Floor Plan for the units.

T. Moore asked if there were any questions.

★ F. Hart moved, second by L. Lambert, to approve the condex conversion for Peter LeBlanc at 2 East Pine St., Tax Map 38, Lot 120, with the following conditions:

- **Receipt of NHDES Subdivision Approval and Approval Number notes on the Plan.**
- **Receipt of confirmation from Attorney Cleary that the Condominium Documents are in order.**
- **“Building Setback Line” labeled on Plan.**

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

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:

Review of Planning Board Meeting Schedule:

May 1, 2019: Workshop Meeting with Steve Whitman to review Master Plan
Also, discuss Public Safety and School Impact Fees as well as scheduling of Public Hearing,
Build Out Analysis, Site Plan Subdivision to review, May 22, 2019: Planning Board Training
Session

June 5, 2019: Board Meeting with presentation from Steve Whitman.

July 3, 2019: No Board Meeting

August 7, 2019: Board Meeting may be cancelled - TBD

September Meetings will include Budget, Zoning, Town Meeting, and Master Plan.

J. Peck asked when the ProQuip Site Walk will be scheduled and will it be possible to get the Conservation Commission's input on this project.

T. Moore stated that he will send Dee Voss, Administrative Assistant, an e-mail to request a Site Walk, and he will also look into having the Conservation Commission review the ProQuip project.

F. Hart asked how many extensions an applicant can request.

J. Cashell offered that it is subject to State Laws. He stated that there are still a lot of issues that the developer hasn't even addressed or provided information for (ex. storm water management and the size of the pipes) and environmental concerns.

There was a brief discussion regarding the impact of the project on the aquifer and the volume and depth specifications of the aquifer that could disqualify the project from moving forward.

It was discussed that prohibitions are for a certain quality of aquifer.

J. Peck offered that he's concerned that the interpretation of the possible zoning violation regarding the aquifer may be interpreted differently by different people. Asked if maybe Attorney Cleary should review it and provide an interpretation.

J. Cashell offered that the project needs to be reviewed thoroughly and done correctly per the Board's duties and responsibilities.

There was a discussion on what is acceptable regarding Board members speaking with each other outside of the public meetings to discuss an open application. It was discussed that two (2) members can have a discussion. However, each person needs to be careful to not speak to a 3rd person as three (3) or more members having an outside discussion is illegal.

It was discussed that the only quasi-judicial board is the ZBA who has the ability to approve variances to go around the set regulations.

★ L. Milette moved, second by J. Peck, to enter into non-public session under RSA 91-A:3.II C Matters of Representation.

Roll Call Vote:

T. Moore – yes
L. Lambert – yes
L. Milette – yes
J. Peck – yes
F. Hart – yes

It was noted that the Board would not be returning to public session at the conclusion of the non-public session. The public session was closed at 9:41 p.m.

Respectfully Submitted,
Samantha D. Cote
Recording Secretary

Planning Board Minutes
April 17, 2019