



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

PLANNING BOARD MINUTES

June 19, 2019

Call to Order: The meeting was called to order at 6:35 PM

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

Also present: John Cashell, *Planning Director* and Steve Keach, *Keach-Nordstrom Associates*

Agenda Item 2: Minutes of the June 5, 2019 Planning Board Meeting:

★T. Moore appointed G. Adams as a voting member in L. Lambert's absence.

★F. Hart moved, second by J. Peck, to approve the minutes of the June 5, 2019 meeting. There was no discussion on the motion. The vote was 5-0-0 (U/A).

Agenda Item 3: Public Hearings:

Continued from March 20, and April 17, 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 present for the application.

Kelly Ovitt Puc, Attorney from Sulloway & Hollis P.L.L.C. was present for the application.

L. Allen provided a review of documents provided to the Board:

- He stated that a submittal was reviewed and commented on by S. Keach
- There is a document for the Landscape Plan that was reviewed and commented on by a Landscape Architect.
- Two (2) memos have been provided from Vanasse & Associates regarding trip generation expected from the facility and background traffic and effect of new trips on Route 125.

- A Letter from the Natural Heritage Bureau
- An Updated Stormwater Report has been provided.
- A *Stormwater Inspection and Maintenance Manual* has been provided.
- There has been a new Site Plan and Turning Movements Plan provided.

L. Allen provided a summary of the traffic memos provided by Vanasse & Associates stating that the trips generated will not have a significant impact or increase in traffic.

L. Allen offered that the New Hampshire Department of Environmental Services (NHDES) Alteration of Terrain (AoT) Permit is pending applicant responses to comments. It was stated that there is a likelihood of endangered species within one (1) mile of the proposed site. Therefore, per recommendations of the NHDES some subtle changes will need to be made to the Site Plan as a condition of permit approval.

L. Allen offered that the New Hampshire Department of Transportation (NHDOT) Driveway Permit is pending applicant responses to questions that they have. The Board has received a copy of the backup data that will be provided to the NHDOT.

L. Allen offered a review of Site Plan changes that have been made:

- The equipment storage area has been pulled back from abutting properties by another twenty (20) feet.
- The StormTech System has been shifted to the West.
- A discharge pool has been added
- An infiltration basin has been added
- All other information on the Site Plan is the same as previously reviewed with the Board.

J. Peck asked for clarification on the location of the fence, the material it is constructed from, and whether it would be located on a berm.

L. Allen responded by offering a review of the fence location, and stated that it is constructed of commercial grade PVC, and is not located on a berm but rather just positioned on a high point on site.

F. Hart offered that per S. Keach's comments, Note # 22 on Sheet C105 of the Site Plan references an "*Operation and Maintenance Manual for Stormwater Best Management Practices*" and should instead reference a document entitled "*Stormwater Inspection & Maintenance Manual*". She brought to the attention of the Board and applicant that Note # 22 on Sheet C105 has not yet been updated as requested.

L. Allen offered that some of S. Keach's comments are still being reviewed and all updates will be included on the final set of plans.

J. Cashell asked L. Allen to describe all residential properties that abut the site and all buffers that are in place as a result of the Site Plan. He asked for the following:

- Where are the no cut zone(s) in relation to abutting properties?
- Where is the closest point of interest for parking of equipment relative to residential areas?

L. Allen offered a review of the no cut zones and equipment parking area buffers. It was explained that the parking area is three hundred and twenty (320) feet from the residences on Village Way and twenty-five (25) feet from Route 125.

J. Peck asked how the proposed six (6) foot fence is expected to shield equipment that is roughly twenty (20) feet high.

L. Allen offered the grading includes landscaping and the six (6) foot fence is supplemental to the landscaping.

E. Flinkstrom offered that it is understood that the landscaping and fence would not shield the equipment completely.

J. Cashell asked L. Allen to discuss drainage, treatment of stormwater, and the Board's prior request regarding implementation of monitoring wells.

L. Allen offered a review of the StormTech three-phase stormwater treatment system as well as a review of the two (2) discharge points. He offered that monitoring wells would be implemented initially as a baseline.

S. Keach offered a review of the locations that he would like to see shallow monitoring wells installed:

- In the pool at the discharge point of the StormTech system.
- East of the building and the equipment wash area on the embankment below.
- Near the equipment display area north of the driveway, at a low point.

S. Keach offered that he would like groundwater sampling from the monitoring wells done semi-annually to start and then after a couple years of clean testing can be completed annually.

S. Keach offered that the stormwater treatment accommodations that are now being implemented are utilizing the best available technology and he feels that there is nothing that could be done above and beyond what is already being proposed that would prove to be of any additional benefit.

S. Keach offered that given the use and language of the cited Site Plan Regulation Section 230:8, adding monitoring wells and having an ongoing testing program would create a beneficial "belt and suspenders" approach to groundwater testing in the long term.

L. Allen asked if there would be an expected end date to the testing of the monitoring wells.

S. Keach offered that because of the ongoing nature of the site the monitoring wells would be expected to be kept in perpetuity until there is a change of use. It is understood that initial testing would be done before occupancy to establish a baseline expecting the result to show a clean environment and maintaining the expectation that no activity conducted on site would change that.

J. Peck initiated a discussion regarding the *Hydro International Stormwater Solutions Report* provided to the Board. He offered that the information provided offers an analysis on how well the StormTech System screens solids. However, there does not seem to be any Water Quality Analysis that shows test results using hydrocarbons. Are there any reports with test results showing water quality in regard to the removal of hydrocarbons?

S. Keach offered that hydrocarbons will not exist without a solid transport mechanism to carry them and that by removing the solids, anything that is chemically attached or bonded to it will be removed as well.

J. Peck offered his understanding regarding the removal of solids but expressed additional concerns about hydrocarbons in the form of a liquid not being removed by the StormTech system.

S. Keach offered that unfortunately hydrodynamic separators will not separate liquids.

L. Allen offered that by removing solids, 90% of pollutants will automatically be removed with them.

J. Cashell asked S. Keach had any outstanding issues that he would like to discuss.

S. Keach offered that he has provided reports and comments previously dated:

- March 4, 2019
- April 11, 2019
- May 8, 2019
- June 13, 2019 (remaining remarks to date)

S. Keach offered a review of the June 13, 2019 remaining issues to date:

General Comments:

- NHDES AoT Permit (pending)
- NHDOT Driveway Permit (pending)
- Merger of Tax Map 30, Lot 72 and Lot 73 into a single parcel (pending)

S. Keach offered that it is recommended that these pending items be completed prior to, or as a condition, of any approval ultimately granted by the Board and the appropriate notes regarding each item be added to the Site Plan.

Planning/Design Matters:

- Comments # 1, # 2, # 3, and # 4: regarding stamps and spelling errors
- Comment # 5: regarding the revision of Note # 22 of the Site Plan to reference a document titled "*Stormwater Inspection & Maintenance Manual*" and be expanded to acknowledge "the referenced *Stormwater Inspection & Maintenance Manual* is an integral part of this Site Plan".

S. Keach offered that the StormTech System is only as good as it is maintained over time and that it needs to be implemented as an ongoing process. It is understood that by revising Note # 22 as stated, it will allow for compliance such that failure to abide by it would be considered a Site Plan Violation and would therefore become enforceable as such.

J. Peck asked if periodic site inspections would be completed by a qualified third party.

J. Cashell offered that periodic inspections would be completed by a qualified third-party service provider under contract of the Town's Consulting Engineer.

- Comment # 6: Regarding the installation of monitoring wells (discussed previously)
- Comment # 7: Regarding support of the applicant's waiver request to use reclaimed asphalt pavement (RAP) in specified areas
- Comment # 8: Regarding the memorandum issued on June 13, 2019 by Salmon Falls Nursery and Landscaping (SFNL) pertaining to the review of the applicant's proposed landscape design plan and the modifications to be made to the final landscape plan as recommended

J. Peck initiated a discussion regarding the growth rate of each of the proposed species of bushes and trees specified on the Landscape Plan.

J. Cashell asked S. Keach if he would continue to be available for the Board to consult with until the final review and decision regarding the project are final.

J. Peck initiated a discussion regarding traffic flow and asked the applicant to consider modifying the Site Plan such that there is a condition that there will be no left hand turning of large trucks onto Main St.

S. Keach offered that a solution where the R11 stop sign on Sheet C106 can be modified to show no left turn of trucks onto Main St.

E. Flinkstrom offered that a compromise that the Site Plan can be modified such that there will be no left turn of tractor trailer trucks onto Main St and will be limited to smaller truck. A note will be added to the Site Plan stating this.

L. Milette initiated a discussion regarding the hours of operation on site to address equipment idling times. It was discussed that for other locations the hours of operation are 7:00am to 5:00pm, Monday thru Friday, and 7:00am to 12:00pm on Saturday. The hours of operation on the current Site Plan State the hours of operation to be 6:00am to 6:00pm, Monday thru Saturday. The applicant was asked if the hours of operation could be changed to match that of other location since the site is not an isolated site and has residential abutters.

E. Flinkstrom offered that there would be a discussion with the applicant and operations representatives to reach a compromise that is acceptable to the Board regarding the proposed hours of operation to abide by the Town's Noise Ordinance and to not create a public nuisance to the abutters.

It was discussed by that the Board feels that a suitable solution would be to not have any activity in the back part of the parking area, nearest abutters, until 7:00am.

K. Ovitt Puc offered that the Board may want to consider consulting with Sales Manager, Chris Barisano, of the ProQuip facility located on Old Rd in Plaistow to see if there have been any noise complaints at that location.

J. Cashell offered that there was a request made for an investigation of current operations at the ProQuip Site on Old Rd. The investigation of business operations, including power washing, was completed by Mitchell Locker from NHDES and his findings were such that there were no violations pertaining to the environment.

C. Barisano offered that he was present for the inspection and Site Walk conducted by M. Tucker, NHDES and answered any questions that were asked about operations. There were also pictures taken on site.

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

J. Peck initiated a discussion regarding a letter that was received by the Board from the New Hampshire Fish and Game regarding maximizing the twenty-five (25) foot no cut wetland buffer. He asked if any changes will be made to exceed the twenty-five (25) foot no cut wetland buffer. He also asked if a more complete environmental analysis will be completed.

L. Allen offered that there will be a meeting scheduled with Bethann McCarthy, Project Manager and Reviewer for NH Fish and Game and that any recommendations or requests that she makes will be followed. However, no additional environmental analysis will be completed.

S. Keach offered that he recommended previously that the limits of clearing be flagged and verified by a surveyor prior to construction, which has been noted.

S. Keach left the meeting at 7:40pm and upon his departure he offered that if the Board had any additional questions that J. Cashell could reach him on his cell phone.

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

T. Moore opened the meeting for Public Comment.

Robert Zukas, 108 Sweet Hill Rd, offered the following comments and opinions:

- There are more feelings in this project than following the Town's letter of the law.
- No other commercial business in town is being required to put up a huge fence to block business from abutters.
- No other business has a condition of no trucks turning on Main St. ex. Methuen Construction and Atlas Trucking are allowed to come down Main St. Why is this business being singled out?
- The bus company is surrounded by residents. However, they can start their buses up at 3:00am. They are also not required to have any type of stormwater filtration system.
- It should be understood by residents that if you purchase residential property next to a commercial property, that sooner or later that commercial property is going to be developed.
- There are no restrictions on residents using pesticides for lawn care, which also introduces pollutants into the groundwater.
- ProQuip is offering a state of the art storm water treatment system and well monitoring which is above and beyond what other businesses are doing.
- There is a sale pending of a junk yard; Is the new owner going to be required to have monitoring wells on site moving forward?
- Why are new commercial businesses such as this being asked to jump through hoops?
- The Board has no right to say that they don't want one type of business over another when it is commercial land being sold to a commercial company.
- Would a used car lot be required to have a filtration system considering there is the possibility of gas, brake fluid, etc. being leaked onto the ground?
- Businesses such as Market Basket or even the Highway Department don't have rigid restrictions on the hours of operation. It is not fair to single out and make this company [ProQuip] jump through hoops that are not required of other businesses.
- We need to take the feelings out of the process. This company [ProQuip] is a commercial business that is following the letter of the law.

J. Cashell offered a review of the new Environmental Protection Agency (EPA) regulations required regarding storm water management (MS4 Storm Water Management Program).

R. Zukas offered that State officials have come out and inspected the site and have determined operations to be adequate with no violations. The proposed project has a state of the art storm water management system which is above and beyond what is required of other companies.

J. Cashell offered that it is a "new day" and that State and Federal regulations are now focused very strictly on working to clean up pollution. Now If a company expands or any new development comes in that is modifying one (1) acre or more, a NHDES AoT Permit will be required.

R. Zukas asked if a new car lot were to come in if they would be required to put in the same type of elaborate storm water management system.

J. Cashell offered that yes, a new company would have to go through the same type of site plan approval and review by the Board and would require the proper State permits.

Tracy Sanborn, former resident of Plaistow, offered the following comments and opinions:

- There are no sidewalks on Main St. If large trucks are allowed to come down Main St. anyone walking or riding a bike takes the chance of being hit.
- She stated that she moved out of Plaistow twelve (12) years ago because of all of the commercial development that was taking place in town. She stated that she wanted to give her kids a more residential place to grow up and play.
- She stated that in her opinion, she does not like what Plaistow has become.

Karen Robinson, address not stated, offered the following comments and opinions:

- She stated that the residents are not against the company, but they don't understand why the company is leaving a piece of property where they are already accepted.
- She feels that a company listed as industrial should not be allowed in a Commercial 1 District.
- She feels that there was not enough time to put the project on the ballot and that all the problems presented could have been solved through maintaining the original zoning.
- She does not understand why the applicant is not required to follow the same rules as the Tractor Company up the road on Route 125 in the Industrial Zone because in her opinion the companies are similar to each other.

Sanaz Anthony, 4 Village Way, offered the following comments and opinions:

- She feels that her concerns regarding the Milton CAT project have not fully been met.
- She expressed that there is still concern over the unappealing nature of the contractor's yard being sandwiched between Route 125 and her residential neighborhood.
- She expressed concerns the negative effects that the abutting residents will have to experience still exist.
- She offered that the proposed six (6) foot fence will not be adequate to block the sight of the equipment.
- She stated that she does not want to listen to the noise or have to smell the pollution in the air.
- She does not want to have to suffer the effects of contaminated water.
- She feels that the Town of Plaistow has created an unlevelled playing field for the residents.
- She feels that information was withheld, secretive meetings were held, and decisions were made behind the residents' backs which has created a conflict of interest for them.
- She stated that she and her husband are no longer allowed to call the Town of Plaistow anymore and that they have to go through their lawyer and the applicant's lawyer to get to speak with Dee Voss, Administrative Assistant.
- She feels that D. Voss withheld information that would have allowed the opposition of the Zoning Determination.
- She feels that the Board has turned a deaf ear to her and has treated her with disrespect
- She feels that there is an attempt being made to hide a contractor's yard on a commercially zoned lot behind the Village Way properties.
- She stated that Milton CAT has admitted that they are not even going to try to hide the sight of their equipment.
- She stated that a hydrodynamic separator system does not filter chemicals that are dissolved in the water and that the run off will go directly into her yard.
- She stated that she objects to their "grey water" going into her yard which will contaminate her property.
- She stated that the unknown tributary goes directly through her yard.
- She stated that the contractor's yard will be on top of the aquifer for three (3) communities.

- She stated that she understands that she purchased property next to a commercial lot, not an industrial lot.
- She stated that Plaistow has a history of irresponsible Town management and that this project is an example of it, and it needs to stop now.
- She feels that the Town needs to be held accountable for their actions, hold to the truth, and make sure that rules and ordinances are being followed.
- She stated that when the residents met with Milton CAT, they admitted that when they put the Purchase and Sales Agreement in place that they did not know that over nine (9) acres of the property was wetlands. She feels that Milton CAT should have done their homework before initiating a Purchase and Sales Agreement.
- She stated that she feels that the whole project is a bad idea.
- She stated that Milton CAT needs to stay in an industrially zoned area where they can run their equipment at 6:00am.
- She stated that she will be calling and making her own noise if Milton CAT runs equipment at 6:00am.

J. Cashell asked S. Anthony to make sure she addresses the Board, not the applicant.

S. Anthony, 4 Village Way, comments continued:

- She reiterated that hydrodynamic separators do not filter for dissolved pollutants and that it being compared to a Brita filter is not accurate.
- She reiterated that she objects to seeing the equipment, hearing the noise generated, and having to deal with the effects of water contamination.
- She stated that she feels that the company should not be allowed to go into the lot and that the company is not a good fit.

Richard Anthony, 4 Village Way, offered a brief review of the following information provided to the Board:

- Letter from The Law Office of Scott E. Hogan, dated June 19, 2019 which includes an e-mail received from Bethann McCarthy, NHDES, dated June 18, 2019, and an e-mail from Kim Tuttle, Wildlife Biologist for NH Fish and Game, dated June 18, 2019.
- Article by Jason Schreiber, from the Union Leader, dated June 13, 2019 and updated June 14, 2019, entitled “*Epping Rejects Proposed Asphalt Plant*”.
- Conservation Committee Meeting Minutes from June 6, 2019.
- NHDES AoT Bureau “Request for More Information” from Bethann McCarthy, dated April 16, 2019.

Richard Anthony, 4 Village Way, offered the following comments and opinions:

- He stated that the Board has the authority to require that the applicant complete an actual Environmental Audit, and quoted S. Keach as saying, “Once you cut it, you cannot put it back”.
- He offered his opinion that the applicants are moving little-by-little to simply check boxes, and that them doing a database search is not the same as completing an environmental audit.
- He offered that the applicant stated that the NHDOT Permit required a traffic impact study, which is not true, and that the Board can request that an actual traffic impact study be completed.
- He acknowledged that NHDES went to the site on Old Rd to complete a visual inspection. However, he asked if ProQuip currently has a permit in place to allow for car washing. Is there going to be a walk through done to determine what is going in the ground water? Is there going to be core sampling done?

- He stated that the question that needs to be answered by the applicant is, “What is in the water.”
- He stated that hydrodynamic separators will not filter dissolved chemicals such as antifreeze, acetone, or any other dissolved contaminant. He offered that the best process would be reverse osmosis, which will not be done for this project.

S. Anthony, 4 Village Way, questions for the applicant:

- Why can't the contractor's yard be repositioned closer to Route 125 and put on concrete so that any run off can be collected in the hydrodynamic separators and be addressed away from the residential area and the aquifer?
- How many pieces of equipment are actually going to be stored in the storage area?
- Why should the residents have to deal with the sight, smell, or noise at 6:00am?

J. Cashell asked the applicant to note the questions asked by S. Anthony and that the questions can be rebutted after the current discussion.

R. Zukas, 108 Sweet Hill Rd. comments and questions continued:

- What is the definition of commercial vs. industrial?

J. Cashell offered that the question has been answered previously. There has been a Zoning Determination made that that the property is commercially zoned. The proposed use is for the rental of heavy equipment and that there is no sale of equipment proposed.

- Is there anything written in the ordinances that there is a height requirement for fences?

J. Cashell offered that landscape screening is reviewed during the Board's Site Plan review. It is asked that there be some sort of screening if there is an adverse visual impact to abutters.

J. Peck offered that Site Plan Subdivision Regulation 230-2b addresses the topic of reasonable screening requirements. However, there are no specific screening requirements.

J. Cashell asked if the applicant would like to offer any rebuttal.

L. Allen offered that the Site Plan layout is set up according to areas that are dedicated for specific purposes.

J. Cashell offered a discussion regarding regional impact issues. He offered that he worked as a Planner for the town of Hudson NH for sixteen (16) years. During that time, he worked on many sizable commercial projects in which none caused any regional impact. He offered a review of the regional impact review process and what is included in a Traffic Impact Summary Report. He offered that the traffic impact of the proposed project is nominal.

J. Cashell addressed the audience and stated that everybody on the Board, the applicants, the abutters, and general public has had an opportunity to ask questions and give comments. He stated that now comes the time where the Board needs to work toward a conclusion. He offered a review of the legal process of deliberation and stated that this will be the final chance to ask questions and provide comments before the Board closes the Public Hearing.

T. Moore offered that there were papers that were brought up by children that stated, “Please save our water.” and “Please save our wood turtles.”

J. Peck addressed the audience and asked them to please know that the Board has heard and appreciates everyone's questions and comments.

J. Cashell offered that the Board's Site Plan Review includes taking all public comments and questions into consideration and coming to a decision abiding by the legal process.

★ J. Peck moved, second by F. Hart to close the Public Hearing 19-06: Milton Real Properties of Massachusetts, LLC. application regarding Tax Map 30, Lot 72 & Lot 73, 143 & 145A Plaistow Rd. There was no discussion on the motion. The vote was 5-0-0 (U/A).

T. Moore called a ten (10) minute break starting at 8:35pm.

T. Moore called the meeting back to order at 8:45pm

PB 19-08: The Board shall consider the completeness of an application from Jon Wendell/166 Plaistow Road, LLC to convert an existing 5,640SF (footprint), 3-story, professional office building into condominium form of ownership. The first and second floors are proposed to have two (2) units, of +/- 2,820SF each, and the third floor is proposed to be a single unit of 5,640SF, for a total of five (5) units. If the application is found to be complete, a public hearing on the matter will immediately follow. The property is located at 166 Plaistow Road, Tax Map 30, Lot 55 in the C1 District. The applicant is the property owner of record.

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

C. Zilch offered the following information regarding the project:

- The goal of the proposed application is to turn an existing three (3) floor facility into five (5) condo units.
- Review of current site location, shared community well, and on-site septic system.
- NHDES Subdivision Approval will be required.
- There are no waivers and no variances.
- There are no physical changes to the land parcel or structures on the property.

★ J. Peck moved, second by G. Adams, to accept the application for the five (5) unit condominium conversion at 166 Plaistow Rd., Tax Map 30, Lot 55, as complete. There was no discussion on the motion. The vote was 5-0-0 (U/A).

★ F. Hart moved, second by J. Peck, to approve the application for the five (5) unit condominium conversion at 166 Plaistow Rd., Tax Map 30, Lot 55, with the following conditions:

- **Receipt of satisfactory condominium document review letter from Attorney, Charles Cleary, of Wadleigh, Starr & Peters, P.L.L.C.**

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

Agenda Item 4: New Business:

Request to Close Escrow (6 Lower Rd. and 7 Upper Rd - Condex Conversions -Corey):

★ J. Peck moved, second by F. Hart, that the escrow monies being held for the condex conversion projects at 6 Lower Rd. and 7 Upper Rd. be released and returned to Henry Corey, and the account be closed. There was no discussion on the motion. The vote was 5-0-0 (U/A).

Agenda Item 5: Old Business:

Master Plan Scope (e-mail from Steve Whitman):

T. Moore offered a review of the Plaistow Master Planning Scope and Schedule provided to the Board by Steve Whitman, Resilience Planning & Design LLC.

Agenda Item 6: Deliberation of Public Hearing: PB 19-06:

It was discussed that the Board accepted the application as complete on March 6, 2019.

★ F. Hart moved, second by J. Peck, to grant the following waiver:

230-12.H.(2)(f) - Required all off street parking, loading, fire lanes, and driveways be paved with bituminous concrete, based on the testimony of the applicant's representative, the Board's Consultant Engineer, Steve Keach, and in accordance with the language included in the submitted waiver request.

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

There was a brief review by the Board of the drafted Notice of Approval, dated June 19, 2019. with brief discussions regarding the Conditions of Approval Sections # 1-10.

There was a discussion regarding Section # 3 with regard to a baseline review. It was discussed that S. Keach will be working with the applicant to create a baseline.

There was a discussion regarding Section # 4 with regard to adding the word "qualified" such that the person(s) involved with doing the inspections of the onsite storm water management system will be qualified inspectors.

It was discussed that there will be three (3) additional Conditions of Approval added to the Notice of Approval:

#11: There is to be a note added to the Site Plan stating that there will be no left hand turning of trucks or equipment onto Main St.

#12: There is to be a note added to the Site Plan showing the modified Hours of Operation.

J. Cashell offered that there will be a edit made to Note #17 of the Site Plan that will state that the Hours of Operation for the storage area will not start until 7:00am.

J. Cashell and J. Peck asked if the applicant would like to offer comments in regard to the condition regarding Environmental Analysis.

L. Allen offered that all of the requirements presented by the NH Fish and Game will be followed.

J. Cashell offered that prior to the Board's endorsement it will need to be documented in writing that all NH Fish and Game requirements will be followed.

L. Milette and J. Peck offers that they are in favor of a full environmental analysis.

#13: There will be a condition added stating that the applicant will comply with all statutory requirements relating to environmental impact as it relates to conducting an environmental assessment of the property.

J. Cashell asked the applicant if they considered the requested conditions reasonable.

L. Allen agreed that the conditions are reasonable.

★ F. Hart moved, second by G. Adams, to approve the ProQuip Site Plan Application, subject to all of the terms and conditions as set forth in the attached Notice of Approval.

Discussion:

F. Hart offered that the project would not be allowed to move forward until the Board has S. Keach's endorsement that all conditions have been met.

J. Cashell offered that all permits need to be approved.

The vote was 3-2-0 (L. Milette and J. Peck opposed).

J. Cashell stated that a vote to deny the application would require a specific reason stated.

J. Peck offered that a reason for denial would be the fact that there is no answer to what is going into the water.

L. Milette offered that the Town has had enough problems with contamination of the water. There doesn't need to be any more contamination.

F. Hart offered an explanation of her vote to approve the application by stating that the law has been followed. The Board has heard from abutters, gathered all legal opinions, the Site Plan and application have been reviewed thoroughly, and the applicant has made every attempt to address all concerns. She stated that laws are in place to rectify any problematic situations and the law needs to be followed regardless of emotions involved.

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

71 Plaistow Rd.:

F. Hart asked for a status update on the issue of the Site Plan violation that still exists on the property.

L. Milette offered that a status update for 71 Plaistow Rd. was requested at the previous Board meeting.

T. Moore offered that he would look into getting a status update and would report back to the Board.

F. Hart asked about the possibility of taking punitive measures, such as imposing fines, to address the problem. She stated that the violation has gone on long enough and that it should not be dragged out any longer.

L. Milette asked if it would be possible to have the new owners come meet before the Board to address the issue.

The next Planning Board Meeting will be held July 17, 2019.

There was no additional business before the Board and the meeting was adjourned at 9:45p.m.

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