

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



PLANNING BOARD MINUTES
Feb. 16, 2022

Call to Order: The meeting was called to order at 6:31 PM.

1. ROLL CALL:

Tom Alberti, *Ch.* – Excused
Tim Moore, *Vice Ch.* - Present at Town Hall
Laurie Milette - Present at Town Hall
Karen Robinson – Present at Town Hall
Greg Taillon, *Selectman's Rep.* Present at Town Hall
Richard Anthony, *Alternate* – Present at Town Hall
Bill Coye, *Selectman's Alt.* - Present at Town Hall
John Cashell, *Planning Director* –Present at Town Hall (non-voting)

Also Present: Brian Haynes, SEC & Associates
Kelly Shepard, Shepard Hand Therapy
Bruce Scamman, Emanuel Engineering
Michael Pushee, 33 Newton Road, LLC

2. REVIEW/APPROVAL OF FEBRUARY 2, 2022 MINUTES:

Draft minutes of the February 2, 2022 meeting were included with the meeting materials. It was noted that B. Coye's name was incorrectly spelled on pages one and two.

G. Taillon moved, second by K. Robinson to approve the minutes of the February 2, 2022 meeting as corrected.

The motion to approve the minutes as corrected passed 4-0-0.

In the absence of Chair T. Alberti, Vice Chair T. Moore appointed R. Anthony as voting member for this meeting.

3. PUBLIC HEARINGS

T. Moore noted that several hearings on the agenda would be continued.

PB 22-03: The completeness of an application for from HOW-PLAISTOW, LLC, Wayne R. Finnegan, CFO for a Subdivision, Lot Line Adjustment and Lot Consolidation. The plan proposes to subdivide 214A Plaistow Rd, Tax Map 45, Lot 1, to create a 123,245SF, standalone lot (Lot A), with 170.42' frontage on a private access road, for an existing business; and a lot of 1,129,093SF (Lot B) with 151' frontage on a private access road. The private access road is 214 Plaistow Road, Tax Map 45, Lot 2, property owner of record is 216 Panniello Plaistow Realty Trust, Joseph G., Sr., and Michael Panniello, TR. The owner of record for 214A Plaistow Rd is Panniello Plaistow 214 Realty Trust, Maria C. Levin, TR. The plan further proposes to consolidate 216 Plaistow Rd, Tax Map 45, Lot 3 and 218 Plaistow Road, Tax Map 45, Lot 4 and then add, by Lot Line Adjustment 169,638 SF from 214A Plaistow Rd for a resultant lot of 486,046SF (Lot C). The resultant Lot C will have total 486,046SF of land area and 413.55' frontage on Route 125. The owner of record for 216 Plaistow Rd is Panniello Plaistow 216 Realty Trust, Joseph G., Sr., and Michael Panniello, TR. and the owner of record for 218 Plaistow Rd is Panniello Plaistow 214 Realty Trust, Maria C. Levin, TR. All involved parcels are located in the I2 Zoning District. If the application is found to be complete, the Planning Board may move directly to Public Hearing on the application.

T. Moore noted the hearing would be continued to the March 16, 2022 meeting at 6:30 PM.. No other notice of the continued meeting will be given.

PB 22-04: The completeness of a Site Plan application from Panniello Plaistow 214 Realty Trust. The site plan is for an existing contractor business on a standalone lot created by subdivision from 214A Plaistow Road, Tax Map 45, Lot 1 with associated parking, lighting, drainage and landscaping. The applicant is the property owner of record. The parcel is located in the I2 Zoning District. If the application is found to be complete, the Planning Board may move directly to Public Hearing on the application.

T. Moore noted the hearing would be continued to the March 16, 2022 meeting at 6:30 PM.. No further notice of the continued meeting will be given.

PB 22-05: The completeness of a Site Plan application from HOW-PLAISTOW, LLC. The Site Plan proposes a 301,000SF warehouse structure and associated parking, drainage, lighting, and landscaping. The parcel is 214 Plaistow Road, Tax Map 45, Lot 1 with 1,129,093SF (25.92Ac) with 151' frontage on a private access road. The property is located in the I2 Zoning District. The property owner of record is Panniello Plaistow 214 Realty Trust, Maria C. Levin, TR. If the application is found to be complete, the Planning Board may move directly to Public Hearing on the application.

T. Moore noted the hearing would be continued to the March 16, 2022 meeting at 6:30 PM.. No further notice of the continued meeting will be given.

PB 22-06: The completeness of a Site Plan application from Panniello Plaistow 216 Realty Trust and Panniello Plaistow 214 Realty Trust. The Site Plan is for an existing container sales and leasing business,

with associated drainage, parking, landscaping and lighting, on a newly configured lot resultant of a lot consolidation and lot line adjustment between 214A Plaistow Rd (45-1), 216 Plaistow Rd (45-3) and 218 Plaistow Rd (45-4). All parcels are located in the I2 Zoning District. The applicants are the property owners of record. If the application is found to be complete, the Planning Board may move directly to Public Hearing on the application.

T. Moore noted the hearing would be continued to the March 16, 2022 meeting at 6:30 PM. No further notice of the continued meeting will be given.

PB 22-01: The completeness of an application from Kelley Shepard for an Amended Site Plan. The Amended Site Plan proposes a change of use from a retail art studio to a hand therapy business. The property is located at 49 Main St, Tax Map 38, Lot 135, in the C2 Zoning District. The applicant is the property owner of record. If the application is found to be complete, the Planning Board may move directly to Public Hearing on the application.

G. Taillon moved, second by K. Robinson to accept the application for a Change of Use at 49 Main St., Tax Map 38, Lot 135, as complete

The motion to accept the application as complete passed 5-0-0

T. Moore opened the public hearing.

Applicant's representative Brian Haynes, SEC & Associates, 138 Newton Road, Plaistow, NH described the site which consists of a residential dwelling and a commercial building. He noted the use of the commercial building has changed over the years from a convenience store with a deli, to a crafts store, florist shop, food catering business, and an arts and crafts store. He noted the only time a change of use was needed from the Planning Board was when it changed from a florist shop to a food catering business in 2014. He noted that Kelly Shepard had purchased the property and moved into the residence and wishes to move her physical therapy business there. She has one employee and works by appointment only 9a-5p with at most two clients per hours. He noted that modest improvements will be made to the interior of the existing building and no exterior change is needed. He noted there are eight parking spaces but only 5 would be in use at a time. He noted the NHDOT driveway permit has been received with no changes necessary.

B. Haynes said they are asking for only one waiver to allow the existing site plan to be utilized for this application.

G. Taillon moved, second by K. Robinson to approve the change of use from retail to professional/business office at 49 Main St., Tax Map 38, Lot 135, for the reasons noted in the applicant's request.

The motion to approve the minutes as corrected passed 5-0-0.

G. Taillon moved, second by K. Robinson to grant the request to waiver Article I, §230-14, and not require a new amended/change of use site plan, for the property at 49 Main St., Tax Map 38, Lot 135, using the 1995 Planning Board Approved As-Built Plan for Crown Variety with the following conditions:

- *A note be added to the As-Built Plan for the granted waiver*
- *A note be added to the As-Built Plan stating the new Planning Board approved use of Hand Therapy Business, and the new property owner of record*
- *A signature and date line for the Planning Board approval be added to the As-Built Plan*

The motion to approve the minutes as corrected passed 5-0-0.

Impact Fee Assessment: There are no new structures being proposed with this plan, therefore no Impact Fees are assessed.

PB 22-02: The completeness of an application from 33 Newton Rd, LLC for an Amended Site Plan. The Amended Site Plan proposes a change of use to allow an automotive repair shop and other permitted businesses in the rear building on the site. The property is located at 33 Newton Rd, Tax Map 66, Lot 19 in the ICR Zoning District. The applicant is the property owner of record. If the application is found to be complete, the Planning Board may move directly to Public Hearing on the application.

K. Robinson moved, second by G. Taillon to accept the application for an amended site plan at 33 Newton Road, Tax Map 66, Lot 19 as complete

The motion to accept the application as complete passed 5-0-0

T. Moore opened the public hearing. Applicant's representative Bruce Scamman, Emanuel Engineering, 118 Portsmouth Ave., Stratham, NH said they had been before the Board in 2019 to get the site plan approved and have returned as the owner has a potential renter for the back building with a slightly different use which needs to be added to the plan. He said they are not proposing any structural changes to any of the buildings or pavement. He noted the front building will stay with the existing use as the owner has his operations there. He said in 2019 it was agreed that up to four contractors were allowed in the back building, but they would like to ask the existing 5,000 SF contractor building be converted into a business building allowing for no more than four units, including trade businesses, trailer and recreational vehicle sales, service repair, and detailing, and vehicle repair shop facilities.

G. Taillon asked if they expect any disposal of oil or grease; B. Scamman said no, but owner Michael Pushee, 33 Newton Rd., Plaistow, NH, said there would be some disposal. L. Milette noted that in the 2019 discussion of what would be done in the back building the Board was told it would be used by electricians or plumbers with no outside storage, and asked if there would be cars left overnight for repair. B. Scamman said it is likely vehicles would be left overnight for repair the next day, and that a note had been added to the plan that vehicles must be parked on pavement. L. Milette referred to the Board's 2019 concern that used cars would be sold from the location. B. Scamman noted storage in the grass or parking on the gravel are not allowed. He said a lot of work had been done to rectify drainage and erosion issues.

J. Cashell asked what would be done with oil from and oil change. M. Pushee said there would be a couple of hundred gallon tanks and a company would come in every couple of months to pump them out. J. Cashell asked if they are contracted and the process is licensed with the State. He noted this was not a use originally proposed and with contractor facilities like this eventually an auto repair person will try to lease one of these spaces and once they are in that type of use tends to grow, and if it is going to transform into primarily an auto service location rather than the contractor space originally permitted for then the Planning Board needs to know it is going to operate properly in a legally established manner. B. Scamman offered to

add a note to the plan saying all automotive fluids will be disposed of properly. M. Pushee said it will be a licensed company that pumps out and disposes of the oil. B. Scamman noted the primary use on the site is the finishing business in the front building and there is a note on the plan to allow that business to operate also from the back building as it grows. T. Moore recommended the note on the plan say that all automotive waste products be properly disposed of offsite.

K. Robinson expressed concern about auto repair business and asked about the wetlands in the back. It was noted there is a retention pond in the back B. Scamman said they are not proposing any new work outside the building interior, and there was a waiver on the wetlands boundaries and buffers on the originally. He noted considerable cleanup of the site has been done to improve drainage.

There was discussion about having proper notes on site plans so that there is an easy reference to what uses have been approved and what is being amended. L. Milette ready from her original copy of the site plan that the approval was the back building was labeled as a business building for no more than four contractors, and there was nothing there about vehicle sales. B. Scamman said that the note on the current plan submission is what they are asking for as uses of the back building. M. Pushee said the trailer and recreational vehicle sales could be removed, and B. Scamman said he would remove that from the uses note. T. Moore said the Board would be happy with the note being modified as stated and added to the plan. B. Scamman also noted that he added a note saying the primary use of the site in the front building can expand into the back building so they do not need to come back to the Planning Board to do that. L. Milette said she understood that originally in 2019 any expansion of the front building would be for office use.

Waiver requests:

G. Taillon moved, second by T. Moore to grant the request to waive Article I, §230-14.1.AAA and not require that the wetlands buffers and boundaries be shown on the amended site plan for the reasons state in the applicant's request letter.

L. Milette asked for the reasons; B. Scamman read the waiver request: The proposed project only requests a change in use. There is no new building, well, septic system or any other improvements proposed on the site, therefore any potential wetlands are unaffected by this amended site plan application. He noted this was in part to save the costs when no changes were being made. R. Anthony asked if the issue of wetlands was ever addressed with the original site plan. B. Scamman brought the original 1990 plan to the hearing and said they had created a swale to get the water from the front parking lot to the retention pond. T. Moore noted that typically for amended site plans where no changes to the building footprints or septic are proposed, the Board has not required the applicants to do wetlands boundaries.

The motion to grant the waiver passed 5-0-0

B. Scamman said there was a second waiver from having to show the abutting wells and septic systems within 100 feet of the property for the same reason as the waiver just granted. This was for Article I, §230-14.1.CC

K. Robinson moved, second by G. Taillon to grant the request to waive Article I, §230-14.1.CC and requiring that existing septic systems and wells on abutting properties within 100 linear feet from the subject property.

The motion to grant the waiver passed 5-0-0

Conditional Approval:

G. Taillon moved, second by K. Robinson to approve the amended site plan for 33 Newton Road, Tax Map 66, Lot 19, for the additional use of an automotive repair facility with the following conditions:

- ***Receipt of the NHDOT Driveway Permit and permit number noted on Plan with Approval date***
- ***All waivers, previously granted to the site plan, are re-affirmed***
- ***The granted waiver of Article I, §230-14.I.AAA be added to the Plan with the approval date***
- ***All final plans will have appropriate professional stamps affixed to them***
- ***The granted waiver of Article I, §230-14.1.CC be added to the Plan with the approval date***
- ***Add a note that all automotive waste products be properly disposed offsite***
- ***Add a note that no trailer or recreational vehicle sales are permitted on site***
- ***Remove from the note on the back building “trailer and recreational vehicle sales”***

The motion to conditionally approve the amended site plan passed 5-0-0

Impact Fee Assessment: There are no physical changes being proposed to this site, therefore there is no assessment of Impact Fees for this amended site plan.

T. Moore closed the public hearing.

5. NEW BUSINESS

Bond – Brighton Drive/North Ave Subdivision

T. Moore noted that on August 4, 2021 the Planning Board conditionally approved a subdivision plan for the noted property which at the time was Brighton Drive/North Ave Subdivision. The conditions of approval have been met and Staff will soon be recording the subdivision plan at Rockingham County Registry of Deeds.

The contractor for the site work for the project has submitted a Bond Estimate Worksheet, which has been reviewed by Keach-Nordstrom Associates (KNA), Planning Board Review Engineers. KNA has approved the calculations included in the Bond Estimate Worksheets.

Per Planning Board Regulation §235-12(10)(b) Construction Bonds ...

The security for subdivision plans shall cover a minimum of 50% of the total site improvement cost estimate.

The total amount shown and review on the Bond Estimate Worksheet is \$943,327.00. 50% of that number would be \$471,663.50, which is the amount that the bond should be set at per regulation.

Staff is recommending that the Board vote to set the bond amount for the Brighton Drive/North Ave Subdivision as noted.

L. Milette said she wanted it noted for the record that a new developer purchased the property. She expressed concern that the buffering/arbor vitae screening against headlights shining into the property of an

abutter that was discussed at length before the Board will be carried out by the new developer. K. Robinson asked whether the new developer would sign the plan to ensure it is followed. J. Cashell said that the new owner must live up to the terms of the approved plan, and to make any significant changes he would have to seek approval from the Board. He noted that any change of right of way would change the lot lines also as discussed when it was possible the road might shift with the results of a new survey. He said the abutter did have their property surveyed but nothing has been brought to the Planning Board calling for the approved plan to be amended.

G. Taillon said he recalled the light issue was left up to the builder and the abutter to resolve the issue and it is not on the plan. There was discussion about carrying forward any agreement that was reached. J. Cashell said that the Planning Board has authority over what was approved on the plan and not on what was worked out between the two parties, which is a private matter. He said if the abutter has a problem in the future he can come back before the Board which can examine evidence such as what is recorded in the minutes of the meeting. It was agreed that J. Cashell will look into the issues; he offered to call the developer and the property owner to find out where things stand. T. Moore said the only thing the Board can legally pursue is determine if there was a note on the subdivision plan about the screening; he said if there was a handshake agreement between the old owner and the abutter the Board cannot be involved.

G. Taillon asked if the construction bond only cover the development of the area and not the buildings. T. Moore said since it is a subdivision there are only the roads, lighting, water systems, etc. and confirmed it has nothing to do with the buildings.

G. Taillon moved, second by R. Anthony that the construction bond for the Brighton Drive/North Ave Subdivision be set at \$471,663.50.

The motion to set the bond passed 5-0-0

6. ADJOURNMENT

There was no additional business before the Board and the meeting was adjourned at 8:04 PM.

Respectfully Submitted,

Charlene A. Glorieux
Minute Taker