

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



**PLANNING BOARD MINUTES** (***DRAFT MINUTES – Subject to change once approved and amended by the board at its next meeting on July 20, 2022***)

**June 15, 2022**

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

**1. ROLL CALL:**

Tom Alberti, *Ch.* – Present at Town Hall  
Tim Moore, *Vice Ch.* - Present at Town Hall  
Laurie Milette - Present at Town Hall  
Karen Robinson – Present at Town Hall  
Richard Anthony, Alternate – Present at Town Hall  
Darrell Britton, *Selectman's Alt.* Present at Town Hall  
Bill Coye, *Selectman's Rep.* - Present at Town Hall  
Dee Voss, *Zoning Official/Administrative Assistant* –excused (non-voting)

Also Present:        Joe Barbone, METCOM Realty, LLC  
                             Charlie Zilch, SEC & Associates  
                             Paul Feldman, attorney, Davis Malm Attorneys  
                             William Bergeron, P.E. Hayes Engineering  
                             Wayne Finnegan, HOW-PLAISTOW LLC.  
                             Jeffrey Dirk, Vanasse & Associates Inc.  
                             Steven Keach, Keach-Nordstrom Associates

**2. REVIEW/APPROVAL OF JUNE 1, 2022 MINUTES:**

Draft minutes of the June 1, 2022 meeting were included with the meeting materials.

***T. Moore moved, second by B. Coye, to approve the minutes of the June 1, 2022 meeting as written.***

***The motion to approve the minutes as written passed 4-0-1(K. Robinson).***

### 3. PUBLIC HEARINGS:

**PB 22-11:** The completeness of an application from Autumn Faitak for a site plan for the construction of a 924SF telecommunications storage building with associated driveway and three (3) parking spaces for employee use. The property is located at 13 Garden Road, Tax Map 25, Lot 23 in the C1/C1OD District. The owner of record is Atlantic Broadband (NH-ME), LLC.

Ch. Alberti noted that the applicant had requested a continuance. There was discussion about the application and proper procedure. S. Keach noted he had reviewed the application and it had some completeness issues which the applicant is working to resolve. It was agreed to defer the application's public hearing to July 20, 2022 and that no further notice will be given to abutters.

#### *Continued from May 18, 2022*

**PB 22-11:** The completeness of an application from METCON Realty, LLC, c/o Joe Barbone, for an amended site plan. The plan proposes to update some tenant uses, add two (2) HCA parking spaces, add two (2) 18' wide dock bay doors for "Bay B", adjust parking to accommodate the proposed doors, and add designated outside storage use. The property is located at 144 Main St, Tax Map 41, Lot 12 in the Industrial 1 Zoning District. If the application is found to be complete, the Planning Board may move directly to Public Hearing on the application.

Ch. Alberti reopened the hearing.

Joe Barbone, METCOM Realty, LLC, 144 Main St., Plaistow, NH, and Charlie Zilch, SEC & Associates. Plaistow, NH were present and spoke to the application. C. Zilch said the lot supports a 156,000SF industrial building owned by METCON and used as their headquarters and for tenants also. He noted that note 7 on sheet 2 of the original plan requires review by the Planning Board for changes of use and tenancy, and that the application before the Board is not a change of use but of tenancy. He said they are looking to change the restriction to allow changes of tenancy from one allowed use to another allowed use be reviewed by a zoning official instead of the Planning Board.

K. Robinson asked about removal of a note on the plan; C. Zilch said the note requiring Planning Board review for a change of use would remain on the plan. The purpose of the requirement for change of tenancy was discussed; C. Zilch suggested that it was due to Testa Corp. which was more of an industrial use and the business was not known at the time. There was discussion of proposed new tenants and their businesses and their locations within the buildings. It was noted these tenants are all leasing their space. There was discussion of minor changes to provide better access for tenants' use. There was discussion about the number of employees, parking spaces, water and septic. J. Barbone said they would be going onto the municipal water soon. Ch. Alberti asked about outside storage for the pods. C. Zilch said approximately 25 storage spaces will remain; J. Barbone said the tenant's lease details where the storage is allowed and the empty pods may be stacked up to three high. The filled containers will be sealed and stored inside.

Ch. Alberti invited public comments; there was none.

Waiver #1 Request: Article I, §230-14.1.KK – Parking Requirements

***T. Moore moved, second by K. Robinson, to approve the request from METCON Realty, LLC to waiver Article I, §230-14.1.KK and allow for 211 parking spaces to be provided where 258 is the minimum required per the regulation for the reasons stated in the waiver request.***

***The motion passed 5-0-0***

Waiver #2 Request: Article I, §230-14.1.Z- Requirement for Site Topography 4

***K. Robinson moved, second by B. Coye, to approve the request from METCON Realty, LLC to waive Article I, §230-14.1.Z that requires the topography to be shown on the amended site plan for the reasons stated in the waiver request.***

***The motion passed 5-0-0***

Waiver #3 Request: Article I, §230-14.1.II and HH – Compliance with Lighting and Landscaping Requirement

***K. Robinson moved, second by B. Coye to approve the request from METCON Realty, LLC to waive Article I, §230-14.1.II and §230-14.1.HH which require compliance with the lighting and landscaping regulations for the reasons stated in the waiver request.***

***The motion passed 5-0-0***

Conditional Approval:

***T. Moore moved, second by K. Robinson, to approve the amended site plan for METCON Realty, LLC, as described in the legal notice for PB #22-11, with the following conditions:***

- All notes and waivers from recorded plans D-39801 and D-35101, recorded at the Rockingham County Registry of Deeds, shall be carried forward to the amended site plan by reference to these recorded plans on the amended site plan, with the exception of the requirement that a change in tenancy requires Planning Board approval. Any changes to the use of the site, or the site itself shall still require Planning Board review and approval***
- Any new waivers approved by the Board shall be noted on the plan, with the date of approval***
- All appropriate professional stamps shall be on the final recording plan***
- All conditions shall be met within 90 days and the plan submitted to the Planning Department for signature and recording.***

***The motion passed 5-0-0***

Bonding: There is minor site work being done as part of this plan. The applicant will need to post a \$5,000 bond that will be held until certification is received that the site work was done in accordance with any plan approved by the Board. If a cash bond is posted a Federal Form W-9 will need to be provided with payment.

Impact Fees: There are no changes proposed to increase the footprint of the existing buildings that would result in an assessment of Impact Fees.

Ch. Alberti closed the Public Hearing.

*Continued from February 16, March 16, 2022, April 20, 2022 and May 18, 2022*

**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

Ch. Alberti opened the public hearing.

Attorney Paul Feldman, Davis Malm Attorneys, asked Ch. Alberti to also open PB 22-05 at this time as information from the traffic study will be applicable to it also.

*Continued from February 16, and March 16 and April 20 and May 18, 2022*

**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.

Ch. Alberti opened the public hearing. He noted that Dee Voss was not at the meeting and that they have been in contact with the Rockingham Planning Commission which is helping with some projects, and that there is currently no Town Planner but the Board will be receiving a circuit rider to support the application under discussion in future meetings.

P. Feldman said Jeff Dirk, Vanesse & Associates, would present more information on the traffic study and their engineer W. Bergeron would also explain how the plans are advancing. The traffic study was discussed again, as well as the type of warehouse that will be built, and that the study had used the sortation warehouse traffic for the report though the warehouse will not be a sortation sort. He reiterated their pledge to improve the traffic sight lines, to build the center lane, and the additional turning lanes if NHDOT 's planned work has not prior to the building receiving a occupancy permit.

There was discussion about traffic turning from and onto Rte. 125. S. Keach said his concerns about the plan's road have been addressed. He said the slope of the road will be at 3% approximately half of its current slope, and they have made accommodation for the turning movements and the design adjustments now work for reconstructing the industrial road.

J. Dirk said that NHDOT has completed their review of the traffic study and are now reviewing the drawings; that they have certified the traffic study as complete and the numbers upon which the design plans

are built. Upon request from Ch. Alberti, J. Dirk explained his professional background, qualifications, certifications, and work he has done. There was discussion of the NHDOT plans for Rte. 125, of the traffic problems on Main Street, and about other traffic bottlenecks. It was noted that the traffic calming study data had been incorporated into the traffic study for this project and ways to advance the traffic calming plan were discussed. The tax value to the Town of the building was discussed and the potential to use some of that income to address traffic issues.

William Bergeron, Hayes Engineering, spoke to the subdivision roadway on PB22-03. He noted that in response to KNA's comments they have made technical modifications to the plan, and asked to discuss the waivers they have asked for and in which S. Keach is in agreement: to modify the roadway 3% grade for the approach to Rte. 125, to waive the 60' road width to 50'; and to maintain the existing overhead power lines as they are to the current terminus and then go underground.

S. Keach addressed the waiver requests which are all for Industrial Way, and suggested they can be accommodated. He said that the requirements for a secondary street (the subdivision roadway) call for a 60' roadway, which what is out there today is effectively an easement or right of way, that not much can be done about that, and it is demonstrated that the construction can be accommodated by a 50' roadway.

He said that the approach to the stop condition for outbound vehicles needs to be 75'. To overcome issues the finish grade of the road has to rise but the existing building on the left would not be able to use their driveway. He said his goal was to accommodate any tractor trailer stop at the intersection before turning onto the road. He said he would like more room, but the length available will accommodate that stop.

He noted that since public water will be extended this far up Rte. 125 the third waiver request will be withdrawn.

He noted the last waiver is for utilities, and that the existing utilities are above ground and the applicant proposes to maintain that condition to their terminus and from that point extend utilities underground for the balance of the roadway extension and all new work would be compliant with the regulation.

W. Bergeron noted they have gone to the Conservation Commission and the ConCom has recommendations to the Planning Board regarding the Conditional Use permits, and there was an additional waiver request to reduce the number of parking spots.

Ch. Alberti continued the hearings for PB 22-03 and PB 22-05 to July 20, 2022. No further notice will be given to abutters.

***Continued from February 16, and March 16 and April 20 and May 18, 2022***

**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.

***Continued from February 16, and March 16 and April 20 and May 18, 2022***

**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.

Ch. Alberti opened the public hearings for PB 22-04 and PB 22-06. He then continued the hearings for PB 22-04 and PB 22-06 to July 20, 2022. No further notice will be given to abutters.

**PB 22-12:** The completeness of an application from HOW-PLAISTOW, LLC, Wayne R. Finnegan, CFO for a Conditional Use Permit for work within the 100' wetland buffer on resultant "Lot C" of a proposed lot line adjustment, lot consolidation, subdivision plan (PB 22-03), the work will be for site development and drainage. The parcels involved are Tax Map 45, Lots 1, 2 & 3, all in the IND2 zoning district. If the application is found to be complete, the Planning Board may move directly to Public Hearing on the application.

Ch. Alberti read the application into the record.

*T. Moore moved, second by B. Coye to accept the application as complete.*

*The motion passed 5-0-0*

Ch. Alberti continued the hearing to July 20, 2022. No further notice will be given to abutters.

**PB 22-13:** The completeness of an application from Panniello Plaistow 216 Realty Trust, Panniello Plaistow 214 Trust, for a Conditional Use Permit for work within the 100' wetland buffer on resultant subdivision road of a proposed lot line adjustment, lot consolidation, subdivision plan (PB 22-03), the work will be for site development and stormwater management. The property is 214 Plaistow Road, Tax Map 45, Lot 1, in the IND2 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.

Ch. Alberti read the application into the record.

*T. Moore moved, second by B. Coye to accept the application as complete.*

*The motion passed 5-0-0*

Ch. Alberti continued the hearing to July 20, 2022. No further notice will be given to abutters.

**PB 22-14:** The completeness of an application from HOW-PLAISTOW, LLC, Wayne R. Finnegan, CFO for a Conditional Use Permit for work within the 100' wetland buffer on resultant "Lot B" of a proposed lot line adjustment, lot consolidation, subdivision plan (PB 22-03), the work will be for site development and stormwater management. The parcels involved are Tax Map 45, Lots 1, 2, 3 & 4, all in the IND2 zoning

district. If the application is found to be complete, the Planning Board may move directly to Public Hearing on the application

Ch. Alberti read the application into the record.

*T. Moore moved, second by B. Coye to accept the application as complete.*

*The motion passed 5-0-0*

Ch. Alberti continued the hearing to July 20, 2022. No further notice will be given to abutters.

Ch. Alberti reported that he had spoken with Greg Colby and the Planning Board will have the RPC to support its initiatives and projects as well as a circuit rider to assist with applications as needed. S. Keach offered to assist in bringing them up to speed.

## **5. NEW BUSINESS**

Bond Set for 26 Plaistow Road. D. Voss said she had updated and distributed the Zoning Book, and that there are two minor requests for variances before the ZBA which will come back to the Planning Board if approved. Ch. Alberti noted the Park and Ride lot on Westville Rd. had been sold. D. Voss said it may have been bought by the family that

*T. Moore moved, second by B. Coye, that the construction bond for the 24/7 Outpatient Healthcare Facility project at 26 Plaistow Road be set at \$23,276.00.*

*The motion passed 5-0-0*

## **6. COMMUNICATIONS, UPDATES, FYIS AND OTHER BUSINESS**

L. Milette noted the response from Attorney Cleary about re-opening a public hearing and said she did not feel comfortable about the Board having reopened PB 21-18-R and that she did not feel it was the right process since it was after the 65 day window. There were questions about whether the Board could reopen an application rather than an applicant. There was discussion about whether changes happen after Planning Board approval.

## **7. ADJOURNMENT**

There was no additional business before the Board and the meeting was adjourned at 9:15 PM.

Respectfully Submitted,  
Charlene A. Glorieux  
Minute Taker