



Town of Plaistow, New Hampshire
145 Main Street, Plaistow NH 03865
Phone: (603) 382-8469

PB Minutes 6/4/14

PLANNING BOARD MINUTES June 04, 2014

Call to Order: 6:31 p.m.

ROLL CALL: Tim Moore, Chair
Charles Lanza, Vice Chair
Genifer Silva
Shem Kellogg
Steve Ranlett, Selectman Ex-Officio
Geoffrey Adams, Alternate

Also present was: P. Michael Dorman, Chief Building Official

Minutes of May 21, 2014 Planning Board Meeting

S. Ranlett moved, second by C. Lanza to approve the minutes of the May 21, 2014 meeting. There was no discussion on the motion. The vote was 5-0-0 U/A.

Agenda Item 3: Continuation of a Public Hearing on a condominium site plan amendment for a 4-unit building currently known as the "Baron's Industrial Park Condominium." The property and building are located at 95A Plaistow Rd, Tax Map 28, Lots 23-1 and 23-2, totaling +/-11.5 acres. The property is located in the Commercial I District and the owners of record are Raymond Baron Trustee (parcel 28-23-1) and Scott Building Twenty, LLC (parcel 28-23-2).

T. Moore noted that the applicant had requested a continuance to June 18, 2014.

Agenda Item 4: Discussion with Bill Norton regarding an additional proposed use at 146 Main St

David Allen and Simon Tripp of Casella Waste were present for the discussion.

D. Allen explained their business operation and based on discussion noted the following:

- Casella is a waste management trucking company
- They would like to use this location as a trucking depot and maintenance facility
- There would be 60-70 trucks assigned to this location
- There would be +/- 200 containers, of various types, at this location, the amount of containers that would be on the site varies

- Trucks would be leaving the site in shifts based on the destination and as early as 3:00-3:30 am
- Trucks would be returning to the site in the same shift fashion with the last trucks coming in around 6:00 pm
- Preventative maintenance on truck would be done in mostly a second shift time frame
- Some containers would come back to the site with material in them, but it would be left in the container
- There is not transfer of materials from container to container, but containers could be offloaded from a truck and loaded on a different truck for removal from the site
- The trucks would be left on heaters overnight
- The heater bank for the trucks would potentially be located near the railroad tracks where there is already power
- Containers would be stored immediately to the right as entering the site
- Not all containers are covered, but those with material in them would be tarped.
- Casella would be using the smallest of the three bays located on the site, which is approximately 20,000 sq. ft.
- The office space would be located under the space currently used by Chart Industries
- If space permits loaded trucks could be located inside, but that would depend on maintenance and repair needs so no commitment was offered to keep loaded containers in the building
- This business location was intended to combine Casella's Brentwood and Salem, NH operations
- Trucks would be parked on pavement but containers would not as loaded and unloading them from the trucks causes damage to pavement, regarding gravel was more efficient for maintenance

T. Moore noted that this site was under a NHDES (New Hampshire Department of Environmental Services) groundwater management program. He also noted that any exterior changes to the site would require review and amendment of the site plan, including abutter notice and a public hearing.

S. Tripp noted that they would need to install an above ground diesel fuel tank. It was noted that the location of the tank would need to be indicated on the proposed site plan. All proper permitting and inspection procedures would also need to be followed.

T. Moore expressed concern about the trucks being plugged in along the railroad tracks as there were a number of residential abutters on that side of the site.

There was discussion about the number of truck that would be entering and leaving the site as well as the trucking times and how the abutters could be affected. It was noted that if the site plan amendment were approved all trucks would be asked to make left turns out of the site to proceed to Route 125. It was noted that there was already signage for "left turns only" at the exit of the site. It was suggested that the sign indicate that "left turns only" should only apply to trucks and not necessarily passenger vehicles.

D. Allen explained that the start times are staggered based upon the end destination of the container. He noted that some drivers needed to get to the destination before other vehicles might park in such a way as to block access.

The Casella representatives were asked if there was any consideration to making a direct access to Route 125. It was noted that they were tenants to the site, not owners, and to do so would be cost prohibitive.

T. Moore asked the Board Members to offer an opinion as to whether or not this described use was

permitted in this district. Consensus was that it was.

C. Lanza asked if all trucks were equipped with back-up beeper alerts. It was confirmed that they were, which was also noted as another concern for residential abutters.

M. Dorman noted that with this use there would be many concerns for the residential abutters, with the biggest one being noise at early hours.

S. Ranlett asked where the vehicles are washed.

D. Allen replied that the containers are not washed on site.

S. Tripp added that the trucks are washed in the maintenance bays and the vendor who does that has a fully self-contained water recovery system.

T. Moore explained that since the use was permitted in the district Casella should work with Leigh Komornick and Mike Dorman on the site plan amendment application process. There was a brief discussion of the application process.

Agenda Item 5: Discussion with Mike Burke regarding use of his Red Oak Meadows commercial condominium unit for motorcycle repairs

Mike Burke, property owner and Jacinto Rodriguez, proposed tenant, were present for the discussion.

Based on explanation and discussion, the following information was offered:

- The intended use was for a motorcycle repair shop
- General repairs would be done, no painting
- There would be no sales of motorcycles
- All work would be done inside and nothing would be stored outside
- There would be no overnight outside parking
- There may be one additional employee working on the site
- Repairs would be made to two and three-wheeled vehicles, no cars

The Board reviewed the definition of a motor vehicle. There was concern expressed that allowing this use in this location would make the Board vulnerable to allowing future auto repair use in the same location. It was noted that repair of motor vehicles was a permitted use in the ICR (Integrated Commercial Residential) District, where this property is located. It was noted that the site plan for this parcel was restrictive and any expansion or change of this use would have to come back to the Planning Board for additional discussion. There are covenants in the condominium documents that would make expansion of this proposed use difficult.

S. Ranlett asked what would be done with waste oils.

J. Rodriguez replied that he knew people who burned it for heating fuel. He offered that if allowed he would like eventually install such a system in this unit.

S. Ranlett asked what the hours of operation would be.

J. Rodriguez answered they would be 8:00 a.m. to 6:00 p.m., Monday through Saturday.

It was the consensus of the Board that this was a permitted use in the District and noting the

restrictions already on this property under the current site plan Mr. Rodriguez would be allowed to move forward with the application for a Certificate of Occupancy.

T. Moore noted that this was another example of the need to review and update where necessary the permitted uses tables in all districts when the zoning review process begins in the fall.

Agenda Item 6: Discussion with Fred Johnson regarding use of 21 Blossom Road (Old Westville Homes Site) for an Airsoft Recreational Facility and referral to the ZBA for a variance

Fred Johnson and Steve Grundy were present for the discussion.

S. Grundy noted that following for the Board:

- Airsoft guns shoot hard plastic pellets
- The games are popular nationwide and are just starting to come into New England
- They have a retail store in Salisbury, MA
- At their Salisbury location they have set ups for outdoor games
- Safety measures are taken including full face masks
- They would like to create an indoor game facility so that they could offer year-round games
- They had come to the Board before to talk about the Testa Site (146 Main Street) but that site did not work out

F. Johnson added:

- The building was approximately 700 feet long
- They intended to use approximately $\frac{3}{4}$ of the building
- Hours of operation would be Thursday through Sunday; 3:00 p.m. to 10:00 p.m.
- On Monday and Tuesday they would offer time for local police departments to use the fields for training
- They used to have a location in Seabrook but there were issues with the state of the building
- The age of participants varies from 10 to 70 years old

S. Ranlett noted that when he was on the Police Department they would use this building for K-9 training.

There was a brief discussion about whether or not this was considered an allowable use. The permitted uses table allows recreational use, but there was some confusion as to whether that meant private or municipal recreational use. It was consensus that this use could be considered as a permitted use recreational use in the Industrial District.

C. Lanza asked about the access to the site and whether or not the parking area was paved.

F. Johnson noted that it was perfect in that it was backed by the (Pentucket) Plaza, the railroad tracks and woods. The access point and parking area was fenced and gated. He added that the parking lot was paved. Mr. Johnson also noted that there were existing lights on the building and only a single house nearby, located near the gate.

M. Dorman offered there may be additional upgrades that would be required before he could issue an occupancy permit, such as striping the pavement for parking.

T. Moore suggested that Mr. Johnson work with M. Dorman on the process of applying for an

occupancy permit.

Agenda Item 7: Review of Subdivision Regulations regarding calculation of wetland as part of lot sizing

T. Moore explained that there was a conflict between the Zoning Ordinances and Subdivision Regulations where it pertains to using wetlands to calculate lot sizing. Subdivision Regulations allow the use of Class 5 (poorly drained) soils for calculating lot sizes while the Zoning Ordinances prohibit both Class 5 and Class 6 (very poorly drained) soils. He noted that there would be a public hearing scheduled for the June 18 meeting to discuss changing the Subdivision Regulation to be consistent with the Zoning Ordinance as Subdivision Regulations can be changed via a public hearing, where Zoning Ordinance changes require a vote at Town Meeting. T. Moore noted that would give the Board time to review and decide if the Zoning Ordinance needed to be changed.

There was discussion about a couple of possibilities that Zoning could be changed which included allowing some wetlands to be allowed, particularly in the case of a lot in the LDR (Low Density Residential) district, provided that a certain amount of the lot did not have any wetlands. It was noted as more back lots are looking to be developed this may become a bigger issue.

M. Dorman offered that he understood the reason for changing the Subdivision Regulation to agree with Zoning, but noted that this did not resolve the current zoning issue that had been created before the inconsistency was discovered. He referred to a recent subdivision that was approved even though they did not have proper lot sizing in accordance with the Zoning Ordinance, but did comply with the Subdivision Regulations.

T. Moore offered that the subdivision was a done deal and there was nothing that could be done.

M. Dorman reiterated that it was a zoning violation. He expressed concern over future resale issued should a future buyer's bank inquire. M. Dorman added he just wanted to make sure that everything was clear that there was still a zoning violation.

T. Moore suggested that the only way to clear this violation at this time would be to have the owners apply for variance relief, which the Planning Board would obviously support since it was their error.

There was discussion on whether or not to alert the current owners of the error and suggest a variance. There was also discussion regarding who would incur the costs of any variance applications. It was decided to not write any letters unless it became an issue and any needed variance requests would be paid for by the Town.

Agenda Item 8: Reading of Communications Directed to or from the Board

It was noted that William Joray's (8 Maple Ave) application to the ZBA was denied. He was looking to create a lot with less than the required 150 feet of frontage.

Item 9: Report/Update by Tim Moore on RPC (Rockingham Planning Commission) Activities

T. Moore had nothing to report at this meeting.

Item 13: Other Business

S. Ranlett noted that he had toured a 55+ housing site in Salem, NH that was constructed and operated by Steve Lewis. Mr. Lewis has approval to build a similar site in Plaistow on Chandler Ave. He noted that he was going to make a suggestion to the Board of Selectmen to include Mr. Lewis' site in the Economic Revitalization Zone (ERZ), which would allow for grants to be applied

for that would provide more services to the residents. S. Ranlett asked for the Planning Board's support in making this suggestion to the Board of Selectmen.

S. Ranlett moved, second by G. Silva to recommend to the Board of Selectmen to include the property on Chandler Ave, which has been approved for 55+ housing, as part of the ERZ.

T. Moore noted that the Planning Board would have suggested that it be included when the ERZ was being designated if they had known it would have been a benefit to the future residents.

There was no additional discussion on the motion. The vote was 4-0-1 (Kellogg abstaining).

There were no additional matters before the Board and the meeting was adjourned at 7:44 PM.

Respectfully Submitted as recorded by Dee Voss.

Approved by the Planning Board on _____

Timothy E. Moore, Vice Chair