



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

PB Minutes 08/19/15

PLANNING BOARD MINUTES August 19, 2015

Call to Order: 6:31 p.m.

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

Also present were: Mark Fougere, *Interim Planning Consultant* and P. Michael Dorman, *Chief Building Official (Arrived 6:36 p.m.)*

G. Adams was appointed as a voting member for S. Kellogg.

Agenda Item 2: Minutes of August 5, 2015 Meeting

C. Lanza moved, second by G. Adams to approve the minutes of the August 5, 2015 meeting. There was no discussion on the motion. The vote was 3-0-0 U/A.

C. Lanza moved, second by G. Adams to approve the non-public minutes of the August 5, 2015 meeting. There was no discussion on the motion. The vote was 3-0-0 U/A.

Agenda Item 3: Public Hearings

PB15-11: An Application for the Amendment of the Site Plan to include a 790 sq. ft. addition to an existing automotive garage for storage of vehicles. The property is located at 24 Chandler Ave, Tax Map 25, Lot 29 in the MDR District. The applicant and owner is Nick Pichowicz Realty, LLC

Terry Trudel, SEC and Associates and Nick Pichowicz, Property Owner, were present for the application.

T. Trudel noted that following about the application:

- The proposed addition is to the existing commercial building
- The property is 7.69 acres in the Medium Density Residential (MDR) District
- There is a single-family residence and the commercial building. There is two (2) bedroom apartment on the second floor of the commercial building
- The proposal is to add an addition to the commercial building to allow the owner to work on and store his own personal vehicles

M. Dorman arrived at 6:36 p.m.

- The property owner is looking for space away from his customer's vehicles
- There were two (2) variances, one for wetlands setback and one for property line setback, granted by the Zoning Board of Adjustment (ZBA)
- A number of waivers were requested

T. Moore asked if the Board had any questions, there were none. He asked if there were any abutters with questions or concerns. There were none.

C. Lanza moved, second by G. Adams accept the proposed site plan amendment for 24 Chandler Ave as complete. There was no discussion on the motion. The vote was 3-0-0 U/A.

The Board considered the following waiver requests:

§230-14.1.F – Escrow Account

C. Lanza moved, second by G. Adams to approve the request to waiver §230-14.1.F. There was no discussion on the motion. The vote was 3-0-0 U/A.

§230-14.1.CC – Locations of Abutting Wells and Septics

G. Adams moved, second by C. Lanza to approve the request to waiver §230-14.1.CC. There was no discussion on the motion. The vote was 3-0-0 U/A.

T. Trudel noted that there aren't any septic or wells installed at the approved Chandler Place (18 Chandler Ave).

§230-14.1.B – Landscaping Buffers

C. Lanza moved, second by G. Adams to approve the request to waiver §230-14.1.B. There was no discussion on the motion. The vote was 3-0-0 U/A.

§230-14.1.HH – Submission of a Separate Landscaping Plan

G. Adams moved, second by C. Lanza to approve the request to waiver §230-14.1.HH. There was no discussion on the motion. The vote was 3-0-0 U/A.

§230-14.1.II – Submission of Separate Lighting Plan

G. Adams moved, second by C. Lanza to approve the request to waiver §230-14.1.II. There was no discussion on the motion. The vote was 3-0-0 U/A.

T. Moore asked if there was any security lighting on the site.

N. Pichowicz replied that there was some security lighting on some of the poles.

C. Lanza asked if there was any lighting on the back of the building.

N. Pichowicz answered that there was a light over the back door.

§230-14.1.YY – Submission of Building Elevations

G. Adams moved, second by C. Lanza to approve the request to waiver §230-14.1.YY. There was no discussion on the motion. The vote was 3-0-0 U/A.

C. Lanza moved, second by G. Adams to approve site plan amendment for 24 Chandler Ave with the following conditions:

- ***Updating the Plan for the approved waivers***

There was no discussion on the motion. The vote was 3-0-0 U/A.

PB15-12: An application for an Amendment to the Site Plan to remove an existing storage building and build a new 10,248 sq. ft. lumber storage building. The property is located at 12 Old Road, Tax Map 29, Lot 35 in the I1 District. The applicant is Moynihan Lumber and the property owner is EMGJAY Plaistow, LLC.

M. Fougere noted that there was an error in the legal notice and the size of the proposed building is actually 7200 sq. ft.

Dan Koravos, DK Engineering and Dave MacFarland, Moynihan Lumber, were present for the application.

D. Koravos noted that following for the Board:

- The site is the existing location of Moynihan Lumber
- The building in question is in the back right portion of the parcel
- The existing building is in tough shape and needs to be replaced
- There will be a slight shift in the location of the building to make it more functional
- The building will be for storage of building materials
- The shift will mean additional pavement
- Runoff will be controlled by an infiltration trench. The construction of the trench and the types of soils were highlighted

CLD Engineering reviewed the drainage calculations for the structure and the new pavement.

They submitted a letter for the Planning Board. The applicant noted that they didn't see any items on the list that could not be resolved. It was noted that CLD suggested a test pit in their notes. D. Koravos offered that he would speak to CLD regarding the need for a test pit and if they couldn't come to an understanding he would schedule one.

D. MacFarland additionally noted:

- The building would be used for cold storage
- The total square footage would be 9600, which would include the 7200 sq. ft. building and a lean-to
- The new building is intended to be taller and wider

T. Moore asked what the total lot coverage would be with the new building and pavement. The proposed plan noted the lot coverage to be +/- 30.7%.

T. Moore asked if the Board had any questions. There were none. He asked if there were any abutters or others that with questions or concerns.

D. MacFarland noted that on a previously approved plan there were other future buildings noted. He asked if those approvals carried forward.

T. Moore replied as long as they were previously approved and depicted on this new plan they would carry forward.

C. Lanza moved, second by G. Adams accept the proposed site plan amendment for 12 Old Road as complete. There was no discussion on the motion. The vote was 3-0-0 U/A.

The Board considered the following waiver requests:

§230-14.1.CC – Locations of Abutting Wells and Septics

C. Lanza moved, second by G. Adams to approve the request to waiver §230-14.1.CC. There was no discussion on the motion. The vote was 3-0-0 U/A.

§230-14.1.DD – Utilities within 100 feet of site

C. Lanza moved, second by G. Adams to approve the request to waiver §230-14.1.DD. There was no discussion on the motion. The vote was 3-0-0 U/A.

§230-14.1.HH – Submission of a Separate Landscaping Plan

C. Lanza moved, second by G. Adams to approve the request to waiver §230-14.1.HH. There was no discussion on the motion. The vote was 3-0-0 U/A.

§230-14.1.II – Submission of Separate Lighting Plan

C. Lanza moved, second by G. Adams to approve the request to waiver §230-14.1.II. There was no discussion on the motion. The vote was 3-0-0 U/A.

C. Lanza moved, second by G. Adams to approve site plan amendment for 12 Old Road with the following conditions:

- ***Updating the Plan for the approved waivers***
- ***Clean review letter from CLD Engineering***

There was no discussion on the motion. The vote was 3-0-0 U/A.

PB 15-13: Methuen Construction: A Design Review application to review an amendment to the site plan to replace 19,590 sq. ft. of existing industrial & office space with 36,000 sq. ft. office use. The property is located at 144 Main St, Tax Map 41, Lot 12 & 13 in the I1 District. The Applicant/owner is Metcon Realty, LLC

Terry Trudel, SEC and Associates and Joe Barbone, Metcon, were present for the application.

T. Trudel offered that following regarding the proposed site plan amendment:

- The proposal is for an addition to the existing building
- The property is located at 144 Main St and is the former location of Testa Corp and Process Engineering before that
- The property is located on Map 41, Lots 12 and 13

- The access to the site is off of Main Street
- The proposed plan is to update the owner and tenant information as well as some changes to parking and some of the storage
- Rebar and Mesh and Atlantic Coastal Dismantling will remain as tenants and Summit Metal Fabrications (a subsidiary of Metcon) has moved into the building.
- The second purpose of the site plan amendment will be for renovation to the existing building. A portion of the office building will be taken down to make room for a new larger building
- The old footprint is 14, 430 sq. ft., the new footprint is proposed to be 18,000 sq. ft. for a net gain of 3,570 sq. ft.
- They will be seeking six (6) waivers

There was a discussion regarding the parking calculations. It was noted that regulations require 138 spaces and the plan provides for 140 spaces, including handicapped access parking.

- An architectural rendering of the proposed building was shown to the Board
- It was noted that the increase in the building footprint would replace already paved areas so there was no increase in the impervious surface area
- There would be additional green space and landscape upgrades

C. Lanza asked if there would be an upgrade to the building façade.

J. Barbone noted that the total renovation of the property would be done in phases and a total rehab of the façade including new siding and windows was part of that plan.

T. Moore asked if the Board had any additional questions, there were none. He asked of any abutters had any questions or concerns and there were none.

T. Moore noted that this application was for a design review. He explained that the application would be re-noticed for review and possible approval of the amended site plan.

There was a brief discussion about the time table for renovations. J. Barbone noted that he would like to be complete by spring 2016. He said that he would like to get going on the new building so they can be working on the interior over the winter; landscaping and the exterior would be addressed in the early spring.

T. Moore closed the public hearing on the design review phase.

Agenda Item 4: Update from Tim Moore on RPC and MPO Events

T. Moore noted that the next RPC meeting is scheduled for September 9 at the Plaistow Public Library. The topic will be MS4 – Stormwater Regulations.

Agenda Item 5: Communications Bob Hamilton – asbestos in the community: regulation needed?

Bob Hamilton, 3 Balsam Way, presented a package of materials to the Board including:

- A press release regarding two (2) asbestos contractors (including All State Abatement Professionals (ASAP) of Plaistow)
- Copy of email correspondence between S. Kellogg (in his capacity as State Representative) and Doug Kemp of NHDES with handwritten notes
- Excerpt from the ASAP permit from NHDES Re: NHDES liability

- Excerpt from email communication between Kimberly Raymond of Plaistow and Doug Kemp
Re: hazardous material definitions
- Excerpts from Plaistow Zoning Ordinances, Definitions, Hazardous Material highlighted
- Excerpts from Plaistow Zoning Ordinances, General Provisions, §220-14, Storage of hazardous materials highlighted
- 2 pages titled "History of NHDES and Plaistow" – no author noted

B. Hamilton noted that he was at the meeting representing the group Citizens for a Better Plaistow (CBP) and he was bringing forth concerns about asbestos materials in Plaistow. He voiced a number of concerns about asbestos in Town:

- The seeming shift in the Board's opinion whether or not asbestos is a hazardous material
- The opinion of CBP that the activities such as being conducted at ASAP (4 Wilder Dr) requires additional permitting (under current Zoning) from the Board of Selectmen and Planning Board beyond the location of their storage trailers
- What CBP considers a poor record of oversight and enforcement from NHDES
- Alleged lies from ASAP regarding activities in their site from just office use to storage of asbestos until transport for disposal
- Protection of sensitive aquifer areas
- NHDES's denial of liability language in the permit they issued to ASAP
- What is the gain to the Town by allowing asbestos storage
- Is the Planning Board/Town appropriately defining asbestos as solid waste vs. hazardous material

There was a discussion between B. Hamilton and M. Dorman regarding oversight and inspection. M. Dorman offered that he felt confident in the storage operation at ASAP and he would be doing unannounced visits to the site to inspect and make sure they were in compliance. He added that he had enforcement remedies and resources should he see any non-compliance issues.

There was a discussion about whether or not the Beede site was comparable to ASAP. It was noted that Beede was intentional non-compliance and there were many fines assessed to the responsible parties. C. Lanza noted the Beede site was 50 years of pouring materials all over the ground of a 40 acre site, not the 1-2 lined and sealed containers at the ASAP site, and the comparison wasn't valid. He added that there is a listing of fine assessments on the NHDES website. B. Hamilton reiterated a lack of trust in NHDES's oversight and enforcement abilities. G. Adams offered that regulatory oversight had significantly improved since the effects of asbestos had been uncovered.

There was additional discussion regarding asbestos and how it is processed and packaged before it comes into Plaistow. There was additional discussion about oversight and enforcement. M. Dorman noted that this was part of his job as the Code Enforcement Officer.

M. Fougere noted that there are hazardous materials that travel the roads and rails in Plaistow every day that the Town has no knowledge or oversight of. He added that by being permitted ASAP is opening themselves to regulation and review.

B. Hamilton reiterated the concerns he was bringing forward on behalf of CBP. He cited other areas in Town such as the landfill and the location of the Town's Highway Garage and Police Firing Range. He expressed concern over lead being shot into the ground. It was noted that lead is no longer used in bullets.

M. Dorman offered that the concerns expressed were legitimate, but he was confident that the operation at ASAP was being done correctly.

T. Moore noted that the Board could look at restrictive regulations when they are doing Zoning review in the fall. He added that even if the Board proposed a change to restrict asbestos storage it would not affect ASAP as they would be grandfathered to operate as they do today.

B. Hamilton offered that he hoped the Board wouldn't hold it against CBP if they continued the fight on a higher level.

Agenda Item 6: Other Business

Appointment of Alternate Member – Laurie Milette

T. Moore read a letter from Laurie Milette requesting to become an alternate member of the Planning Board. He invited L. Milette to introduce herself to the Board. There were no questions and T. Moore asked for a motion to appoint her as an alternate.

C. Lanza moved, second by G. Adams to appoint Laurie Milette as an alternate member of the Planning Board. There was no discussion on the motion. The vote was 3-0-0 U/A.

Request for Bond Release – Plaistow Center, 3-9 Plaistow Rd

It was noted there was a letter from Mark Donohoe on behalf of the property owners requesting release of the bond being held for 3-9 Plaistow Rd. It was noted there was a short punch list from CLD of outstanding items. The value of those items was noted to be \$10,410. The amount being held in the bond is \$113,437.

C. Lanza moved, second by G. Adams to reduce the bond being held for 3-9 Plaistow Road to \$10,410. There was no discussion on the motion. The vote was 3-0-0 U/A.

Bond for Subdivision at 26 Smith Corner Road

M. Fougere noted that CLD had recommended a bond amount of \$165,534.22 for the Subdivision located at 26 Smith Corner Road.

C. Lanza asked if they would be posting 50% for the bond. It was confirmed that was the agreed amount.

C. Lanza moved, second by G. Adams to set the bond amount for the subdivision at 26 Smith Corner Road at \$165,534.22 and require surety to equal 50% of that amount. The vote was 3-0-0 U/A.

Other Correspondence

It was noted that there was an abutter notification from the City of Haverhill.

There were no additional matters before the Board and the meeting was adjourned at 7:54 PM.

Respectfully Submitted as recorded by Dee Voss.

Approved by the Planning Board on _____

Timothy E. Moore, Chair

