

Planning Board  
December 14, 2023  
7:30pm

Members present: Chip Current, Barry Hantman, Leo Traverse, Joe Hester

Others present: Gail Turilli, Patrick Wall, Dave Smith, Cathy Smith, James D'Agati, Frank Hamiken, Kevin Baum, Bredan Daly, Phil Cote

The minutes of November 9, 2023 were reviewed. Chip notes that on line 42-43 the word "application" should be added after the word "permit" and on line 71, the word "force" should be changed to "source." Barry **made** and Joe 2<sup>nd</sup> **a motion to accept the minutes as amended.** All in favor, **motion carries.**

**12 Olde Road – Minor Site Plan Application for Leasing a Bay:**

Leo recuses himself as he is an abutter. The applicant, Jim D'Agati, addresses the Board. He states that he is looking to lease a bay at 12 Olde Road to park his work vehicles. Some minor maintenance work may be done on occasion. Barry confirmed that all abutters have been noticed. Barry **made** and Joe 2<sup>nd</sup> **a motion to accept the application.** All in favor, **motion carries, application is accepted 12/14/23.**

This is an existing site plan with hours of operation from 7am to 5pm, five days a week. Mr. D'Agati would like to increase the hours of operation with the earliest start being at 5:30am and usually ends the day between 3:30 and 5:30pm. On occasion, he may need to start earlier than 5:30am but, can park elsewhere if needed. His business runs six days a week and no holidays. The vehicles haul bunker sand to golf courses and country clubs in general, nothing hazardous. The trucks will be parked in the back of the building and there will be no back up beeps. The area will not be expanded for parking, just being cleaned up and will be greater than 50ft from the closest property line. The impact of noise from the trucks will be less than it is on 111. Mr. D'Agati has 3 trucks consisting of one triaxle and two trailers. There will be no exhaust breaking, no low riders and a 5-8 minute idle time. The maximum weight of the vehicles is 100,000 lbs. The headlights will remain off temporarily as the trucks leave the lot so as not to disturb the neighbors. Cathy Smith, 54 Main Street, requests that the Board decline the change in hours as she feels the truck situation has ruined the neighborhood and is loud all day long. Brendan Daly, 25 Olde Road, agrees with Mrs. Smith, and states it will affect the neighborhood as he feel's other businesses in town will use the same hours. Mr. Daly also stated that businesses have destroyed the neighborhood. Chip noted that this lot is zoned for the Highway Commercial Light Industrial Zone. Restrictions can always be placed on a site plan. Cathy Smith stated that the Board can't assure that promises will be kept. Dave Smith noted that this will affect the residential but can't be stopped in the commercial zone. He feels this will potentially affect the value of the homes.

Mr. D'Agati stated that he resides on Sawmill Road, been a resident for many years, the trucks are currently parked there and has had no issues with his neighbor across the street on Beach Plain Road. Barry is concerned with the noise disturbance to the neighbors but, the noise

ordinance does not apply to the Highway Commercial Light Industrial zone. The CNC machine shop that also leases a bay at 12 Olde Road, has a required decibel level for their 24/7 business. Chip explained that this lot is allowed to operate 24/7 in that zone and the application cannot be denied as it falls under zoning. Brendan Daly stated that the Board is not taking into effect the surrounding neighbors. Chip noted that restrictions will be put on this site plan, and that regulations are followed and support zoning. Attorney Baum agrees with the use but, states that the Planning Board is empowered to put reasonable restrictions site plans. Both Barry and Joe noted that there is nothing in zoning or site plan regulations that restrict noise. Barry **made** and Joe 2<sup>nd</sup> **a motion to approve the application with the following restrictions:**

1. **Hours of Operation 5:30am – 5:00pm / 6 days / no holidays**
2. **No parking in front**
3. **No morning backup beeps**
4. **Parking greater than 50'**
5. **3 Trucks Maximum**
6. **15 min maximum idling**
7. **No exhaust breaking**
8. **No low truck beds**
9. **Max. Gross Wt. 100,000**
10. **Dark departures outside of daylight hours**

All in favor, **motion carries. Minor Site Plan Application approved with the above restrictions on 12/14/2023.**

### **29 Olde Road – Site Plan Continuation:**

The applicant, Isaiah Cronin, addresses the Board stating he has revised plans for review. Barry stated that hours of operation 7:30am – 4:30pm, Monday – Friday needs to be added to the plan. The bays are on the southerly side. The trucks range from 30ft to 35ft. These revised plans will need to go back to the Conservation Commission for their input as there is a concern for potential oil spills. Maximum number of 15 trips per day, maximum number of 5 vehicles, maximum of 65ft for the truck and trailer, maximum gross vehicle weight of 80,000lbs, maximum width of 8ft, no low trailers, business sign and stop sign at the end of the driveway all need to be added to the plan. Barry mentioned that he measured a portion of Olde Road to be 20ft. Brendan Daly noted that some sections are 16ft. Barry asked about a lighting plan. Mr. Cronin stated there will be flood lights. Currently there is no wetlands disturbance. The driveway connection to Olde Road is existing. No customers will be coming to the site. A letter has been submitted by Mr. Daly's attorney for the Board to review and share with the town engineer. An AOT permit is needed which Mr. Cronin will need to apply for with DES and confirm the conformance of the wetlands permit. Attorney Baum requests that materials be provided in advance prior to a meeting and also believes that the applicant is and has been operating without a site plan. Mr. Daly believes that Mr. Cronin has been operating outside of the hours discussed. Chip recommends that Mr. Daly send a notice to the Board of Selectmen if he feels that way. Mr. Daly also feels that there has been additional disturbance to the wetlands. Abutter's engineer and attorney comments will be forwarded to the town engineer for review. Barry mentioned the following conditions that need to be shown on the plan:

1. Hours of operation – 5 days a week
2. Truck turn area
3. Conservation comments
4. Max 5 vehicles, max of 65', & max gross weight of 80,000
5. No low trailer
6. 8ft max width
7. Max of 15 trips in and/or out per day
8. Signage
9. Stop sign at end of driveway
10. Wetlands permit for residential?
11. Culvert details
12. Proposed use
13. Fire Suppression
14. Trash
15. Required plan notes
16. Grading along the driveway
17. Existing operations

Mr. Cronin needs to provide justification for the waivers requested but, not required to have them in writing. Leo noticed that there were some roll off dumpsters on the site and asked what was in them to which Mr. Cronin stated that they were empty. Barry stated that he would like to discuss the vegetated buffer as it is a major impact. Chip suggested to wait until a site walk occurs. A site walk has been scheduled for Saturday, December 23, 2023 at 8am. Conservation will be invited and the public is also welcome. The site plan will be continued until Thursday, January 25, 2024 at 7:30pm.

At this time, Barry **made** and Joe 2<sup>nd</sup> **a motion to open the public hearing for the Floodplain Development Ordinance Warrant Article.** All in favor, **motion carries.** There are no members from the public present. Barry explains that the majority of the ordinance is not changing. The Board was informed by the state that we have to be in compliance and some changes are needed. Barry mentioned that this does not change the flood map or flood zone and he composed a draft with changes and amendments, which the Board previously discussed. There is no further discussion from the Board with the exception of one minor change as the word “article” is typed twice in the beginning paragraph. Barry **made** and Joe 2<sup>nd</sup> **a motion to close the public hearing.** All in favor, **motion carries and the public hearing is now closed.** Barry **made** and Leo 2<sup>nd</sup> **a motion to put forward to Town Warrant, the Floodplain Development Ordinance, Article V Subsection H.** All in favor, **motion carries with a vote of 4-0.** Barry **made** and Joe 2<sup>nd</sup> **a motion to add Recommended by the Planning Board.** All in favor, **motion carries with a vote of 4-0.**

Chip mentions that there have been 2 citizen’s petition amendments that will need to be advertised for public hearing. These cannot be amended and will need to be noticed the last week of December for a public hearing in January. The Planning Board meets again on January 11.

### **13 Olde Road Subdivision Final Approval:**

The outstanding condition of state approval has been met and mylars have been provided for signature tonight. Barry **made** and Joe 2<sup>nd</sup> **a motion to grant final approval.** All in favor, **motion carries. Final approval granted 12/14/23. Mylars to be signed at the end of the meeting tonight.**

Barry **made** and Joe 2<sup>nd</sup> **a motion to adjourn.** All in favor, **motion carries. Meeting adjourned at 9:35pm**

**Agenda for next meeting:**

1. Citizen's petition for amendment to Zoning Ordinance Article XIII.B.7
2. Citizen's petition for amendment to Zoning Ordinance Article XII.B.9 adding a new subsection(i)

Respectfully,

Gail Turilli