

**ZONING BOARD OF ADJUSTMENT  
PLAINFIELD, NEW HAMPSHIRE**

NOTICE IS HEREBY GIVEN that the Board of Adjustment will hold a public hearing on the following application on **Monday February 11th at 7:00pm at the Meriden Town Hall:**

**Case 19-01 Proposed Amendment to Case 2017-10:** Bart Industries is requesting to modify the existing Zoning Board decision which effectively restricts trucking activity to between the hours of 6am and 6pm.

**The full project file is available for public inspection at the town office. An electronic version of the application is available online at [www.plainfieldnh.org/zba.htm](http://www.plainfieldnh.org/zba.htm)**

While not required to attend, abutters and interested parties are encouraged to attend either in person or by counsel and state reasons why the application should or should not be granted.

Notice prepared by Stephen Halleran on behalf of the  
ZONING BOARD OF ADJUSTMENT/PLANNING BOARD  
January 29, 2019

January 29, 2019

**Plainfield Planning Board  
Site Plan Amendment Proposal**

**BART Industry Abutters, #360 Route 12A**

The Planning Board will be in joint session with the Zoning Board on **Monday February 11<sup>th</sup> 2019**. **The Zoning Board** will be conducting a hearing on Bart Industries request to adjust its existing approval for the #360 Route 12A warehouse. **The Planning Board** will also be conducting a hearing on related amendments to the approved site plan for the warehouse that are proposed by the applicant to reduce the impact of the warehouse on neighboring properties. Applications materials are posted at <https://www.plainfieldnh.org/zba.htm>

**Monday February 11<sup>th</sup> at 7pm  
Meriden Town Hall  
110 Main Street  
Meriden Village**

pd  
02 31 17

PLAINFIELD ZONING BOARD OF ADJUSTMENT  
APPLICATION FOR APPEAL - AMENDMENT

PLEASE READ: This form should be completed after discussions with the town's zoning administrator about the proposal. If you have not already done so, please contact the zoning administrator (469-3201).

Applicant's name: B-A-R-T Industries, Inc.

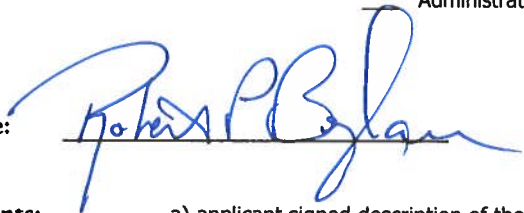
Mailing address: 14 Spencer Drive, Bellows Falls, VT 05101

Property Street address: 360 Route 12A, Plainfield  
Tax Map / Lot Number: 218/10  
Zoning district: Rural Residential (RR)  
Property owner of record: B-A-R-T Industries, Inc.

Type of appeal (check one):

- Variance
- Special exception #35 (Amendment)
- Administrative decision

Applicants signature:



Required Attachments:

- a) applicant signed description of the proposal.
- b) site map(s) exterior/interior.
- c) abutter list with mailing addresses.

Fee: application  
notification

\$ \_\_\_\_\_  
\$ \_\_\_\_\_ Total \$ \$140

*140 with business card*  
\$250 -

Hearing Date:

In order to be on the meeting agenda for the above date, your paid application must be received at the town office no later than Monday 1/28/19 (ZBA rule 9.3).

\*\*\*\*\*

Office Use

date filed: 1/28/19  
case number:  
attachments:  n  
fee paid:  n



# 100 foot Abutters List Report

Plainfield, NH  
January 29, 2019

## Subject Property:

Parcel Number: 218-010-000  
CAMA Number: 218-010-000-000  
Property Address: 360 RTE 12A

Mailing Address: B-A-R-T INDUSTRIES, INC  
14 SPENCER DR  
BELLOWS FALLS, VT 05101

---

## Abutters:

Parcel Number: 203-001-000  
CAMA Number: 203-001-000-000  
Property Address: 330 RTE 12A

Mailing Address: FRANKLIN FAMILY TRUST, THE  
FRANKLIN, AMY L  
330 RTE 12A  
PLAINFIELD, NH 03781

Parcel Number: 203-006-000  
CAMA Number: 203-006-000-000  
Property Address: 141 RIVER RD

Mailing Address: FRANKLIN FAMILY TRUST, THE  
FRANKLIN, PAUL B & NANCY B TRS  
141 RIVER ROAD  
PLAINFIELD, NH 03781

Parcel Number: 203-021-000  
CAMA Number: 203-021-000-000  
Property Address: 281 RTE 12A

Mailing Address: WILLIAMS, ROBBIE T  
281 RTE 12A  
PLAINFIELD, NH 03781

Parcel Number: 218-008-000  
CAMA Number: 218-008-000-000  
Property Address: 386 RTE 12A

Mailing Address: LILLIE, DAVID H & PATRICIA A  
386 RTE 12A  
PLAINFIELD, NH 03781

Parcel Number: 218-009-000  
CAMA Number: 218-009-000-000  
Property Address: 374 RTE 12A

Mailing Address: HALL, TROY T  
374 RTE 12A  
PLAINFIELD, NH 03781

Parcel Number: 218-011-000  
CAMA Number: 218-011-000-000  
Property Address: 361 RTE 12A

Mailing Address: 361 LAND INVESTMENT, LLC  
178 MERIDEN ROAD  
LEBANON, NH 03766

Parcel Number: 218-012-000  
CAMA Number: 218-012-000-000  
Property Address: 375 RTE 12A

Mailing Address: NYLUND PROPERTIES, LLC  
49 RIVER ROAD  
CANAAN, NH 03741



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

# HUGHES ATWOOD & MULLALY PLLC

John R. Hughes, Jr.  
John R. Hughes III\*  
Bradford T. Atwood  
Richard E. Mullaly  
Diane Crowley\*\*

30 Bank Street, Suite 3  
Lebanon, New Hampshire 03766  
Telephone: (603) 448-3900  
Facsimile: (603) 448-3939  
[www.hsh-law.com](http://www.hsh-law.com)

\*Admitted in NH & NJ  
\*\*Admitted in NH & MA

---

Practice of Law in New Hampshire and Vermont

January 28, 2019

Town of Plainfield  
Zoning Board of Adjustment  
Meriden Town Hall  
P.O. Box 380  
Meriden, NH 03770

**Re: Case No. 2017-10**  
**Application of B-A-R-T Industries, Inc. for Amendment to Approved**  
**Business Project for 3,500+/- s.f. dry food storage/distribution warehouse**  
**facility located at 360 Route 12A (Tax Map 218, Lot 10), RR Zoning District**  
**Record Owner: B-A-R-T Industries, Inc.**

Dear Chairman Colburn and Members of the Zoning Board of Adjustment:

**I. Introduction.**

I represent B-A-R-T Industries, Inc. (“BART”), the owner of the above-referenced property on Route 12A in Plainfield. As you are aware, by Notice of Decision dated September 16, 2017, the Zoning Board of Adjustment (“ZBA”) originally approved BART’s appeal for special exception #35 (Approved Business Project) to build a 3,500 square feet +/- dry food storage/distribution warehouse facility at this site. The ZBA’s findings and approval conditions are set forth in that Notice of Decision.

One of those approval conditions was “successful completion of the Site Plan Review process with the Planning Board with an emphasis on screening the proposed use from the residences to the northwest and southwest.” On September 18, 2017, the Planning Board did, in fact, approve BART’s application for Site Plan Review. The approved Site Plan is entitled, “Plan to Accompany Permit Applications prepared for BART INDUSTRIES located at 360 Route 12A (Lot 218-10), Plainfield, New Hampshire” prepared by Design Group, Inc., Civil Engineers, Surveyors, Consultants of Pittsfield, Massachusetts. The Planning Board’s findings and conditions are set forth in the September 18, 2017 Minutes of the Plainfield Planning Board. Additional findings and conditions concerning landscaping are set forth in the September 17, 2018 Minutes of the Plainfield Planning Board.

After ZBA and Planning Board approvals in September 2017, BART leased the warehouse property site to Frito-Lay North America (“Frito-Lay”), a subsidiary of PepsiCo, which operates it as a distribution center for its food products.

The Zoning Board of Adjustment granted the Applicant’s original request for a special exception based upon the Applicant’s understanding of Frito-Lay’s business needs at the time. Since Frito-Lay commenced wholesale distribution operations at the Route 12A (a state highway) site, its business needs have become clearer to the Applicant. Abutters have complained. The neighbors’ major (but not their only) complaint seems to be the very early pre-dawn loading of some of the small retail trucks which carry Frito-Lay food products from the Route 12A warehouse facility to the mostly “Mom and Pop” style grocery stores it serves in the region. Most of the neighbors’ other complaints deal with Site Plan Review approval conditions imposed by the Planning Board. A contemporaneous application to amend BART’s Site Plan Review approval is being filed with the Planning Board, as these approvals are, of course, intertwined.

BART therefore wishes to amend its original requests for a special exception and site plan review in order to address the neighbors’ legitimate concerns and complaints within the framework of Frito-Lay’s legitimate business needs.

## **II. Frito-Lay’s Basic Operations.**

Currently, a tractor trailer truck delivers products from Frito-Lay’s main facility in Connecticut to the Route 12A Plainfield distribution center six (6) days per week (i.e., Sunday through Friday). There are no deliveries on Saturdays. Typically, the driver stops at the warehouse, unloads, and then goes on to 3 or 4 other distribution facilities to unload. Now, however, the practice has become for the driver to drop off the trailer for unloading at the warehouse and then to depart. Later in the day, another driver will come and pick up the empty trailer and depart. Frito-Lay has made this change in an effort to allow for all tractor trailer deliveries to occur during daylight hours. In any event, there is usually only one actual delivery of food products to the site per day. The total time spent unloading a large delivery truck at the Route 12A site is no more than 1 to 1 ½ hours.

According to Frito-Lay’s district manager in Connecticut, Margaret Ahearn, the company targets deliveries to the Plainfield distribution facility between the hours of 3:00 p.m. and 10:00 p.m. However, weather, certainly plays a significant factor in the ability to deliver within this timeframe. From September 10, 2018 – December 29, 2018, Frito-Lay made deliveries to Plainfield on 81 out of a total of 111 days (but never on a Saturday). The majority of those deliveries were made between the hours of 4:00 pm and 9:00 pm. Attached are Frito-Lay’s logs showing arrival dates and delivery times for this time period. For convenience, also attached are calendars for September, October, November and December showing the logged times of delivery on these dates.

Most days, only a single tractor trailer stop was made. However, there may be occasions (usually before major holidays such as New Year’s Day, Super Bowl Sunday, July Fourth and Labor Day) when two daily deliveries are made to a Frito-Lay warehouse due to increased demand. Generally speaking, there is also an increased demand for Frito-Lay products in the summer months, so two daily deliveries may possibly be more frequent then.

From the warehouse distribution facility on Route 12A, much smaller local Frito-Lay trucks load up and deliver the products to grocery stores in a wide geographic area, ranging from a thirty (30) to sixty (60) mile radius. These small delivery trucks leave fully loaded in the very early morning hours and return later in the afternoon. For the bulk of the day, however, there is very little or no activity at the Route 12A facility.

Although approved for ten (10), currently only six (6) small delivery trucks run Monday through Friday. Three (3) small delivery trucks run on Saturday, and one (1) small truck runs on Sunday. However, the Sunday truck is loaded on Saturday, and the driver comes in and simply drives away without the need to back up (and thereby create noise).

Originally, the Applicant understood that these small trucks would load starting at about 6:00 am, leave the site on their retail delivery routes, and return to the site by about 6:00 pm. Due to a variety of factors, however, the Frito-Lay drivers at the Plainfield facility need to leave earlier in the morning. Some must start loading at about 4:00 am in order to make timely daily deliveries. All generally return by 4:00 pm. BART is seeking an amendment to its Approved Business Project from the ZBA to change these hours from between 6:00 am and 6:00 pm to between 4:00 am and 4:00 pm, and also to recognize that the tractor trailer deliveries generally occur from Sunday through Friday (excluding Saturdays) between the hours of 4:00 pm and 9:00 pm.

### **III. The ZBA's September 2017 Approval for Special Exception #35 (Approved Business Project).**

The ZBA's original September 16, 2017 Notice of Decision provides in pertinent part:

"4) The scale of the proposed use is once a day delivery of dry food by a tractor trailer sized truck. Up to ten smaller retail delivery trucks are loaded in the morning and leave the facility returning at night. The retail delivery truck process is then repeated six days per week generally between the hours of 6am to 6pm.

\* \* \*

#### **"Approval Conditions:**

1) Successful completion of the Site Plan Review process with the Planning Board with an emphasis on screening the proposed use from the residences to the northwest and southwest.

"2) Prolonged idling of delivery trucks is not permitted.

"3) Prior to occupancy, the project must obtain a certificate of occupancy from the town's building inspector.

"4) The use to be monitored by the Town's Zoning Administrator. Any substantive deviation from the application or increase in the scale of the use will require additional town review."

#### **IV. Proposed Amendment to the ZBA's Approved Business Project.**

BART requests that Finding #4 be amended based upon the actual business needs of Frito-Lay. Essentially, BART requests that the ZBA recognize and approve that there may occasionally be 2 deliveries per day, generally between 3:00 pm and 10:00 pm. BART is willing to decrease the allowed number of small retail delivery trucks from 10 to 8. However, due to a number of uncontrollable factors, it is not possible to limit their work hours to between 6:00 am and 6:00 pm. BART respectfully requests that the ZBA approve their hours of activity to between 4:00 am and 4:00 pm. BART proposes changing Finding #4 as follows:

4) The scale of the proposed use is generally once a day (but up to a maximum of twice a day) delivery of dry food by a tractor trailer sized truck. The hours of delivery are from Sunday through Friday, generally between 3:00 pm and 10:00 pm, but subject to variables such as the weather. Up to a maximum of eight (8) smaller retail delivery trucks are loaded in the early morning and leave the facility returning in the late afternoon. The retail delivery truck process is then repeated six days per week generally between the hours of 4 am to 4 pm, with fewer delivery trucks operating on weekends.

BART agrees with the ZBA's Approval Conditions 1 – 4, noted above.

However, in order to alleviate any impact on abutters, BART has voluntarily proposed a number of modifications and additions to the Planning Board's Site Plan Review approval. These include:

1. Construction of a 2 foot tall berm approximately 180 feet long on BART's lot between the existing mature pines along the common property line with Amy Franklin to the northwest. At Ms. Franklin's request, BART will have Gallagher Tree Service of Cornish, New Hampshire, plant staggered rows of 3 to 5 feet tall hemlocks on this berm for screening. Planting will occur in spring, all work to be completed by June 1, 2019.
2. In addition, Gallagher Tree Service will plant staggered rows of 3 to 5 feet tall hemlocks along an 80' span on BART's lot between the BART property and property of Troy Hall to the southwest for screening. Planting will occur in spring, all work to be completed by June 1, 2019.
3. Along Route 12A, the Planning Board had originally approved a straight row of evergreens planted at 40' intervals along the front property line. At Ms. Franklin's request, Gallagher Tree Service will plant clusters of three (3) trees planted at intervals along Route 12A. Planting will occur prior to June 1, 2019. There will be six (6) clusters, three (3) on each side of the driveway entrance, set back twenty (20) feet from the paved surface of the road at equal distances apart. Each cluster will contain one (1) hemlock 3 to 5 feet tall, one (1) juniper and one (1) hydrangea.
4. Relocation of the Casella Waste Management dumpsters to the front of the building, on the right side of the entrance driveway. The site had been coded as an industrial site by Casella, but is now coded as residential, with pick-ups limited to Monday-Friday between the hours of



7:00 am and 7:00 pm. However, BART has specifically requested that Casella pick-up prior to 4:00 pm. This has already been done.

5. The Planning Board originally requested that the outside lighting fixtures be building mounted and dark sky compliant. This was done. However, due to subsequent abutter concerns, BART has also agreed to attach independent motion sensors to the outside lights adjacent to Ms. Franklin's property, and to the lights above the employee entrance/exit doors. This would effectively darken six (6) of the nine (9) exterior lights, for more than a 60% reduction in dark hour illumination. This has already been done.

6. Removal of the vehicle parking spaces from the rear (northern) side of the building, as these spaces are unnecessary.

7. The approved number of small delivery trucks will be reduced from 10 to 8.

8. Lawn mowing will be limited to Monday – Friday between the hours of 9:00 am and 4:00 pm.

Respectfully submitted,  
B-A-R-T Industries, Inc.  
By its attorneys,

**HUGHES ATWOOD & MULLALY PLLC,**

By: 

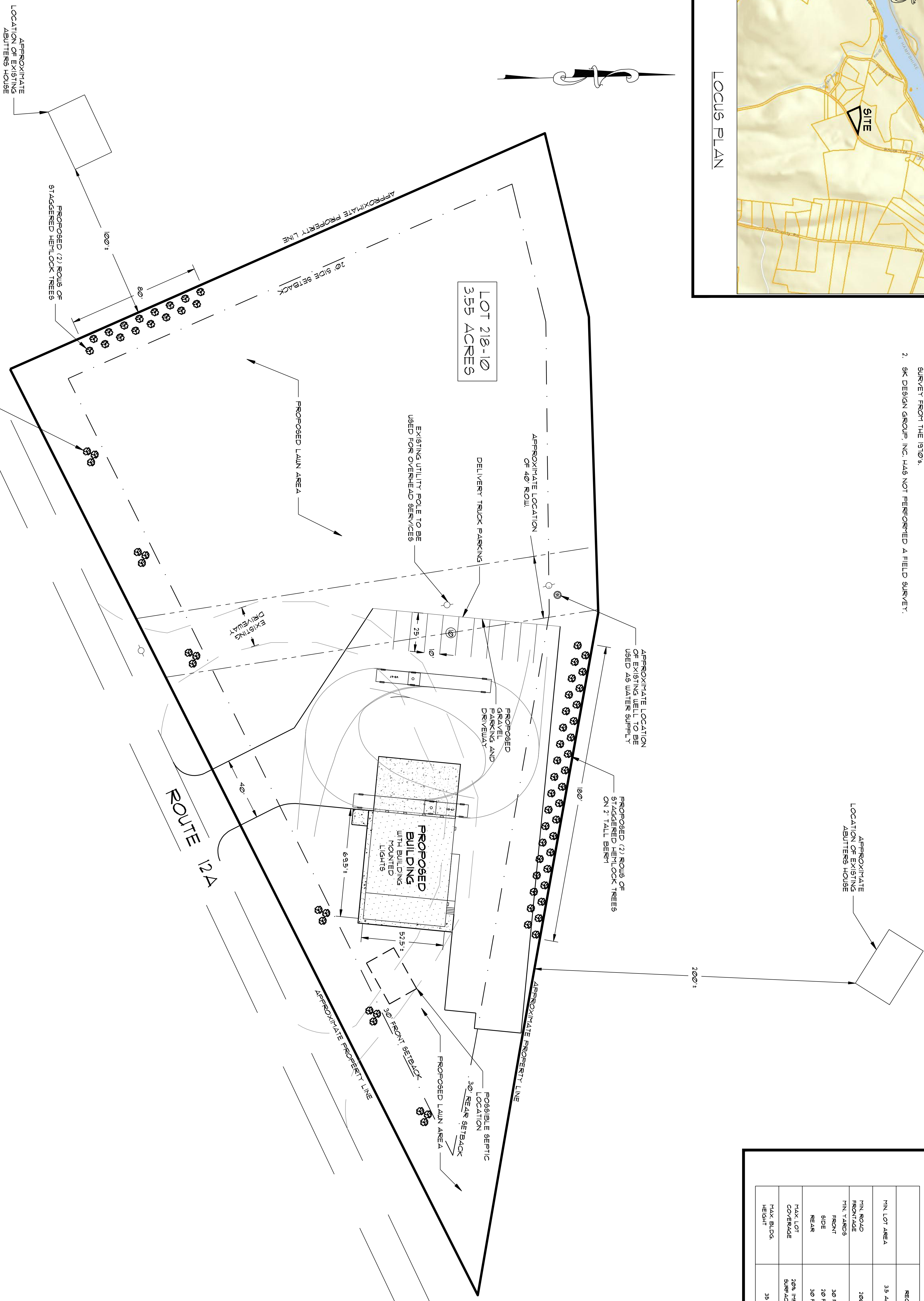
Bradford T. Atwood, Esq.  
Email: [bta@hsh-law.com](mailto:bta@hsh-law.com)

BTA/jag  
Enclosures



LOCUS PLAN

- NOTES:
1. THIS SITE PLAN HAS BEEN PREPARED USING COMPILED INFORMATION. THE PROPERTY LINE INFORMATION WAS TAKEN FROM AN ASSESSOR'S MAP AND ORIGINAL SURVEY FROM THE 1970's.
  2. SK DESIGN GROUP, INC. HAS NOT PERFORMED A FIELD SURVEY.



APPROXIMATE LOCATION OF EXISTING ABUTTERS HOUSE

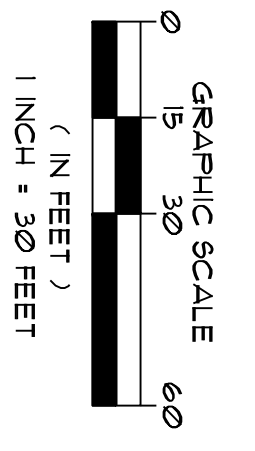
PROPOSED (2) ROWS OF STAGGERED HEMLOCK TREES

(6) CLUSTERS OF (3) TREES, 20' FROM PROPERTY LINE, (3) SETS ON EACH SIDE OF DRIVEWAY, EQUIDISTANT BETWEEN DRIVEWAY AND PROPERTY LINE

LOT 218-10  
3.55 ACRES

ROUTE 12A

SITE PLAN  
SCALE: 1" = 30'



ZONING SCHEDULE OF REGULATIONS  
RURAL RESIDENTIAL (RR) DISTRICT

	REQUIRED	PROPOSED
MIN. LOT AREA	35 Acres	35 Acres
MIN. ROAD FRONTAGE	200 FT.	680' FT.
MIN. YARDS		
FRONT	30 FT.	431 FT.
SIDE	20 FT.	351' FT.
REAR	30 FT.	611 FT.
MAX. LOT COVERAGE	20% INTERVARIABLE SURFACE	19% 1
MAX. BLDG. HEIGHT	35 FT.	18' 1

PLAN TO ACCOMPANY PERMIT APPLICATIONS  
PREPARED FOR:  
**BART INDUSTRIES**  
LOCATED AT:  
360 ROUTE 12A (LOT 218-10)  
PLAINFIELD, NEW HAMPSHIRE



PLAN DESCRIPTION:  
**SITE PLAN**

DATE	DESCRIPTION
SEPT. 13, 2017	DESIGN
JAN. 24, 2019	REVISED
JAN. 31, 2019	REVISED
AUGUST 28, 2017	REVISED
SCALE: As Shown	

# TOWN OF PLAINFIELD

## APPLICATION FOR SITE PLAN REVIEW- AMENDMENT

Applicant's name: B-A-R-T Industries, Inc.  
address: 14 Spencer Drive  
Bellows Falls, VT 05101

Location of property 360 Route 12A, Plainfield  
(if different than above):  
Describe development and/or alteration:

Amendment to Site Plan Review approved September 18, 2017,  
further revised September 17, 2018, regarding landscaping/  
screening; parking and dumpster location; outside lighting; etc.  
Please see attached supporting letter.

Preliminary Consultation: 1/29/19  
(date)

Formal submission of application: \_\_\_\_\_

Final Review: \_\_\_\_\_

Fee Paid: 1/29/19  
Filing fee \_\_\_\_\_ Notification fee \_\_\_\_\_ - Additional fee \$140.-

Plainfield Planning Board Action:

Approval: \_\_\_\_\_  
(Planning Board Chairman and date)

Disapproval: \_\_\_\_\_

Conditions: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# HUGHES ATWOOD & MULLALY PLLC

John R. Hughes, Jr.  
John R. Hughes III\*  
Bradford T. Atwood  
Richard E. Mullaly  
Diane Crowley\*\*

30 Bank Street, Suite 3  
Lebanon, New Hampshire 03766  
Telephone: (603) 448-3900  
Facsimile: (603) 448-3939  
[www.hsh-law.com](http://www.hsh-law.com)

\*Admitted in NH & NJ  
\*\*Admitted in NH & MA

---

Practice of Law in New Hampshire and Vermont

January 28, 2019

Town of Plainfield  
Planning Board  
Meriden Town Hall  
P.O. Box 380  
Meriden, NH 03770

**Re: Application of B-A-R-T Industries, Inc. for Amendment to Approved Site Plan  
Property located at 360 Route 12A  
ZBA Case No. 2017-10  
Record Owner: B-A-R-T Industries, Inc.**

Dear Chair Stephenson and Members of the Planning Board:

**I. Introduction.**

I represent B-A-R-T Industries, Inc. (“BART”), the owner of the above-referenced property on Route 12A in Plainfield. In August, 2017, BART filed an Application for Site Plan Review with the Planning Board to build a 3,500 square feet +/- dry food storage/distribution warehouse facility at this site. After hearing, the Board approved the site plan on September 18, 2017. The approved site plan is entitled, “Plan to Accompany Permit Applications prepared for BART INDUSTRIES located at 360 Route 12A (Lot 218-10), Plainfield, New Hampshire” prepared by Design Group, Inc., Civil Engineers, Surveyors, Consultants of Pittsfield, Massachusetts. The Planning Board’s findings and conditions are set forth in the September 18, 2017 Minutes of the Plainfield Planning Board. Additional findings and conditions concerning landscaping are set forth in the September 17, 2018 Minutes of the Plainfield Planning Board.

Contemporaneously with the filing of an Application for Site Review Approval with this Board, BART also appealed to the Plainfield Zoning Board of Adjustment (“ZBA”) for a special exception (#35 - Approved Business Project) to build the 3,500 square feet +/- dry food storage/distribution warehouse facility at this site. By Notice of Decision dated September 16, 2017, the Zoning Board of Adjustment approved BART’s appeal and granted the special exception. The ZBA’s findings and approval conditions are set forth in that Notice of Decision.

After ZBA and Planning Board approvals in September 2017, BART leased the warehouse property site to Frito-Lay North America, a subsidiary of PepsiCo, which operates it as a distribution center for its food products.

Both the Planning Board and the Zoning Board of Adjustment granted the Applicant's original request for a special exception based upon the Applicant's understanding of Frito-Lay's business needs at the time. Since Frito-Lay commenced wholesale distribution operations at the Route 12A (a state highway) site, its business needs have become clearer to the Applicant. Abutters have complained. The neighbors' major (but not their only) complaint seems to be the very early pre-dawn loading of some of the small retail trucks which carry Frito-Lay food products from the Route 12A warehouse facility to the mostly "Mom and Pop" style grocery stores it serves in the region. Most of the neighbors' other concerns deal with Site Plan Review approval conditions imposed by the Planning Board. A contemporaneous application to amend BART's special exception for an Approved Business Project is being filed with the ZBA, as these approvals are, of course, intertwined.

BART therefore wishes to amend its original requests for site plan review and a special exception in order to address the neighbors' legitimate concerns and complaints within the framework of Frito-Lay's legitimate business needs.

## **II. Frito-Lay's Basic Operations.**

Currently, a tractor trailer truck delivers products from Frito-Lay's main facility in Connecticut to the Route 12A Plainfield distribution center six (6) days per week (i.e., Sunday through Friday). There are no deliveries on Saturdays. Typically, the driver stops at the warehouse, unloads, and then goes on to 3 or 4 other distribution facilities to unload. Now, however, the practice has become for the driver to drop off the trailer for unloading at the warehouse and then to depart. Later in the day, another driver will come and pick up the empty trailer and depart. Frito-Lay has made this change in an effort to allow for all tractor trailer deliveries to occur during daylight hours. In any event, there is usually only one actual delivery of food products to the site per day. The total time spent unloading a large delivery truck at the Route 12A site is no more than 1 to 1 ½ hours.

According to Frito-Lay's district manager in Connecticut, Margaret Ahearn, the company targets deliveries to the Plainfield distribution facility between the hours of 3:00 p.m. and 10:00 p.m. However, weather, certainly plays a significant factor in the ability to deliver within this timeframe. From September 10, 2018 – December 29, 2018, Frito-Lay made deliveries to Plainfield on 81 out of a total of 111 days (but never on a Saturday). The majority of those deliveries were made between the hours of 4:00 pm and 9:00 pm. Attached are Frito-Lay's logs showing arrival dates and delivery times for this time period. For convenience, also attached are calendars for September, October, November and December showing the logged times of delivery on these dates.

Most days, only a single tractor trailer stop was made. However, there may be occasions (usually before major holidays such as New Year's Day, Super Bowl Sunday, July Fourth and Labor Day) when two daily deliveries are made to a Frito-Lay warehouse due to increased demand. Generally speaking, there is also an increased demand for Frito-Lay products in the summer months, so two daily deliveries may possibly be more frequent then.

From the warehouse distribution facility on Route 12A, much smaller local Frito-Lay trucks load up and deliver the products to grocery stores in a wide geographic area, ranging from a thirty (30) to sixty (60) mile radius. These small delivery trucks leave fully loaded in the very early morning hours and return later in the afternoon. For the bulk of the day, however, there is very little or no activity at the Route 12A facility.

Although approved for ten (10), currently only six (6) small delivery trucks run Monday through Friday. Three (3) small delivery trucks run on Saturday, and one (1) small truck runs on Sunday. However, the Sunday truck is loaded on Saturday, and the driver comes in and simply drives away without the need to back up (and thereby create noise).

Originally, the Applicant understood that these small trucks would load starting at about 6:00 am, leave the site on their retail delivery routes, and return to the site by about 6:00 pm. Due to a variety of factors, however, the Frito-Lay drivers at the Plainfield facility need to leave earlier in the morning. Some must start loading at about 4:00 am in order to make timely daily deliveries. All generally return by 4:00 pm. BART is seeking an amendment to its Approved Business Project from the ZBA to change these hours from between 6:00 am and 6:00 pm to between 4:00 am and 4:00 pm, and also to recognize that the tractor trailer deliveries generally occur from Sunday through Friday (excluding Saturdays) between the hours of 4:00 pm and 9:00 pm.

### **III. The Planning Board's Site Plan Review Approval.**

The Planning Board's September 18, 2017 site plan review approval was subject to the following conditions:

1. All building lighting will be building mounted and dark sky compliant fixtures. The specification sheets for the fixtures will become part of the file.
2. Landscaping will be as represented on the plan and to include any suggestions made by abutters. Any necessary arbitration of the final plan will be handled by the town's Zoning Administrator.
3. Receipt of a NHDOT driveway permit.
4. Receipt of an approved NHDES septic plan.

On September 17, 2018, the Board held a follow up meeting with the Applicant to discuss the site plan. Abutters Troy Hall, Amy, Paul and Nancy Franklin attended the meeting as well. The main focus of the session was a discussion concerning the details of the then-unimplemented landscaping plan. The Board's Minutes state:

"Troy Hall's common property line is to receive five 4' high spruces over a span of 80'. Amy Franklin's common property line is to receive 180' of 24" high cedar trees to be located between the existing mature pines. Both lines will be landscaped no later than June 1<sup>st</sup> of 2019. The Planning Board was unwilling to waive all landscaping along Route 12A, but was open to

amending the plan if the applicant wished to develop a new approach and submit that to the board.

“Mr. Boylan was commended for how improved the property is and in general those in attendance felt his use was an improvement over the last twenty years. He was asked to consider putting some of the outside lighting on timers; all lights are on all night. The fixtures satisfy the site plan regulations, but abutters indicated that they would be grateful for less light during the late night.”

#### **IV. Proposed Amendments to the Site Plan.**

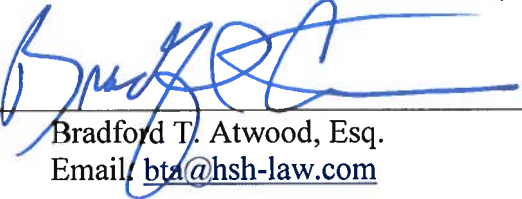
In order to alleviate the impact on abutters, BART has proposed a number of modifications and additions to the Planning Board’s initial Site Plan Review approval. These include:

1. Construction of a 2 foot tall berm approximately 180 feet long on BART’s lot between the existing mature pines along the common property line with Amy Franklin to the northwest. At Ms. Franklin’s request, BART will have Gallagher Tree Service of Cornish, New Hampshire, plant staggered rows of 3 to 5 feet tall hemlocks on this berm for screening. Planting will occur in spring, all work to be completed by June 1, 2019.
2. In addition, Gallagher Tree Service will plant staggered rows of 3 to 5 feet tall hemlocks along an 80’ span on BART’s lot between the BART property and property of Troy Hall to the southwest for screening. Planting will occur in spring, all work to be completed by June 1, 2019.
3. Along Route 12A, the Planning Board had originally approved a straight row of evergreens planted at 40’ intervals along the front property line. At Ms. Franklin’s request, Gallagher Tree Service will plant clusters of three (3) trees planted at intervals along Route 12A. Planting will occur prior to June 1, 2019. There will be six (6) clusters, three (3) on each side of the driveway entrance, set back twenty (20) feet from the paved surface of the road at equal distances apart. Each cluster will contain one (1) hemlock 3 to 5 feet tall, one (1) juniper and one (1) hydrangea.
4. Relocation of the Casella Waste Management dumpsters to the front of the building, on the right side of the entrance driveway. The site had been coded as an industrial site by Casella, but is now coded as residential, with pick-ups limited to Monday-Friday between the hours of 7:00 am and 7:00 pm. However, BART has specifically requested that Casella pick-up prior to 4:00 pm. This has already been done.
5. The Planning Board originally requested that the outside lighting fixtures be building mounted and dark sky compliant. This was done. However, due to subsequent abutter concerns, BART has also agreed to attach independent motion sensors to the outside lights adjacent to Ms. Franklin’s property, and to the lights above the employee entrance/exit doors. This would effectively darken six (6) of the nine (9) exterior lights, for more than a 60% reduction in dark hour illumination. This has already been done.

6. Removal of the vehicle parking spaces from the rear (northern) side of the building, as these spaces are unnecessary.
7. The approved number of small delivery trucks will be reduced from 10 to 8.
8. Lawn mowing will be limited to Monday – Friday between the hours of 9:00 am and 4:00 pm.

Respectfully submitted,  
B-A-R-T Industries, Inc.  
By its attorneys,

**HUGHES ATWOOD & MULLALY PLLC,**

By:   
Bradford T. Atwood, Esq.  
Email: [bta@hsh-law.com](mailto:bta@hsh-law.com)

BTA/jag  
Enclosures



**From:** Hebert, Matthew {FLNA}  
**Sent:** Monday, November 26, 2018 12:52 PM  
**To:** Botelho, Jonathan T {FLNA}; Hathoot, Russell {FLNA}  
**Cc:** Gooden, Jason G {FLNA}  
**Subject:** RE: Plainfield, NH deliveries

Below are the arrival dates and times for the last 3 periods.

P12 deliveries

Stop Destination	Actual Stop Arrival
PLAINFIELD NH GES PEC	2018-11-05 08:24
PLAINFIELD NH GES PEC	2018-11-09 03:11
PLAINFIELD NH GES PEC	2018-11-12 05:12
PLAINFIELD NH GES PEC	2018-11-15 04:23
PLAINFIELD NH GES PEC	2018-11-04 21:16
PLAINFIELD NH GES PEC	2018-11-05 11:36
PLAINFIELD NH GES PEC	2018-11-06 17:02
PLAINFIELD NH GES PEC	2018-11-07 22:12
PLAINFIELD NH GES PEC	2018-11-08 22:22
PLAINFIELD NH GES PEC	2018-11-09 11:38
PLAINFIELD NH GES PEC	2018-11-11 17:14
PLAINFIELD NH GES PEC	2018-11-12 10:51
PLAINFIELD NH GES PEC	2018-11-13 15:11
PLAINFIELD NH GES PEC	2018-11-14 23:09
PLAINFIELD NH GES PEC	2018-11-15 23:09
PLAINFIELD NH GES PEC	2018-11-16 17:46

PLAINFIELD NH GES PEC	2018-11-18 17:15
PLAINFIELD NH GES PEC	2018-11-19 14:30
PLAINFIELD NH GES PEC	2018-11-21 00:23
PLAINFIELD NH GES PEC	2018-11-21 19:11
PLAINFIELD NH GES PEC	2018-11-23 16:00
PLAINFIELD NH GES PEC	2018-11-25 16:27

P11 deliveries

Stop Destination	Actual Stop Arrival
PLAINFIELD NH GES PEC	2018-10-07 20:21
PLAINFIELD NH GES PEC	2018-10-08 14:07
PLAINFIELD NH GES PEC	2018-10-10 16:53
PLAINFIELD NH GES PEC	2018-10-11 20:52
PLAINFIELD NH GES PEC	2018-10-12 17:36
PLAINFIELD NH GES PEC	2018-10-14 19:18
PLAINFIELD NH GES PEC	2018-10-15 23:00
PLAINFIELD NH GES PEC	2018-10-16 17:00
PLAINFIELD NH GES PEC	2018-10-17 17:02
PLAINFIELD NH GES PEC	2018-10-18 18:55
PLAINFIELD NH GES PEC	2018-10-19 17:00
PLAINFIELD NH GES PEC	2018-10-22 22:09
PLAINFIELD NH GES PEC	2018-10-23 18:47
PLAINFIELD NH GES PEC	2018-10-24 20:55
PLAINFIELD NH GES PEC	2018-10-25 20:29
PLAINFIELD NH GES PEC	2018-10-26 18:45
PLAINFIELD NH GES PEC	2018-10-28 17:59
PLAINFIELD NH GES PEC	2018-10-31 21:12
PLAINFIELD NH GES PEC	2018-11-01 18:07
PLAINFIELD NH GES PEC	2018-11-02 20:46

P10 deliveries

Stop Destination	Actual Stop Arrival
PLAINFIELD NH GES PEC	2018-09-13 04:13
PLAINFIELD NH GES PEC	2018-09-10 00:07
PLAINFIELD NH GES PEC	2018-09-10 16:39
PLAINFIELD NH GES PEC	2018-09-11 17:39
PLAINFIELD NH GES PEC	2018-09-12 22:09
PLAINFIELD NH GES PEC	2018-09-13 17:22
PLAINFIELD NH GES PEC	2018-09-16 18:53
PLAINFIELD NH GES PEC	2018-09-17 17:05
PLAINFIELD NH GES PEC	2018-09-18 18:24
PLAINFIELD NH GES PEC	2018-09-19 20:04
PLAINFIELD NH GES PEC	2018-09-20 17:35
PLAINFIELD NH GES PEC	2018-09-21 20:05
PLAINFIELD NH GES PEC	2018-09-23 20:37
PLAINFIELD NH GES PEC	2018-09-24 18:20
PLAINFIELD NH GES PEC	2018-09-25 21:28
PLAINFIELD NH GES PEC	2018-09-26 19:53

PLAINFIELD NH GES PEC	2018-09-27 17:54
PLAINFIELD NH GES PEC	2018-09-28 18:54
PLAINFIELD NH GES PEC	2018-09-30 19:00
PLAINFIELD NH GES PEC	2018-10-01 16:22
PLAINFIELD NH GES PEC	2018-10-02 20:17
PLAINFIELD NH GES PEC	2018-10-03 20:29
PLAINFIELD NH GES PEC	2018-10-04 19:27
PLAINFIELD NH GES PEC	2018-10-05 14:07

Stop Destination	Actual Stop Arrival
PLAINFIELD NH GES PEC	2018-12-03 09:42
PLAINFIELD NH GES PEC	2018-12-07 09:21
PLAINFIELD NH GES PEC	2018-12-10 08:38
PLAINFIELD NH GES PEC	2018-12-14 07:23
PLAINFIELD NH GES PEC	2018-12-13 23:22
PLAINFIELD NH GES PEC	2018-12-18 10:43
PLAINFIELD NH GES PEC	2018-12-21 06:10
PLAINFIELD NH GES PEC	2018-12-23 17:30
PLAINFIELD NH GES PEC	2018-12-27 04:41
PLAINFIELD NH GES PEC	2018-12-28 10:00
PLAINFIELD NH GES PEC	2018-12-02 16:54
PLAINFIELD NH GES PEC	2018-12-03 11:53
PLAINFIELD NH GES PEC	2018-12-04 21:07
PLAINFIELD NH GES PEC	2018-12-06 19:39
PLAINFIELD NH GES PEC	2018-12-07 19:17
PLAINFIELD NH GES PEC	2018-12-09 17:37
PLAINFIELD NH GES PEC	2018-12-10 11:09
PLAINFIELD NH GES PEC	2018-12-11 22:29
PLAINFIELD NH GES PEC	2018-12-12 18:16
PLAINFIELD NH GES PEC	2018-12-14 21:15
PLAINFIELD NH GES PEC	2018-12-16 19:41
PLAINFIELD NH GES PEC	2018-12-17 11:44
PLAINFIELD NH GES PEC	2018-12-18 17:17
PLAINFIELD NH GES PEC	2018-12-19 17:30
PLAINFIELD NH GES PEC	2018-12-20 16:37
PLAINFIELD NH GES PEC	2018-12-21 11:27
PLAINFIELD NH GES PEC	2018-12-23 10:34
PLAINFIELD NH GES PEC	2018-12-24 07:05
PLAINFIELD NH GES PEC	2018-12-26 12:44
PLAINFIELD NH GES PEC	2018-12-27 22:06
PLAINFIELD NH GES PEC	2018-12-28 11:25

---

**From:** Gooden, Jason G {FLNA}  
**Sent:** Thursday, January 24, 2019 11:55 AM  
**To:** Hebert, Matthew {FLNA}; Hathoot, Russell {FLNA}  
**Subject:** RE: Plainfield, NH deliveries

# SEPTEMBER 2018

SEPTEMBER	SUNDAY	MONDAY	TUESDAY
<b>2018</b> Items To Remember This Month  _____ _____ _____ _____ _____	<b>DATES TO REMEMBER</b> September 3 - Labor Day September 10 - Rosh Hashanah (Jewish New Year) September 11 - Rosh Hashanah (Jewish New Year) September 17 - Quarterly Estimated Federal Income Tax Payment Due September 19 - Yom Kippur September 24 - Sukkot (First Day of Tabernacle)		
	2	3 Labor Day	4
		<b>10</b> Rosh Hashanah (Jewish New Year) 12:07 AM 04:39 PM	<b>11</b> Rosh Hashanah (Jewish New Year) 5:39 PM
		<b>16</b> 6:53 PM	<b>17</b> Quarterly Estimated Federal Income Tax Payment Due 5:05 PM
<b>23</b> 8:37 PM _____ _____ _____ _____ _____	<b>24</b> Sukkot (First Day of Tabernacle) 6:20 PM	<b>25</b> 9:28 PM	<b>30</b> 7:00 PM

# SEPTEMBER 2018

WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1
			8
5	6	7	
<b>12</b> 10:09 PM	<b>13</b> 04:13 AM 05:22 PM	<b>14</b>	<b>15</b>
<b>19</b> Yom Kippur 8:04 PM	<b>20</b> 5:35 PM	<b>21</b> 8:05 PM	<b>22</b>
<b>26</b> 7:53 PM	<b>27</b> 8:54 AM	<b>28</b> 6:54 PM	<b>29</b>

**OCTOBER 2018**

OCTOBER 2018		SUNDAY	MONDAY	TUESDAY
Items To Remember This Month			1 4:22 PM	2 8:17 PM
		7 8:21 PM	8 Columbus Day Canadian Thanksgiving 2:07 PM	9
		14 7:18 PM	15 11:06 PM	16 5:00 PM
		21	22 10:09 PM	23 6:47 PM
		28 5:59 PM	29	30 <del>9:12 PM</del>

**OCTOBER 2018**

WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
3 8:29 PM	4 7:27 PM	5 2:07 PM	6
10 4:53 PM	11 8:52 PM	12 5:36 PM	13
17 5:02 PM	18 6:55 PM	19 5:00 PM	20
24 8:55 PM	25 8:29 PM	26 6:45 PM	27
31 Quarterly Form 941 Return Due Federal Unemployment Tax Deposit Due 9:12 PM	<b>DATES TO REMEMBER</b> October 8 - Columbus Day - Canadian Thanksgiving October 31 - Quarterly Form 941 Return Due - Federal Unemployment Tax Deposit Due		

# NOVEMBER 2018

NOVEMBER 2018	SUNDAY	MONDAY	TUESDAY
<b>Items To Remember This Month</b>      	<b>DATES TO REMEMBER</b> November 4 - Daylight Saving Time Ends November 6 - Election Day November 11 - Veterans' Day November 12 - Veterans' Day observed in some states November 22 - Thanksgiving Day		
	4 Daylight Saving Time Ends 9:16 PM	5 8:24 AM 11:36 AM	6 Election Day 5:02 PM
11 Veterans' Day 5:14 PM	12 Veterans' Day observed in some states 5:12 AM 10:51 AM	13 3:11 PM	
18 5:15 PM	19 2:36 PM	20	
25 4:27 PM	26	27	

WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
7 10:12 PM	1 6:07 PM	2 8:46 PM	3
14 11:09 PM	8 10:22 PM	9 3:11 AM 11:38 AM	10
15 4:23 AM 11:09 PM	16 5:46 PM	17	
21 12:23 AM 7:11 PM	22 Thanksgiving Day	23 4:00 PM	24
28	29	30	31

# NOVEMBER 2018

**DECEMBER 2018**

DECEMBER 2018	SUNDAY	MONDAY	TUESDAY
<b>Items To Remember This Month</b> December 3 - First Day of Hanukkah December 25 - Christmas Day December 26 - Kwanzaa (An African-American Celebration of Family, Community & Culture)	<b>DATES TO REMEMBER</b>		
	2 4:54 PM	3 First Day of Hanukkah 9:42 AM	4 9:07 PM
	9 5:37 PM	10 8:38 AM 11:09 AM	11 10:29 PM
	16 7:41 PM	17 11:44 AM	18 10:43 AM 5:17 PM
	23 5:30 PM 10:34 AM	24 7:05 AM	25 Christmas Day
	30	31	

WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1
5	6 7:39 PM	7 9:21 AM 7:17 PM	8
12 6:16 PM	13 11:22 PM	14 7:23 AM 9:15 PM	15
19 5:30 PM	20 4:37 PM	21 6:10 AM 11:27 AM	22
26 Kwanzaa (An African-American Celebration of Family, Community & Culture) 12:44 PM	27 4:41 AM 10:06 PM	28 10:00 AM 11:25 AM	29

**DECEMBER 2018**



**PLAINFIELD ZONING BOARD OF ADJUSTMENT  
NOTICE OF DECISION**

Bart Industries Inc  
14 Spencer Drive  
Bellows Falls, Vt. 05101

**Case 17-10**

You are hereby notified that the appeal by **Bart Industries** of Bellows Falls Vermont for special exception #35 Approved Business Project to build/operate a 3,500 sq ft dry food storage/distribution facility at #360 Route 12A (tax map 218 lot 10) has been **granted** by the affirmative vote of at least three members of the Zoning Board of Adjustment. In reaching this decision, the Zoning Board has relied on the representations made in the application and testimony received at the September 11th 2017 public hearing.

**As part of its review of this application the board made the following findings:**

- 1) As represented on the town's tax maps the parcel is 3.5 acres in size with 680' of road frontage along Route 12A. The property is zoned Rural Residential.
- 2) The Plainfield Zoning Ordinance requires that businesses of this size and scale be located on a state highway. Route 12A is a state highway.
- 3) The neighborhood is a mix of residential and agriculture uses along with a commercial automotive garage. The agricultural businesses include a retail farm stand with daily deliveries and shipments of agricultural commodities and retail pick your own apple orchard.
- 4) The scale of the proposed use is a once a day delivery of dry food by a tractor trailer sized truck. Up to ten smaller retail delivery trucks are loaded in the morning and leave the facility returning at night. The retail delivery truck process is then repeated six days per week generally between the hours of 6am to 6pm.
- 5) Lot coverage for the proposed use has been represented at 19%. A maximum coverage of 20% is allowed.
- 6) The application satisfied the general performance standards for all special exceptions as outlined in section 5.6 II of the 2016 zoning ordinance.
- 7) The application satisfies the specific standards for an Approved Business Project, section 3.5 of the 2016 zoning ordinance.

**Approval Conditions:**

- 1) Successful completion of the Site Plan Review process with the Planning Board with an emphasis on screening the proposed use from the residences to the northwest and southwest.

- 2) Prolonged idling of delivery trucks is not permitted.
- 3) Prior to occupancy, the project must obtain a certificate of occupancy from the town's building inspector.
- 4) The use to be monitored by the Town's Zoning Administrator. Any substantive deviation from the application or increase in the scale of the use will require additional town review.



Richard Colburn, Chairman  
Zoning Board of Adjustment

Date: 16 Sept 2017