



*Town of Plaistow ♦ Board of Selectmen*  
*145 Main Street ♦ Plaistow ♦ NH ♦ 03865*

**Plaistow Board of Selectmen Minutes**

**Date:** February 26, 2024

**Meeting Called to Order:** 6:01 P.M.

**Roll Call:**

Select Chairman, Bill Coye – Present  
Select Vice Chairman, Jay DeRoche – Excused  
Selectman, Darrell Britton – Present  
Selectman, Jonathan Gifford – Present  
Selectwoman, Tammy Bergeron – Present

Also present: Town Manager, Greg Colby, and Administrative Specialist, Beth Hossack.

Chair Coye reads the following statement:

It has come to the Select Board's attention that allegations have been made that the Town's handling of petitioned warrant articles during the 2024 Town Meeting was and has been improper.

The first allegation is that a petitioned warrant article that sought to "amend the Zoning Ordinance" to make the members of the Zoning Board of Adjustment elected, as opposed to appointed ("the ZBA Petitioned Article"), was improperly amended at the Town's deliberative session. The allegation is that, as an "amendment" to the Town's Zoning Ordinance, the ZBA Petitioned Article had to be placed on the Town's ballot as submitted. The second allegation is that a petitioned warrant article that sought to amend the Zoning Ordinance to establish a new "Agricultural Overlay District" ("AOD Petitioned Article") was improperly summarized when it was placed on the Town's warrant.

The Board disagrees with these allegations.

To provide a brief overview of the law, RSA chapter 675 provides specific protocols for amending "[z]oning ordinances proposed under RSA 674:16." A zoning ordinance adopted under RSA 674:16 is one that "regulate[s] and restrict[s]:"

- (a) The height, number of stories and size of buildings and other structures;
- (b) Lot sizes, the percentage of a lot that may be occupied, and the size of yards, courts and other open spaces;
- (c) The density of population in the municipality; and

(d) The location and use of buildings, structures and land used for business, industrial, residential, or other purposes.”

A zoning ordinance can also include innovative land use controls under RSA 675:21, housing moratoriums under RSA 674:22, and regulations on accessory uses.

If there is a proposal to amend a regulation or restriction related to the use of land as reflected in RSA 674:16 then the Town must follow a statutory process for the amendment of the zoning ordinance to place that article on the ballot. That process includes conducting public hearings with the Planning Board under RSA 675:3.

If there is a petitioned article that seeks to amend a zoning ordinance enacted under RSA 674:16, the Planning Board must still hold a public hearing and that petitioned article must be put on the ballot in the same manner provided in RSA 675:3, VII. RSA 675:3, VII allows for the placement of a zoning ordinance amendment either (a) as written in its entirety or (b) using a “topical description of the substance of the amendment.”

This process does not apply to all petitioned warrant articles, even those that are inaccurately labeled as an “amendment” of the Zoning Ordinance.

On the first allegation, regarding the ZBA Petitioned Article, how a municipality chooses its members of its Zoning Board of Adjustment is not a zoning ordinance amendment subject to the laws discussed above. Rather, that process is governed by RSA 673:3, which states, in part:

**A local legislative body which has previously provided for the appointment of zoning board of adjustment members may rescind that action by majority vote and choose to elect board members.**

The ZBA Petitioned Article, therefore, was not an amendment of the zoning ordinance that had to be put on the ballot as presented and it was subject to amendment by the deliberative session in the same manner as any other non-zoning warrant article.

Regarding the allegation that the Town could not summarize the AOD Petitioned Article, the Town also disagrees. As described above, RSA chapter 675 allows for the Town to use a “topical description” for even petitioned amendment. When a proposed amendment is lengthy, using a topical description is appropriate. To do otherwise, would require the Town to use a ballot that is nearly double the original size and which would involve printing costs that are far higher.

The Board understands that there may be some disagreement with how the AOD Petitioned Article was summarized and that it was summarized at all. The AOD Petitioned Article clearly identifies the various locations where the full text of the article can be reviewed. Printing the AOD Petitioned Article in its entirety would have added twelve (12) pages to the Town’s ballot that the Town would have to print thousands of times over. The Board, therefore, believes that it prudently exercised its discretion in using an appropriate topical description of the AOD Petitioned Article and keeping the ballot manageable and concise for the voters.

## **Public Hearing**

Chair Coye opens the Public Hearing at 6:09 P.M.

The grant is from the State of New Hampshire and consists of an additional highway block grant in the amount of \$43,892.12 and bridge aid in the amount of \$31,739.76 for a total of \$75,631.88.

Town Manager G. Colby states the State of New Hampshire did something very similar two (2) years ago. The money cannot be used to supplement the budget, it is for something not appropriated in the budget.

Chair Coye open the hearing for questions.

Ryan Labrecque, 174 Main St. wants to confirm the grant cannot be used for current expenses.

Town Manager G. Colby replies that is correct it must be spent on something over and above budget items. We do have an immediate need to replace a highway truck. The frame is cracked. It was repaired once before, and it recently cracked again. It can no longer be used for plowing.

Mr. Labrecque asks how it is decided on where the money should be spent.

Town Manager G. Colby replies the Board of Selectmen have that authority.

Mr. Labrecque is concerned that the Town spends a lot on new vehicles, while keeping the old ones for a different purpose which costs money to maintain. He believes we should be more frugal.

Selectman Britton states we are being resourceful by repurposing vehicles. They can still be used in a different capacity, and we own them.

Nolan Pelletier 24 North Ave agrees with Mr. Labrecque. He believes the Town needs to be more frugal. He wants to know what happens with the money in the CIP account if we buy the truck with grant money.

Town Manager G. Colby replies, the money will stay in the CIP account to be used in the future.

As there are no more questions Chair Coye closes the public hearing at 6:18 P.M.

***Selectman Britton motions to accept the special highway block grant in the amount of \$43,892.12 and a bridge aid payment in the amount of \$31,739.76 for a grand total of \$75,631.88. The grant is from the State of New Hampshire, Department of Transportation in accordance with House Bill 2. Seconded by Selectman Gifford.***

***Vote: 4-0-0***

***Motion carries.***

## **Town Report Dedication**

Dee Voss, Special Projects Coordinator is happy to announce the Town of Plaistow 2023 Annual Report is dedicated to all the volunteers at the Saint Luke's Parish Food Pantry. The food pantry is a year round provider of food including special holiday meals for many people in our community.

Plaistow is very fortunate to have such a dedicated group of people helping others.

Several food pantry volunteers are present to accept the dedication plaque.

Chair Coye read a statement from Marie Farren who runs the pantry but was not available to attend the meeting tonight.

"I do apologize as there was an email sent I believe on Wednesday. It is an honor and a very nice gesture to recognize the pantry workers. As a group, we try very hard to help those in our community, not only with supplemental food orders, but with support through our back to school program, the Christmas giving tags, and the holiday dinner baskets for families and dinner meal plates for seniors from Early Bird. We are so grateful for the continuous support we receive from

individuals and groups in our community to help us help others. It has been a very rewarding experience personally for both Joe and I, and our entire group of food pantry volunteers. Although we cannot be there in person due to a Christmas gift from our kids, please express our gratitude to the selectmen for this recognition. It is an honor to be able to help others. I let the other volunteers know and I believe a good group will show up to represent the pantry on Monday night. Thank you again. Marie.”

### **North Ave Speeding Discussion**

Chief Santoro introduces himself and thanks the Board for inviting him to the meeting. Chief Santoro states several actions have been taken to address speeding on North Ave. Some of them include:

- I ordered random traffic enforcement to be conducted on all shift officers in that area.
- Various officers have spoken to Mr. Barnes about his concerns while they have been conducting traffic enforcement.
- We have provided copies of reports to Mr. Barnes regarding speeding complaints on North Avenue.
- Captain Mazza has downloaded data from the solar speed sign, and we reviewed the information.
- Requested that the highway department move the solar pole mounted speed sign from the west side of the street to the east side of the street so it will capture speeds and data for eastbound traveling vehicles.
- Had the Plaistow Police Department portable speed board trailer moved to the side of the road and curtilage of 19 North Avenue to capture traffic traveling eastbound.
- Captain Mazza reached out to Haverhill PD to see if they could assist with traffic enforcement on their section of North Avenue.
- I called and spoke to Mr. Barnes and discussed his concerns at length.
- Sgt. Coakley has determined that the portable speed board trailer’s large display panel is broken, and the repairs are beyond value and use. The unit does function normally other than that.
- Sgt. Coakley is in the process of obtaining quotes for a replacement portable speed board trailer.
- Sgt. Coakley tried to borrow a portable speed board trailer from a neighboring police agency however no other agency was willing to have their sign out in the winter weather.
- We have responded to two (2) separate 911 calls, on different dates, to the area of North Avenue for incidents involving Mr. Barnes. These incidents are being investigated.
- The highway department could not move the sign but instead turned it around to capture eastbound traffic.

The highway department has done an assessment regarding the placement of road signage. Highway Supervisor Dan Garlington met with Mr. Barnes. He will install a second speed board on North Avenue. It will be taken out of another neighborhood temporarily.

Chief Santoro contacted the Sheriff’s department, and they will assist in traffic enforcement on North Avenue too.

The majority of vehicle crashes in town occur on Route 125. The next roadway for accidents is Main Street.

Selectwoman Bergeron mentions the speed limit on the Plaistow portion of North Avenue and the Haverhill portion are different. It might be advantageous for them to be the same.

George Barnes 19 North Avenue states he has lived in Plaistow for 27 years and the traffic and speeding on North Avenue is getting worse. He has talked to the Police Chief, has attended many Board of Selectmen's meetings and the recent Highway Safety Advisory Committee meeting. The situation is very bad, and he wants something done.

Nolan Pelletier 24 North Avenue states the data sets from the signboard are incorrect. When two cars are passing by going in opposite directions the signboard is not capturing the information. He states bringing out your trash is a life and death situation. It is dangerous. He has replaced his mailbox many times. Now he just fixes it with anything he can to avoid buying new ones. He is always finding car side mirrors in his front yard. He understands it is difficult to correct and he appreciates Town officials are trying to help however it is a big problem.

Selectman Britton states it is hard working with the State. For many years, he has had concerns with the intersection of North Avenue and Main Street. It is frustrating.

Selectwoman Bergeron agrees speeding is a problem. It is not just on North Avenue. Since North Ave is a State Road she recommends writing letters to State officials.

Mr. Pelletier thinks it is more effective to come from local officials not just residents.

Rob Burns 27 North Avenue wants to know how many speeding tickets have been issued on North Avenue. The fees from issuing tickets should pay the salary for another law enforcement officer.

Chief Santoro states all revenue from tickets goes to the State. It does not come back to the Town.

### **Discuss the Intersection of Westville Road and Main Street**

Town Manager G. Colby states following the fatal accident last summer he sent a letter to the New Hampshire Department of Transportation (NHDOT). They agreed to study the intersection. A few months ago, five engineers from NHDOT joined Highway Supervisor Dan Garlington and Town Manager G. Colby to watch the intersection. They spent about an hour and a half in the rain watching traffic. They were amazed at some of the issues they saw. Cars were pulling out and turning without a clear view. Some cars used the store property as part of the road. It was a mess. Some possible solutions include a roundabout, lights or a 4-way stop. As a trial the Town is going to put a temporary island in at the end of Westville Road near Main Street. This will happen in the first week of April. The island will allow 1 lane of traffic in each direction. The State of NH is working with other states on traffic issues. So far one of the items they prefer is a 4-way stop. This might be tried in Plaistow as a test intersection to see how helpful it will be. It would also include a 4-way stop at the intersection of North Avenue and Main Street as well as West Pine and Main Street. With three intersections in a row with a 4-way stop it will probably deter some traffic to stay on Route 125. Highway Supervisor Dan Garlington states the traffic lights on Route 125 will need to be synchronized to make traffic want to move there. There is consensus amongst the Board to try the temporary island. It should be announced ahead of time to make the public aware.

### **Public Comment**

Ryan Labrecque 174 Main Street has a comment on the opening statement read by Chair Coye. He believes it was a conflict of interest for the current ZBA Chair to amend the citizen's petition warrant article for ZBA members from elected to appointed at the deliberative session.

Selectman Britton states it was not improper.

Town Manager G. Colby states the people who attended the deliberative session voted. They are the ones who actually amended the article.

Mr. Labrecque's second point is why the agritourism warrant article was not discussed at the deliberative session.

Town Manager G. Colby states no ZBA warrant articles are amendable at deliberative session per state law.

Mr. Labrecque's third point is why do we close Town Hall every time there is one flake of snow?

Town Manager G. Colby states it was done for public safety. The predicted forecast was for heavy snow from 7A.M to 2P.M. There is not enough maintenance staff to keep all the buildings shoveled and safe for the public.

Mr. Labrecque's fourth point is why is Town Hall not open five (5) days per week? How can that change and who is in charge of making the change? He feels budgets are always increasing and services are decreasing.

Town Manager G. Colby states he is responsible for determining Town Hall hours for most staff. He will take Mr. Labrecque's request under advisement.

Mr. Labrecque's fifth point concerns the current four (4) day work week. Does that apply just to Town Hall or all departments?

Town Manager G. Colby replies, the highway department works five (5) days a week eight (8) hours a day in the winter. In summer months they switch to four (4) ten (10) hour days.

Mr. Labrecque believes the hours should be the way they used to be before the covid pandemic.

### **Rockingham Planning Commission (RPC) Transportation Advisory Committee (TAC)**

#### **Appointment Recommendation**

Recently the Rockingham Planning Commission notified Plaistow's Planning Board that the appointee to their Transportation Advisory Committee (TAC) has expired. At the Planning Board Meeting of February 7, the board unanimously voted to recommend Tim Moore be reappointed to the committee.

***Selectman Britton motions to appoint Tim Moore as the Town's representative to the Rockingham Planning Commission (RPC) Transportation Advisory Committee for a term of two (2) years. Seconded by Selectman Gifford.***

***Vote: 4-0-0***

***Motion carries.***

David Tellier 17 Wildbrook Dr. used to be a traffic engineer. He was recently appointed to the Highway Safety Advisory Committee as a citizen's representative. He has lived in town for 7 years and is looking forward to being involved.

## **Approve Consent Agenda**

### **Item Description**

1. Accounts Payable Manifest week of February 8<sup>th</sup>, 15<sup>th</sup>, 22<sup>nd</sup>, and 29<sup>th</sup>, 2024.
2. BOS Draft Minutes of January 29<sup>th</sup>, 2024.
3. BOS Post Deliberative Session Draft Minutes of February 3<sup>rd</sup>, 2024.
4. Raffle Permit – Pollard PTA
5. Three (3) Veterans' Tax Credit Applications
6. Five (5) 2023 Tax Abatement Application
7. One (1) 2022 Tax Abatement Application
8. Warrants for Highway Safety Advisory Committee Citizen Representatives - Sam Cafiso, Barbara Buri, David Tellier and Matt Sullivan as an alternate member.
9. Add on item – Warrant for Elizabeth Kosta to be appointed to the Energy Committee.

***Selectman Britton motions to approve the consent agenda with #9 as an add-on. Seconded by Selectwoman Bergeron.***

***Vote: 4-0-0***

***Motion carries.***

## **Town Managers Report**

- The server project has been ongoing for almost a year. We are wrapping up the final aspects.
- The septic system at the Public Safety Complex (both the police and fire sides) is almost complete.
- Attended the Highway Safety Advisory Committee Meeting last Thursday. A new Chair and Vice Chair were elected.
- Working on some personnel matters
- Working with the Town Attorney on a few code enforcement issues.
- The fire department has hired paramedics who completed a two week training in critical care. There is quite a bit of interest in the paramedic positions even though some places pay more than Plaistow. The ambulance service will start on March 1. The ambulance we ordered will not be in by March 1 however we have the old ambulance and will borrow one from Salem. The new ambulance should be delivered by the second week in March.

## **Potable Water Update**

- Water tests have been good. We are waiting for notice from the State agreeing with our test results.

## **Selectmen's Reports**

### **Selectman Gifford**

- The Junior Firefighters are doing a wonderful job. Recently three (3) of them became Lieutenants.
- The Historical Society is doing well with new leadership.
- Attended the Highway Safety Advisory Committee Meeting
- Will attend the upcoming Recreation Commission and Old Home Day Committee Meetings.

Selectwoman Bergeron – nothing to report.

Selectman Britton - nothing to report.

Select Chair Coye

- Attended the Recreation Workshop Meeting. They are looking for volunteers.
- The last Planning Board Meeting was canceled.
- Attended the Highway Safety Advisory Committee Meeting.
- Will attend the upcoming Old Home Day Committee Meeting.

Selectman Gifford states the Old Home Day Committee is looking for volunteers. The event will be three (3) days to celebrate the 275<sup>th</sup> Birthday of the Town and on Sunday of the same weekend the Lions Club will celebrate their 75<sup>th</sup> Birthday with an event at Selectman Gifford's house. This event will be open to the public.

As there is no further business before the Board, Chair Coye adjourned the meeting at 7:38 P.M.

Respectfully submitted,

Beth Hossack,  
Administrative Specialist