



**Town of Plaistow, NH
Office of the Planning Board
145 Main Street, Plaistow, NH 03865**

**PLANNING BOARD MINUTES
January 24, 2018**

Call to Order: 6:30 p.m.

ROLL CALL: Tim Moore, *Chair*
Gennifer Silva, *Vice Chair, Excused*
Laurie Milette
Lisa Lambert
Steve Ranlett, *Selectman Ex-Officio, Absent*
Geoffrey Adams, *Alternate*
Chantel Boudreau, *Alternate, Excused*
Julian Kiszka, *Selectman Rep Alternate (arrived at 6:52 PM)*

Also present was: Dee Voss, *Planning Coordinator* and P. Michael Dorman, *Chief Building Official*

T. Moore appointed G. Adams as a voting member for G. Silva

Agenda Item 2: Minutes

Minutes of December 6, 2017

L. Lambert moved, second by L. Milette, to approve the minutes of the December 6, 2017 meeting. There was no discussion on the motion. The vote was 4-0-0 U/A.

Minutes of December 20, 2017

L. Lambert moved, second by L. Milette, to approve the minutes of the December 20, 2017 meeting. There was no discussion on the motion. The vote was 4-0-0 U/A.

Minutes of January 3, 2018

L. Lambert moved, second by G. Adams, to approve the minutes of the January 3, 2018 meeting. There was no discussion on the motion. The vote was 3-0-1 (Milette abstaining).

The T. Moore mentions the arrows in the caption of the zoning map did not line up properly. This has been noted and the change will be made.

Public Hearings are continued from December 20, 2017 and January 17, 2018.

PB 17-19: An application from SEC Realty Trust, LLC for an amendment to the condominium site plan that would convert an approved business use to two (2) residential

condominiums. The property is located at 138 Newton Rd, Unit 33, Tax Map 70, Lot 21-33 in the ICR District. The applicant is the property owner of record.

T. Moore stated per request of Charlie Zilch, of SEC and Associates, representing SEC Realty Trust, LLC the Public Hearing for PB 17-19, scheduled for tonight, is continued to February 7, 2018.

Continued from November 29, 2017, December 20, 2017 and January 17, 2019:

PB 17-17: An application from Russell Libby for a Conditional Use Permit (omitted from first notice) and Site Plan for a mixed-use development to include several spec retail buildings (10,350sf & 7,150sf) and a 20,000sf garage/office use. The property is location at 88 Plaistow Rd, Tax Map 27, Lot 21 in the C1 District. MBT Holding, LLC is the property owner of record.

Michael Malynowski, Allen & Major Associates, Inc. and Jill Mann, Attorney for the applicant, were present for the application.

Discussion:

M. Malynowski explained the changes that had been made to the site plan based upon the engineer's peer review.

There was discussion regarding whether or not the Board could approve the site plan while there are still State permits pending. It was noted that precedent has been set by the Board to conditionally approve site plans when the only outstanding issues are State permits. It was also noted that receipt of State permits will be monitored by the Planning Office and the plan will not be recorded until app permits have been received.

J. Kiszka arrived at 6:52 pm

There was discussion about buses that are already parked on the site. It was noted that these are buses that are not currently in service, parked on the existing pavement and are operational, registered and insured.

J. Mann outlined the applicant's response to the elements for grating a CUP (Conditional Use Permit) noting the following:

- The CUP is essential to the use of the land in that it is the only way to access this portion of the property.
- The access is designed to minimize the impact to the wetlands. The design is a three-sided culvert that will be constructed in the wetlands buffer, not the wetlands.
- There is no feasible alternative route; this is the least impactful way to access the rear uplands that are encapsulated by wetlands.
- The driveway is not proposed as an economical alternative; again, there is no alternative route, economical or otherwise.

- The Conservation Commission agrees that all elements of a CUP have been met and they are not in opposition to the crossing.

There was discussion regarding the structure that is proposed to cross the wetlands. It is noted to be a three-sided structure that will go over the wetlands. The structure will not be in the wetlands, but will be set back far enough to only disturb the wetlands buffers. Variances have already been granted for wetlands buffer disturbances.

J. Kiszka questioned what impact salting the driveway will have on the wetlands.

M. Malynowski replied that the driveway will be curbed and the pavement pitched so that it is collected in the treatment swales.

There was discussion about snow storage and plowing. It was noted that there are small areas on the plan for snow storage, but for larger storms the snow will have to be trucked offsite.

G. Adams moved, second by J. Kiszka, to grant the Conditional Use Permit for the driveway crossing at 88 Plaistow Road.

There was discussion regarding granting a CUP without receipt of all outstanding State permits.

G. Adams amended his motion, second by J. Kiszka, to grant the Conditional Use Permit for the driveway crossing at 88 Plaistow Road with the following condition:

- ***Receipt of all required State of New Hampshire permits***

There was no additional discussion on the motion. The vote was 3-2-0 (Milette, Lambert dissenting).

Waivers:

M. Malynowski requests to waive the following Site Plan Review Regulations (SPRR):

SPRR 230-14.1(AA): To not show existing grades, drainage systems, structures and/or features outside of 100' of development area. Condition exists along north & northeast portions of the parcel which are inaccessible for development and is not anticipated to be disturbed as part of this project.

L. Lambert moved to grant the waiver request for SPRR 230-14.1.AA to the reason stated in the request, second by J. Kiszka.

Discussion:

Board discussed wording in the waiver requests. The Board asked that all waivers being requested tonight have the word "anticipated" removed from the language of the request.

There was no further discussion on the motion. Vote was 5-0-0. U/A.

SPRR 230-14.1(BB): To not show existing structures located on the site and for abutting properties outside of 100' of development area. Condition exists along north & northeast portions of the parcel which are inaccessible for development and is not anticipated to be disturbed as part of this project.

L. Lambert moved to grant waiver request for SPRR 230.14-1.BB for the reason stated in the request, second by J. Kiszka.

Discussion:

The Board discusses the language in the waiver request. The Board requests the words “is not anticipated to” be removed and replaced with “will not”. The Board discussed that other waivers have the same language and ask that all waivers have the word “anticipated” removed.

There was no further discussion on the motion. Vote was 5-0-0. U/A.

SPRR 230-14.1(CC): To not show existing septic or wells outside of 100' of development area. Condition exists along north & northeast portions of the parcel which are inaccessible for development and are not anticipated to be disturbed as part of this project.

J. Kiszka moved to grant waiver request for SPRR 230-14.1.CC for the reason stated in the request, second by L. Lambert.

Discussion:

The Board questions why the waiver is asking not to show existing septic or wells. M. Malynowski states the wells and septic are out of the area where the work is being done.

There is no further discussion on the motion. Vote was 5-0-0. U/A.

SPRR 230-23.A: To not provide a full 25 foot buffer where Commercial I land abuts a residential use. Condition exists at the secondary project egress to allow for the use of an existing NHDOT approved curb cut.

J. Kiszka moved to grant waiver request for 230-23.A for the reason stated in the request, second by L. Lambert.

Discussion:

The Board discussed the curb cut and if the existing curb cut meets the requirements for truck turning as set by NHDOT. (New Hampshire Department of Transportation). The Board expressed concern about state approval of additional curb cuts. It was noted by the Jill Mann, that NHDOT still needs to approve additional curb cuts. M. Dorman relays the pre-existing curbs cuts are “grandfathered in”. G. Adams questions under who’s authority. Mike Dorman and D.

Voss discussed with the Board that M. Dorman has the authority to “grandfather in” existing curb cuts.

There was no further discussion on the motion. Vote was 5-0-0. U/A.

SPRR 230-23.A(3)(b)[4]: To allow for a reduction in interior pavement landscape strip. Condition exists around area of proposed garage due to truck turning requirements to enter garage bays. Landscaping along perimeter buffer will be supplemented.

L. Lambert moved to grant waiver SPRR 230-23.A(3)(b)[4] for the reason stated in the request, second by G. Adams.

Discussion:

The Board asked about the percentage of pavement required and what will be used to buffer the perimeter. M. Malynowski explains the lot coverage for pavement. He relayed that evergreens or other like trees would be used and adds there are existing trees, shrubs etc.

There was no further discussion on the motion. Vote was 5-0-0. U/A.

SPRR 230-22.A(2): To allow for the placement of site light fixtures closer to the property line than formula of “height equal to or less than the value $3 + (D/3)$, where D is the distance in feet to the nearest property boundary”. Condition exists at three locations and placement of the lighting fixtures will be such that there will be no light trespass across the existing property lines.

L. Lambert moved to grant the waiver request for SPRR 230-22.A(2) for the reason stated in the request, second by J. Kiszka.

Discussion:

The board briefly discussed the formula language in the waiver; “height equal to or less than the value $3 + (D/3)$, where D is the distance in feet to the nearest property boundary”. D. Voss explains it is old language from the town’s regulations and should be disregarded. The board asks about the current regulations regarding the lighting. The board relays they want to make sure the lighting will not be intrusive to other properties.

There was no further discussion on the motion. The vote was 5-0-0. U/A

SPRR 230-14.1.YY: To not provide architectural elevations and renderings for the building within Phase 2 work at this time. A note shall be added to the final plat both acknowledging such waiver and stating architectural design plans of proposed Phase 2 building construction are to be submitted to and approved by the Planning Board prior to issuance of a building permit for construction of the same.

L. Lambert motions to grant waiver request SPRR 230-14.1.YY for the reason stated in the request, second by G. Adams. There was no discussion on the motion. Vote was 5-0-0. U/A.

The Board discussed the approval of the site plan and what State permits were still outstanding. D. Voss offered that as each State approval is received the Board will be notified via email.

It was noted that the site plan has been accepted as complete at a previous meeting and that the next step in the process would be whether or not to approve the site plan.

L. Lambert moved to approve the site plan for 88 Plaistow Road with the following condition(s):

- ***Receipt of all outstanding State permits***

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

It was noted that once all conditions of the approval are met and the plan is recorded, there will need to be a pre-construction meeting prior to any site work being done. There will also need to be a bond set, adequate escrow maintained for all inspections. It was also noted that there will be a Public Safety Impact Fees assessed prior to the issuance of a certificate of occupancy.

Continuation of the Public Hearing on Zoning Amendments

Proposed 2018 Zoning Amendments – Final Draft Warrant Language. It is noted that the draft presented incorporates changes recommended by Attorney Cleary.

It was noted that there would be a final public hearing on the proposed zoning amendment changes. This vote is to decide whether or not to post them to the Warrant with the current language.

Proposed Plaistow Zoning Amendment Z-18-01

Are you in favor of amending the Zoning Ordinance Article X, Home Occupation, § 220-66. Permitted Uses, by adding the use “Internet Sales” to Section A, as proposed by the Plaistow Planning Board?

Motion to post to the warrant Zoning Amendment Z-18-01 by G. Adams, second by L. Lambert. There was no discussion on the motion. Vote was 5-0-0 U/A

Proposed Plaistow Zoning Amendment Z-18-02

Are you in favor of amending the Zoning Ordinance Article V, Establishment of Districts and District Regulations, Table 220-32G, Integrated Commercial-Residential, B. Uses (2) Permitted commercial/industrial uses by adding a letter (z) Private/Public Schools, as proposed by the Plaistow Planning Board?

Motion to post to the warrant Zoning Amendment Z-18-02 by G. Adams, second by J. Kiszka. There was no discussion on the motion. Vote was 5-0-0 U/A

Proposed Plaistow Zoning Amendment Z-18-03

Are you in favor of amending the Zoning Ordinance Article V, Establishment of Districts and District Regulations, Table 220-32G, Integrated Commercial-Residential, B. Uses (3) Allowed by special exception by deleting the use “Care and treatment of animals” as a permitted use and by deleting all other references to “Care and treatment of animals” in the Integrated Commercial–Residential zoning district, as proposed by the Plaistow Planning Board?

Motion to post to the warrant Zoning Amendment Z-18-03 by L. Lambert, second by J. Kiszka. There was no discussion on the motion. Vote was 5-0-0 U/A

Proposed Plaistow Zoning Amendment Z-18-04

Are you in favor of amending the Zoning Ordinance Article V, Establishment of Districts and District Regulations, Table 220-32A, Industrial, B. Uses, by adding a (3) Care and treatment of animals as permitted use, as proposed by the Plaistow Planning Board?

Motion to post to the warrant Zoning Amendment Z-18-04 by L. Lambert, second by G. Adams. There was no discussion on the motion. Vote was 5-0-0 U/A

Proposed Plaistow Zoning Amendment Z-18-05

Are you in favor of amending the Zoning Ordinance Article V, Establishment of Districts and District Regulations, Table 220-32B, Commercial I, D. Special exception criteria for the use “Care and treatment of animals” by adding a number (11) to read “No structures, including but not limited to kennels and fenced animal play areas, shall be located within 500 feet of the property line.”, as proposed by the Plaistow Planning Board?

Motion to post to the warrant Zoning Amendment Z-18-05 by L. Lambert, second by G. Adams. There was no discussion on the motion. Vote was 5-0-0 U/A

Proposed Plaistow Zoning Amendment Z-18-06

Are you in favor of amending the Zoning Ordinance Article VI, Planned Residential Development (PRD), §220-48 Specific design requirements, G. PRD lot requirements, (3) by changing the words “Dwelling units” to “Foundations” so that the ordinance would read: “Foundations shall not be located any closer than 50 feet to each other”, as proposed by the Plaistow Planning Board?

Motion to post to the warrant Zoning Amendment Z-18-06 by L. Lambert, second by J. Kiszka. There was no discussion on the motion. Vote was 5-0-0 U/A

Proposed Plaistow Zoning Amendment Z-18-07

Are you in favor of amending the Zoning Ordinance Article VIII, Accessory Dwelling Units - ADUs, § 220-57 General Requirements be eliminating paragraph M as follows: ~~“M. For lots exceeding 160,000 square feet, an accessory dwelling unit may be added as a stand-alone structure provided all other provisions of this ordinance are met.”~~, as proposed by the Plaistow Planning Board?

Motion to post to the warrant Zoning Amendment Z-18-07 by L. Lambert, second by G. Adams. There was no discussion on the motion. Vote was 5-0-0 U/A

Proposed Plaistow Zoning Amendment Z-18-08

Are you in favor of amending the Zoning Ordinance Article III, General Provisions, §220-3. One building per lot by adding an exception for Accessory Dwelling Units under paragraph A, as proposed by the Plaistow Planning Board?

A. Not more than one house or other principal building or principal structure shall be placed on a lot.

(1) Exception: Accessory Dwelling Units (ADUs) are permitted provided all other requirements of Article VIII - Accessory Dwelling Units (ADUs) are met.

Motion to post to the warrant Zoning Amendment Z-18-08 by J. Kiszka, second by L. Lambert. There was no discussion on the motion. Vote was 5-0-0 U/A

Proposed Plaistow Zoning Amendment Z-18-09

Are you in favor of amending the Zoning Ordinance Article III, General Provisions, §220-3 One building per lot by deleting paragraph C as follows: **~~“C. In the ICR the dwelling unit shall be occupied by the owner of the business.”~~**, as proposed by the Plaistow Planning Board?

Motion to post to the warrant Zoning Amendment Z-18-09 by J. Kiszka, second by L. Lambert. There was no discussion on the motion. Vote was 5-0-0 U/A

Proposed Plaistow Zoning Amendment Z-18-10

Are you in favor of amending the Zoning Ordinance Article V, Establishment of Districts and District Regulations, §220-34 Dimensional requirements. B. Front yard regulations and exceptions by eliminating (5) as follows: **~~“(5) No accessory use or structure may occupy any part of a required front yard.”~~**, as proposed by the Plaistow Planning Board?

Motion to post to the warrant Zoning Amendment Z-18-10 by J. Kiszka, second by L. Lambert. There was no discussion on the motion. Vote was 5-0-0 U/A

Proposed Plaistow Zoning Amendment Z-18-11

Are you in favor of amending the Zoning Ordinance Article IX, Signs, §220-61. Temporary Signs B. Permit duration; content, size and fee. by deleting paragraph D as follows, as proposed by the Plaistow Planning Board?

~~“D. Temporary signs shall not be installed on in-ground posts or anything else of a visible permanent or semi-permanent nature.”~~?

Motion to post to the warrant Zoning Amendment Z-18-11 by G. Adams, second by L. Lambert. There was no discussion on the motion. Vote was 5-0-0 U/A

Proposed Plaistow Zoning Amendment Z-18-12

Are you in favor of amending the Zoning Ordinance Article X. Home Occupation, §220-67. Conditions be deleting portions of paragraph D, as proposed by the Plaistow Planning Board?

§ 220-67. Conditions.

Section to remain: D. The business use shall not change the residential character of the dwelling and the property, as proposed by the Plaistow Planning Board?

Section to be eliminated: ~~*Storage in an accessory building or exterior storage may be permitted by special exception granted by the Zoning Board of Adjustment. Exterior storage must be screened from neighboring views by either solid fence, evergreens of adequate height and bulk at the time of planting or by an existing combination of natural foliage and longer distances, to be determined sufficient by the Code Enforcement Office*~~

Motion to post to the warrant Zoning Amendment Z-18-12 by J. Kiszka, second by L. Lambert. There was no discussion on the motion. Vote was 5-0-0 U/A

Proposed Plaistow Zoning Amendment Z-18-13

Are you in favor of amending the Plaistow Zoning Ordinance to re-zoning parcels on Tax Map 24, Lot 42 (1 Main St); Lot 41 (3 Main St); Lot 40 (5 Main St) and Tax Map37, Lot 65 (7A Main St) from Commercial 2 designation to Commercial 1 designation, as proposed by the Plaistow Planning Board?



Motion to post to the warrant Zoning Amendment Z-18-13 by J. Kiszka, second by G. Adams. There was no discussion on the motion. Vote was 3-2-0. (L. Lambert and L. Milette vote no).

Proposed Plaistow Zoning Amendment Z-18-14

Are you in favor of amending the Plaistow Zoning Ordinance by making a housekeeping change by changing all occurrences of “Plaistow Fee Schedule” and “Plaistow Impact Fee Schedule to “Plaistow Planning Board Fee Schedule,” as proposed by the Plaistow Planning Board?

Motion to post to the warrant Zoning Amendment Z-18-14 by L. Lambert, second by G. Adams. There was no discussion on the motion. Vote was 5-0-0 U/A

Proposed Plaistow Zoning Amendment Z-18-15

Are you in favor of amending Article XIV, Impact Fees, of the Plaistow Zoning Ordinance by deleting the Fire Suppression Impact Fee, moving the methodologies to the Plaistow Planning Board Fee Schedule, adopting a new Recreational Facilities impact fee methodology, modifying the credits for various types of dwelling units and clarifying when each type of impact fee is assessed and collected, as proposed by the Plaistow Planning Board?

Motion to post to the warrant Zoning Amendment Z-18-15 by L. Lambert, second by G. Adams. There was no discussion on the motion. Vote was 5-0-0 U/A

Proposed Plaistow Zoning Amendment Z-18-16

Are you in favor of a new Article VII that will create an Affordable, Elderly, Rental Housing Overlay District? The age and income restrictions must be monitored and enforced by a state or federal agency. A density bonus would allow up to 6 dwelling units per 40,000 square feet on a lot with 160,000 or more square feet, as proposed by the Plaistow Planning Board?

It is noted that the complete text of Article VII will be included in the Planning Board Zoning Amendments Voter's Notes which will accompany the official ballot.

Motion to post to the warrant Zoning Amendment Z-18-16 by L. Lambert, second by G. Adams. There was no discussion on the motion. Vote was 5-0-0 U/A

Citizen's Petition submitted by Robert Zukas:

Are you in favor of amending the Plaistow Zoning Ordinance Article V, Establishment of Districts and District Regulations, Table 220-32F, LDR-Lowe Density Residential, C. Area and dimensions, (1) Minimum lot size by changing (1) Area 110,00 square feet to (1) Area: 80,000 square feet per dwelling unit?

The Board is informed by D. Voss there is a copy of the Citizens petition as well as signatures required to post/approve to post the Citizens Petition.

T. Moore explains the Citizen's Petition submitted by Robert Zukas. He informs the Board they each have a copy of a quick analysis that he did using some assessing data. It was noted that this would be the perfect conditions scenario if the lot sizing requirement would be changed from 110,000 to 80,000 and that additional information on slopes, soils and lot configurations could decrease the number of lots that would be created from the change.

Motion by G. Adams to recommend Citizens Petition, second by J. Kiszka.

Discussion:

The Board discussed the negative impact by allowing more homes to be built should this Citizen's Petition pass. J. Kiszka discussed with the Board the positive side of more tax money being generated from more homes being developed. T. Moore explains the impact of development of Residential homes, roadways etc.

There was no further discussion. Vote was 3-2-0 (L. Milette and L. Lambert dissenting).

Agenda Item 4: Approval of the Planning Board's Capital Improvements Plan (CIP)

T. Moore asks the Board to vote on the adoption of and approval of the 2018-2023 CIP (Capital Improvement Plan).

Motion by Lambert to adopt the Planning Board's 2018-2023 Capital Improvements Plan (CIP), second by L. Milette.

Discussion:

T. Moore discussed with the Board the "Bonding" language needs to be removed from the CIP.

There was no further discussion on the motion. The vote was 5-0-0. U/A

Communications and Updates:

D. Voss updates the Board on the impending sale of Goudreault Farm (80 Newton Rd). She informs the Board the new owner's intent is to keep it as a working farm with the possibility of a micro-brewery and restaurant.

D. Voss informs the Board that Timberlane School is enlarging the pond area to ensure a steady water source to water their fields.

Other Business:

There were no additional matters before the Board and the meeting was adjourned at 8:55 PM.

Respectfully Submitted,

Joyce C. Ingerson
Recording Secretary