



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

PLANNING BOARD MINUTES

May 1, 2019

Call to Order: The meeting was called to order at 6:30 PM

ROLL CALL: Tim Moore, *Chair*
Lisa Lambert, *Vice Chair*
Laurie Milette
James Peck
Francine Hart, *Selectman's Rep*
Geoffrey Adams, *Alternate*

Also present: John Cashell, *Planning Director*

Agenda Item 2a: Minutes of the April 17, 2019 Planning Board Meeting:

★ ***L. Lambert moved, second by J. Peck, to approve the minutes of the April 17, 2019 Planning Board Meeting. There was no discussion on the motion. The vote was 5-0-0 (U/A).***

Agenda Item 2b: Minutes of the April 17, 2019 Planning Board Meeting: Nonpublic Session:

T. Moore noted that if there were no changes to be made to the non-public minutes they could vote to approve them in the public session.

J. Peck noted that the non-public minutes did not have the vote to seal or the proper citation of the RSA that allows the minutes to be sealed.

F. Hart said that she recalled making the motion to seal and J. Peck added that he thought he had made the second.

J. Peck said that if the minutes stated the RSA for sealing the minutes he would make the motion to approve them

★ ***J. Peck moved, second by F. Hart, to approve the minutes of the April 17, 2019 Nonpublic Session with the addition of the RSA regarding sealing the minutes and the vote.***

Discussion:

L. Lambert asked about non-public procedures and questioned if the Board should be seeing the non-public minutes.

J. Peck noted that if the Board does not vote to seal the minutes that they are unsealed. He added that the vote to seal them is supposed to be made in public and that they didn't do that. J. Peck, noting that it had been a couple of weeks since the meeting, and that it was not the correct way to do so, suggested that the Board vote at this meeting to seal the minutes.

F. Hart added that when the Board of Selectmen go into a non-public session they state that they will be coming back into a public session, but only to vote whether or not to seal the minutes.

J. Cashell stated that the Board needed to be well versed on these procedures and that they would be part of the training that is offered on May 22. He added that the Board needed to remember that there limited reasons for the Board to be able to go into non-public and they can only talk about the reason cited in their motion to enter into non-public.

T. Moore noted that he should have stated on at the time that they were going into non-public that the Board would be only be coming back into public session to vote on whether or not to seal the minutes, which he did not do.

J. Peck suggested that they vote on the motion to approve the non-public minutes and then take a public vote to seal the minutes.

J. Cashell again cautioned that the Board needed to be cautious about the subject matters they discuss in non-public and that they follow all statutory procedures or it could lead to problems. He noted that if the Board intends to talk about someone other than a Board member, that person has the right to be in the audience and had the right to counsel.

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

**Agenda Item 2b: Sealing of the Minutes of the April 17, 2019 Planning Board Meeting:
Nonpublic Session:**

★ J. Peck moved, second by L. Lambert, to seal the minutes of the April 17, 2019 non-public meeting under RSA 91-A:3, III as divulgence of the information likely would affect adversely the reputation of any person other than a member of the board. There was no discussion on the motion. The vote was 5-0-0 (U/A).

Agenda Item 3: Master Plan Update:

Presented by: Steve Whitman, Resilience Planning & Design

S. Whitman offered:

- He met with T. Moore back in February 2019 to discuss where the Master Plan currently stands and what is needed moving forward.
- He stated that the goal of this meeting is to get some additional feedback and direction from the Board.
- In 2018, some outreach and engagement work was done as well as there being an Open House/Forum held at the library.
- He has provided the Board with a copy of the drafted chapters that were reviewed previously.
- The Introduction and Vision text hasn't changed, it has just been formatted using the format that the Board stated that they liked.
- The Approach on Page 3 was discussed with the Board back in 2018 and was refined with the help of T. Moore.
- There are three (3) major sections: Natural Environment, Built Environment, and Land Use.
- At the end of 2018 T. Moore and Dee Voss, Administrative Assistant, spent time proofing the Existing Land Use Map. There were issues with the Assessor's data.
- Population and Housing was updated to 2017 and was made to be more user friendly.
- There are not a lot of good quality photos of Plaistow available. S. Whitman is willing to take some photos, if needed.

S. Whitman offered that he will be coming back at the June 5, 2019 Board Meeting.

S. Whitman offered that the following chapters are still being worked on:

- Natural Resources
- Water Resources
- Recreation
- Community Facilities
- Transportation
- Creation of the Future Land Use chapter will be postponed until Build Out data is available.
- Implementation will be created last.

There was a discussion on whether or not there is a current contract for completing the Master Plan.

There was a discussion about there being some confusion among some members of the Board about whether or not it was agreed upon that the Master Plan updates would be completed yet.

It was discussed that the conversation ended previously such that it was agreed that S. Whitman would continue working on the Master Plan to get some of the work done so that there aren't long gaps of inactivity.

It was discussed that the Board would seek additional funding and assistance from either the Regional Planning Agency, or an outside agency that specializes in Corridor Studies, to be able to complete a Corridor Study for an Economic Development section. This would be completed as a completely independent study.

J. Cashell offered that it is very important that the Board become well educated on Zoning Ordinances and allowable land uses.

S. Whitman offered that most of the data available was fairly recent and that the majority of updates just had to do with the formatting. With the Build Out Analysis combined with Future Land Use and information taken from the outreach, we can start to look at the corridor to determine issues that need to be addressed.

J. Cashell offered the following:

- The Town will have municipal water soon.
- The Town is looking into tapping into the Haverhill, MA sewer system along Route 125.
- The Town is looking into improving the connection between Route 125 and Interstate 495.
- Infrastructure Improvements are needed before any higher density of economic development can take place.
- The reasoning behind economic development is because residents have expressed concerns about the Town having high tax rates. By engaging in economic development, more revenue will become available which will allow for a lower tax rate. The additional revenue can be used toward funding for the Police Department, Fire Department, School System, etc.

There was a discussion in regard to why the current tax structure is not working to the Town's advantage as far as commercial revenue is concerned. It was discussed that the Town needs to look into "Smarter Commercial Development". Some of the current commercial businesses in town are not high-grade revenue sources. The Board needs to determine what type of businesses are the best source of revenue and services to the community. There is currently no one available that researches businesses for quality commercial development opportunities.

F. Hart offered that the Board can choose to make “Town Villages” as allowed by Zoning Ordinances and still focus on a robust Route 125 corridor. There are improvements being made to address the current tax base such as: the BOS looking into new assessing software, a new Assessor, and doing commercial audits to make sure that the amount of commercial revenue coming in is correct.

The Board has agreed that the “Town Village” needs to be separated from the Route 125 corridor to protect the residential neighborhoods. It is important to preserve the natural resources and the quality of life for the residents. It was also stated that Route 125 is the Town’s economic backbone. However, the proper utilities such as municipal water and sewer are needed. The goal is to make a better community than what currently exists.

S. Whitman offered that the introduction of municipal water and sewer would open up new opportunities, regulations, and design guidelines. The Build Out Analysis would provide information for improvements.

There was a discussion that “big box” retail provided the least amount of revenue because they require more services such as Police and Fire because of increased crime such as shoplifting or medical emergencies. It was discussed that there are some circumstances where it is possible for the commercial business to offset costs for the Town such as Wal-Mart paying for an officer to be on site.

It was discussed that industrial businesses have the best revenue returns due to the high assessment value of the land and property, and they don’t require a lot of Town services.

J. Cashell offered that the Site Plan Approval for Exeter Med is a quality source of revenue and jobs.

S. Whitman asked for the Board’s approval to proceed with the Master Plan updates so that the process can move forward to get to Future Land Use. The following sections need to be updated:

- Natural Resources
- Water Resources (This section is already written, it just needs to be formatted.)
- Recreation
- Community Facilities
- Transportation
- History

S. Whitman offered a discussion about removing and moving Political History to the Appendix. The Board agreed. S. Whitman stated that he will need to work with the Board to fill in some holes in the information regarding Recreation and Community Facilities.

F. Hart offered a discussion and the need to look into the Recreation Department’s Strategic Plan disconnect regarding funding. She stated that for the past two (2) years, voters have turned down the Recreation Department’s Capital Improvement request for funding.

S. Whitman offered that there are items such as the existing facility’s programs, inventory deficiencies and needs, and Capital Improvements that need to be reviewed to create a vision and data to be plugged in that will help the voters understand what Recreation is and what its value is to the community.

The Board has agreed that S. Whitman should proceed with the Master Plan updates. There will also need to be a “road map” created to help plan for the Corridor Study.

J. Cashell offered that a “maintenance fly over of the Town” would provide a considerable amount of data for a minimal cost.

T. Moore offer that the total cost for the Master Plan and the Build Out Analysis is approximately \$35,000.

G. Adams offered a discussion regarding the accessibility to developed land from the State highway, Interstate 495. He stated that it is significant because of the way it is set up.

S. Whitman offered that accessibility would be addressed in the Existing Land Use and that judgement would be passed in Future Land Use which would push development.

There was a discussion regarding the Summer meeting schedule.

T. Moore offered that there is not typically a meeting the 1st Wednesday in July. There is no way to currently tell what might come up for the 3rd Wednesday in July. Currently there are a few topics expected to come up like the North Avenue Subdivision inquiry, the Haverhill Country Club, and possibly other potential subdivisions.

There was a discussion that the contract for the Build Out Analysis is based upon a fiscal year of July 2019 to June 2020.

S. Whitman offered to share some maps if it would prove helpful.

T. Moore stated that there is a need to make sure that any updates get forwarded to Assessing.

T. Moore will provide S. Whitman with a copy of the Build Out Analysis contract.

There was a discussion that updates to School Impact Fees and Public Safety Impact Fees will also be discussed.

T. Moore asked if the Board had any additional questions.

Agenda Item 4: Build Out Analysis - Rockingham Planning Commission (RPC) Contract:

T. Moore offered a brief review of the contract document provided to the Board for the Build Out Analysis contract from RPC. It was stated that the contract amount for the Fiscal Year is \$6,000.

T. Moore offered that there is currently \$20,000 left to from the 2018 and 2019 budget to apply toward the Master Plan and Build Up Analysis.

There was a discussion that since the cost for the Master Plan and Build Out Analysis are estimated at \$35,000, there is obviously not enough money to complete both in 2019 and therefore some of the work will have to be postponed and be paid for with funds from 2020.

T. Moore offered that the Plaistow Fiscal Year runs from January to December.

There was discussion that it was believed that an e-mail was sent out to the Board stating that there were funds available to pay for the Build Out Analysis.

T. Moore offered that a block grant may be available, but that it has not been confirmed.

F. Hart offered that there has been encumbered \$15,000 from 2018 and \$10,000 for 2019 for a total of \$25,000 available for the Master Plan. She suggested that since there is not enough money to complete the Master Plan in its entirety that the Board should consider prioritizing the phases and leave one (1) to two (2) phases to be completed in 2020.

There was a discussion that the Master Plan should be completed first and then the Build Out Analysis could be completed at any time. It was stated that the Build Out Analysis focuses primarily on residential areas.

There was a discussion on the possibility of working with the Regional Planning Agency to see if the Board can get additional funding for the Build Out Analysis. It was stated that the \$7,000 dues will have been paid. Therefore, all that is left is to figure out how to apply for Technical Assistance Hours.

T. Moore will speak with a Technical Assistance Staff Member at the Regional Planning Agency to inquire about how to apply for Technical Assistance Hours.

L. Milette asked if half can be paid in 2019 and the other half paid in 2020.

J. Peck asked if there is a way to determine how many working hours are calculated in to make up the \$6,000 cost of the Build Out Analysis. If there is a way to determine the number of hours then it would give the Board the ability to negotiate that equivalent number of hours needed as Technical Assistance Hours with the Regional Planning Agency.

L. Lambert stated that at previous Board meetings it has been repeatedly stated that there is no land left available for residential development. Because of this, she asked why the Board is paying for the Build Out Analysis if it will have no significant impact on residential growth.

J. Cashell offered that according to Paragraph 2 of the Build Out Contract document, it states that "the Build Out Analysis will be parcel based with a focus on residential areas. This effort will provide generalized non-residential development potential." He suggested that the Board would need to look at GIS maps to determine what land areas are left that can be developed.

F. Hart made a recommendation to the Board to continue working on the Master Plan and putting the Build Out Analysis on hold.

There was a consensus to move forward with the Master Plan and to hold off on completing the Build Out Analysis until a later date.

T. Moore offered that S. Whitman will come back before the Board in September 2019 to review Future Land Use and a Roadmap of other possibilities.

F. Hart asked if it would be beneficial to have a member of the Conservation Commission present at the Master Plan Meetings.

T. Moore stated that he will ask if a member of the Conservation Commission would like to be present for the Master Plan Meetings.

There was a discussion that a Draft Plan Outline with estimated costs for each phase of the Master Plan was provided to the Board at a previous meeting.

Agenda Item 5: Impact Fees Draft:

T. Moore offered that the Board has been provided with the draft of the Impact Fees completed by Bruce Mayberry, BMC Planning LLC. He stated that the Town budgeted \$8,000 for the updating of the Public Safety and School Impact Fees. The final bill will be approximately \$7,500. The Board will know by the end of June 2019 how much is left in the Impact Fee Account.

T. Moore asked if the Board had any questions.

T. Moore suggested that the Board ask questions directly to B. Mayberry when he comes to the Board Meeting the beginning of June 2019. Then once all questions are answered a Public Hearing can be scheduled for the end of July 2019 to adopt the Impact Fee Methodologies.

F. Hart offered that the school population is declining. She asked if there is a way that unneeded School Impact Fees could be used to offset the tax rate for the residents.

T. Moore offered the example that if the Town gets a bill from the School District for \$200,000 and \$20,000 has been collected in School Impact Fees, then the Impact Fees can be used to offset the bill such that the amount due would now be \$180,000.

There was a discussion that Impact Fees can only be used to pay down debt for expanding a school or building a new one.

L. Millette offered that the Performing Arts bond will be going away late 2019 to early 2020.

There was a discussion about inviting the BOS to be in attendance during the meeting held with Steve Buckley, Attorney at the NH Municipal Association (NHMA), and Bruce Mayberry, BMC Planning LLC. F. Hart offered to ask the BOS if they want to attend the meeting.

There was a discussion that the School District Report shows the amount collected in Impact Fees for four (4) towns.

J. Cashell offered a review of the legal process for collecting and utilizing School Impact Fees. He stated that the Board needs to review the proper legal process regarding Municipal Impact Fees.

F. Hart stated that she will look into defining the legal process for collecting and utilizing the School Impact Fees.

Agenda Item 6: Site Plan/ Subdivision Review:

T. Moore offered that the Site Plan/ Subdivision updates are not yet available. Therefore the review will be postponed for a future Board meeting.

Agenda Item 7: Old Business:

ProQuip (143 - 145A Plaistow Rd.) Site Walk:

It was discussed that there is a Site Walk scheduled for May 4, 2019.

It was discussed that anyone from the public who wants to join the Site Walk is allowed to. However, the Site Walk is to be treated like a guided tour and it is requested that the majority of questions and comments be saved for the next Public Hearing. It is unknown if a representative from Milton CAT will be in attendance.

It was discussed that there has been a list of visual and staking requests given to the Project Manager.

T. Moore stated that he will not be in attendance the day of the Site Walk.

Agenda Item 8: New Business:

a) Exeter Med - Bond Setting:

★ L. Lambert moved, second by F. Hart, to set the bond amount for the Exeter Med Real project at 127 Plaistow Rd. at \$116,734.77. There was no discussion on the motion. The vote was 5-0-0 U/A.

Phil Chaput, Senior Director of Facilities Planning and Project Management for Exeter Med Real was in attendance and offered to the Board that he has available a signed W-9 Form and a check for the amount of the bond. He also stated that the tentative ground breaking for the project is scheduled for May 20, 2019.

The Board asked P. Chaput to please come back to the Town Hall the following day and give the bond check and the W-9 Form to the business office so that it may be processed appropriately.

b) Escrow Release - AMCO (105 Plaistow Rd/ Golf Rides):

★ F. Hart moved, second by L. Lambert, to request that the escrow monies being held for the Golf Rides project at 105 Plaistow Rd. be released and returned to AMCO Realty Holdings, LLC. and the account closed. There was no discussion on the motion. The vote was 5-0-0 U/A.

c) Rockingham Planning Commission (RPC) Dues - Recommendation to the BOS:

★ J. Peck moved, second by F. Hart to recommend to the Board of Selectmen (BOS) that dues in the amount of \$7,705 be paid to the Rockingham Planning Commission (RPC), as requested. There was no discussion on the motion. The vote was 5-0-0 U/A.

F. Hart offered that she would bring the recommendation made by the Board to the BOS.

There was a discussion as to whether the Town is required to pay the requested dues or not. It was discussed that it is in the Town's best interest to pay the dues because the potential benefits substantially out weight the cost of the dues paid.

Agenda Item 9: Communications, Updates, & Other Business:

★ J. Peck moved, second by L. Milette, to make public the letter of opinion from Attorney Cleary of Wadleigh, Starr, and Peters, P.L.L.C, dated April 3, 2019, regarding the Zoning Determination relating to 143 Plaistow Rd, Tax Map 30, Lot 73 and 145A Plaistow Rd., Tax Map 30, Lot 72, and distribute the letter to all interested parties including the applicant and all abutters. There was no discussion on the motion. The vote was 3-1-1 (T. Moore opposed, F. Hart abstaining).

There was a discussion that the BOS ultimately makes the decision on how Zoning Determination information is distributed, whether it be posted to the Town website or mailed out.

It was discussed that the BOS can decided whether or not they will take action on a recommendation. However, before the BOS makes a decision on how to proceed with a recommendation they should consult with Town Counsel.

T. Moore offered that he agrees that the information should be made public. However, it should not be at a cost to the Town.

It was discussed that Zoning Determination Letters are available for review by the public at the Building Inspector/Code Enforcement office.

It was discussed that there is a gap in the RSA where the Zoning Officer makes a determination on whether a use is permitted. The Zoning Determination can be appealed within twenty (20) days. However, there is a problem that exists that nobody currently knows when a Zoning

Determination is made. It was discussed that perhaps it should be recommended to S. Buckley, by the Board, that there be a panel discussion on the procedure for the distribution of Zoning Determination Letters at a NHMA conference to see if the problem exists with other towns also and if a possible change needs to be made to eliminate the gap in RSA.

T. Moore asked if the Board had any additional questions or comments.

★ J. Peck moved, second by L. Lambert, to recommend to the BOS and the Town Manager that all Zoning Determination Letters have the specific ZBA 20 Day Rule of Appeals printed on it, along with the appeal process, and a procedure set up by which the letters are distributed immediately to the applicant, all abutters to the project, and the Planning Board, as well as posted on the Town's website. There was no discussion on the motion. The vote was 5-0-0 U/A.

There was no additional business before the Board and the meeting was adjourned at 9:23p.m.

Respectfully Submitted,
Samantha D. Cote
Recording Secretary