



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

**PLANNING BOARD MINUTES  
October 2, 2019**

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

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

Also present: John Cashell, *Planning Director*

T. Moore noted that he had received notice of resignation from L. Lambert.

★ ***T. Moore appointed G. Adams as a voting member in L. Milette's absence.***

**Agenda Item 2: Minutes of the September 18, 2019 Planning Board Meeting:**

★ ***F. Hart moved, second by J. Peck, to approve the minutes of the September 18, 2019 Planning Board Meeting. There was no discussion on the motion. The vote was 4-0-0 (U/A).***

**Agenda Item 3: Public Hearings:**

***Continued from September 18, 2019***

**PB 19-14: The completeness of an application from J.A.M.E.S. Industries NH, LLC (James Dagle) that seeks to consolidate three (3) existing parcels and amend the existing site plan(s) to a single site plan to include all three (3) parcels; change the use to a fleet service, storage and repair facility for an electric service business; and retain the existing residential uses. The plan also proposes additional paved parking/storage. The properties are located at 6, 8 and 10 Danville Road, Tax Map 29, Lots 11, 12 and 13 respectively, in the C1/Danville Overlay District. The applicant is the property owner of record. If the application is found to be complete, the Planning Board may immediately conduct the public hearing.**

T. Moore opened the Public Hearing.

Charlie Zilch, SEC & Associates, Inc. and James Dagle, Dagle Electrical Construction Corp. and J.A.M.E.S Industries NH, LLC. were present for the application.

C. Zilch thanked the Board for letting the applicant come back before the Board for approval of the consolidation and amended Site Plan application during a Planning Board Workshop Meeting.

C. Zilch offered a brief review of the application as discussed at the last Public Hearing. He stated that there are no real issues, just comments from Steve Keach, Keach-Nordstrom Associates Inc., that needed be addressed and followed up on. There may be a slightly different

interpretation of drainage calculations and a dry well upgrade. However, the end results will stay the same.

C. Zilch offered that there are no variances or State permits required and there are only two (2) waivers needed.

F. Hart initiated a discussion regarding the need for a log and documentation for proper maintenance of the drainage system.

It was discussed that the applicant will provide Material Safety Data Sheets (MSDS) and a copy of the maintenance log to the Planning Board and Mike Dorman, Building Inspector, each year.

J. Cashell provided C. Zilch with a copy of the draft motion for the approval of the Notice Of Approval for the project, dated October 2, 2019.

C. Zilch offered a brief review of the waivers needed for landscaping and the location of existing water wells and septic systems on abutting parcels.

**★ J. Peck moved, second by F. Hart, to approve the attached "Notice of Approval" dated October 2, 2019, for the Consolidated and Amended Site Plan for J.A.M.E.S. Industries NH, LLC., for the property located at 6, 8, and 10 Danville Rd., Tax Map 29, Lots 11, 12, and 13, Plaistow NH, as written/as amended, including the two (2) requested waiver motions included therein. There was no discussion on the motion. The vote was 4-0-0 (U/A).**

#### **Agenda Item 4: Zoning Amendment Review:**

T. Moore offered that D. Voss, Administrative Assistant asked the Board to lock in whether or not they will be moving forward with the suggested changes regarding each section of the "Suggestions for 2019-2020 Zoning Amendments" provided to the Board.

T. Moore offered a review of the following Suggestions for 2019-2020 Zoning Amendments:

##### **1. §220-9.1 – Location of residential driveways (page 14):**

###### Currently reads:

**§ 220-9.1. Location of residential driveways.** [Added 3-8-2005 ATM by Art. P-2; amended 3-11-2008 ATM by Art. P-08-22]

*All driveways in any residential district must be located within the frontage of the lot and comply with the rear and side setbacks as specified in Table 220-32I.*

###### Suggested Amendment:

**§ 220-9.1. Location of residential driveways.** [Added 3-8-2005 ATM by Art. P-2; amended 3-11-2008 ATM by Art. P-08-22]

- A. All driveways in any residential district must comply with the rear and side setbacks as specified in Table 220-32I.**
- B. Driveways for new lots, created by the subdivision of an existing parcel, must be located within the minimum frontage qualifying the lot for subdivision.**

*Or Alternately....*

- B. Lots created by subdivision, with frontage on more than one Class 5 road, may choose either frontage for the location of the driveway, provided that at least one of the frontages meets the minimum requirements of the district, and the new driveway meets all required setbacks from the side and rear property line as specified in Table 220-32I.**

(Reference – 3-lot subdivision, 108 Sweet Hill Rd)

T. Moore offered that Alternative B is the choice that makes the most sense.

There was a discussion that Alternative B is the most specific and comprehensive.

★ ***There was a consensus to use Alternative B, as stated.***

**2. Business Use Definition and Where to Allow (definitions on page 4, and Article V, district requirements, various districts, starts on page 24):**

It was suggested that there be a definition for “Tradesmen” to define the category for electricians, plumbers, HVAC techs and the like. Once the definition is finalized it then needs to be decided what districts these businesses will be allowed in and they need to be added to the permitted uses tables in those districts.

Currently there is no specific mention of these types of businesses even though we have them throughout the town and they are frequently confused with Contractor’s YARDS, which is something totally different in our definitions. Until now, tradesmen have been shoe-horned in as a “retail” use, because of how our current definition of retail is written:

*B. RETAIL BUSINESS — A business enterprise where goods and/or services are sold directly to the ultimate consumer.*

which is confusing as most people think retail as strictly “product sales.” There isn’t a specific permitted place for these types of businesses, it’s pretty fuzzy.

The suggestion would be to add a new “Business” use definition in Article II...

***G. TRADESMEN - A business enterprise which holds the necessary state and local licenses to provide trade services directly to the ultimate consumer. Such examples would be electricians, plumbers, HVAC contractors, and the like. This does not include businesses that would require outdoor storage or stockpiling of materials such as landscaping or building/construction contractors.***

***Recommendation is that Tradesmen be allowed as a permitted use in the I1, I2, C1, C2 and ICR (Commercial/Industrial and Combined tables) districts.***

Note: Tradesmen are specifically called out as permitted uses as a home occupation (Article X §220-66.C, see page 68) for the office function only. Those with home occupations are allowed two (2) commercial vehicles, not greater than a 1-ton capacity (per Article III, §220-13). There are no specifically defined places for them to relocate to when they outgrow the restrictions of a home occupation.

(Reference – 33 Newton Road – Change of use from motorcycle sales and service to powder coating and finishing in front building with no more than four (4) contractors/tradesmen in the back building).

There was a discussion that retail businesses sell products and that there needs to be a distinction made between retail and rentals.

★ ***There was a consensus for the word “rental” to be added to the definition of retail business and to also add the new business use definition for “Tradesmen”.***

**3. Permitted Uses Tables – Commercial II (page 31) and Village Center District (page 33):**

The definitions in Article II breaks down businesses into specific types (pages 3-4). One such definition is for “Personal Services Business” and is defined as:

*D. PERSONAL SERVICE BUSINESS — A business enterprise which holds the necessary state and local permits to operate an establishment in which state-qualified practitioners provide individuals with such manual or mechanical types of treatment to external surfaces of the human body as barbering, cosmetology, esthetics, electrology, body massage and physical therapy. [Amended 2-10-2001 ATM by Art. P-29]*

These types of businesses are not listed as a permitted use in the VC or CII districts, only in the CI and ICR districts. However, doctors and dentists, uses that are similar to some of those defined as Personal Service Business, are permitted in the VC, CII as well as the CI and ICR as they are defined as “Professional Office” business uses. There are already hair salons and barbershops in the VC district as grandfathered uses.

Note: All the uses in both Personal Service Business and Professional Office Business definitions would be allowed as a home occupation in any residential dwelling, no matter what district they are located in. Both CII and VC allow for residential uses, so personal services would be a permitted home occupation in both these districts.

Proposed Change:

***To add Personal Service Business as a permitted use in the CII (Table 220-32C) and VC (Article V, Table 220-32D) districts.***

(Reference - This change has been proposed based on discussion with business owners interested in locating a personal service business in these districts and with property owners who are trying to sell their properties in these districts.)

T. Moore asked if the Board had any suggestions or comments.

J. Peck asked for clarification regarding “all personal service business” vs. just doctors and dentists.

F. Hart offered that the change would allow for grandfathering and that the service can continue if the property is sold.

G. Adams asked if the new owner would have to continue with the same type of business or if they could start a different type of business.

T. Moore offered that the new owner would need to have a business that is still a permitted use.

J. Cashell offered that the new owner’s business would need to be started within one (1) year of the sale of the property.

J. Cashell asked if the goal is to have only doctors, dentists, real estate offices, etc. or to include additional services that would broaden the range of opportunities.

F. Hart offered that there is a standing goal to preserve the character of the Village Center.

J. Peck asked if it would be possible to introduce a petition warrant article in to reverse the current zoning and convert back from Commercial I to Commercial II.

There was a discussion that the petition would have to have at least twenty-five (25) votes and all signatures would need to be from registered voters.

J. Peck offered that he would review the appropriate information and that he would bring information for the Board to review to revisit the discussion regarding proposing a warrant article to convert Commercial I back to Commercial II at the next Planning Board Workshop Meeting.

★ ***There was a consensus to move forward with the proposed change.***

#### **4. Article II – Definition of Change of Use (page 4):**

Currently reads:

*CHANGE OF USE — Change of use is marked by an alteration, modification, transformation, or substitution to either structural elements or the type of activity in an existing developed property. In the case of commercial and industrial properties, a new site plan must be reviewed and/or approved before a certificate of occupancy can be issued allowing such change of use to take place and signaling its compliance with all applicable Town requirements.*

Suggested Amendment:

***CHANGE OF USE - A change of use occurs when an existing permitted activity (use) in the Commercial (CI, CII) or Industrial districts (INDI, INDII) is proposed to be changed to another permitted activity (use). Such use shall be determined as permitted by the Zoning Officer. If the Zoning Officer determines that the proposed change of use is greater, or significantly different, than the existing proposed use, the proposed use may require review/approval of a new/amended site plan by the Planning Board prior to the issuance of any permits.***

(Reference - No specific plan reference, clean-up)

There was a discussion regarding the current wording of the suggested amendment and the need for the wording to be changed slightly.

J. Cashell asked who decides what projects require a new site plan approval, who makes that determination, and what are the limitations. He stated that zoning decisions can be appealed per RSA within twenty (20) days.

There was a discussion that there needs to be some type of “distribution policy” to make Zoning Determination announcements available to the public.

T. Moore asked the Board if he sent them an e-mail regarding his submission about the changing of the RSA process regarding Zoning Determination announcements.

T. Moore offered that he has submitted a legislative service request and requested that the process be changed to:

1. Distribution of the Zoning Determination announcement
2. Acceptance of the application as complete
3. Public Hearing

T. Moore offered a review of the RSA change approval process.

T. Moore offered that it is not the Planning Board’s jurisdiction to define the appeal process.

J. Cashell offered that the Board needs determine exactly what they are allowed to do and at the very least there needs to be a policy in place that when the Building Inspector makes a Zoning Determination, that it is posted for the public to see.

J. Peck offers that at a previous Planning Board Meeting he had put two (2) motions in place to address the distribution of Zoning Determination notifications. He asked the Board to review the prior Planning Board meeting minutes to review the motions.

J. Cashell asked who has the ability to appeal a Zoning Determination. He stated that the New Hampshire Municipal Association (NHMA) might be able to answer that question for the Board.

T. Moore offered that perhaps the Board should explain the zoning non-compliance criteria to the applicant up front when an application is submitted.

J. Peck asked what the current process is for notifying abutters when a Zoning Determination is made.

There was a discussion that the policy needs to state that the Zoning Determination needs to be provided to the public within a certain time frame of the decision being made.

J. Cashell offered that Zoning Determinations fall within the jurisdiction of the Building Inspector. A Zoning Determination is just a notice of an approved use, it is not a permit. There is already an appeal process in place which is a local appeal process and is not a court process. A permit itself is the piece that is subject to an appeal, not the Zoning Determination notification itself. The Building Inspector is protected under State statute.

F. Hart offered that the Board of Selectmen (BOS) can initiate a policy to recommend that the Building Inspector do something. However, he may not be required to do it. The Board has made a recommendation to the BOS to make the Zoning Determinations public once they are completed by the Building Inspector.

J. Peck offered that there are circumstances when the Town itself can be more strict than the State.

J. Cashell reiterated that the BOS can make a recommendation, but the Building Inspector may not be required by Law to follow the recommendation.

F. Hart offered that she will ask the BOS for a consensus to move forward with seeking legal counsel regarding Zoning Determinations being made public and in what manner they are to be made public.

J. Peck stated that the Board needs to be provided with copies of any Zoning Determinations that are made before the review of a Site Plan takes place.

G. Adams offered that all that needs to be done is to ask the Building Inspector to provide the Board with a copy of any Zoning Determinations that are completed.

J. Cashell offered that the Board has the authority to review Site Plans, but they don't have the authority to try to push the hand of the Building Inspector.

J. Peck offered a review of a current project where the Board was not made aware of a Zoning Determination.

F. Hart offered that she would bring before the BOS, a recommendation that all Planning Board applications be provided with any a copy of Zoning Determinations.

J. Peck offered that it was discussed previously that the the appeal process would be written on the bottom of the Zoning Determination form, to educate the public.

★ ***There was a consensus to change:***

***"If the Zoning Officer determines that the proposed change of use is greater, or significantly different, than the existing proposed use, the proposed use \*may\* require review/approval of a new/amended site plan by the Planning Board prior to the issuance of any permits.***

*To*

***"If the Zoning Officer determines that the proposed change of use is greater, or significantly different, than the existing proposed use, the proposed use \*shall\* require review/approval of a new/amended site plan by the Planning Board prior to the issuance of any permits.***

## **5. Home Occupations – Daycare vs. Teaching (page 68):**

Ordinance currently reads...

### **§ 220-66. Permitted uses.**

*Business uses clearly secondary to the home may be permitted, by special exception from the Zoning Board of Adjustment, to allow a place to work within their legal residence for persons in one of the following professions, occupations or trades:*

- A. *Attorney, architect, consultant, personal service business, engineer, real estate agent, insurance agent, internet sales or similar recognized profession. [Amended 3-13-18 ATM by Art. Z-18-01]*
- B. *Artist, craftsman, daycare (caring for not more than six children not living in the home, seamstress), one-chair beauty parlor, teaching not more than four pupils simultaneously in addition to those living in the home, and other similar occupations. [Amended 3-9-2010 ATM by Art. P-10-P]*

Proposed Change:

(Reference - Suggestion from the ZBA that this be made consistent, either the daycare and teaching are both limited to four (4) children/pupils or both six (6) children/pupils, not living in the home. They do not have a preference either way, but are suggesting that the same number be used for both home occupations as they are similar in function.)

**★ There was a consensus to change the number of children/pupils for both daycare and teaching to six (6).**

## **6. Affordable Elderly Housing Ordinance (starts on page 54):**

§220-53.A(6) currently reads:

*(6) The minimum lot size shall be 160,000 square feet. At least 50% open space must be provided and no more than 30% of this open space can be in a wetlands district or have slopes greater than 15%.*

§220-54 currently reads:

§ 220-54. Density.

*All plans submitted under this ordinance must show calculations for the maximum number of bedrooms permitted on the site by NHDES septic loading criteria. This is to be used as a theoretical maximum number of bedrooms. Other criteria may significantly lower the number of bedrooms permitted.*

- (1) *A maximum of six (6) Age-Restricted Affordable Elderly Housing Units (Renter Occupied) may be constructed per 40,000 square feet. Note that soil and slope requirements may increase the 40,000 square feet to a larger area.*

Suggested Amendment:

§220-53.A(6)

(6) The minimum lot size shall be 160,000 square feet. At least 50% open space must be provided and no more than 30% of this open space can be in a wetlands district or have slopes greater than 15%. ***The 50% open space may not be used towards the density calculations.***

§220-54

- (1) A maximum of six (6) Age-Restricted Affordable Elderly Housing Units (Renter Occupied) may be constructed per 40,000 square feet ***of the buildable space as defined by §220-53.A(6) of this article.*** Note that soil and slope requirements may increase the 40,000 square feet to a larger area.

(Reference - Some developers have come in with questions regarding how the buildable space is defined. These two changes will help clear that confusion.)

T. Moore asked the Board if the fifty percent (50%) open space should be used toward the density calculation, or not.

J. Cashell offered that the goal is to allow the maximum amount of development while having the least amount of environmental impact.

**★ *There was a consensus to table the discussion for the suggested amendment of the Affordable Elderly Housing Ordinance to allow the Board to review the ordinances created by other towns.***

**Article VI Planned Residential Development (PRD) Ordinance (starts on page 51):**

Suggestions that have been made for changes to the PRD Ordinance:

- Eliminate the requirement for a minimum of 10 Acres. Developers would benefit from being able to arrange structures around slopes and wetland areas. The Town will benefit from preservation of more open space as a PRD requires a 50% open space buffer.
- Eliminate the requirement for 200 feet of frontage on a Class 5 road. Any new PRD will include a new road. All new lots will front on that new road. As long as there are adequate sight distances and enough frontage to be able to construction the new road (50 feet) then the 200 feet of frontage is not necessary.
- PRD open space buffer language needs to be review. The intent of the open space buffer is to preserve open space. While a PRD is required to have at least 50% open space, the current language does not provide for that open space to be a buffer around the development. The current language only provides for a “no structure” buffer within 50/100 (MDR/LDR) perimeter. This means that, depending on how the lots are planned out a property owner could have 50/100 feet of their property that they cannot put even a small structure like a shed or a pool in that buffer. The property line could be the same as the perimeter of the PRD, which would require any property owner to obtain a variance to use that space within the “no structure” buffer. The lots in a PRD are already allowed to be smaller than a traditional lot (because of the shared open space) so to cut off 50/100 feet of the property is restrictive. The Board may want to consider language that would require the shared open space buffer to be what surrounds the PRD and perhaps make the buffer minimum 50 feet for both MDR/LDR districts.

(Reference - No particular site reference, just ordinance review and in-house discussion.)

T. Moore offered a review of the following suggestions that he had regarding the PRD Ordinance:

Proposed changes to the PRD ordinance – Article VI

*Planning Board Minutes  
October 2, 2019*



1. Fix grammar in last sentence of the first paragraph.  
From: "...natural attributes of areas which sometimes ..."  
To: "... natural attributes of areas that sometimes ..."

2. Delete § 220-47 paragraph A. Reason: Removes minimum requirement of 10 acres for PRD.

3. Replace existing paragraph B with the following:

B. Frontage requirements

1) 100 feet of frontage shall be required when access/egress to a PRD is provided by a single public or private road with a required 50-foot right-of-way connected to a Class V or better road. A 25-foot wide landscaping/screening perimeter buffer must be adjacent to each side of the right-of-way. Additionally, the perimeter buffer(s) shall be 50 feet deep.

2) 200 feet of frontage shall be required when two (2) rights-of-way provide access/egress to the PRD. Each right-of-way may provide both access and egress or each right-of-way may be designated for access or egress. With this configuration there shall be a 25-foot wide landscaping/screening perimeter buffer shall be provided adjacent to the external lot lines of the PRD and a landscaping/screening perimeter buffer of 50 feet or more shall be provided between the rights-of-way. Additionally, the perimeter buffer(s) shall be 50 feet deep.

4. Add a new section as follows:

§ 220-47.1 Open space and buffering requirements

A. Move paragraph § 220-48.C to become paragraph § 220-47.1.A

B. A naturally vegetated 50-foot buffer shall be provided along all external property lines except for external lot lines for rights-of-way access/egress to the PRD. Such buffers may be used as part of the open space requirement.

5. Modify 220-48.B

From: "The number of dwellings permitted ..."

To: "The number of dwelling units permitted ..."

6. Modify 220-48.B.(1)

From: "... wetlands, Class V and VI soils, and fifteen-percent and ..."

To: "... wetlands, High Intensity Soil Standards (HISS) Class V and VI soils, and fifteen-percent or ..."

7. Modify 220-48.B.(1)

From: "The resulting number shall be multiplied by 90% to obtain the maximum number of dwellings permitted in a PRD."

To: "The resulting number shall determine the maximum number of dwelling units permitted in a PRD."

8. Modify 220-48.D.(2).

From: "A two-hundred-fifty well radius within the parcel shall be limited in development to well construction and an access road to a pump house."

To: "A well radius shall be provided in accordance with the standards and requirements of the New Hampshire Water Supply and Pollution Control Commission."

9. Modify 220-48.E

From: "No building or structure in the PRD shall be located closer than 50 feet to the PRD perimeter in an MDR District and 100 feet in an LDR District (or closer than 100 feet to a Town road network in all districts)."

To: "No building or structure in the PRD shall be located in the 50-foot perimeter buffer."

10. Modify 220-48.G.(1)

From: "No dwellings ..."

To: "No dwelling units ..."

11. Modify 220-48.G.(2)

From: "... 30 feet between the edge of the nearest private right-of-way and/or driveway of any building or structure."

To: "... 30 feet between the edge of any right-of-way and any building or structure."

12. Modify 220-48.H.

From: "H. Each dwelling must be served by its own driveway."

To: "H. Driveways

(1). Each single-family dwelling unit must be served by its own driveway.

(2). Each duplex dwelling unit may be served by a common driveway or separate driveways for each dwelling unit.

(3). Each multi-family building must be served by its own unique, single driveway.

J. Cashell commended T. Moore on the amount of time and thought that he put into the suggested changes.

G. Adams asked if the open space buffer is to be an undisturbed buffer or can it be one that is planted. He stated that he would prefer to have it clarified that the buffer is a undisturbed, natural buffer.

F. Hart asked if there is any difference between a right of way and a "private" right of way.

T. Moore offered that there needs to be more discussion on public and private roads. In some places private roads are not allowed and in other places they are allowed. There needs to be a review of all public and private roads and a determination made of what exactly is considered a public road. There needs to be consistency.

There was a brief discussion regarding the minimum width required for a shared driveway.

★ ***There was a consensus to table the discussion regarding Article VI Planned Residential Development (PRD) Ordinance to allow the Board to review whether private roads are allowed or not allowed for consistency within the ordinance.***

**Zoning Board of Adjustment Approval – 2-Year Deadline to Exercise:**

In 2013 legislation was passed that put an expiration date on all variances and special exceptions that were NOT exercised. If the variance/special exception is not implemented within two (2) years of approval it is voided. The property owner would have the option, prior to the expiration date to request an extension. That request would go back to the ZBA.

This legislation only covers variances/special exceptions since it was enacted in 2013. Any non-exercised variance prior to the does not have the 2-year expiration date, unless a Town proposes an ordinance change that would impose the 2-year expiration on those prior to 2013.

The Board may wish to discuss whether or not there is they want to propose such an ordinance.

As noted in the email that was sent about variances/special exceptions we do not have a specific count as to how many previously granted, but not exercised, variances/special exceptions there are and there is not a reasonable way to obtain that count. It would probably be more common that a commercial variance was not exercised than a residential one, because most homeowners do not go through the trouble and expense of obtaining a variance without a specific project pending. My guess is if there are any at all, they are few in number and would identify themselves if they came in to do whatever project the variance/special exception was needed for.

T. Moore offered that the State passed enabling legislation to clarify that "exercised" is "whether or not enough has been done for the property to be vested".

T. Moore offered a review of the following suggestions added September 30, 2019 from the ZBA:

Pertains to: All appearances in Article V, §220-32 (the tables of permitted uses in each district).

This example is from the LDR Table, but the change is suggested wherever the language appears.

Current Ordinance Reads:

- (6) Corrals for all farm animals must be at least 50 feet from any lot line. [Amended 3-9-2004 ATM by Art. P-35]
- (7) Structures (including, but not limited to, barns, sheds and stables) used to house any farm animals must be at least 100 feet from any lot line.  
[Amended 3-9-2004 ATM by Art. P-35, amended ATM 2015]
- (8) Chicken coops and rabbit hutches, less than 120 sq. ft. footprint, are exempt from the 100-foot setback requirement, but must comply with all building setback requirements of §220-32I. (Added ATM 2015)

It is suggested that the (7) be changed to read:

*Structures (including, but not limited to, barns, sheds and stables) used to house any farm animals must be contained within the corrals as noted in (6). If there is not to be a corral, then the structure must be 50 feet from any lot line.*

This came up in a discussion with the ZBA and a recent application for a variance for a horse shed. The corral structure was compliant, but the shed could not meet the 100' on all sides. The discussion was that the location of the corral structure was more significant as to how it impacts the abutters than the housing structure was.

The question also came up if this would be different if there were a greater number of horses. Since NH is such an agricultural state, we do not regulate the animals, only the structures for the animals, so the number of animals is not relevant to the location of the structures. Plus, it would be nearly unenforceable to keep a headcount on the number of animals.

T. Moore offered a brief review of a project that went before the ZBA which presented the need for the suggested change.

★ ***There was a consensus to table the discussion regarding Zoning Board of Adjustment Approval – 2-Year Deadline to Exercise to allow the Board time to review the change in more detail.***

★ ***There was a consensus to table the discussion to allow the Board time to review the new suggestion provided by the Zoning Board of Adjustment (ZBA) in more detail.***

**Article V: Eliminate all references to hotels and motels as a permitted use:**

★ ***There was a consensus to eliminate all references to hotels and motels as a permitted use. It was discussed that any Site Plan for a hotel or motel would be reviewed by Mike Dorman and be declined as “not a permitted use” which would automatically send it before the ZBA for review.***

**Agenda Item 5: Old Business:**

There was no Old Business discussed.

**Agenda Item 6: New Business:**

*Planning Board Minutes  
October 2, 2019*

Recommendation for payment of Rockingham Planning Commission dues:

F. Hart initiated a discussion to let the Board know that the Rockingham Planning Commission Dues have already been approved and paid.

**Agenda Item 7: Communications, Updates, & Other Business:**

There was a brief discussion regarding the schedule and agenda items for future Planning Board Workshop Meetings and the deadline to post to warrant articles.

J. Peck asked who maintains the Westville Rd. parking lot (Park & Ride).

T. Moore offered that the State maintains the parking lot.

J. Cashell offered that at the meeting of the New Hampshire Association of Regional Planning Commissions (NHARPC), the Board decided not to do the build out analysis.

F. Hart offered that NHARPC Board opted for a Corridor Study instead.

T. Moore offered that the updating of the Plaistow Master Plan is almost complete and then there can more focus on the Corridor Study.

F. Hart offered that John Sherman and the Recreation Commission are working to update the Strategic Plan. She stated that she will ask J. Sherman when the Strategic Plan will be completed so that the Board can finish up the Master Plan.

J. Cashell offered that there should be caution taken with the Corridor Study to make sure that the Town doesn't have an over allowance for housing resulting in an overabundance of condos. There needs to be a thorough review of mixed uses and densities.

F. Hart offered that there needs to be restrictions set ahead of time regarding the Corridor Study.

G. Adams recommended office parks for the upper corridor.

There was a discussion regarding L. Lambert's resignation from the Board and the correct procedure for appointing a new member.

T. Moore offered that his and L. Lambert's terms are up come March 2020. He stated that the Board can appoint someone to serve in L. Lambert's place until March 2020.

G. Adams suggested that he remain as an alternate and just have T. Moore appoint him as a voting member at each meeting for the remainder of the term.

J. Peck stated that he has a recommendation for an alternate which will need to be brought before the BOS.

**Agenda Item 8: Nonpublic Session:**

**★ J. Peck moved, second by T. Moore, to enter a Nonpublic Session. There was no discussion on the motion.**

**Roll call vote:**

**T. Moore – Yes**

**J. Peck – Yes**

**G. Adams – Yes**

**F. Hart – Yes**

The Board entered Nonpublic Session at 9:20pm.

The Board re-entered Public Session at 9:32pm.

F. Hart offered a review of the proper procedure for entering a Nonpublic Session. She stated that it is to be shown on the Meeting Agenda that a Nonpublic Session will be taking place.

**★F. Hart moved, seconded by J. Peck, to seal the Planning Board Nonpublic Meeting Minutes for October 2, 2019 until such time that the matter of the litigation of Anthony vs. The Plaistow Planning Board is adjudicated and resolved. There was no discussion on the motion. The vote was 4-0-0 U/A.**

There was a discussion on whether or not “Nonpublic Session” should be automatically added to the agenda for future Board meetings. It was discussed that it is not necessary and that if a member of the Board would like to request a Nonpublic Session, that they should see Dee Voss, Administrative Assistant in advance of the Board Meeting and ask her to add it to the agenda.

T. Moore stated that he will not be in attendance at the next Planning Board Meeting scheduled for October 16, 2019. He also stated that since L. Lambert resigned, there will not be a Vice Chair in attendance either.

T. Moore offered that J. Peck will start the Planning Board meeting scheduled for October 16, 2019 thru Roll Call, at which point a Vice Chair will be appointed. The only person who is not eligible to be appointed Vice Chair is F. Hart.

There was no additional business before the Board and the meeting was adjourned at 9:44pm.

**Respectfully Submitted,  
Samantha D. Cote  
Recording Secretary**