



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

**PLANNING BOARD MINUTES  
August 02, 2017**

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

**ROLL CALL:** Tim Moore, *Chair (arrived 7:03 PM)*  
Gennifer Silva, *Vice Chair*  
Laurie Milette  
Lisa Lambert  
Steve Ranlett, *Selectman Ex-Officio, Excused*  
Julian Kiszka, *Selectman Ex-Officio*  
Geoffrey Adams, *Alternate*  
Chantal Boudreau, *Alternate*

Also present: Greg Jones, *Town Planner (left meeting at 7:00 PM)*

**★G. Silva chaired the meeting until the arrival of T. Moore.**

**★G. Adams was appointed as a voting member until the arrival of T. Moore.**

**Agenda Item 2: Minutes of July 19, 2017 Meeting**

There were a few corrections/clarifications noted for the July 19, 2017 minutes.

- Page 1 - add the word "use" to the bullet: "The business use and the residential **use** are allowed as a combined use..."
- Page 2 – the word "or" in the sentence "C. Zilch explained the drainage ~~or~~ the site." should be "for."
- Page 2 – expand CLD to indicate "CLD Engineering" as this is the first use of the abbreviation.
- Page 3 – add the word "and" to the sentence "The applicant noted that this is an amendment to an existing site **and** landscaping is established."
- Page 5 – Remove the expanded "(New Hampshire Department of Transportation)" after the abbreviation of NHDOT in the Safe Routes to Schools (SRTS) bullet under "Other Business." This is the second use of the abbreviation and it was previously expanded.

**★L. Lambert moved, second by L. Milette, to approve the minutes of the July 19, 2017, as amended. There was no discussion on the motion. The vote was 3-0-2 (Silva and Kiszka abstaining).**

**Agenda Item 3: PB17-09: A Public Hearing - Water Resources Master Plan Chapter – Final Review/Adoption**

G. Jones explained that they had gone through the entire scope of the project (Water Resources Chapter of the Master Plan) w/Resilience (Resilience Planning and Design) and the final step is tonight's Public Hearing to adopt the chapter. He added once adopted Resilience will provide a document that the Planning Board will be able to manipulate in-house to amend in the future. The document will also become the template for future Master Plan chapter updates.

C. Boudreau asked how the Water Resources Chapter would specifically be used to protect the Town's resources.

G. Jones explained that the chapter would be a guide and support to the Town when considering the water needs of the community. It was also noted that having a Water Resources Master Plan Chapter also provides documentation of specific needs and enables the town to justify grant applications. Any Master Plan chapter can also assist a town in planning capital needs for the CIP (Capital Improvement Plan) as well as identify the need for Zoning Ordinance amendments.

There was discussion regarding the purpose of that Master Plan and the individual chapters. It was noted that the Water Resources Chapter provided a way to evaluate current resources, suggest ways to protect what we have, and begin to formulate a plan to meet the Town's future needs for water supplies. It was noted that each town is mandated by RSA to have a Master Plan, though what chapters are in that plan are determined by the individual needs of each town.

There was discussion regarding the Action Plan table. Some recalled that Item 1 *"Approach the Kingston Water Authority to explore..."* was going to be removed as it was known that Kingston does not have the ability to provide water to Plaistow. Others remembered that the item would remain on the Action Plan list, but would be checked off as "completed." The item will remain.

J. Kiszka offered that in the section "Public Water Supply" there should be language that indicates that external avenues to supply potable water to the town would be explored. It was noted that there are specific references to acquiring potable water throughout the document. J. Kiszka suggested that it would be beneficial to be specifically included in this particular section, as well as the other references already included.

***★J. Kiszka moved, second by L. Milette to adopt the Water Resources Chapter of the Master Plan be adopted, with language added to the "Public Water Supply" section that would specifically reference efforts to acquire potable water from external resources.***

*Note: There was no one present in the gallery to make comment at this Public Hearing.*

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

#### **Agenda Item 4: Recreation Impact Fee Ordinance Update – Work Session**

Bruce Mayberry, BCM Planning, LLC, was present for the discussion.

B. Mayberry recalled that the Planning Board had indicated at the last meeting he had attended, that they were going to use a flat fee schedule to assess Recreation Impact Fees. The table with those fees is included in the *"Recreation Impact Fee 2017 Basis of Assessment" document (final report date July 11, 2017)* provided by Mr. Mayberry. The exception to the flat fee will be for ADUs (Accessory Dwelling Units) which will be assessed a charge per square foot, net gain. This gives credit for those who use existing square footage for an ADU.

*G. Jones left the meeting at 7:00 PM*

B. Mayberry suggested that the quickest way to update the Recreation Impact Fee Ordinance for the revised methodology would be to post a Warrant Article that would simply change the name of the referenced methodology document in the existing ordinance. Mr. Mayberry recommended that a better long-term solution would be to amend the ordinance to make the language more generic and allow the Planning Board to substitute any subsequent updates to the methodology by adoption at a public hearing. This would allow the Planning Board to update a methodology sooner than at Town Meeting. It would also still allow for public comment or question of any revisions to the methodology. Most importantly it would also eliminate the risk that an update to the methodology could be defeated if it were to go to a Town vote. Not adopting an updated methodology for any impact fee could open the town to potential litigation.

B. Mayberry noted that he provided a memo to the Board with other suggestions for updating the Impact Fee Ordinance that could be proposed and implemented over time. Some updates were housekeeping in nature, some were more substantive. But he reiterated that he would suggest generic language to make updating a methodology easier would be his first recommendation.

*T. Moore arrived at 7:03PM – G. Silva no longer chairing meeting; G. Adams no longer voting member.*

B. Mayberry went over his recommendations to bring T. Moore current with the discussion.

D. Voss noted that the current RSA allows for the assessment of any impact fee at the time of the building permit application, but payment is not due until the time that a certificate of occupancy (CO) is requested. She asked if a town could vote to be more restrictive and require the payment at building permit application.

B. Mayberry responded that they could not. It noted that the collection of the impact fee prior to CO is to make the payment closer to the time of the actual impact of the new construction.

B. Mayberry explained that references to “new capital facilities” should be changed to just “capital facilities” as monies can continue to be collected for updates to existing facilities as long as the need for the update falls within the scope of the methodology.

T. Moore asked if a different impact fee, for example a potable water impact fee, were proposed would there need to be a change to the zoning ordinances.

B. Mayberry suggested that if there was going to be a water or sewer project proposed that it would be better to assess fees statutorily (RSA 38:27) rather than through an impact fee. He noted that doing so would not make any fees collected subject to the law that requires impact fees be refunded if not spent within six (6) years of being collected.

T. Moore noted that his question was more generic about adding any new impact fee allowed under State Law.

B. Mayberry explained the would depend on how the current ordinance might be amended to give more authority to the Planning Board to implement and/or update new impact fees through the public hearing process.

T. Moore asked about “sunsetting” an impact fee ordinance or removing it once the capital improvements intended to be funded by the fees were completed.

B. Mayberry replied that the ability to sunset an impact fee could be included in the Planning Board’s authority if the entire Impact Fee Ordinance were re-written more generically. If the voters approved those powers could be granted to the Planning Board. Again, any changes would have to through the public hearing process to still allow residents a voice. He added that making the ordinance more general would allow for flexibility, if the voters will allow the Planning Board the authority.

T. Moore asked for confirmation that the Public Safety Impact Fees could be used to help pay interest on the debt service on the bond for that project.

B. Mayberry confirmed that they could be and that the monies could just be transferred to the general fund when the time came to make the payment. He said that was directly aligned with the improvement the impact fee was designed to fund.

## **Other Business and Updates**

#### Department of Building Safety

The Board was provided with copies of enforcement actions involving commercial properties.

There was a brief discussion about the code enforcement process and what options are available to gain compliance and/or assess fines if necessary.

#### Rock Run Raiser – Legal Opinion on Appropriate Application

T. Moore noted Attorney Charles Cleary's response to G. Jones regarding a proposed fund raising event at the Rockingham Church on Newton Rd. The question posed was what would be the best application process to follow based upon the anticipated size and impact of the project. The members were encouraged to read Attorney Cleary's response on their own.

#### DC Development – Request to Revise Bond Estimate Worksheet

It was noted that Steve Doherty, DC Development had requested that the vinyl fence noted on their bond estimate worksheet for the Snow's Brook project be removed. They had previously been granted approval from the Planning Board to not install the fence because of the amount of natural screening available. Removing the fence will not affect the amount of the bond being held by the Town. Mr. Doherty is seeking to have his bond closed out, but not all punch list items have been completed.

It was consensus of the Board that the vinyl fence could be removed from the bond estimate worksheet.

#### 152 Plaistow Rd – NHDOT (New Hampshire Department of Transportation) Scoping Meeting

T. Moore noted that he and G. Jones had attended a NHDOT scoping meeting for the parcel located at 152 Plaistow Road (diagonally across from Sanborn's Candies). He explained that the project proposed to combine two (2) lots for a restaurant and mini-mall. There is proposed full driveway access to/from the property on Route 121A (Main St) and a right-in/right-out only access on Route 125. There is the possibility the Planning Board will see the application at the August or September meeting.

There was no additional business before the Board and the meeting was adjourned at 7:34 p.m.

Respectfully Submitted,

Dee Voss  
Recording Secretary