

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



PLANNING BOARD MINUTES
June 16, 2021

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

Ch. Alberti noted the Governor's Covid executive order had expired and reading it was no longer necessary. He noted that a quorum of the Planning Board members must be present physically at the meeting location, and that at some time in the future it may be possible for a member to attend remotely.

1. ROLL CALL:

Tom Alberti, *Ch.* – Present at Town Hall
Tim Moore, *Vice Ch.* - Present at Town Hall
Laurie Milette - Present at Town Hall
Karen Robinson - Present at Town Hall
Greg Taillon, *Selectman's Rep.* excused
Maxann Dobson, Alternate – Present at Town Hall (non-voting)
Bill Coye, *Selectman's Alt.* - Present at Town Hall
John Cashell, *Planning Director* –Present at Town Hall (non-voting)

Ch. Alberti appointed B. Coye as the Selectmen's voting member for the meeting.

2. REVIEW/APPROVAL OF JUNE 2, 2021 MINUTES:

Draft minutes were included with the meeting materials. No corrections were made.

T. Moore moved, second by K. Robinson to approve the minutes from June 2, 2021 as written.

The motion to approve the minutes as written passed 5-0-0.

3. PUBLIC HEARING:

At 7:35pm Ch. Alberti continued the hearing on **PB 21-06:** The completeness of an application from J&R Realty Trust, Jeffrey Raymond, TR for a commercial site plan that proposes to raze the existing residential structure and construct a 2-story, 1,120 SF office building on the existing footprint. The plan further proposes a 1-1/2 story, 3,400 SF, 4-unit trade business building; related drainage; landscaping; lighting; and parking. The property is located at 190 Plaistow Road, Tax Map 44, Lot 2, in the C3 (formerly C1) zoning

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.

Ch. Alberti read a letter dated June 11, 2021 from Charlie Zilch, Project Manager for the application asking the Board to accept the letter as a formal request to continue the public hearing on the site plan application until the next available hearing. He continued the hearing to July 21, 2021 and noted no abutter notices will be sent out for this continuation. A copy of the letter is made a part of these minutes.

PB 21-07: The completeness of an application from Brighton Drive, Inc for the consolidation of two (2) parcels; a conditional use permit; and a 14-Lot Residential Subdivision. The Plan proposes to combine the parcel known as North Av, Tax Map 47, Lot 003 (reported to have +/- 43.39AC and +/-145.69' frontage on North Ave) with the parcel known as 437 North Ave, Tax Map 36, Lot 018, (reported to have +/-2AC and 0' of frontage on North Ave), both in the LDR Zoning District. The Plan further proposes a Subdivision of the resulting parcel to include: fourteen (14) single-family lots, fronting on two new (2) public rights-of-way; Brady Circle at +/- 650' and Abby Road at +/- 1,956', with related drainage and utility improvements. The applicant is also requesting a conditional use permit for a wetlands crossing. The applicant is the property owner of record for both parcels. If the application is found to be complete, the Planning Board may immediately conduct the public hearing.

Ch. Alberti referenced the June 14, 2021 staff report noting the applicant has submitted the required materials to allow the Planning Board to review the application.

K. Robinson moved, second by B. Coye to accept the 2-lot consolidation; 14-lot subdivision and conditional use permit application involving two (2) parcels on North Ave, Tax Map 47, Lot 3 and Tax Map 36, Lot 12, as complete.

The motion to accept the application as complete passed 5-0-0.

The applicant's representative, T. Lavelle of James M. Lavelle Associates, 2 Starwood Drive, Hampstead, NH, addressed the Board. He noted the two parcels being consolidated represent 45.39 acres on which two roadways would be constructed to access 14 building lots having onsite water and septic. He noted he had copies of the required waivers with him for the Board's files. He noted there are some items from the Keach-Nordstrom Associates (KNA) review to take care of, that all state permits have been obtained.

Ch. Alberti said the two waivers were not received prior to the meeting and will not be considered at the current hearing. He noted there are outstanding issues needing resolution from the KNA review and there will be at least one more set of review comments from KNA. He itemized the outstanding issues:

- Applicant's comment on KNA and Staff Checklist Review
- Department of Building Safety and ConCom review/comment
- Executed Lot Consolidation Forms (2 Originals)
- Formal Waiver Request(s) w/Justification
- Final Review Comments from KNA and Staff based on Applicant's response

T. Lavelle said they have addressed the KNA concerns but could not produce the new documents in time for this meeting. Ch. Alberti noted that it has been recommend to continue this hearing to July 21, 2021 but invited comment on the existing plan. T. Lavelle noted that the KNA Zoning matter 1 (Article V – Section 220-34 A (3) of the Zoning Ordinance specifies: “ Upland areas being used to satisfy minimum lot size (area0 must be contiguous.” needs to be discussed with the Planning Board. He said they are proposing to

fill certain wetlands for water lines that would put the wells on one side of the wetland and the homes on the other, and that filling would make the lot contiguous soil. He stated he believes that would fill the requirement in the same way as the proposed road construction to give the lots frontage. He noted they have met with the Zoning Board to get the ordinance waived or to get a variance but were denied; that they had met with the Conservation Commission for their review of the Conditional Use Permit (CUP) and received their go-ahead; and are now before the Planning Board regarding the contiguous soil. Ch. Alberti said that would be a larger discussion which may extend to the July 21 continuance. He also noted that the KNA zoning matters 2 and 3 will require discussion and further comment from KNA.

J. Cashell noted that KNA has questions about certain lots on the plan not meeting the Section 220-34 criteria and that the applicant plans to meet this by installing water lines and an upland corridor to the other side of the wetlands from the lower part of the lots. He noted this requires a CUP from the Planning Board which the Board may or may not grant, and the Board should consider what constitutes a minimum lot size on the plan and does it meet the Zoning Board criteria. He suggested the Conservation Commission should conduct their review and give input and recommendations on how to meet the wetlands criteria to the Planning Board.

Ch. Alberti asked if the applicant had gone back to the Conservation Commission regarding this plan. T. Lavelle said this is the only plan that has been drawn up and the Commission had seen it and they had said they would send a letter of recommendation; he also said he would be willing to meet with them again. He noted they had obtained DES approval. Ch. Alberti said the Board would like a current meeting with the Commission and recommended this be set up as soon as possible. J. Cashell noted Sec. 220-25,C states that the Planning Board with the concurrence of the Conservation Commission may require the applicant to submit an Environmental Impact Assessment when necessary to evaluate an application made under this section and suggested the Planning Board and Conservation Commission may want to agree on if both feel an assessment is warranted. K. Robinson asked if the Board is allowed to conduct a site walk; Ch. Alberti said the Board could ask that of the applicant and if so it would function as a public meeting and abutters would be notified and invited as well. It was agreed to conduct this at 5:30pm on July 21st

T. Moore asked what sheets show the areas that will be filled. T. Lavelle said sheets 7, 9, 12, 13 and 15. He said the best representation of the fill is on sheets 12 and 15. He said the proposed wetland fills are 1927 SF, 1950 SF and 840 SF.

K. Robinson referenced the comments from the Highway Dept. on drainage affecting the new roads. T. Lavelle said there don't appear to be any issues with the design. He noted all drainage from the new roadways will remain onsite and not affect the existing drainage for the existing road.

Ch. Alberti noted that the shared driveways concept had been eliminated but there may be some issues of certain driveways meeting the 25 foot setback from side property lines and asked they be noted on the plan updates. He also mentioned dotted lines on sheets 7-10 with no explanation and asked they be noted. T. Lavelle said they were soil boundaries. Ch. Alberti said there is nothing in the notes to indicate if the property is in the aquifer protection district and T. Lavelle said the property is not in that district. Ch. Alberti said there are other things missing from the plan and it should be updated. He also cited other recommendations from KNA that need to be shown on the plan such as the 100 year flood elevation line. T. Lavelle said they have made most of the changes to the plan suggested by KNA.

It was agreed to invite the Conservation Commission to the site walk.

Ch. Alberti opened the meeting to public comment.

Abutter Michael Sherr, 38 North Avenue, Plaistow, NH (on abutters list as 491 North Avenue, Haverhill, MA) asked how the town allowed the destruction of a natural habitat for deer and other wildlife. He also asked how close building would be to the current lot lines. T. Lavelle said the closest they are allowed to build is 25 feet from the lot line. He said there are a few lots that would require that to happen. As to destroying the natural habitat, he noted the property was logged for tree harvest and suggested there are more trees there now than 40 years ago. J. Cashell said that in New Hampshire the logging industry has their own statutes that allow them to tree harvest, and that it is a typical first step by developers to harvest the trees on the property. Ch. Alberti asked what sort of vegetative buffer beyond what is required might become part of the plan. T. Lavelle said the land would be allowed to come back naturally and the trees were not cut right up to the property line extensively. M. Scherr said the Board would see how close they came to the property line at the site walk. He applauded the Board for sticking to the larger lot size and asked if the developer was still looking to get water from Haverhill or if wells would be sunk. T. Lavelle said the lot size is in excess of 2 acres. M. Scherr asked if the developer could be required to put up some mature arbor vitae along the property lines to delete the impact on the abutters. T. Lavelle said they would if the current abutters would do the same, asserting that at some point the existing lots were changed. M. Scherr said he had lived there for 30 plus years and had not changed anything. Ch. Alberti said the Board may not be able to require aesthetic changes by law but that it appears that any buffer amelioration would be appreciated by the abutters. J. Cashell noted that the lots will become the private property of the home buyers and they will be able to do what they want within the law.

George Barnes, 19 North Avenue, Plaistow, NH wanted the Board members know they cut right up to the property line and they slashed and destroyed the woodland and nothing is left, and the only thing growing back is shrubbery. He said he did not know if the owner would clean it up. He also said he is worried about the traffic on the road which already backs up for hours due to Walmart being put in. He suggested the Board members wear long pants for the site walk.

Ross Davis, 32 North Avenue, Plaistow, NH stated that his well is close to the proposed Abby Road and asked for guarantees that water quality would not be negatively impacted. He noted there is a lot of water on his property and his basement is wet and is concerned that the development will direct water towards his property as there are already streams in the yard and a culvert that could not handle much more water. Ch., Alberti asked T. Lavelle to speak to the wells and water quality issues. T. Lavelle said there is ditch line that will direct the water towards North Ave. and keep it from flowing towards the Davis property and a swale which may help the wet on his property. He also said they will not need to blast for wells. J. Cashell said the property is fairly level and doesn't engender flooding, T. Lavelle said the average high ground water is about 3 -6 feet. R. Davis asked the Town to not limit his options regarding his driveway which he may relocate. He also said that the proposed Abby Road is right on his property line. J. Cashell noted he might be able to have his driveway on Abby Road if he preferred. T. Lavelle agreed that R. Davis could have a driveway on Abby Road if he wanted. Ch. Alberti noted that the site walk would help understand the issues created by R. Davis' current driveway and the proposed road.

Ch. Alberti continued the public hearing on PB 21-07 to July 21, 2021 at 6:30pm. The site walk will be conducted on July 21, 2021 at 5:00pm and appropriate notice will be given on the Town's website.

Ch. Alberti said he had the waivers but since the rest of the Board did not discussion will be held for the continuance. T. Lavelle brought up the requested waiver for roadway lighting and asked if the new dark skies compliance he asked if there should be lighting. Ch. Alberti said these would not be voted on at the current meeting and read into the record a letter from T. Lavelle requesting to wave Subdivision Regulation Section 235-32.K requiring street lighting. Being aware of the new dark sky regulations we feel installing streetlamps would be contrary to this regulation.

T. Lavelle asked for guidance from the Board as whether lighting is needed. J. Cashell said the plan shows a country style roadway but that it would be a long roadway with no light. He said the subject is interesting and worthy of research to develop an opinion. He noted the cost is not as large as it used to be, and this is the time to have lighting installed at the cost of the developer, and the decision should be made now while the development is being built. M. Dobson said there is an Energy subcommittee for street lighting and that maps were developed that might be helpful to the developer. T. Moore noted the Town did replace some 450 streetlights with LED lighting and noted that site plans light should be directed down. He also noted streetlights are required at street intersections unless one is already there.

Ch. Alberti read another letter from T. Lavelle asking for a waiver of Subdivision Regulation Section 235-33.B requiring 24 inches of cover over a drainage culvert with a requested 18 inches of cover designed specifically for less than 24 inches of cover since site conditions create a need for this waiver. J. Cashell said that KNA did recommend the request be granted.

Ch. Alberti continued the Public Hearing to July 21, 2021 and closed the public portion of the meeting at 7:59pm.

4. OLD BUSINESS:

Ch. Alberti noted that the July 7th workshop meeting will not be held and asked whether the August 4th workshop meeting would be held. K. Robinson suggested that if two applications were to be considered on July 21st there might be a need to continue one of them as both need attention. It was agreed that if the hearings were going long, that about 9:00pm the Board would normally consider whether to continue. It was noted that since the Board is conducting a site walk at 5:00pm on July 21st the consideration to continue may come earlier. It was agreed to leave the determination on the August 4th meeting until July 21st.

Ch. Alberti asked if any members had issues for the Board to look at that were time sensitive. T. Moore said there were no major land-use items before the State legislature, though the tiny house legislation is hanging around. He noted the tiny house is 350 SF and legislation is pointing in the direction of saying they cannot be prohibited. He suggested the tiny lot is more of a problem and could lead towards trailer park type locations. It was agreed the Board should be looking towards where and how they might be permitted.

There was discussion of the housing shortage and pay rates.

Ch. Alberti asked whether the Board would be interested in setting some kind of aesthetic standards so the Town can be made more attractive. It was generally agreed this would be beneficial. Ch. Alberti asked J. Cashell for assistance with determining what types of warrant articles could be considered. J. Cashell referenced recently passed federal regulations for multi-family development and noted this is a hard issue to control

Ch. Alberti asked if there had been any change with the Rockingham Planning Commission. B. Coye said he is trying to get it onto the Select Board's agenda. Ch. Alberti asked if the property on Canterbury Forest has come up for discussion; B. Coye said it has been tabled. L. Milette noted that Rose Ave. property will go up for auction on the coming Friday.

5. NEW BUSINESS:

M. Dobson asked who a resident would contact if they are having issues with something such as a new development causing flooding. The consensus was it would go to a selectman but anything around land use could go to Building and Safety.

Ch. Alberti asked about the Sweet Hill development; J. Cashell said he had not been contacted yet and expects the developers are trying to get their contractors and materials lined up.

6. COMMUNICATIONS, UPDATES, FYI'S AND OTHER BUSINESS

J. Cashell said he was surprised there weren't more plans being submitted because he is aware there are projects under consideration. He also mentioned that engineers are so busy right now with designs and if they back up, everyone backs up.

7. ADJOURNMENT

There was no additional business before the Board and the meeting was adjourned at 8:33 PM.

Respectfully Submitted,

Charlene A. Glorieux
Minute Taker

S.E.C. & ASSOCIATES, INC.
Surveying & Engineering Consultants

June 11, 2021

Town of Plaistow
Planning Board
145 Main St.
Plaistow, NH 03865

Re: Planning Board Application for Site Plan

**Owner: Tax Map 44 Lot 2
J&R Realty Trust
Jeffrey E. Raymond, Trustee
190 Plaistow Road
Plaistow, NH 03865**

Dear Members of the Board,
Please accept this letter as a formal request to continue the public hearing for the above referenced site plan application to the next available Planning Board Hearing.
Thank you for your consideration.

Sincerely,



Charlie Zilch
Project Manager