

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



PLANNING BOARD MINUTES
November 4, 2020

Workshop Meeting

Call to Order: The meeting was called to order at 6:37 PM

Ch. Peck read the following COVID-19 statement:

The Plaistow Planning Board, due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, is authorized to meet electronically, and these reasons shall be reflected in the minutes. Notice of this electronic meeting was sent to all abutters and published in the Eagle Tribune Newspaper.

The Plaistow Planning Board is utilizing the GoToWebinar program of the GoToMeeting platform for this electronic meeting. All members of the Board have the ability to communicate contemporaneously during the meeting through the GoToWebinar program, and the public has access to contemporaneously listen and, if necessary, participate in this meeting. The link to access this meeting was provided on the Town's website, with the notice where to email with It is strongly suggested that you test the link in advance of the meeting to make sure you are able to access it. Please report any issues to jcashell@plaistow.com.

There is a "raise your hand" feature of the program that will allow attendees to participate in the discussion. There is also a Q&A box for the public to type questions during the meeting. The Public can also send emails with questions or concerns prior to and during the meeting to jpeck@plaistow.com. Please note: all questions and concerns typed into the Q & A box or sent via email will be read aloud to become part of the public record. The meeting will also be live on Plaistow Access Cable - Channel 17 and will be livestreaming on the Town's website

- 1. ROLL CALL:** James Peck, *Ch.* - Present at Town Hall
Tim Moore, *Vice Ch.* - Present at Town Hall
Laurie Milette- Present at Town Hall
Francine Hart, *Selectman's Rep*- Present at Town Hall
Karen Robinson - Present at Town Hall
Tom Alberti, Alternate – Present at Town Hall (non-voting)
Geoffrey Adams, Alternate – Present at Town Hall (non-voting)
Greg Taillon, *Selectman's Alt*- Remote (non-voting)
John Cashell, *Planning Director* – Present at Town Hall (non-voting)

2. REVIEW/APPROVAL OF OCTOBER 21, 2020 MINUTES:

Draft minutes were included with the meeting materials.

T. Moore moved, second by K. Robinson to approve the minutes from October 21, 2020.

Ch. Peck asked for any changes or suggested edits. C. Glorieux noted she had left Greg Taillon off the Roll Call. There were no other changes.

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

3. ZONING AMENDMENT REVIEW:

Ch. Peck asked for a review of the Suggestions for 2020-2021 Zoning Amendments include with the meeting materials.

There was discussion of ZBA-raised possible inconsistencies in Article X – Home Occupation. It was noted that when the Village Center (VC) District was initially created it was an overlay for a portion of the CII District, so everything that applied in the CII also applied to the VC District, with additional requirements/allowances in the VC Overlay. Many of the CII requirements were carried over to the VC District; however, changes were not made to the Home Occupation Ordinance to include the VC in some of the requirements. At the time the VC district was established the intent was that everything allowed in the CII would be allowed in the VC, but the Home Occupation ordinance was not updated to reflect that.

Article X, §220-66 D. – Home Occupation Permitted Uses (Page 68)

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:

- D. Doctors, dentists and other medical or mental health specialists using home occupation will only be permitted within ICR or CII Zones (see § 220-28).

The ZBA questions since these home occupation uses are allowed in the ICR and CII Zones should they also be allowed in the VC District. Note: these uses would be allowed as a commercial use in all these districts with a Planning Board approved site plan. The suggestion is to also allow them under the limitations of a home occupation to be consistent across districts with similar requirements.

Article X, §220-67 E. – Home Occupation Conditions (Page 68)

Currently reads...

§ 220-67. Conditions.

E. Not more than one sign or other advertising device is to be displayed on the property and it shall not exceed a size of three square feet. Signs will not be lighted from within or by exterior spot lighting in Residential Zones ICR, LDR, MDR. (See § 220-28.) [Amended 3-13-2007 ATM by Art. P-07-33; 9-18-2007 STM]

The question from the ZBA is the phrase “Signs will not be lighted from within or by exterior spot lighting in Residential Zones ICR, LDR, MDR. They note that CII and VC zones also allow residential use, but there is no prohibition on sign lighting, so a home occupation sign could be lit in these districts. Should the ordinance be amended to clarify whether or not signs related to Home Occupations in the CII and VC Districts can be illuminated, or perhaps the ordinance could read that no Home Occupation signs, no matter the district, can be illuminated?

There was considerable discussion of these questions from the ZBA and a look at the language. T. Moore

suggested that the whole article be reviewed and language cleared up; he noted his concern that changing wording in one article may change meaning in another. It was agreed this should come back to the Board for review at the next meeting

Article III, §220-16.C Motor vehicle and trailer sales – Fee Schedule (page 16)

Currently reads...

§ 220-16. Motor vehicle and trailer sales.

- A. Parking spaces used for display at all vehicular dealerships must be a minimum size of eight feet by 16 feet. This does not apply to customer, employee or handicap spaces.
- B. No lot used for a vehicular dealership in any zone may be located any closer than 1,000 feet in any direction to any other lot used for a vehicular dealership. **[Amended 3-11-2013 ATM by Art. Z-14-3]**
- C. Annual inspections with the required inspection fee as set forth in the **Plaistow Planning Board Fee Schedule** shall be completed by the Code Enforcement Officer for renewal of the certificate of occupancy. [Amended 3-11-2008 ATM by Art. 42; 3-13-18 ATM by Art. Z-18-14]
- D. This use shall stand alone or may be combined with another vehicular-dealership-related use only.
- E. The sale of vehicles from a residential property is restricted to one vehicle, displayed on the paved driveway to the residence with a current State of New Hampshire inspection sticker. [Added 3-9-2004 ATM by Art. P-26]

Michael Dorman, Chief Building Official (retired), suggested this be changed as that the renewal fee for Motor Vehicle Dealerships has never been set by the Planning Board; it's always been part of the Fee Schedule for the Department of Building Safety. That Fee Schedule is included as Chapter 31 of the Plaistow Code and is reviewed/approved by the Board of Selectmen when any change is proposed.

After discussion it was agreed to replace "Plaistow Planning Board Fee Schedule" with the Fee Schedule in Chapter 31 of the Plaistow Code. T. Moore will work on the substitution.

Article III, §220-11 Construction times (Page15)

Currently reads...

§ 220-11. Construction times.

Construction start-up time is 7:00 a.m.; close-down time is 7:00 p.m

The suggestion from a resident suggests these construction times be limited to Monday through Saturday, or perhaps shorter hours if any on Sunday. This may be challenging for those homeowners who are doing their own work on the weekends.

G. Adams whether home owners doing weekend work could be exempted if such a change was made. After discussion it was agreed that more information was required and to leave the ordinance as it is for now.

There was discussion about residential dumpster regulations and the barrier between the dumpster and the street and be at least 10 feet from sidewalks. G. Adams asked if there would be any difference if the homeowner is renting the dumpster for his/her own project and it was agreed there needs to be a differentiation.

Ch. Peck asked whether a historical district should be considered to protect the town's old, historic buildings. He said most of the older houses in the Town were in the Village Center district, but that he was talking about buildings of historical import. F. Hart asked if there was a historic district would there be regulations such as house color, what could be put out, etc. and said that would take a lot of planning and you might have to change the character of the Town Village if you make it a historic district. Ch. Peck would like to look at other Zoning

Ordinances to see how they work and, while the issue may be premature, he was interested in feedback. K. Robinson noted that while there is no district yet there are buildings to be protected and this might work best. G. Adams asked how you determine what falls into a protected category. He suggested this is troublesome if you are doing it individually, but if you create a district it would be easier to create and protect them. K. Robinson noted that there may be structures in a historic district that really need to come down, and that could present a problem. J. Cashell said there are NH statutes for organizing and establishing the preservation of historic sites (227-C-A). He noted there are examples of these Zoning Ordinances which could be reviewed. G. Adams suggested establishing definition of an historic structure first, then apply it to a district.

Ch. Peck suggested forming a subcommittee and offered to serve on it. K. Robinson joined and others were welcomed if they are interested.

4. OLD BUSINESS: Continued Rt. 125 Corridor/Economic Revitalization District-after potable water.

K. Robinson reported on the meeting of the subcommittee formed at the last Board meeting to merge the proposals she and T. Moore had presented to the Board. The subcommittee (T. Moore, T. Alberti, K. Robinson and J. Peck) met on October 29, 2020 at the Library and decided what uses would be eliminated from C. K. Robinson started with Objectives and Characteristics that the intent and purpose of commercial free district was to protect Plaistow's very extensive schools and neighborhoods from the impact of expanded traffic and congestion resulting from large-scale retail development of the C3 are to and from Rte 125 North via Main street and other residential areas.

There was discussion about how the elements from T. Moore and K. Robinson's proposals differed, and work was done on reconciling the versions. Ch. Peck noted that these can be worked out for the next meeting and suggested focusing on the uses in K. Robinson's list. He noted a number of uses had been excluded to help make the area less intense. L. Milette asked about places of worship; she noted that Rte. 125 is the most profitable part of Town and places of worship are non-profit. T. Alberti asked where else they could be located, and it was noted they can be in C1 and CII. F. Hart noted this is not to exclude churches from the area but to redirect them to other parts of the Town.

It was agreed to work from K. Robinson's proposal to eliminate the confusion between the two. Under uses K. Robinson will add small industry, storage of equipment vehicles used in serving products. K. Robinson asked the latter be explained better so there would be no possibility of a lot of 20 service vehicles. T. Alberti asked if there should be details on size of small industry, where the intent was a small scale shop that produced a few products. J. Cashell said that typically you would say light industry and have a definition of what that might be. T. Moore read the Town's definition of light industry; then it was noted that there is also a definition of small industry it was agreed that small industry should be used. There was discussion of how many vehicles should be allowed and how to be sure the small industry's vehicle numbers stay under control.

T. Moore asked whether drive-through restaurants should be allowed; his concern being that once water is in the area there will be a flood of fast-food restaurants which would affect traffic. K. Robinson suggested using the types T. Moore had proposed. Ch. Peck said this had been discussed at the subcommittee level and added in. F. Hart said franchised businesses are taxed at the highest rate.

The Board continued with a discussion of dimensions and permitted vehicular traffic. Ch. Peck asked that K. Robinson and T. Moore bring back one version with all the changes made for discussion next time. F. Hart recommended that the Board create a voter's guide to explain the ordinances, as that is very useful in the past. It was agreed it should be done.

Ch. Peck introduced discussion of J. Cashell's Rte. 125 Mixed-Use Zoning Proposal. J. Cashell suggested that T. Moore has introduced an overlay district and that may suit the Board's purposes because it allows for

additional uses with an additional type of permit, a conditional use permit. F. Hart asked if a conditional use permit is denied by the Planning Board does the applicant have recourse to the ZBA? J. Cashell said everything is appealable and the appeal body is specified by the article. Ch. Peck asked if there is something in J. Cashell's proposal that should be added to T. Moore's proposal, and J. Cashell said he thought it would work fine and was in favor of keeping the documents simple. He said this proposal allows the CI-Commercial designation to stay the same but introduces a Conditional Use Permit for uses not listed and the criteria for issuing it.

Ch. Peck asked T. Moore to outline his intent with the merged proposal he presented. T. Moore said he tried to get all the zoning changes in one spot. He mentioned that under definitions he added information from a footnote into the actual paragraph. He noted it is hard to read through all the data and he tried to make it easier to find items by listing in alphabetical order. He noted he only made two changes to the material already in the ordinance: function hall and service repair and refueling stations. He said that the new paragraph E with work from J. Cashell so if we want to add a Conditional Use Permit as part of CI there are the conditions that would go along with that. If we don't allow Conditional Use Permit in CI we won't need paragraph E.

T. Moore and K. Robinson will work together to be sure the C3 material is compatible. T. Moore suggested that developers would not need to use the Overlay District; they could use CI as it is. J. Cashell said an Overlay District does not usurp the right to develop under the primary district. Ch. Peck asked why the size of 10 acres was picked. T. Moore said if it was smaller than that you couldn't fit all the pieces. J. Cashell described this as mini-master plan developments and a move away from strip malls to something like villages. Ch. Peck said he did not know of many lots that have 10 acres. J. Cashell noted it may be a rare use that over time may become more acceptable.

Ch. Peck asked how to proceed on these various proposals. J. Cashell suggested that everything that was in his proposal is now in T. Moore's proposal and that is well structured and may lead to a comprehensive zoning ordinance. J. Cashell suggested using the time before the next meeting to consider and finalized the wording and prepare for a public hearing in December of January.

T. Alberti said that as a newer member of the Board and not as conversant with all the issues and as a voter he might well vote no because he doesn't understand all the processes behind the warrant articles. He noted there is good thinking in what is being proposed that is beneficial and protective but he is concerned the voter may not understand and make an educated decision. F. Hart noted that the Board needs to get the intent out to the public in the voters' guide.

T. Moore noted that in the past the warrant articles are kept short and longer detail is available to the voter at the poll. He said that the explanation copies never seem to get made, nor are they asked for.

6. COMMUNICATIONS:

Ch. Peck said he was interested in knowing what was happening with the ProQuip suit so he called Attorney Cleary a week ago and learned there was a hearing on Nov. 4th and he learned there was a new judge and that Cleary didn't think anything was going to change and they would stick to their decision. J. Cashell said the hearing was postponed until December and that there was an appeal by the plaintiff in regards to the ZBA.

F. Hart wanted to remind the Board that the DOT would be coming to the BOS meeting on Nov. 16th to speak on the Traffic Calming Study of Rte. 125 and if the Planning Board members wanted to attend in person or remotely to let her know.

7. ADJOURNMENT

There was no additional business before the Board and the meeting was adjourned at 8:30 PM.

Respectfully Submitted,

Charlene A. Glorieux
Minute Taker