

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



PLANNING BOARD MINUTES
Dec. 15, 2021

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

1. ROLL CALL:

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

Also Present: Melissa Galgano, Hancock Associates
Adam Crunk, Crunk Engineering
William Gregsak, Gregsak & Sons, Inc.

2. REVIEW/APPROVAL OF DECEMBER 1, 2021 MINUTES:

Draft minutes of the December 1, 2021 meeting were included with the meeting materials. Ch. Alberti noted a typo at the bottom of page 3 reading cotes rather than votes.

G. Taillon moved, second by K. Robinson to approve the minutes of the December 1, 2021 meeting as corrected.

The motion to approve the minutes as issued passed 5-0-0

3. PUBLIC HEARINGS:

Continued from November 17, 2021

PB 21-17: The completeness of an application from Edy's Automotive, Inc. for an Amended Site Plan. The Amended Site Plan proposes to re-establish the previous Salvage Yard Use, and includes related parking,

drainage, lighting and landscaping. The property is located at 233 Main St, Tax Map 31, Lot 21, in the MDR Zoning District. The property owners of record are the Lori E. Thomas Rev Trust, Lori E. Thomas TR (1/2 interest) and Stephen R. Thomas and Judith R. Thomas Rev Trust, Stephen R. Thomas and Judith R. Thomas, TR (1/2 interest). If the application is found to be complete, the Planning Board may immediately conduct the public hearing.

Ch. Alberti opened the Public Hearing.

Applicant's representative Melissa Galgano, Hancock Associates, Danvers, MA noted items for discussion from the last meeting: landscaping, staff report and the peer review. She presented the revised site plan and noted there had been an in-depth response to the staff report and peer review. She noted the addition of evergreens and deciduous trees along the residential neighbors' boundary as well as a 6 foot wall to be in compliance, noting the wall replaces the prior fence. In addition there is a wall along the north side of the property and a segmented concrete block wall along the edge of the property where the rain garden will be. She further noted they are requesting a waiver for plantings along the north side of the property as they believed them to be unnecessary given the wall and that the abutters are also commercial use.

Ch. Alberti said he is concerned about the lack of a complete staff report and asked the Board if they were comfortable discussing things in absence of that report. J. Cashell noted the timing for this hearing and the last one did not allow creation of that report, and said the Steve Keach of KNA also wants more time to review and respond to the applicant's December 15th response. He reported that if the Board will continue the hearing to the January 4, 2022 meeting KNA will have time to properly review.

Ch. Alberti asked for comments and questions. J. Cashell noted the waiver request in the staff materials; K. Robinson asked if this was also the gate and that she did not see any changes. M. Galgano said the waiver request is for the north edge of the property. Ch. Alberti asked whether there was a Police Department report on the plan due to the nature of the business and potential theft. J. Cashell said he will look at the file to see if any comments were made. G. Taillon asked if there would be anything like wire on top of the wall and was told no. It was noted the applicant plans to use all of the property. T. Moore suggested the waiver seemed reasonable and could be approved; it was noted that the waiver does not clearly state it is for the north part of the wall and the waiver should be amended.

The application was continued to January 19, 2022, no further notice will be made to the public.

PB 21-18: The completeness of an application from Crunk Engineering for a Site Plan. The Plan proposes the demolition of an existing retail building and the construction of a new 9,500SF 24-hour outpatient healthcare facility, with related parking, drainage, lighting and landscaping. The property is located at 26 Plaistow Road, Tax Map 25, Lot 4 in the C1 Zoning District. The property owner of record is Bendetson-Plaistow Realty Trust, Norris and Margery Bendetson, TR. If the application is found to be complete, the Planning Board may immediately conduct the public hearing.

T. Moore moved, second by G. Taillon, that the application for the site plan proposing a 24/7 Outpatient Healthcare Facility at 26 Plaistow Road, Tax Map 25, Lot 4, be accepted as complete.

The motion to accept the application as complete passed 4-1 (K. Robinson)-0

Applicant's representative Adam Crunk, Crunk Engineering, 7212 Crosswoods Blvd., Ste. 201, Brentwood, TN spoke to the application. He said the proposed facility is not a hospital but is open 24 hours and that the main difference between it and emergency care facilities is the amount of imaging that can be performed with CT scanner, x-ray, ultrasound as well as the ability to handle trauma and resuscitation if needed. G. Taillon asked if surgical services would be provided and was told none would be. He asked how their services would differ from normal urgent care facilities, and was told that unlike other urgent care, these physicians would be trained in emergency care and issues like blood clotting or heart issues could be handled at the proposed facility. When asked if the facility was affiliated with a local hospital system or a national brand he said he was not at liberty to say. The Board expressed some concern about not knowing who they are dealing with. Ch. Alberti noted that other medical applicants have been able to provide information about their expected visits so the Board has an idea on how they will affect the traffic in the area and asked about the estimated number of vehicle trips, patients seen, doctors and nurses on site. A. Crunk said there would typically be eight employees on staff, patient visits are low as no visits are scheduled and there may be a handful at any given time, three to five ambulance trips a week, and the parking needs are low. He said they treated parking as per a hospital which requires one space for every two beds, but noted that Steve Keach of KNA Associates treated this more as a medical office building.

Ch. Alberti noted there are already two such facilities in town and this would be a third to deal with the town's population level which has not changed. K. Robinson asked what was the Town doing with three medical buildings in a small section of Route 125. Ch. Alberti noted that the businesses on Rte. 125 service seven or eight businesses geographically, but it puts the burden on the Town to service these businesses.

Ch. Alberti noted the existing building would be razed and the new one would exceed its footprint. He noted the need for some variances and asked about setbacks. A. Crunk said for the initial floor plan they tried to keep within the original setbacks. He said the front setback can be easily complied with but they will seek a variance for the side setback as the 35' would hinder parking and access around the building. He asked for feedback on whether to seek a variance to minimize or remove the landscape buffer along the highway. Ch. Alberti stated that one of the main goals of this Board is to improve the aesthetic values of the Town and have stressed that more landscaping is better. J. Cashell said that the redevelopment along Rte. 125 starts with each individual lot and the Board is unlikely to grant such a waiver if possible. He said the applicant could present a modification but there needs to be some landscaping and the Town is trying to improve the look of that commercial corridor. Ch. Alberti recommended looking at enhancements not removal. J. Cashell noted the extensive KNA review and that the Board would expect the issues to be addressed when the applicant's representative returns.

Ch. Alberti noted the applicant's need to go the Zoning Board of Adjustment. He noted their 24 hour status and J. Cashell suggested speaking with the Police and Fire departments so they are clear about that and also a discussion about the ambulances. There were questions as to whether the Town is seeing a trend and if more of these type of applications will be coming along.

The application was continued to January 19, 2022, no further notice will be made to the public.

PB 21-19: A preliminary design review from Saint Matthews United Methodist Church. The review is of a proposed 40' X 60' picnic pavilion to be used by the church. The structure is proposed to be located at 101 Sweet Hill Rd, Tax Map 68, Lot 8C in the ICR Zoning District. The applicant is the property owner of record.

Applicant's representative William Gregsak, Gregsak & Sons, Inc., Chester, NH introduced Linda Alfonsi and spoke to the application. He noted a building permit was obtained and construction started in April. The foundation was constructed and in July a cease and desist was issued and the project stopped. The setbacks were determined to be incorrect; they went to the ZBA and applied for waivers which were granted in October.

W. Gregsak said the pavilion will be used for recreational activities, children and teen activities, perhaps an outside mass or wedding rehearsal and that it is a standalone structure and not an accessory use to the church. He said they are looking for a waiver of the site plan review.

J. Cashell spoke about the history of the project, the fact that they had received a go-ahead from the building inspector and begun excavation, and they are looking to avoid additional expenses and complete the project. Ch. Alberti expressed concerns about setting a precedent and asked the Board to discuss any possible ramifications. T. Moore noted that front setbacks for the lot, were it to be sold to someone other than the church, would be on Sweet Hill Road. It was noted that the ZBA did grant variances. T. Moore asked about permitted uses on a lot and if a pavilion was on them. It was agreed this is a recreational use. Ch. Alberti asked whether someone with ill intentions might use this as an excuse; L. Milette noted there were no ill intentions here as the owners got a building permit. J. Cashell noted the Board has authority to waive its requirements, but precedent is not established by making any decision on one project, that the decision is particular to the project. Ch. Alberti suggested that if the plot is ever sold the future owners would want to have some support behind the decision. J. Cashell said the Board could condition approval based upon it being built according to the building permit and variance already provided. He noted it does not draw new people but only those who are already there. T. Moore said that rather than waive the site plan, he would prefer to accept the submitted sketch as the site plan and waive requirements for the other details.

G. Taillon moved, second by T. Moore, to accept the St. Matthews United Methodist Church, property address 101 Sweet Hill Road, Plaistow, NH plan dated July 28, 2021 and the plan shall be approved in accordance with the ZBA variances granted for the proposed use and shall be built in accordance with the issued building permit.

The motion to accept the plan passed 5-0-0

Zoning Ordinance/Subdivision Regulation Amendments

Proposed deletions are in ~~**bold strikethrough**~~.

Proposed additions are in ***bold italics***.

Ch. Alberti read out the proposed Zoning Amendments

Proposed Plaistow Zoning Amendment Z-22-A: Are you in favor of Amendment #1, as proposed by the Plaistow Planning Board, to the Plaistow Zoning Ordinance, Article II, Definitions as follows?

Renumber the existing introductory paragraph as Paragraph B and add a new Paragraph A as follows:

A. Hierarchy:

- 1) *Terms and words not defined in this article but defined in applicable New Hampshire state statutes or regulations shall have the meanings given therein.*
- 2) *Terms and words not defined in this article but defined in the Building Code shall have the meanings given therein.*
- 3) *Terms and words not defined in this article, the RSAs **New Hampshire State statutes or regulations** or in the Building Code shall have the meanings understood in common usage and as defined in standard American dictionaries.*

Add a new definition for an Apartment as follows:

APARTMENT - *A self-contained living unit which provides sleeping, cooking, dining, bathroom, and leisure space for no less than one person.*

Add a new definition for road as follows:

ROAD – *See STREET. The terms road(s) and street(s) may be used interchangeably throughout this document.*

T. Moore moved, second by G. Taillon to post amendment 1 to the warrant.

The motion passed 5-0-0

Proposed Plaistow Zoning Amendment Z-22-B: Are you in favor of Amendment #2, as proposed by the Plaistow Planning Board, to the Plaistow Zoning Ordinance, Article III, General Provisions, § 220–10, Roadway construction as follows?

Modify Paragraph A as follows:

A. All ~~proposed residential subdivision and Planned Residential Development (PRD) streets~~ ~~roads~~ shall be **designated as public roads.** ~~and constructed as public roads including all residential/commercial/industrial subdivisions, Planned Residential Subdivisions, and Housing for Older Persons subdivisions.~~

Add a new paragraph C as follows:

C. *All new commercial and industrial streets shall be constructed using street construction standards, as specified in Plaistow's zoning ordinance and subdivision regulations. For streets expected to include heavy trucking, such streets may require construction standards that exceed those for public streets. New streets in commercial and industrial subdivisions may be designated as private streets with a note on the subdivision and/or site plan stating all maintenance including snowplowing shall be performed at the property owner's expense. No performance bonds will be required for such private streets.*

T. Moore moved, second by K. Robinson to post amendment 2 to the warrant.

The motion passed 5-0-0

Proposed Plaistow Zoning Amendment Z-22-C: Are you in favor of Amendment #3, as proposed by the Plaistow Planning Board, to the Plaistow Zoning Ordinance, Article IV, Natural Resources Protection, §220-18, Wetlands Conservation District as follows?

Add two paragraphs (A and B) to §220-18.2, Applicability, as follows:

A. In all zoning districts where new or amended site review plans and/or subdivision plans are being proposed and there are wetland buffer encroachments, ~~or~~ setback encroachments or stream crossings an applicant must apply for a Conditional Use Permit (CUP). CUP approval by the Planning Board must be obtained before the site review plan and/or subdivision plan shall be approved or conditionally approved.

B. In all ~~residential~~ zoning districts where an applicant is proposing changes on a single lot and there are wetland buffer encroachments, ~~or~~ setback encroachments, or stream crossings the applicant shall apply to the Zoning Board of Adjustment for a variance to remediate the stream crossings and/or encroachment(s).

Modify the title of §220-18.7 from "~~Permitted Uses.~~" to "*Limited Use Buffer Permitted Uses:*"

Modify the footnote language for clarification of setbacks in §220-18.3.D, Table of Wetland Buffers and Setbacks, to the following: "*Man-made drainage structures including but not limited to detention ponds, retention ponds, and drainage swales shall be exempt from any structure setbacks.*"

T. Moore moved, second by K. Robinson to post amendment 3 to the warrant.

The motion passed 5-0-0

Proposed Plaistow Zoning Amendment Z-22-D: Are you in favor of Amendment #4, as proposed by the Plaistow Planning Board, Article V, Establishment of District and District Regulations, § 220-32. District objectives and land use control by amending Table 220-32 as follows?

Table 220-32 I, Minimum Dimensions for all Districts, Paragraph A, Structure Setbacks as follows?

Zoning District	Front Setback (Measured from front property line) (All dimensions are in feet)
Commercial 1 (C1)	50
<i>Commercial 1 (C1): Lot size is greater than 120,000 square feet and/or building size is greater than 10,000 square feet. Applies only for buildings constructed after March 8, 2022.</i>	<i>80</i>
<i>Commercial 1 (C1): All other C1 lots</i>	<i>50</i>
Commercial 3 (C3)	50
<i>Commercial 3 (C3): Lot size is greater than 120,000 square feet and/or building size is greater than 10,000 square feet. Applies only for buildings constructed after March 8, 2022.</i>	<i>80</i>

G. Taillon moved, second by T. Moore to post amendment 4 to the warrant.

The motion passed 5-0-0

Proposed Plaistow Zoning Amendment Z-22-E: Are you in favor of Amendment #5, as proposed by the Plaistow Planning Board, to the Plaistow Zoning Ordinance, Article VIII, Accessory Dwelling Units - ADU, §220–57, General Requirements as follows?

Modify the text in Paragraph K from

from "... under the provisions in letters A through J in this ordinance."

to "... under the provisions in letters A through K in this ordinance."

Renumber Paragraphs K through M as Paragraphs L through N.

Add a new Paragraph K as follows:

K. *The driveway* for the primary residence and its ADU shall *provide* an ingress/egress onto a Class V or better road via a single curb cut. ~~unless the Building Inspector determines that a second curb cut is safer and/or aesthetically pleasing.~~

K. Robinson moved, second by G. Taillon to post amendment 5 to the warrant.

The motion passed 5-0-0

Proposed Plaistow Zoning Amendment Z-22-F: Are you in favor of Amendment #6, as proposed by the Plaistow Planning Board, to the Plaistow Zoning Ordinance, Article IX, Signs, §220–58, All Districts, paragraph D as follows?

Modify Paragraph D as follows:

D. All freestanding signs are required to have a street address that includes the street name and number and that is a minimum of six inches for signs for commercial/industrial uses in the I1, I2, CI and ICR Districts; a minimum of three inches for commercial uses in the CII and VC District; and a minimum of three inches for signs for residential uses in all Districts. ***The address rider (street number and street name) shall be located at the top of the freestanding sign.*** The space required for the address ***rider*** portion of the sign shall not be counted as part of the required sign size.

G. Taillon moved, K. Robinson second by to post amendment 6 to the warrant.

The motion passed 5-0-0

Proposed Plaistow Zoning Amendment Z-22-G: Are you in favor of Amendment #7, as proposed by the Plaistow Planning Board, to the Plaistow Zoning Ordinance, Article IX, Signs, §220–59, Commercial I and Industrial Districts, paragraph B as follows?

Modify Paragraph B.3) as follows:

B. 3). The Building Inspector may grant a permit for a single sign for a single business, *on a standalone lot*, provided the sign is in keeping with the intent expressed in this article and provided its dimensions are the same as those required for an attached single sign of no more than 30 square feet, as stated in Subsection A above.

Modify Paragraph B.4) as follows:

The Building Inspector may grant a permit for a single sign for a single business, *on a standalone lot*, provided the sign is in keeping with the intent expressed in this article and provided its dimensions are no more than 50 square feet, if 20 square feet of that freestanding sign is permanently dedicated as a manual reader board.

K. Robinson moved, second by G. Taillon to post amendment 7 to the warrant.

The motion passed 5-0-0

Proposed Plaistow Zoning Amendment Z-22-H: Are you in favor of Amendment #8, as proposed by the Plaistow Planning Board, to the Plaistow Zoning Ordinance by merging three stormwater ordinances (Articles XVI, XVII, XIX) to Article IV, Natural Resource Protection and furthermore to update the merged Article IV with changes required by the latest Small Municipal Separate Storm Sewer Systems (MS4) as follows?

Move the entire contents of Article XVII (Storm Water – Post Construction, § 220-117 through § 220-117.8) to Article IV Natural Resource Protection § 220-19 and renumber the paragraphs in § 220-19 as appropriate. Mark Article XVII as Reserved.

Merge the entire contents of Article XVI (Storm Water - Illicit Discharge and Connection, § 220-108 through § 220-116.9) with Article IV Natural Resource Protection § 220-19. Eliminate duplicate text and renumber the merged paragraphs in § 220-19 as appropriate. Mark Article XVI as Reserved.

Merge the entire contents of Article XIX (Storm Water - Operation and Maintenance, § 220-136.1 through §220-136.5) with Article IV Natural Resource Protection § 220-19. Eliminate duplicate text and renumber the merged paragraphs in § 220-19 as appropriate. Mark Article XIX as Reserved.

Amend §220-19.3, Applicability, by adding a new paragraph just above the sample application form as follows:

“In all cases where stormwater management activity takes place, the sample form shown below must be submitted with a subdivision plan and/or site plan.”

Amend §220-19.5, Construction/Post Construction Regulations, paragraph D, by adding another requirement as follows:

“28) Controls must be established for other wastes on constructions sites such as demolition debris, chemicals, litter, concrete truck wastes, and sanitary wastes.”

Amend §220-19.5, Construction/Post Construction Regulations, paragraph E, by renumbering requirement “u” to “y” and adding 4 new requirements as follows:

“u) Demonstrate that slopes on the construction site are protected

v) Demonstrate all storm-drain inlets are protected and that all newly constructed outlets are armored

w) Perimeter controls are established at the site

x) Demonstrate construction site entrances and exits to prevent off-site tracking”

Add a new enforcement paragraph as follows:

"§ 220-19.8. Enforcement.

- A. The Town of Plaistow shall designate the Code Enforcement Officer as the individual with the legal authority to:
1. Prohibit illicit discharges
 2. Investigate suspected illicit discharges
 3. Eliminate illicit discharges including those from properties not owned by or controlled by the MS4 that discharge into the MS4 system
 4. Develop enforcement procedures and actions
- B. When the Code Enforcement Officer is not available, the Health Officer may assume the enforcement authority of the Code Enforcement. Should neither be available, the Town Manager may appoint a person to temporarily assume the enforcement authority."

Amend § 220-19.8.1 Notice of Violation paragraph A.3 as follows:

"... operations shall **immediately** cease and desist;"

Amend § 220-19.8.1 Notice of Violation by adding a new paragraph A.4 as follows:

"4. When the connections or discharges cannot be eliminated immediately, an expeditious schedule for elimination must be prepared."

Amend § 220-19.8.1 Notice of Violation by adding a new paragraph C as follows:

"C. All responsible parties must be notified of the illicit connections and/or discharges."

Amend § 220-19.8.3 Penalties by modifying the text of the Notice of Violation form as follows:

"... your property does not comply with the requirements of Article ~~XVIA~~ **IV**, § 220-19 that includes the Construction/Post-Construction Stormwater ~~Ordinance~~, Stormwater and Erosion Control Regulations, **Illicit Discharge and Connection** or approved plans

G. Taillon moved, K. Robinson second by to post amendment 8 to the warrant.

The motion passed 5-0-0

Proposed Subdivision Amendments for 2022

Add a new subdivision section § 235-8A to be titled Driveways. Do not make any changes to the existing section § 235-8 Rights-of-way; reserved strips. In that section paragraphs A, B, C are designated as Reserved for Future Use.

Modify the language existing language that appears incorrectly in §235-8 as follows:

§ 235-8A. Driveways.

1. Each existing lot; or new lot(s) created by a subdivision; for **a** single-family dwelling unit must have a separate driveway that connects to a Class V or better road **or to a proposed subdivision street.**
2. Each **existing lot or new lot created by a subdivision for a** duplex dwelling unit may have two separate driveways or may share one driveway for some or all of the driveway length, provided that each dwelling unit of the duplex dwelling unit has its street address clearly displayed on the mailboxes, as

well as each dwelling unit. Each driveway (shared or unique) must connect to a Class V or better road **or a proposed subdivision street.**

3. ***Each existing lot or new lot created by a subdivision for a ~~M~~-multi-family dwellings-unit may have shared driveways provided dwelling unit numbers or other address identifiers are clearly displayed at the driveway entrance/mailbox, as well as each dwelling unit. Each driveway (shared or unique) must connect to a Class V or better road or a proposed subdivision street.***

G. Taillon moved, K. Robinson second by to post the proposed subdivision amendments for 2022 to the warrant.

The motion passed 5-0-0

Ch. Alberti continued the Public Hearing on the Proposed Zoning Amendments for 2022 and Proposed Subdivision Amendments for 2022 to the January 5, 2022 Planning Board meeting and there will be no new public notice of this.

4. OLD BUSINESS:

J. Cashell distributed the 2011 Charrette for the Historic Village District noting the great work that was done spearheaded by T. Moore and of the Plan NH organization. He asked T. Moore if this could be done again for the Route 125 corridor. T. Moore suggested a first step would be to see if they are interested, though he believed it is beyond their normal scope. After some discussion, Ch. Alberti suggested this be put off to the January 5, 2022 meeting.

5. ADJOURNMENT

There was no additional business before the Board and the meeting was adjourned at 8:44 PM.

Respectfully Submitted,

Charlene A. Glorieux
Minute Taker