

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



PLANNING BOARD MINUTES
January 6, 2021

Public Hearing Meeting

Call to Order: The meeting was called to order at 6:30 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*- Remote
Karen Robinson - Present at Town Hall
Tom Alberti, Alternate – Excused (non-voting)
Geoffrey Adams, Alternate – Present at Town Hall
Greg Taillon, *Selectman's Alt*- Remote (non-voting)
John Cashell, *Planning Director* – Present at Town Hall (non-voting)

Also Present:

Maxann Dobson, Resident
Jessica Dollard, Resident

2. REVIEW/APPROVAL OF DECEMBER 2 , 2020 MINUTES:

Draft minutes were included with the meeting materials.

G. Taillon moved, second by K. Robinson approve the minutes from December 2, 2020 as issued.

The motion to approve the minutes as amended passed 4 (J. Peck, T. Moore, K. Robinson, F. Hart) - 0 - 1 (L. Milette).

3. PUBLIC HEARING:

Ch. Peck opened the public hearing. He said the Board will consider additions, deletions, and modifications to the proposed amendments and explained the rules of procedure.

Proposed Plaistow Zoning Amendment Z-21-1 The proposed amendment and Voter's Guide information were read aloud and are made a part of these minutes as an addendum Ch. Peck asked for public comment but none was forthcoming.

T. Moore moved, second by K. Robinson to post Zoning Amendment Z-21-1 to the warrant.

The motion to post passed 5- 0 -0.

Proposed Plaistow Zoning Amendment Z-21-2 The proposed amendment and Voter's Guide information were read aloud and are made a part of these minutes as an addendum. It was noted that existing residential dumpsters would be grandfathered. Ch. Peck asked for public comment but none was forthcoming.

T. Moore moved, second by L. Milette to post Zoning Amendment Z-21-2 to the warrant.

The motion to post passed 5- 0 -0.

Proposed Plaistow Zoning Amendment Z-21-3. The proposed amendment and Voter's Guide information were read aloud and are made a part of these minutes as an addendum. There was discussion of why Function Hall had been added to the list of uses and whether it is good for the Town. T. Moore noted that some restaurants have 'function hall' space but someone might want to open a stand-alone function hall.

Ch. Peck asked for public comment. Jessica Dollard 152 Plaistow Rd, Plaistow asked for better clarification of 'Function Hall'. She said she has lived for in Plaistow for 20 years and was concerned about any plans for 148 Plaistow Road. She suggested these might be restricted if there has never been one before and had concerns about smoking rooms being created.

Maxann Dobson, 5 Nicholas Road, Plaistow also spoke. She said RSA 155-67 cites non-smoking exemptions for commercial properties which could open the door for smoking clubs. T. Moore recommended the Board continue the discussion of the amendment to Jan. 20 and do more research.

Ch. Peck continued the proposed amendment to the January 20, 2021 meeting of the Planning Board.

Proposed Plaistow Zoning Amendment Z-21-4 The proposed amendment and Voter's Guide information were read aloud and are made a part of these minutes as an addendum. T. Moore suggested that since this also deals with Function Hall it should also be continued.

Ch. Peck continued the proposed amendment to the January 20, 2021 meeting of the Planning Board.

Proposed Plaistow Zoning Amendment Z-21-5 The proposed amendment and Voter's Guide information were read aloud and are made a part of these minutes as an addendum.

K. Robinson moved, second by T. Moore to post Zoning Amendment Z-21-5 to the warrant.

After discussion of why in the Zoning Amendment Z-21-5 Explanation the home occupations were medical and possibly would restrict other home occupations it was agreed to strike from the first sentence everything after occupation.

The motion to post as amended passed 5- 0 -0.

Proposed Plaistow Zoning Amendment Z-21-6 The proposed amendment and Voter's Guide information were read aloud and are made a part of these minutes as an addendum.

K. Robinson moved, second by T. Moore to post Zoning Amendment Z-21-6 to the warrant.

The motion to post passed 5- 0 -0.

Proposed Plaistow Zoning Amendment Z-21-7 The proposed amendment and Voter's Guide information were read aloud and are made a part of these minutes as an addendum.

It was noted that Function Hall is listed in Table 220-32L, B3. Permitted uses and would need to be removed or the amendment continued to the next meeting. It was also agreed to add back to this table "multi-family residential" as use number 24 and change Function Hall to number 25 depending on whether it remains a use.

In Table 220-32M D. Layout guidelines, the word "maintained" in the first sentence should be changed to "maintaining."

In Table 220-32M D1. a Objectives 7 it was agreed to strike "but it may be up to 3 stories high" from the end of the sentence and to also strike "b. Sample plaza configuration" entirely.

Ch. Peck continued the proposed amendment to the January 20, 2021 meeting of the Planning Board.

Proposed Plaistow Zoning Amendment Z-21-8

The proposed amendment and Voter's Guide information were read aloud and are made a part of these minutes as an addendum.

There was discussion about removing small industry from the permitted uses in order to ensure a contractor's yard would not be permitted. Ch. Peck cited a recent ruling by the code enforcement officer calling 190 Plaistow Road a contractor's yard and not permitted in C1. J. Cashell noted that many industrial businesses store vehicles and materials on site and suggested proper screening needs to be in the site plan review. K. Robinson read the definition of small industry. It was noted that C1 has light industry not small

industry under permitted uses and there are different definitions for light, small and heavy industries. T. Moore suggested under “B. Uses” add the following statement “contractor’s yards are strictly prohibited in the C3 district” and then the permitted uses follow.

T. Moore suggested that “as shown below” be stricken from the first paragraph, and to add another sentence: “The full text of the ordinance is available in the Planning Department, on the Town’s website and at the Polls” and that, along with the map, would be all that appears on the ballot. There would then be three sheets for the January 20th meeting: 1) just the language that goes on the ballot; 2) a file with the full text of the Zoning Amendments discussed during this session at the poll; and 3) the Voters Guide which would have all the information.

There was discussion about whether to have all the information for all the amendments on the ballot or if voters would already have ballot fatigue from all the warrant articles. It was suggested that having all the information available at the Deliberative Session would allow for discussion, that this Public Hearing is the venue for public discussion about the amendments, and that nobody wants to spend a half hour in the voting booth. It was also suggested that voters are mostly guided by the Planning Board’s vote on the amendments when making their choices. Finally it was agreed to include the objective and characteristics paragraph on the ballot for Z-21-8, Z-21-8 and Z-21-9. The complete information will be available on the Town’s website, Library, Town Hall and the Deliberative Session.

F. Hart moved, second by L. Milette to post Zoning Amendment Z-21-8 to the warrant.

The motion to post passed 5- 0 -0.

Proposed Plaistow Zoning Amendment Z-21-9

The proposed amendment and Voter’s Guide information were read aloud and are made a part of these minutes as an addendum.

Ch. Peck asked what had prompted the change of title from Wetland to Natural Resource Protection. T. Moore said the Commission had looked at several ordinances from surrounding towns and liked what Exeter was doing which combined wetlands, flood plains, storm water, etc. into one ordinance. So they are revamping Plaistow’s one section per year. Ch. Peck asked about Prime Wetlands and T. Moore said there are placeholders for it and when the survey is done the article would be amended in 2022.

F. Hart asked if all of the definitions had been vetted to comply with MS4 Ground Water Management System put in place in Plaistow. T. Moore thought they may be independent of storm water management but will look into it.

T. Moore said the Conservation Commission hired Mark West of West Environmental Services to help evaluate the current plan. They looked at Exeter and Portsmouth’s plans and used Exeter’s. Ch. Peck asked if any conditional use permits had come before the Board; T. Moore reported the storage unit of 125 by Tractor Supply needed conditional use permits to get access to the rear of the property and the North Ave. subdivision used them. J. Cashell noted that all this language is involved with MS4 as the community is MS4 and making this part of the Town ordinances needed to be done.

K. Robinson moved, second by L. Milette to post Zoning Amendment Z-21-9 to the warrant.

The motion to post passed 5- 0 -0.

Ch. Peck continued the Public Hearing to January 20, 2021

5. NEW BUSINESS:

BOND AND ESCROW RELEASE REQUEST – 222 PLAISTOW ROAD

Bond Release: The bond was posted as a bank letter of credit in the amount of \$14,797.20. There is no interest to post to a letter of credit. The letter is released and returned to the bank.

T. Moore moved, second by K. Robinson that the bond being held for the amended site plan at 222 Plaistow Road be released, the letter of credit returned to the bank, and the account closed.

The motion passed 5- 0 -0.

Escrow Release: The final invoice has been submitted for payment leaving a balance in the escrow account of \$1053.89.

T. Moore moved, second by K. Robinson that the balance in the escrow being held for the amended site plan at 222 Plaistow Road be released and returned to PH Electric/DBH Realty of Plaistow, LLC, and the account closed.

The motion passed 5- 0 -0.

BOND RELEASE REQUEST – 26B MAIN STREET

Bond Release: The bond was posted in the amount of \$5,000.00 (cash bond) and there will be interest added when the account is closed.

K. Robinson moved, second by T. Moore that the bond being held for the amended site plan at 26B Main Street be released and returned to DAP Realty, LLC and the account closed.

The motion passed 5- 0 -0.

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

J. Cashell reported on the 125 development in Newton, saying that there is no subdivision of property in Plaistow and is part of a lot line reallocation that is mostly in Newton. He told the applicants to submit a subdivision plan but is a minor lot-line relocation of one lot area and could just be signed off. When the plan is submitted the Board can decide if they want to have the abutters notified. He thought it might come to the Board on January 20th if they get everything in early next week. Newton has conditioned the final approval on the Plaistow Planning Board review. He said it is still in the courts and there are major obstacles to moving forward.

T. Moore suggested sending a letter to Attorney Cleary about the language in Z-21-9 and to incorporate any changes he might have. He also said that if there is any building in Plaistow in the 125 development it has to be accessed by a Plaistow road, and this might be gotten around by having Newton signing a letter saying they are providing road and utility access. J. Cashell said this is far in the future and is only a lot line relocation.

J. Cashell said there are no applications pending though some may be coming in the near future, noting a proposed development across from Walmart in a vacant site to be replaced by 5,000 sq. ft. retail going before the ZBA.

Ch. Peck said the next meeting will be January 20 and the warrant articles will need to be finished. The Deliberative Session will be held on January 30. F. Hart said anyone participating remotely will not be able to vote. The warrant articles and budget must be posted by January 25.

7. ADJOURNMENT

There was no additional business before the Board and the meeting was adjourned at 9:23 PM.

Respectfully Submitted,

Charlene A. Glorieux
Minute Taker