

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



PLANNING BOARD MEETING MINUTES
July 19, 2023

Call to Order: In the absence of Ch. Alberti, Vice Chair K. Robinson called the meeting to order at 6:33 PM.

1. ROLL CALL:

Tom Alberti, *Ch.* – Excused
Chuck Fowler – Present at Town Hall
Laurie Milette -Present at Town Hall
Karen Robinson – Present at Town Hall
Richard Anthony, Alternate – Present at Town Hall
Timothy Moore, Alternate – Present at Town Hall
Jay DeRoche, *Selectman's Alt.* – Excused
Bill Coye, *Selectman's Rep.* – Present at Town Hall
Victoria Healey, RPC – Present at Town Hall
Jen Rowden, RPC – Excused

Also Present: Daniel Koravos, DK Engineering Associates, Chester, NH
Frank Muraco, 43 Douglas Street, LLC

2. MINUTES:

Vice Ch. Robinson appointed Richard Anthony as a voting member for the meeting in the absence of Tom Alberti.

The minutes of the June 21, 2023 meeting had been distributed prior to the meeting. It was noted that there was a spelling error for June at the bottom of the first page.

B. Coye moved, second by R. Anthony, to accept the minutes of the June 21, 2023 meeting as corrected.

3. PUBLIC HEARING

Vice Ch. Robinson noted that the applicants for PB 23-07 have requested a continuance until August 16, 2023.

K. Robinson moved, second by C. Fowler to grant the request from Jones & Beach to continue the 17 Harriman Road application, Planning Board Matter #23-07 to the August 16, 2023, 6:30PM meeting of the Board. No additional notification of this continuance will be forthcoming

The motion passed 5-0-0

Continued from June 21, 2023

PB 23-06: The completeness of an application from Frank Muraco, 43 Douglas Street, LLC, for an amended site plan that proposes a change of use to add business office and storage of equipment/vehicles used to service a product, to the existing retail use. The property is located at 27 Garden Rd, Tax Map 26, Lot 53 in the C1 Zoning District. The property consists of two (2) condo units and the owners of record are 43 Douglas Street, LLC and Randonia, LLC. If the application is found to be complete, the Planning Board may immediately conduct the public hearing.

K. Robinson noted that a site walk had been conducted earlier and invited comments from those who had been present. There were none.

Daniel Koravos, DK Engineering Associates, Chester, NH spoke to the application, site location and proposed change of use. He said the proposed change of use includes for retail business, business office and storage of equipment and vehicles used to service the product. He noted there is no proposed construction for the site. He discussed the septic system which is working properly and it has municipal water. He noted that while a ten-foot landscaping buffer is required, the paving goes right to the property line and has been such for some time. He said there had been three trees out front, one was taken down, and that they are willing to replace it if requested, noting that it is the Town's right of way. He noted the woods in the back of the lot will remain and some landscaping will be done at the front of the building. He spoke to the lighting and said the hours of operation would be 8AM-5PM Mon.-Sat. He noted the free standing sign is ten to twelve inches off the property line and the applicant has agreed to move it but noted the presence of a gas line in the area and that may be tricky.

He noted the two waivers requested for lighting and landscaping. He noted the regulations call for full cut off lighting fixtures but the parking lot goes back a good distance so they propose shielding that will allow light into the full parking area.

He said the Pawn Shop and the glass company will remain, along with the management company. R. Anthony clarified that the same two people in the management company are doing the work for its various concerns. J. Muraco indicated there would be three overnight vehicles maximum. R. Anthony noted that the site walk answered his concerns.

Waivers:

B. Coye moved, second by R. Anthony, to waive SPRR Article II, §230-22.F(1), requiring all exterior lighting to be full cut off fixtures for the property located at 27 Garden Road, for the reasons noted in the waiver request.

The motion passed 5-0-0

R. Anthony moved, second by C. Fowler, to waive SPRR Article III, §230-23.B(3), requiring 10' landscape buffers on the side and rear of the property, for the property located at 27 Garden Road, for the reasons noted in the waiver request

The motion passed 5-0-0

Conditional Approval:

T. Moore asked about the hours of operation and if janitorial service would come in after hours. F. Muraco said no. T. Moore noted that for businesses wanting to operate 8AM-5PM the site plan show 7AM-^PM to allow for any overlap. He also suggested that it would not be necessary to require a contingency septic plan.

K. Robinson moved, second by R. Anthony, to approve the amended site plan application that proposes a change of use to add office, and storage of vehicles and equipment used for the servicing of a product, to the existing retail use at 27 Garden Road, Tax Map 26, Lot 53, with the following conditions:

- The final plan submitted for recording will have all appropriate professional stamps affixed*
- Any waivers granted will be updated on the plan by section number and approval date*
- The free-standing sign will be relocated on to the applicant's property to the location that is noted on the amended site plan and certified by the consultant of record.*
- The note regarding Hours and Days of Operation will be updated on plan to reflect approval by the Boar, specifically 7am- 6pm.*
- Note added to plan that washing vehicles on site is prohibited.*
- All conditions of this approval shall be met, and recording materials submitted, within ninety (90) days of this approval.*
- Extending the ninety (90) day deadline for submission of recording documents requires the public hearing to be re-opened, including abutter notification, prior to the expiration of the ninety (90) days. Costs of noticing any re-opening of the public hearing are the responsibility of the applicant.*
- No occupancy permit shall be issued for the change of use until the amended site plan has been successfully recorded at the Rockingham County Registry of Deeds*

The motion passed 5-0-0

Continued from June 21, 2023

PB 23-07: The completeness of an application from Lewis Builders Development, Inc. Attn: Josh Manning, for a two-lot subdivision. The plan proposes to subdivide the parcel at 17 Harriman Rd, Tax Map 50, Lot 78, said to be 2,143,873SF (49.2A) of land area, and 315.27' of frontage on Harriman Rd, into two (2)

parcels: Parcel 1 proposed to be 137,857 SF (3.16A) of land area, and 157.7' of frontage on Harriman Rd. Parcel 2 proposed to be 2,006,008SF (46.5A) of land area, and 157.6' of frontage on Harriman Rd. The property owner of record is Gerald E. Holt Revocable Trust u/d/t November 9, 2022, Gerald E. Holt TR. If the application is found to be complete, the Planning Board may immediately conduct the public hearing.

K. Robinson noted the Board had at the applicant's request continued this application to August 16, 2023.

4. OLD BUSINESS

HOP Grant – Visual Preference Survey & Toolbox Resources: V. Healey asked if anyone had comments on the survey. It was agreed it looks good, is similar to the Economic Development survey, takes about 15 minutes and would be available for two weeks once opened. V. Healey said participants can see other comments, though not their names, and can add comments or do thumbs up/down on previous comments. She said some extra questions were added to all the HOP Grant surveys so that regional data could be gathered. It was agreed the survey looks good and should be sent out.

She revisited the meeting calendar and noted that at the next meeting there would be discussion about MS4 which she would like to get set and then move onto other issues. She noted the Board wanted to lean on the engineer and that a memo should go out. She said the Board needs to determine what the administrative responsibility is for the program along with a conversation about where the new standards should be put – possibly both in zoning ordinances and site plan regulations. She noted that certain additional legal protections belong in zoning but she believes some should be in the site plan instructions and that the new MS4 requirements will be in the site plan review. T. Moore noted that when these are in the site plan review it allows a case-by-case judgment. He noted the review of MS4 during the zoning amendments discussion last year and the decision to hold off for further review this year.

V. Healey said for the next meeting she would have the Master Plan chapter draft for review.

V. Healey asked for the HOP survey date for public engagement. It was suggested after Labor Day as people are on vacation and October 4th was suggested for the information session workshop. The second public engagement session will be determined

There was discussion of the timeline for zoning amendments and it was noted that January 3rd was the final vote on the amendments last year. It was agreed that this needed to be done much earlier. Limiting the number of amendments was discussed. Discussing a few amendments every meeting rather than all at once was preferred. It was agreed to get the Storm water amendments done at the next meeting. Zoning amendments for definitions, especially retail, were considered critical. It was agreed to see what other towns may have created. R. Anthony asked again to know the narrative history of where the amendments come from.

There was talk about potential density amendments, possibly more flexibility for multifamily, apartment buildings, condos and ADUs.

6. OTHER BUSINESS

Bond reduction – Palmer Woods Subdivision:

On September 21, 2022, the Planning Board set the bond amount for the above noted subdivision project at \$220,393.25 (50% of the reviewed Bond Estimate Worksheet). As per §235-12(I O)(b) of the Planning Board's Subdivision Review Regulations (SDRR) and per the review by Keach-Nordstrom Associates (KNA) of a Bond Estimate Worksheet. The developer is now requesting a partial release of that bond as allowed per the Board's SDRR.

Per SDRR §235-12(I I) Release of Construction Bonds ...

(11) *Release of construction bonds [amended 4-1-2015}*

As work is completed, inspected, and found to be installed per approved plan, the applicant may request a corresponding portion of the construction bond to be released to the applicant. The requested release amount will be reviewed by the Planning Board Engineer and approved by the Board. In no case will the amount released reduce the amount remaining below 1 0% of the original total amount plus the anticipated cost of recording record (as-built) plans. It is expected that the ten-percent amount will roll over to a performance bond.

The original amount shown and reviewed on the Bond Estimate Worksheet was \$440,786.50. and the bond was set at 50% of that number, \$220,393.25. To date there has been a value of \$303,420.00 (*revised*) work completed, reviewed, and inspected by KNA. Leaving an amount of \$107,024.50 value for the work yet to be completed. 50% of that number as prescribed by the §235-12(I O)(b) is \$53,512.25. Which is the amount that Staff is recommending that the bond is reduced to.

Per §235-12.(I I) In no case shall the bond be reduced to less than \$44,078.65, which represents 1 0% of the original site work value of the project. As noted above, this is expected to be rolled over to the performance bond for the roadway upon acceptance by the Board of Selectmen.

K. Robinson moved, second by B. Coye, that the construction bond for the Palmer Woods Subdivision to be reduced to \$53,512.25. In no case shall the bond be reduced to an amount less than \$44,078.65 for the duration of the project.

The motion passed 5-0-0

Rules of Procedure: T. Moore noted this was under old business and asked if the Board was done with this. It was noted it has not been completed, and two readings must be done. He said if you make minor changes in the first reading it's ok but if you add something new or make a major change in the second reading you have to restart and still have two complete readings.

K. Robinson asked if one of the current rules was being followed as she thought it had been made clear that all materials must be given to the Board no later than the Friday before a meeting if there will be a vote regarding it. V. Healey read the following from the Rules of procedure into the minutes:

D. Planning Staff

- 1) Ensure draft copies of Planning Board minutes are available to the public in compliance with RSA 91-A. Present the draft copies of minutes to the Board at the next possible Board meeting for corrections and/or approval.
- 2) Ensure draft and approved minutes are posted to the Town web site.
- 3) Work with the Chair to prepare agendas for Board meetings.
- 4) Post all agendas, meeting notices, and meeting cancellations in accordance with RSA 91-A:4. Deliver agendas, draft meeting minutes, and meeting materials to all Board members in time for adequate review before the meeting, at least the Friday before each meeting, unless extenuating circumstances as determined by the Chair.

K. Robinson said that for the last meeting information was given that day for a vote that night and she wanted to know if the vote should have even taken place. She asked if this rule had been incorporated into the Board's Rules of Procedure. B. Coye said that as Selectmen things like this happen and it should be up to those present to determine whether they had enough information to deal with it at the meeting or postpone it to the next. R. Anthony suggested that the last meeting was not an actual vote but a consensus.

ADJOURNMENT

There was no additional business before the Board and the meeting was adjourned at 8:04 PM.

Respectfully Submitted,

Charlene A. Glorieux
Minute Taker