

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



PLANNING BOARD MINUTES
January 20, 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 jpeck206@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 – Present at Town Hall (non-voting)
 - Geoffrey Adams, Alternate – Present at Town Hall
 - Greg Taillon, *Selectman's Alt* - Absent (non-voting)
 - John Cashell, *Planning Director* – Present at Town Hall (non-voting)

2. REVIEW/APPROVAL OF JANUARY 6 , 2021 MINUTES:

Draft minutes were included with the meeting materials.

L. Milette moved, second by K. Robinson approve the minutes from January 3, 2021 as issued.

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

3. PUBLIC HEARING:

Ch. Peck continued the public hearing from January 6, 2021 at 6:34pm. He said the Board will consider additions, deletions, and modifications to the proposed amendments that were continued from the previous hearing. He noted there were no residents present at Town Hall or remotely.

Proposed Plaistow Zoning Amendment Z-21-3. The proposed amendment is made a part of these minutes as an addendum. The draft ballot was used for this purpose.

The subject of Function Halls was revisited. In relation to RSA 155-66 and RSA 155-67, Ch. Peck noted previous concerns using the business Utopia as an example that a restaurant would become a function hall, and that his understanding is the restaurant would need to become a social, fraternal, or religious organization and have to have private parties in private rooms. He invited further discussion. L. Milette said she understood adding C1-Danville Road Overlay District but did not understand why the Board is trying to add Function Hall to that. She also noted she did not have any problem with the Function Hall definition, but would like to strike the line “Add the following use to § 200-32B paragraph B “25. Function Hall.” Ch. Peck suggested that this was being added as it should have been added before. T. Moore said he thought it was an oversight that it wasn’t in there. F. Hart asked if the primary concern is free-standing function hall. L. Milette said if the Board is adding a definition to C1 why not state it that way rather than add it to the C1 Overlay. There was further discussion of smoking and the law as stated in RSA 155-56 and RSA 155-57. J. Coshell noted that some people consider the idea of function halls as onerous because they can disrupt the environment, while others don’t care at all. He said if it stays in as a permitted use the noise ordinance and if it became a problem you can use that. L. Milette reminded the Board that the C1 Overlay District is trying to encourage residential use.

L. Milette moved, second by K Robinson to delete the line “Add the following use to § 200-32B paragraph B “25. Function Hall” and post Zoning Amendment Z-21-3 to the ballot as amended.

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

Proposed Plaistow Zoning Amendment Z-21-4 The proposed amendment is made a part of these minutes as an addendum. The draft ballot was used for this purpose.

F. Hart proposed striking “or building’ from the Function Hall definition. T. Moore indicated that the intent of the definition was to allow a stand- alone function hall. J. Cashell suggested leaving it in since many restaurants have what they call function hall rooms. T. Alberti asked if it helps the Town to have a definition. F. Hart suggested the definition of a Function Hall is independent of whether it is an allowed use in C1. T. Moore said if you have a good definition and if you don’t want it in a district it is not an allowed use. Ch. Peck suggested that having a definition helps the Code Enforcement Officer say this is what is being proposed and it is not allowed.

T. Moore moved, second by K Robinson to post the proposed amendment to the ballot as written.

The motion to post to the ballot passed 5- 0 -0

Proposed Plaistow Zoning Amendment Z-21-7 The proposed amendment is made a part of these minutes as an addendum. The draft ballot was used for this purpose.

T. Moore noted that Attorney Cleary's suggested changes were incorporated into the amendment.

T. Moore moved, second by L. Milette to post the proposed amendment to the ballot as written.

The motion to post to the ballot passed 5- 0- 0

Proposed Plaistow Zoning Amendment Z-21-8 The proposed amendment is made a part of these minutes as an addendum. The draft handout was used for this purpose

T. Moore said there were some changes:

- In Table 220-32L "C1OD" – C1 Overlay District added to the end of the second paragraph is "and the permitted uses must conform to those listed in Paragraph B below."
- In B. Uses, B3 Permitted uses was added "14. Multi-family residential" At this time it was also agreed to remove "25. Function Hall" from B3
- C. Areas and dimensions, (5) was change to read Maximum height: 45 feet or three stories (number of distinct levels above ground for residential, commercial or industrial uses), whichever is less.
- In D. Layout guidelines "while maintained" was replaced with "and a" in the second line and "is maintained" was added to the end of the sentence.

K. Robinson moved, second by L. Milette to post Zoning Amendment Z-21-8 as amended to the ballot.

The motion to post to the ballot passed 5- 0- 0.

Proposed Plaistow Zoning Amendment Z-21-9

The proposed amendment was read aloud and is made a part of these minutes as an addendum. The draft ballot was used for this purpose.

Ch. Peck noted there is a large map of the Commercial District available. K. Robinson said that her map made it very clear and wants to remove the map and add the following sentence to the end of Objectives and characteristics: "The new District starts at the intersection of Main Street and Plaistow Road/Route 125 north to the Kinston town line." Ch. Peck said the map shows that part of that area is industrial. J. Cashell suggested clarifying it with "The proposed C3 zoning district replaces the C1 district in the area north of the intersection of Main Street to the Kinston Town line. Its boundaries are the same as the C1 boundaries." It was also agreed to remove the map from the ballot.

K. Robinson moved, second by L. Milette to amend the Zoning Amendment Z-21-9 as detailed above.

The motion to amend passed 5- 0 -0.

J. Cashell noted that in Zoning Districts you always show the allowed uses, but that you don't show the prohibited uses. He suggested that singling out one prohibited use is not needed since if it is not in the permitted uses it is automatically prohibited. He suggested that in Table 220-32M "C3" – Commercial 3, B. Uses, Prohibited uses be removed entirely.

J. Peck moved, second by T. Moore to remove from Table 220-32M “C3” – Commercial 3, B. Uses, Prohibited uses the Zoning Amendment Z-21-9.

The motion to amend passed 3- 2 (K. Robinson, L. Milette) -0.

T. Moore noted that the handouts will have to be changed and be available at the Deliberative Session and that this year they should not turn them back in so arrangements must be made to get more copies as needed. K. Robinson said that there should be some copies of the Ballot, Voter’s Guide and Handouts should be available in the Library. F. Hart said she will try to make arrangements for a copier in the Public Works garage. She said the Voter’s Guide might be available as early as Monday.

T. Moore moved, second by F. Hart to move Zoning Amendment Z-21-9 as amended in its entirety to the ballot.

The motion to post to the ballot passed 5- 0 -0.

Ch. Peck closed the Public Hearing at 7:33pm. It was noted there were no members of the public connected

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

Ch. Peck said there is only one new application in the works that won’t come to the Board before February. J. Cashell said there is nothing new from Newton but the plan will be submitted until the second meeting of the Board in February at the earliest.

Ch. Peck noted the next meeting will be on February 3, 2021, which is usually a workshop meeting. He noted he has no items for a workshop and J. Cashell said there won’t be anything to wrap up.

F. Hart asked if the Board has a position on a proposed Amazon distribution site on Rte. 125. Ch. Peck said he went to see it and there is a distribution center there now but it’s nowhere near the proposed size, and it hasn’t come before their planning board. He also said it isn’t likely to come through Plaistow. J. Cashell said that the primary traffic route for a facility that size is likely to go from Rte. 101 to Rte. 89 or Rte. 93. Ch. Peck noted plans had been submitted to the Hudson Planning Board for a much bigger facility there but it has gone nowhere. J. Cashell said that when the economy started to fail people look for new businesses to help with the tax burden.

L. Milette complimented Dee Voss on the excellent job she did with the Zoning Amendments, the Voter’s Guide, the Handouts and the map. The Board expressed its appreciation of the support Dee provides it.

7. ADJOURNMENT

There was no additional business before the Board and the meeting was adjourned at 7:45 PM.

Respectfully Submitted,

Charlene A. Glorieux
Minute Taker

Proposed Zoning Amendments for 2021

Proposed deletions in ~~bold strikethrough~~. Proposed additions in *bold italics*.

Proposed Plaistow Zoning Amendment Z-21-1. Are you in favor of Amendment #1 as proposed by the Plaistow Planning Board to the Plaistow Zoning Ordinance, Article II, Definitions, as follows?

Modify § 220-2, Definitions, D. Personal Service Business, by adding the following language to the current language:

D. PERSONAL SERVICE BUSINESS — A business enterprise which holds the necessary state and local permits, *in accordance with NHRSA Title XXX*, to operate an establishment in which state-qualified practitioners provide individuals with such manual or mechanical types of treatment to external surfaces of the human body as barbering, cosmetology, esthetics, electrology, body massage and physical therapy. [Amended 2-10-2001 ATM by Art. P-29]

Delete all footnotes and footnote reference text for Personal Service Business in § 220-28, Table 220-32.

Amendment #1 is recommended by the Planning Board by a 5-0-0 vote.

Proposed Plaistow Zoning Amendment Z-21-2. Are you in favor of Amendment #2 as proposed by the Plaistow Planning Board to the Plaistow Zoning Ordinance, Article III, General Provisions by adding a new paragraph as follows?

§ 220-17.5. Residential Dumpsters. *No dumpsters used for residential waste may be placed closer than 10 feet to a sidewalk or bike path or edge of a street right-of-way and must include screening between the dumpster and the sidewalk/bike path/street. The placement of dumpsters, used on a temporary basis and associated with active onsite construction, is exempted from this ordinance.*

Amendment #2 is recommended by the Planning Board by a 5-0-0 vote.

Proposed Plaistow Zoning Amendment Z-21-3. Are you in favor of Amendment #3 as proposed by the Plaistow Planning Board to the Plaistow Zoning Ordinance, Article V, Establishment of Districts and District Regulations as follows?

Add the “C1 – Danville Road Overlay District” to § 220-28 paragraph A.

Add the following use to § 220-32B paragraph B “25. Function Hall.”

Amendment #3 is recommended by the Planning Board by a 0-0-0 vote.

Proposed Plaistow Zoning Amendment Z-21-4 Are you in favor of Amendment #4 as proposed by the Plaistow Planning Board to the Plaistow Zoning Ordinance, Article II, Definitions, by adding a new definition for a function hall as follows?

FUNCTION HALL - A room or building for the purpose of hosting a party, banquet, wedding reception or other social event. Function halls are often found within pubs, clubs, hotels, or restaurants and are also known as reception halls or banquet halls.

Amendment #4 is recommended by the Planning Board by a 0-0-0 vote.

Proposed Plaistow Zoning Amendment Z-21-5. Are you in favor of Amendment #5 as proposed by the Plaistow Planning Board to the Plaistow Zoning Ordinance, Article X, Home Occupation by adding the Village Center District (VC), to the list of zoning districts that permit certain uses as follows?

Modify § 220-66, D. Permitted Uses, by expanding the permitted use districts from ~~“ICR or CH Zones”~~, to ***“ICR, CII, or VC Zones”***.

Modify § 220-67, E. Conditions, by modifying the second sentence from, ~~“Signs will not be illuminated from within or by exterior spot lighting in Residential Zones ICR, MDR, LDR.”~~ to, ***“Signs will not be illuminated from within or by exterior spot lighting in any zoning district that permits a home occupation.”***

Amendment #5 is recommended by the Planning Board by a 5-0-0 vote.

Proposed Plaistow Zoning Amendment Z-21-6. Are you in favor of Amendment #6 as proposed by the Plaistow Planning Board to the Plaistow Zoning Ordinance, Article III, General Provisions, Motor vehicle and trailer sales – Fee Schedule as follows?

Modify § 220-16.C from, ~~“...as set forth in the Plaistow Planning Board Fee Schedule ...”~~ to, ***“...as set forth in the Fee Schedule of the Department of Building and Safety...”***

Amendment #6 is recommended by the Planning Board by a 5-0-0 vote.

Proposed Plaistow Zoning Amendment Z-21-7. Are you in favor of Amendment #7 as proposed by the Plaistow Planning Board to the Plaistow Zoning Ordinance, Article II, Definitions, by deleting definitions for GROUNDWATER, POORLY DRAINED SOILS and for VERY POORLY DRAINED SOILS all of which will be moved to Article IV Definitions and to modify Article IV, Wetlands, by modifying the title of Article from “Wetlands” to “Natural Resource Protection” and by replacing sections § 220.18 through § 220.26 with new text that defines a Wetlands Conservation District, its boundaries, permitted uses, prohibited uses, appeals and a more comprehensive set of definitions?

Note: The full text of the proposed ordinance is available through the Planning Board, is on the Town’s website (see 2021 Zoning Proposals Voter’s Guide) and will be available at the polls.

Amendment #7 is recommended by the Planning Board by a 0-0-0 vote.

Proposed Plaistow Zoning Amendment Z-21-8. Are you in favor of Amendment #8 as proposed by the Plaistow Planning Board to the Plaistow Zoning Ordinance, Article V, Establishments of Districts and District Regulations, § 220-28 Establishment of Districts; Zoning Map, by creating a

new zoning district – “C1 Mixed Use Overlay District” whose objectives and characteristics are shown below?

Note: The full text of the proposed ordinance is available through the Planning Board, is on the Town’s website (see 2021 Zoning Proposals Voter’s Guide) and will be available at the polls.

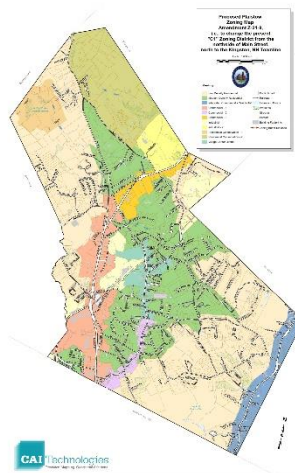
Objectives and characteristics. This overlay district will be defined by its own geographic boundaries provided that the boundaries do not fall outside the existing Commercial 1 (“C1”) boundaries. The district may be used for new construction or for redevelopment of existing C1 properties. The objectives of this overlay district are to enhance the utility of C1 properties that have access to municipal potable water and/or fire suppression water. Route 125 provides the primary access to the C1 properties and the Town and the New Hampshire Department of Transportation work together through a Memorandum of Understanding (MOU) when developers require access to their projects from Rt. 125. The overarching goal of the MOU is to restrict curb cuts along Rt. 125. This overlay district will follow the guidelines set forth in the MOU.

Amendment #8 is recommended by the Planning Board by a 0-0-0 vote.

Proposed Plaistow Zoning Amendment Z-21-9. Are you in favor of Amendment #9 as proposed by the Plaistow Planning Board to the Plaistow Zoning Ordinance, Article V, Establishments of Districts and District Regulations, § 220-28 Establishment of Districts; Zoning Map, by creating a new zoning district – “C3 – Commercial 3” whose objectives and characteristics are shown below?

Note: The full text of the proposed ordinance is available through the Planning Board, is on the Town’s website (see 2021 Zoning Proposals Voter’s Guide) and will be available at the polls.

Objectives and characteristics. The purpose and intent of the Commercial 3 District is to limit the building size and to protect Plaistow’s village center, schools, and neighborhoods from the overwhelming impacts of increased traffic and congestion. Expanded traffic counts resulting from large-scale retail development in the designated Commercial 3 area, to and from NH Route 125 via Main Street and other residential roads, will threaten the character of the community and the general public safety and quality of life of Plaistow residents. Only businesses with reduced traffic volumes will be permitted in the district.



A larger version of this map is viewable on the Town’s Website and will be posted at the polls

Amendment #9 is recommended by the Planning Board by a 0-0-0 vote.

2021 Proposed Zoning Amendment Full Text

Article Z-21-7: Natural Resource Protection

Article Z-21-8: CI Overlay District

Article Z-21-9: C3 District

Natural Resource Protection

Proposed Plaistow Zoning Amendment Z-21-7. Are you in favor of Amendment #7 as proposed by the Plaistow Planning Board to the Plaistow Zoning Ordinance, Article II, Definitions, by deleting definitions for GROUNDWATER, POORLY DRAINED SOILS and for VERY POORLY DRAINED SOILS all of which will be moved to Article IV Definitions and to modify Article IV, Wetlands, by modifying the title of Article from “Wetlands” to “Natural Resource Protection” and by replacing sections § 220.18 through § 220.26 with new text that defines a Wetlands Conservation District, its boundaries, permitted uses, prohibited uses, appeals and a more comprehensive set of definitions?

Article IV – Natural Resource Protection

§ 220.18 Wetlands Conservation District

§ 220.18.1 Purpose and Intent: By the authority granted in New Hampshire RSA 674:16 to 17 and RSA 674:20 to 21 the Wetlands Conservation District is hereby enacted to protect the public health, safety, and general welfare of the community by promoting the most appropriate use of land and the protection of wetland ecosystems and water quality in accordance with the Plaistow Master Plan. It is intended that this Article shall:

- A. Be implemented as an overlay district, that is, all of the regulations/restrictions of the underlying zoning district apply, but the overlay district imposes additional regulations/restrictions as described in the following paragraphs.
- B. Prevent the development of structures and land uses on wetlands and wetland areas of very poorly drained soils, poorly drained soils and/or their buffers that will contribute to pollution of surface and groundwater by sewage or toxic substances, excess nutrients, or sedimentation.
- C. Prevent the destruction of, or significant changes to, those wetland areas, related water bodies, and adjoining land that provides flood protection.
- D. Protect wetland systems that provide filtration of water flowing into ponds and streams, augment stream flow during dry periods and which connect to the ground or surface water supply.
- E. Protect wildlife habitats, maintain ecological function and support other public purposes such as those cited in NH RSA 482-A:1 and as amended from time to time.
- F. Protect potential water supplies and existing aquifers (water bearing stratum) and aquifer recharge areas.
- G. Prevent unnecessary or excessive expense to the Town for the purpose of providing and/or maintaining essential services and utilities that might be required as a result of development in wetlands.
- H. Prevent damage to structures and properties caused by inappropriate development in wetlands.
- I. Require the use of best management practices and low impact development in and adjacent to Wetland Conservation District areas

§ 220.18.2 Applicability: All proposed development, removal of vegetation or alteration/disturbance of the land including but not limited to drainage, wastewater disposal

system, wells and other utilities within the wetlands conservation district is subject to the requirements of Article IV, § 220.18.

§ 220.18.3 Boundaries and Setbacks: The Wetlands Conservation District includes:

- A. Surface waters of the State.
- B. Wetlands of any size including but not limited to swamps, bogs, marshes, ponds, lakes, and vernal pools.
- C. Inland streams that meet the definition in NHDES Env-Wt 103.21 “Intermittent stream” and Env-Wt 103.53 “Perennial stream”. Note: Additional restrictions and setbacks apply if within the Plaistow Shoreland Protection District, § 220.27.
- D. A wetland buffer area comprised of all land parallel to and measured from the edge of the wetland boundary on a horizontal plane to a width defined below:

Wetland Buffers and Setbacks (in feet)			
	Limited Use Buffer	Parking and Structure Setback*	Wastewater System Setback
Prime Wetland	100'	125'	125'
Vernal Pool	75'	100'	100'
Wetlands Greater than 3,000 SF	50'	75'	75'
Inland Streams (including intermittent streams)	25'	75'	75'

*Man-made drainage structures including but not limited to detention ponds, retention ponds, and drainage swales shall not be considered part of the Wetlands Conservation District.

§ 220.18.4 Boundary Markers: The Planning Board or Conservation Commission may request the wetland boundaries and/or the Wetland Conservation District boundaries be marked with an identifiable marking system when adjacent to existing or proposed development areas.

§ 220.18.5 Boundary Appeals: In the event that the Building Inspector, Code Enforcement Officer, the Planning Board, or the Conservation Commission questions the validity of the boundaries of a wetland area on a specific parcel of land, or upon written petition of the owner or an abutter of the said property to the Planning Board, the Board may call upon the services of a certified wetland scientist to delineate wetlands in accordance with the standards and criteria specified in § 220.18.6.L and § 220.18.6.M in order to examine said area and report the findings to the Planning Board for their determination of the boundary. Expenses incurred in retaining these services shall be paid by the applicant or landowner.

§ 220.18.6 Definitions:

- A. **Buffer:** The protected upland areas adjacent to all systems described within the Wetlands Conservation District. This area acts as essential maintenance and protection of wetland value and function.

- B. Certified Wetland Scientist:** A person qualified to delineate wetland boundaries and prepare wetland maps who is certified by the State of New Hampshire Board of Natural Scientists as defined by RSA 310-A:76 II-A and as amended from time to time.
- C. Development:** Any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, paving, mining, dredging, filling, grading excavation or drilling activities.
- D. Inland Stream:** Env-Wt 103.21 “**Intermittent stream**” means a watercourse that is fed by groundwater but is not in the groundwater table throughout the year, where runoff from rainfall and snowmelt is a supplemental source of water for flow, such that the stream typically does not have flowing water during dry portions of the year. Env-Wt 103.53 “**Perennial stream**” means a watercourse that is in the groundwater table for most of the year and so has groundwater as its primary source of water for stream flow, with runoff from rainfall and snowmelt as a supplemental source of water, so that it contains flowing water year-round during a typical year.
- E. Groundwater:** The subsurface water that occurs beneath the water table in soils and geologic formations.
- F. Limited Use Buffer:** A buffer area in which uses are restricted to permitted or conditionally permitted uses through these regulations. Any use not specifically identified as permitted or conditionally permitted, is considered prohibited.
- G. Prime Wetland:** An area designated as a Prime Wetland in accordance with RSA 482-A:15, and the NH Code of Administrative Rules Env-Wt 700, and as amended from time to time.
- H. Setback:** Distance from a wetland boundary, within which a use is prohibited. Any Zoning Board of Adjustment action to grant a variance for a smaller setback, shall still require a Conditional Use Permit if the proposed use is a conditional use. Conditional Use Permit shall not override the distance setback granted or denied by the Zoning Board of Adjustment.
- I. Surface Waters of the State:** Pursuant to RSA 485-A:2.XIV and as amended from time to time, perennial and seasonal lakes, streams, ponds, and tidal waters within the jurisdiction of state, including all streams, lakes, or ponds bordering state marshes, water courses, and other bodies of water, natural or artificial.
- J. Vernal Pool:** Env-Wt 104.44 “Vernal pool” means a surface water or wetland, including an area intentionally created for purposes of compensatory mitigation, that provides breeding habitat for amphibians and invertebrates that have adapted to the unique environments provided by such pools and that:
- a. Is not the result of on-going anthropogenic activities that are not intended to provide compensatory mitigation, including but not limited to:
 - i. Gravel pit operations in a pit that has been mined at least every other year;
 - ii. Logging and agricultural operations conducted in accordance with all applicable New Hampshire statutes and rules;
 - b. Typically has the following characteristics:
 - i. Cycles annually from flooded to dry conditions, although the hydroperiod, size, and shape of the pool might vary from year to year;
 - ii. Forms in a shallow depression or basin;
 - iii. Has no permanently flowing outlet;
 - iv. Holds water for at least 2 continuous months following spring ice-out;

- v. Lacks a viable fish population;
- vi. Supports one or more primary vernal pool indicators, or 3 or more secondary vernal pool indicators.

K. Wetland: Pursuant to RSA 482-A:2.X and as amended from time to time, an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. They include, but are not limited to, swamps, bogs, marshes, ponds, lakes, and all such areas as included in the jurisdictional definition of the New Hampshire Wetlands Bureau Administrative Rules.

L. Wetland Delineation and Classification of Jurisdictional Areas: Env-Wt 406 Delineation and Classification of jurisdictional areas Env-wt 406.01 references for delineation of wetland boundaries. Subject to (a) through (c), below, the individual performing the wetlands delineation on behalf of the applicant shall base the delineation on the presence of hydrophytic vegetation, hydric soils, and wetlands hydrology in accordance with the federal delineation method, available as noted in Appendix B (Env-Wt 406.01). According to Method established in “Wetlands Delineation Manual”, Technical Report Y-87-1, Corps of Engineers, January 1987, and “Regional Supplement to the Corps of Engineers Wetlands Delineation Manual: Northcentral and Northeast Region”, Version 2.0, U.S. Army Corps of Engineers, January 2012.

- a. The hydrophytic vegetation component of the delineation shall be done in accordance with the Northcentral and Northeast 2016 Regional Wetland Plant List, Version 3.3, 2016, published by the US ACE and available as noted in Appendix B.
- b. The hydric soils component of delineations shall be determined in accordance with the New England Hydric Soils Technical Committee’s “Field Indicators for Identifying Hydric Soils in New England”, Version 4, 2017, published by the New England Interstate Water Pollution Control Commission and available as noted in Appendix B.
- c. Delineations of vernal pools shall be based on the characteristics listed in the definition of “vernal pool” in Env-Wt 104. To assist in the delineation, individuals may use either of the following references: (1) “Identifying and Documenting Vernal Pools in New Hampshire”, 3rd Ed., 2016, published by NHF&G and available as noted in Appendix B; or (2) The US ACE “Vernal Pool Assessment” draft.

M. Wetland Boundaries Delineation: Env-Wt 406.02 Delineation of Wetlands Boundaries states that for projects that require a wetlands delineation, wetlands boundaries shall be delineated by a certified wetland scientist except in the circumstances listed in RSA 310-A:79, reprinted in Appendix D (Env-Wt 406.02).

§ 220.18.7 Permitted Uses: The following uses, to the extent permitted in the underlying zoning district, shall be permitted in the Wetlands Conservation District as specified, provided that the proposed use will not cause increases in surface or groundwater contamination, contribute to soil erosion, or cause a degradation to the wetland.

- A. Agriculture, including grazing, hay production, truck gardening and silage production provided the activity does not adversely impact the function of a prime wetland’s buffer.

- B. Forestry and tree farming to include the construction of access roads for said purpose provided the activity does not adversely impact the function a prime wetland's buffer.
- C. Wildlife habitat and management.
- D. Recreational uses consistent with the purpose and intent of this ordinance.
- E. Conservation area and nature trails.
- F. The construction of well water supplies.
- G. Elevated, uncovered decks attached to an existing structure, free-standing gazebo or garden-type structures, and storage sheds not exceeding 120 square feet in size when elevated on blocks, sonatubes or similar footing provided they maintain a minimum ten-foot (10 ft) setback from the edge of a wetland.
- H. Native, non-invasive plantings such as trees and shrubs.
- I. Projects that reduce impervious surfaces while ensuring the protection of the wetland buffer through erosion and sediment control best management practices.
- J. Projects that revegetate or revitalize in some way an already disturbed buffer zone.
- K. Projects that are within any easement must also comply the conditions of the easement.

§ 220.18.8 Conditional Uses:

A. Conditional Use Permit: Under the enabling authority granted by NH RSA 674:21 II and

as amended from time to time, the following uses are only permitted in the Wetlands Conservation District pursuant to the issuance of a Conditional Use Permit by the Planning Board. Before the Planning Board undertakes a conditional use review, the applicant shall make application, on forms provided by the Planning Department, to the Conservation Commission for review and comment. The application shall document the degree of temporary and permanent impact and detail how the conditions listed in § 220.18.8.B are met. The Planning Board shall consider the comments or recommendations made by the Conservation Commission prior to acting on a Conditional Use Permit application. Conditional Use Permits shall only be considered for the following uses:

1. Site development such as but not limited to construction of roads and other access ways, parking areas, utilities, structures, drainage systems, water impoundment and other site improvements.
2. Agricultural activities within the prime wetland buffer including grazing, hay production, truck gardening and silage production in accordance with best management practices.
3. Forestry and tree farming within the prime wetland buffer when conducted consistent with the best management practices as published by the NH Department of Natural and Cultural Resources and the NH Cooperative Extension.

B. Conditions: Prior to the issuance of a Conditional Use Permit, the Planning Board shall find, and make a part of the record, compliance with the following criteria:

1. That the proposed use is permitted in the underlying zoning district.
2. No alternative design that does not impact a wetland or a wetland buffer or that has less detrimental impact on the wetland or wetland buffer is feasible.

3. A certified wetland scientist has provided an impact evaluation that includes the functions and values of the wetland(s), an assessment of the potential project-related impacts and concluded to the extent feasible, the proposed impact is not detrimental to the value and function of the wetland(s) or greater hydrologic system.
 4. That the design, construction and maintenance of the proposed use will, to the extent feasible, minimize detrimental impact on the wetland or wetland buffer.
 5. That the proposed use will not create a hazard to individual or public health, safety and welfare due to the loss of wetland, the contamination of groundwater, or other reasons.
 6. In cases where the proposed use is temporary or where construction activity disturbs areas adjacent to the immediate use, the applicant has included a restoration proposal revegetating any disturbed area within the buffer with the goal to restore the site as nearly as possible to its original grade and condition following construction.
 7. That all required permits shall be obtained from the NH Department of Environmental Services Water Supply and Pollution Control Division under RSA 485-A: 17, the NH Wetlands Bureau Administrative Rules and the US Army Corp of Engineers under section 404 of the Clean Water Act.
- C. The applicant may propose an increase in wetland buffers elsewhere on the site that surround a wetland of equal or greater size, and of equal or greater functional value than the impacted wetland.

§ 220.18.9 Prohibited Uses: In reviewing an application for a variance from provisions of Article IV, § 220.18, the Plaistow Zoning Board of Adjustment may request that the Conservation Commission and/or the Planning Board review the application and provide written comment as to the impacts the proposed use may have on wetlands or wetland buffers. The following uses are not permitted in the Wetlands Conservation District, notwithstanding, that they may be permitted in the underlying zoning district:

- A. Salt storage
- B. Junkyards
- C. Solid or hazardous waste facilities
- D. Use of fertilizers, except for lime or wood ash
- E. Bulk storage or handling of chemicals, petroleum products, underground tanks, drums, aboveground tanks, hazardous materials or toxic substances as defined under NH RSA 147-A2 VII and as amended from time to time
- F. Snow storage, unless in accordance with NH Department of Environmental Services Snow Disposal Guidelines (Document WMB-3, 2007)
- G. Sand and Gravel Excavations
- H. Processing of excavated material
- I. Any use not specifically listed as a permitted or conditional use.

§ 220.18.10 Non-local Permits: Notwithstanding the provisions Article IV or local approval of proposed uses, any permits required by the NH Department of Environmental Services Water Supply and Pollution Control Division under RSA 485-A: 17, the NH Wetlands Council under

RSA 21-O.5-a and the US Army Corp of Engineers under section 404 of the Clean Water Act shall be obtained prior to the use or alteration of wetlands. Separate local approval of regulated uses in wetlands shall be required irrespective of obtaining non-local permits.

§ 220.18.11 Enforcement: Any wetlands altered in violation of Article IV, § 220-18 shall be restored at the expense of the violator(s) as provided by RSA 482-A. The Code Enforcement Officer shall be responsible for the enforcement of the provisions of this ordinance. From time to time as appropriate the Code Enforcement Officer may call upon the resources at the NH Department of Environmental Services to resolve any issues regarding the nature and/or extent of the violation and to enlist their help on a suitable restoration.

Handout

CI Overlay District

Proposed Plaistow Zoning Amendment Z-21-8. Are you in favor of Amendment #8 as proposed by the Plaistow Planning Board to the Plaistow Zoning Ordinance, Article V, Establishments of Districts and District Regulations, § 220-28 Establishment of Districts; Zoning Map, by creating a new zoning district – “C1 Mixed Use Overlay District” as below?

Modify § 220-28 Paragraph A by adding a new district, “C1 Mixed Use Overlay District” to the list of zoning districts.

Modify § 220-32 Table 32 by adding a new district to Table 32 as follows:

Table 220-32L
“CIOD” – CI Overlay District

A. Objectives and characteristics. This overlay district will be defined by its own geographic boundaries provided that the boundaries do not fall outside the existing Commercial 1 (“C1”) boundaries. The district may be used for new construction or for redevelopment of existing C1 properties. The objectives of this overlay district are to enhance the utility of CI properties that have access to municipal potable water and/or fire suppression water. Route 125 provides the primary access to the C1 properties and the Town and the New Hampshire Department of Transportation work together through a Memorandum of Understanding (MOU) when developers require access to their projects from Rt. 125. The overarching goal of the MOU is to restrict curb cuts along Rt. 125. This overlay district will follow the guidelines set forth in the MOU.

This overlay district may or may not be used by developers. When not used all of the existing C1 regulations, all permitted uses, setbacks, lot sizing, etc. apply. When an applicant chooses to use this overlay district as the basis for development, the development must all be on one consolidated lot **and the permitted uses must conform to those listed in Paragraph B below.**

All internal roads in this overlay district shall be built to Town specifications and shall be private roads maintained by the applicant, the developer, or a management company.

B. Uses. Paragraphs B1, B2 and B3 list permitted uses, however there may be additional restrictions on the size and relative position of one use to another as defined by the layout standards in Paragraph D.

B1. Permitted uses by Special Exception:

1. Care and treatment of animals¹

B2: Permitted uses by Conditional Use Permit:

1. None.
-

B3. Permitted uses:

1. Retail business
2. Wholesale business
3. Personal Service Business
4. Business office
5. Professional office
6. Bank
7. Restaurant
8. Funeral establishment
9. Private/service club
10. Commercial recreation
11. Place of worship
12. Publishing
13. Vehicular brokerage office
14. Produce stand
15. Public use, limited to public safety and service
16. Accessory use or structure
17. Storage of equipment/vehicles used to service a product
18. Essential service
19. Small industry
20. Theaters
21. Nursing/Convalescent Homes/Assisted Living Facilities
22. Hospital/urgent Care Facilities
23. Trade Business
24. Multi-family residential
25. Function Hall

C. Areas and dimensions.

- (1). Minimum lot size: 420,000 square feet.
- (2). Minimum frontage: 150 feet.

Note: The frontage is to be measured along Rt. 125.

- (3). Minimum yard dimensions: Not applicable.
- (4). Maximum lot coverage: 75%.
- (5). Maximum height: 45 feet or three stories (number of distinct levels above ground for residential, commercial or industrial uses), whichever is less.
- (6). Minimum building set back: 50 feet from all Class IV and V roads.
20 feet from pavement edge of internal roads.
10 feet from internal sidewalks.

(7). Commercial square footage: At least 70% of the total developed square footage must be commercial.

(8). Residential square footage: Not to exceed 25% of the total developed square footage.

(9). Park/playground minimum square footage: 500 square feet per residential dwelling unit.

D. Layout guidelines.

These guidelines are defined to integrate commercial and multi-family residential uses in a manner such that pedestrian and cyclist safety is emphasized ~~while maintained~~ and a high quality of life ~~is maintained~~.

D1. Plaza Concept

a. Objectives:

1. The plaza grouping of commercial properties are located adjacent to multi-story, multi-family residential properties. Residential units may also be located above the commercial properties. The commercial properties may also be multi-story (max 3-story).
2. The plaza has a one-way, 10-foot-wide street that is to be used for emergency vehicles and for postal and small package deliveries (parking - 15 minutes maximum).
3. The plaza is characterized by wide sidewalks that allow for restaurant / pub patrons to eat or drink outside and still have 5 feet of sidewalk remaining for pedestrian traffic. In a similar manner, retail stores may display their goods on sidewalks.
4. Both the store fronts and residential buildings must have a common look or similar architecture.
5. The plaza portion of the property must be at least 40% of the property. The remaining portion of the lot may be used for stand-alone commercial and/or residential property.
6. All internal roads on the lot, other than the "plaza one-way street", must have sidewalks and bike lanes.
7. No single commercial space can exceed a 50-foot x 100-foot footprint.
8. Residential dwelling units must have a balance of studio apartments (max 700 square feet), one-bedroom apartments (max 900 square feet), and two-bedroom apartments (max 1800 square feet).

C3 District

Proposed Plaistow Zoning Amendment Z-21-8. Are you in favor of Amendment #8 as proposed by the Plaistow Planning Board to the Plaistow Zoning Ordinance, Article V, Establishments of Districts and District Regulations, § 220-28 Establishment of Districts; Zoning Map, by creating a new zoning district – “C3 – Commercial 3” as shown below:

Modify § 220-28 paragraph A by adding “C3 – Commercial 3” to the list of zoning districts.

Modify § 220-32 by adding a new table, Table 220-32M, with the district regulations defined below:

Table 220-32M
“C3” – Commercial 3

A. Objectives and characteristics. The purpose and intent of the Commercial 3 District is to limit the building size and to protect Plaistow’s village center, schools, and neighborhoods from the overwhelming impacts of increased traffic and congestion. Expanded traffic counts resulting from large-scale retail development in the designated Commercial 3 area, to and from NH Route 125 via Main Street and other residential roads, will threaten the character of the community and the general public safety and quality of life of Plaistow residents. Only businesses with reduced traffic volumes will be permitted in the district.

B. Uses.

Prohibited uses

1. Contractor’s yard

Permitted uses

1. Retail business
2. Wholesale business
3. Personal service business
4. Business office
5. Professional office
6. Bank
7. Restaurant
8. Funeral establishment
9. Commercial recreation
10. Private /service club
11. Publishing
12. Vehicular brokerage office
13. Drive-through restaurants
14. Produce stands
15. Essential service
16. Theaters
17. Trade business

18. Small industry

C. Areas and dimensions.

(1). Minimum lot size

(a) Area: 80,000 square feet

(b) Frontage: 150 feet

(2). Minimum yard dimensions: refer to Table 220-32I.

(3). Maximum lot coverage: 75%.

(4). Maximum height: 45 feet or three stories, whichever is less.

(5). Minimum building set back: 50 feet from the front property line.

(6). Maximum building size where a single business is to occupy a single building: 20,000 square feet.

(7). Maximum building size where multiple businesses are to occupy a single building: 60,000 square feet.

D. Further restrictions applicable to all buildings on a lot.

(1). Multiple buildings are permitted provided they are located in such a manner as to account for pedestrian safety as well as efficient and easy to follow traffic patterns.

(2). Total vehicle trips shall not exceed 3,000 vehicle trips per day, per lot.

Modify § 220-32, Table 220-32I, with the district setbacks defined below:

Zoning District	Front Setback
Commercial 3	50 feet
All uses of land in the C3 district	Side and rear setbacks
Where any use of land in C3 abuts an industrial use	35 feet
Where any use of land in C3 abuts a residential use	50 feet
Where any use of land in C3 abuts a commercial use	35 feet

Modify § 220-3, One building per lot, Paragraph B by adding C3 to the list of zoning districts that allow multiple buildings per lot if the Planning Board finds that the placement of multiple buildings on a lot enhances the general health, safety and welfare of the public.

**Amendment Z-21-8,
i.e., to change the present
"C1" Zoning District from the
northside of Main Street,
north to the Kingston, NH Townline**

1 inch = 1,000 feet



Zoning

- | | |
|-------------------------------------|------------------------|
| Low Density Residential | Public Road |
| Medium Density Residential | Railroad |
| Integrated Commercial - Residential | Lakes and Ponds |
| Commercial - 1 | Wetlands |
| Commercial - 2 | Streams |
| Commercial - 3 | Parcels |
| Industrial - 1 | Building Footprints |
| Industrial - 2 | Zoning Buffer Distance |
| Residential Conservation - 1 | |
| Residential Conservation - 2 | |
| Village Center District | |

