

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



PLANNING BOARD MEETING MINUTES
August 16, 2023

Call to Order: In the absence of Ch. Alberti and Vice Chair K. Robinson, Bill Coye called the meeting to order at 6:31 PM.

1. ROLL CALL:

Tom Alberti, *Ch.* – Present at Town Hall
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

Also Present: Heidi Tombarello, Legal Counsel, Lewis Builders

2. MINUTES:

The minutes of the July 19, 2023 Board meeting had been distributed prior to the meeting

B. Coye moved, second by C. Fowler, to accept the minutes of the July 19, 2023 as issued

The motion passed 4 (B. Coye, C. Fowler, L. Milette, K. Robinson)-0-1 (T. Alberti)

The minutes of the August 2, 2023 Board meeting had been distributed prior to the meeting. It was noted that Jen Rowden should be removed from the roll call as V. Healey is the RPC Circuit Rider for Plaistow.

C. Fowler moved, second by C. Fowler, to accept the minutes of the August 2, 2023 as corrected.

3. PUBLIC HEARING

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.

Ch. Alberti noted that the application had been accepted as complete. Heidi Tombarello, Legal Counsel for Lewis Builders, introduced herself and said she was present to explain the reasons for their request for continuance to September 20, 2023. She noted that between the June and July hearing dates they had learned there had been a notice issue with their ZBA frontage variance application and have submitted a reapplication to the ZBA with proper abutter notice for the August 31, 2023 hearing.

There was discussion of the applicant seeking an appeal of the ZBA variance denial at the State Housing Appeals Board. There was discussion about the length of time of the application's process. T. Moore noted that a vote to continue the application would put it beyond the sixty-five day clock, which expires on August 25, 2023.

B. Coye moved, second by C. Fowler, to accept the applicant representative's request to continue the application.

B. Coye noted the problem of going beyond the sixty-five day clock.

The motion failed 0-5-0

Ch. Alberti asked if the applicant's representative would want to pursue a different course. H. Tombarello requested the application be withdrawn.

B. Coye moved, second by C. Fowler, to grant the request from Lewis Builders Development to withdraw their application for a two-lot subdivision of the property at 17 Harriman Road, Tax Map 50, Lot 78, without prejudice.

The motion passed 5-0-0

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Healey discussed the next steps the Planning Board must take for dealing with the project. She noted the need for discussion on areas of responsibility, noting the Board has been leaning towards using its engineer (Steve Keach/KNA), inspection and maintenance responsibility and applicability thresholds.

Applicability: Currently in Plaistow the storm water regulations kick in at: a cumulative disturbed area of over 20,000SF; construction or reconstruction of a street or road; a subdivision of two or more building lots or a Planned Residential Subdivision; Proposed work adjacent to a wetlands buffer; or disturbed critical areas. She reviewed other communities' thresholds. She noted that as decisions are made she will put the information together and give it to the engineer who will have the final approval. It was agreed to stay with the current thresholds. T. Moore noted that last year the Board prepared but postponed a storm water ordinance and he wanted to research what the kick-in rate was for that.

There was discussion about the thresholds for other area towns and whether to stay at 20,000SF or change. V. Healey noted that reducing the threshold would potentially catch more projects and administrative work would increase with it. She noted she did not know when Plaistow last had a 15 – 20,000SF project. It was agreed to keep the threshold at 20,000SF.

V. Healey reported that currently Plaistow requires developers to provide a description of ongoing construction and operational maintenance requirements. A report is due twice each month during construction, and a yearly log and report is required. She said that Dee Voss said she has never seen any of these things. Currently Steve Keach is doing everything from the initial proposal to the initial install and there is no procedure for follow up afterwards. If the Board wants to have the follow up it would need to be included in the Notice of Decision and listed in the Other Requirements of the site plan that goes to the Registry of Deeds. If reporting requirements are established each report would need to be checked by KNA or be done by a professional engineer and stamped by such.

It was agreed to keep KNA looking initially at all activities that come through, but she asked what should happen after everything is built, and who would be paying for these reviews, the Town or the developer? Further, how often would more reports on the storm water management systems be required and who should do these and who will pay for them? T. Moore said there is a requirement that the developer have a storm water management plan which addresses all these issues, which would include an annual report after construction and responsibility usually falls to the Code Enforcement Officer. It was agreed this decision should be held off until V. Healey has a conversation with the CEO. T. Moore will find the ordinance he referred to and ask D. Voss to share it with the Board. There was discussion of the Storm Water Task Force and its makeup. It was noted that the Health Officer and the CEO should be added to this committee.

The scope of what the Task Force has achieved was questioned. It was agreed to table this issue until the other information is gathered.

4. MS4 STORMWATER ORDINANCE PRESENTATION AND DECISION MAKING

Ch. Alberti noted the previous discussion on the ordinance and the need for Plaistow's Zoning Ordinances to meet State standards and get this before the voters. V. Healey noted the last discussion on applicability and asked if a change was to be made from applicability at 20,000SF to 10 or 15,000SF. It was agreed to go with 15,000SF.

There was discussion of moving these regulations from the Zoning Ordinances and to the Site Plan Regulations which would bring this type of waiver request to the Planning Board. V. Healey suggested taking the Stormwater Permit application and the Notification for Spills form out of the Zoning Ordinances and have them in the Site Plan regulations. There was discussion about whether the property owner of record would self-report on maintenance, inspection and maintenance security; V. Healey said that this process is the responsibility of the Code Enforcement Officer (CEO) and a discussion should be held there about what is currently being done. T. Moore suggested it would be better if a property owner is required to do an annual inspection they hire someone to do it and send the Board a copy of what was done. Then if the report doesn't come in the CEO would request it. It was also suggested a third party might be responsible for this report. There was discussion if a yearly report was needed or if the structure affects the frequency; a maintenance plan might be developed by the land owner and approved by the Board's engineer upon site plan approval.

There was further discussion about what to move from Zoning to the proposed Site Plan Regulations, as well as the items that should remain in Zoning. It was noted that the Board's engineer and attorney would review these proposed changes.

5. HOUSING MASTER PLAN

V. Healey noted that if there is to be a public hearing on voting the Economic Development goals into the Master Plan implementation section, a vote to hold the hearing must be held now. The hearing could be on September 6th.

There was discussion of the timing to consider warrant articles and what articles to consider..

B. Coye moved, second by K. Robinson, to hold a public hearing on September 6 , 2023 to discuss the Master Plan implementation updates.

The motion passed 5-0-0

6. HOP ENGAGEMENT SESSIONS

V. Healey asked the Board to review the Housing Preference survey again, noting it should be released on August 21st. There was discussion regarding public notification of the survey and the public input sessions. The results should be available by September 20th and discussion be held on the October 4th workshop meeting.

7. OLD BUSINESS

There was discussion of trees being cut on the site at Main Street and Plaistow Road and whether there is a twenty-five foot no cut buffer on the site plan. L. Milette read that the notice of approval dated June 19, 2019 stated #10 All development features shown on the plan including but not limited to the 25 foot no cut buffer, heavy equipment parking/storage area, stormwater management structures shall be constructed as shown. Any changes thereto shall require amending action of the planning board in accordance with site plan

review regulations. There were questions about whether that area was designated a landscaping buffer and the note was missed. The plan was pulled up and the area in question located.

8. NEW BUSINESS

The ZBA August 31, 2023 notice was noted. The updates to the Solar Collection Systems ordinance were discussed. T. Moore identified the changes and rational was discussed and changes accepted.

ADJOURNMENT

There was no additional business before the Board and the meeting was adjourned at 8:55 PM.

Respectfully Submitted,

Charlene A. Glorieux
Minute Taker