

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



PLANNING BOARD MEETING MINUTES
October 18, 2023

Call to Order: Ch. Alberti called the meeting to order at 6:31 PM.

1. ROLL CALL:

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

Also Present: Dan Kane, Sweet Hill Farm, Plaistow
Charlie Zilch, SEC Associates

Plaistow Residents:

Diane & Jon Lovett, 12 Hale Spring Rd.
Lauren Treitman & Rob Meyer, 9 Crane Crossing Rd, Unit 1-3
Jeff Oigny, 28 Main St.
Gary & Robin Sansoucie, 1 Collins Ct.
Wesley Young & Douglas Downer, 4 Tuscan Ln.
Florian Popa, 19 Timberlane Rd.
Larry Kostiner, 82 Newton Rd.
John Mitchell, 52 Harriman Rd.
Duane & Pam Skofield, 30 Harriman Rd.
Danielle McKenna, 77 Main St.
Jennifer Bodenrader & Willow Goudreault, 14 Wildbrook Dr.
Joseph Pageau, 17 Timberlane Rd.
Pamela Gami, Country Club Ln.
Jared Rizzotti, Country Club Ln.
Theresa Kane, 64 Main St.
A.J DeRosa

2. MINUTES:

The minutes of the October 4, 2023 Board meeting had been distributed prior to the meeting.

B. Coye moved, second by C. Fowler, to accept the minutes of the October 4, 2023 as presented

The motion passed 3-0-2 (T. Alberti & K. Robinson abstaining)

3. PUBLIC HEARING

PB 23-11: A Conceptual Discussion with Sweet Hill Farm, LLC, regarding a potential two-lot subdivision and development for housing, of the property located at 82 Newton Rd, Tax Map 68, Lot 8, in both the LDR and ICR Zoning Districts. The applicant is the property owner of record. This is a conceptual discussion only.

C. Fowler recused himself from the discussion.

Ch. Alberti reminded those present that this is a conceptual discussion only, not an application, and that if the individuals should wish to submit an application a public hearing will be noticed, a butter will be notified, and such application will be put on the agenda for a Public Hearing. He noted the Planning Board's role this evening is to discuss a conceptual design of a potential application or proposal. He said that public comment is usually reserved for the end, and there is often discussion between the applicant and Board members. He said the floor would be opened for some public comment later.

Applicant's representative Charlie Zilch, SEC Associates, spoke to the conceptual discussion regarding a potential subdivision of the property. He noted the property is located in the ICR and LDR zoning districts. He noted agriculture is a permitted use in both zones. He noted a wetland complex on the south side of the property and a small portion in the north west of the property is in the Aquifer Protection District. He also identified some wetlands on the property. He noted good soils and relatively flat land on the property and much of it is actively farmed. He noted the agricultural use of the property goes back over 300 years. He said that Dan Kane has continued this use since his purchase of the property in 2018. He noted new buildings that have been permitted and constructed including an irrigation shed, greenhouses, equipment garages, livestock buildings, processing and storage buildings, and the farm stand. He said that D. Kane is looking for Agritourism to make the farm viable. C. Zilch said the reason they have come before the Board is to explore other potential concepts to keep the farm viable.

D. Kane said he would give an overall sense of how the farm works and why he is looking at other things to do on the property. He said the farm is not economically viable. He said he needs to draw more people into the property than the farm stand alone can do. He said he did not think he could keep the farm viable, and is exploring whether by dividing the property in half he can extract some value and keep the other half working as a farm. He also said he did not think it would work to generate enough income.

Ch. Alberti noted the Board's role is to review commercial applications as well as planned residential communities. D. Kane said he was looking at a planned residential community, though he does not have enough information on it as yet. Ch. Alberti explained the Board's role in this conceptual discussion. He asked if the applicant has any ideas for what he wants to do. D. Kane said he does not have a plan for this aspect of use. He referenced his hopes for a brew pub and noted there are likely existing plans for it. He said he was frustrated and did not see a way forward. Ch. Alberti offered guidance help from the Planning Board.

There was discussion about Agritourism. There was discussion of land use zoning, particularly PRDs. K. Robinson asked if D. Kane did some houses he would consider using the farmland for a brewery as a condition. D. Kane said he would consider it. Ch. Alberti asked if the zoning laws and ordinances would allow crediting the open space but keeping it as a working farm. T. Moore said it was a good idea but he would be reluctant to commit on what the current zoning allows. Ch. Alberti said that the Board is considering zoning amendments and the public could offer them too.

Ch. Alberti said the Board had received a few letters and read into the record the following:

Hi: I am a resident of Plaistow and live a mile from Sweet Hill. I know there is a lot of information that is not disclosed but I wanted to share my opinion as a professional in the food business, registered dietitian, and mom of three regarding the change of the farmland. I grew up in a farming town, some of my best friends are farmers, I work with farmers and know how hard the business is, it is a labor of love and one that we as humans cannot live without. Without farms there is no food. Having a local farm business in our town is important, it is an educational platform for our children, a local food source filled with food that have more nutrients than we can get from any Market Basket, Shaw's or Aldi. It also supports our local economy and helps our neighbors and community. I have been to many events at Sweet hill and my girls love it, it bring a real community vibe- from the Haunted Halloween rides, Santa rides, fresh produce and some of the nicest people I have met.

I ask you to take a minute sit back and see what we are fighting for, a blueprint or a plan for local procurement in our town and farm that our children, grandchildren and community can eat out of and experience a dying business of farming.

I will say it is true No farms no FOOD and I truly believe that! In covid and potential truck strikes food was not moving, the one person who you could count on was your local farmer who still had food and the food industry used them.

Please think of the moral impact of what is happening with Sweet hill- let our town flourish like the small town feel why we all moved here.

Please reach out if you would like to discuss further. Let them build a barn let them build a farm to table restaurant that will teach healthy habits, live off the land and bring economy more than a gross chain restaurant. Support farms and support farmers!

Alysia Spooner-Gomez

To the Plaistow Planning Board:

As most of you know, Sweet Hill Farm is the last continuously working farm in Plaistow. For over 300 years, it has been an integral part of the town and our rural community.

Dan Kane bought the farm from Lu and Richard Goudreault in 2018 and became the next steward of the farm

stretching back to Nicholas White, the town's first moderator.

I got to know Dan when I wrote a history book entitled "The Last Farm in Plaistow" covering all the events under each steward of the land and their impact on the townspeople of Plaistow. I did it for Lu and Richard for their 56 years of stewardship.

I know that Lu and Richard would not have passed the torch to Dan unless he intended to keep the land a working farm.

God knows he has tried to do so, but, for some reason, he keeps running into roadblocks by some narrow-minded town officials. Sure, Dan is a shrewd businessman, but I believe his heart is in the right place and, so far, he has the overwhelming support of the community.

As he presents his conceptual alternative plan to you tonight, I believe he has been forced into exploring this idea due to the delays in getting simple building permits for clear agricultural uses. I'm not in favor of a subdivision, but I fully understand why he is contemplating it.

Please ask good questions as to his intentions and how he plans to push forward with the farm while exploring this other possible avenue.

As you know, I don't live in town any longer, but I still love the town and I've been watching from California the sickening response to Dan's plans at certain times. I'm not saying he shouldn't follow the rules, but to hire an expensive lawyer to speak for the code enforcement officer and for the town is not the right approach.

Why can't a town officer, the code officer, a selectman just sit down with Mr. Kane and discuss his intentions and come to an agreement? Back in previous years, that's how things were resolved. Mike Dorman knew how to talk and to compromise. Not in the courtroom or through harassment and vitriol.

I would hate to see my book title come to fruition- "The Last Farm in Plaistow"- but that's the way it appears to be headed unless the nonsense stops. I'm sure old Nicholas White is rolling in his grave over this situation thus far.

Please let Nicholas and all past stewards rest in peace by trying to support the farm. I know most of you and I know you will do the right thing.

James Peck

K. Robinson said she didn't understand why Mr. Kane could not get what he feels he needs to do to keep the farm viable, such as a brewery. R. Anthony asked if there was anything from the zoning perspective that would preclude that right now. D. Kane said to keep the property a farm, the whole property would likely need to remain a farm. R. Anthony asked what changes would be needed in zoning to allow him to get where he wants to go. D. Kane said there is no zoning ordinance that has to change it is fine. He said the problem is that he can't get his agricultural buildings done. R. Anthony suggested that if it's not the zoning ordinances but some other administrative apparatus that's interfering then all parts of Plaistow need to get on board with that. He suggested that there needs to be follow through and implementation of any economic development plan created. Ch. Alberti said that the role of the Planning Board is to look at and approve plans; that if a plan comes forward to subdivide the land the Board can review and support that, or an application for other land uses the Board would hear that as well.

Ch. Alberti opened the meeting to public comments.

Jeff Oligny, 24 Main Street, Plaistow asked to know what has been proposed , and how the property could support the Master Plan.

Jen Bodenrader, 14 Wildwood Dr., Plaistow said she was here to support Sweet Hill Farm, noting she visits it several times a year and purchases products, and had hoped to see a brewery and farm-to-table business develop.

Theresa Kane, 64 Main St., Plaistow spoke to the support from the townspeople and the stress due to permitting issues.

Pam Gani, 14 Country Club Ln., Plaistow said the problem is a zoning person. She said this person has been fired from other towns and states and has personally gone after residents. She said the Town needs to do something about this.

Joe Pageau, 17 Timberlane Rd., Plaistow said he supports the farm wholeheartedly and does not want to see residential on the property.

Lauren Treitman, 9 Crane Crossing, Plaistow spoke about the commercial businesses on Route 125. She said she visits Sweet Hill Farm often and makes purchases. She said the town needs the goat house and bee house and the agriculture.

There were no other comments.

Ch. Alberti said the Planning Board members, except the alternates, are publicly voted in, that the Board of Selectmen have a representative to the Planning Board, and the other departments are appointed or hired through the town manager. He reiterated the role of the Planning Board. He said that the Board will support any applications in the capacity they are allowed. T. Moore addressed some issues he found confusing. He noted the bee house and goat pens are clearly agricultural uses. For health and safety reasons building permits are needed for any kind of structure and the Building Inspector would be involved with that. Any electrical or plumbing work would also need inspections. Plans would be needed to make sure everything meets state requirements and building codes and those shouldn't hold anyone up. D. Kane said they have been held up. T. Moore said the brewery is more complicated but simple things should not present a problem. He noted he was only hearing one side of the story. He discussed Agritourism and the types of uses that are allowed under it. He said if the use became more of a business than farm use, the applicant would have to apply to the Planning Board for a site plan where the Board would make sure there were adequate facilities for the use. .

Ch. Alberti closed the public hearing.

5. BUILD OUT ANALYSIS

V. Healey said she had nothing to report. L. Milette asked if the RPC's GIS manager was going to check on the prime wetlands; V. Healey said she would bring it up again. There was discussion about non-buildable land in the Town and whether the report reflects these.

4. ZONING

V. Healey asked if there was any interest in moving forward with the proposed amendment on Short Term Rental from last year. She also mentioned the solar and storm water amendments were under consideration. It was agreed that a retail definition is needed, particularly for the C3 zoning district. K. Robinson said she could bring in the definition for C3.

It was agreed the short term rentals, and congregate care were not a priority just now. It was noted that campers/rvs were covered last year but an exception for use due to fire should be allowed.

There was discussion of reference to a multi-family residential district which does not exist, so the reference should be fixed. It was agreed to remove the language in the section. It was suggested saying the everything requires a site plan review except single family homes, single family homes with accessory dwelling units, duplexes, and agricultural uses,

The definition of retail was discussed along with allowed uses. Special exceptions were discussed. Motor vehicle dealerships were discussed. There was discussion about restrictions and whether the scope of businesses coming into town could be changed.

There was discussion about the time limit on site plans for development. The problems with delayed development and zoning changes on undeveloped plans were considered. It was noted there is a requirement to do some work on a site to become vested. T. Moore will find and report on the requirement.

New warrant articles were discussed. More specific definitions for types of vehicles were discussed. The type of vehicles allowed in the Home Business Occupation (Article X) was discussed.

T. Moore will get more information on Recovery Housing. He will write up the ballot language for the Solar ordinance.

6. OLD BUSINESS

The Open House/public engagement event for the HOP Grant will be held on Nov. 1 at 6:00pm at the Library. It was noted this is not an actual meeting, it will not be opened and closed and there is no roll call or decisions made.

V. Healey said she is working on the land use regulation audit. She said she looks through all the housing strategies that exist, she defines them, looks for any presence in the zoning ordinances and look for the potential or viability of adding any. She will have a summary matrix to rate everything. She said these can be looked at over the next few years, no action is needed, it is part of the HOP Grant.

7. NEW BUSINESS

R. Anthony asked if the Board wants to schedule something with the engineer and code enforcement to be clear about who is doing what with site plan requirements. T. Moore said the Code Enforcement Officer enforces zoning. It was noted the Board has historically had meetings with the Code Enforcement Officer. It was agreed this could be beneficial.

V. Healey asked if the Board wanted to add any definitions such as agriculture and Agritourism. She referenced a fact sheet detailing what other area towns have for definitions. She said these are covered by

the State RSAs anyway. T. Moore said the RSAs define Agritourism but each town can enable it or not. He will get the language.

ADJOURNMENT

There was no additional business before the Board and the meeting was adjourned at 9:04 PM.

Respectfully Submitted,

Charlene A. Glorieux
Minute Taker