

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



PLANNING BOARD MEETING MINUTES (*DRAFT MINUTES – Subject to change once approved and amended by the board at its next meeting on July 19, 2023*)

June 21, 2023

Call to Order: The meeting was called to order at 6:31 PM.

1. ROLL CALL:

Tom Alberti, *Ch.* – Present at Town Hall
Chuck Fowler – Excused
Laurie Milette -Present at Town Hall
Karen Robinson – Excused
Richard Anthony, Alternate – Present at Town Hall
Timothy Moore, Alternate – Present at Town Hall
Jay DeRoche, *Selectman's Alt.* – Present at Town Hall
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
Joseph Coronati, Jones & Beach Engineers, Stratham, NH
Josh Manning, Lewis Builders Development, Inc., Atkinson, NH

2. MINUTES:

The minutes of the June 7, 2023 meeting had been distributed prior to the meeting.

Ch. Alberti appointed Richard Anthony and Timothy Moore voting members for the meeting in the absence of Karen Robinson and Chuck Fowler.

T. Moore moved, second by R. Anthony, to accept the minutes of the June 7, 2023 meeting as written.

3. PUBLIC HEARING

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.

Ch. Alberti noted this is a new application, different from the one previously before the Board and the Board would need to start from scratch.

T. Moore moved, second by R. Anthony, to accept the application for an amended site plan that proposes a change of use to add office, and storage of vehicles and equipment for the servicing of a product, to the existing retail use, for the property located at 27 Garden Road, Tax Map 26, Lot 53 as noted in the legal Notice PB 23-06, as complete.

The motion passed 5-0-0

Applicant's representative Daniel Koravos, DK Engineering Associates, Chester, NH spoke to the application. He said the reason for withdrawing and resubmitting the application was due to some misunderstanding about what the use was to be. He described the property as it exists and noted there is no construction proposed for the site at this time, it is just a change of use. Ch. Alberti asked him to explain the differences between this and the previous application. D. Koravos referred to submitted site photos which show the site as it exists this day. He said the difference is mainly the use, that the transportation facility is no longer a part of the proposed use, but it will still include the retail and office space. Ch. Alberti asked for clarification that the buses and their storage is currently happening. D. Koravos said they have moved to another location. The building includes the Rockingham Trading Post which has the entrances to the offices. They will share the entry door. Ch. Alberti asked if the glass business is still operating there; D. Koravos said he believes everything has been removed from the premise. He said that one of the uses would allow the glass company to operate from the premise, with its associated vehicles and materials. L. Milette suggested this sounded like a contractor's yard and they are not allowed in this district. D. Koravos said they would be receiving windshields and taking them to their job sites for installation. L. Milette suggested a site walk is still needed. D. Koravos said there would be no changes to the outside of the building; he noted the plan shows the parking configuration to show the required spaces are present but there is no plan to do any striping. He said there would be vehicles parked over night and that the vans for the glass company might be parked there.

Ch. Alberti said he was still unsure about the uses for the site. D. Koravos said the Pawn Shop with one employee, the glass company, and then offices for different businesses that the owner has. He said the number of people working there would be small because they work with all the small businesses sharing the office space. R. Anthony asked if the vehicles from the transportation facility would periodically be found on site; D. Koravos said he believed that because of what that company proposed to do the insurance company was not in favor of it being on the site. R. Anthony asked if the materials being used by the glass company will be staged inside or outside; D. Koravos said inside but that he believes they have the right to

put some outside and it would not interfere with the parking. Ch. Alberti said that because there are multiple businesses and the Board does not know what they are, the concern is that the plan is approved and then allows a business use that had not been considered. V. Healey suggested that the Board needed to have answers from the owner about the businesses he is running from the site. It was reported that the owner was not present at the hearing due to a medical emergency.

There was discussion of the sign that is on an abutter's property; D. Koravos said they had decided to move the sign onto the property once the plan is approved. L. Milette suggested there may be issues with the signs on the building itself now that there is a free-standing sign also.

L. Milette moved, second by R. Anthony, to conduct a site walk at 27 Garden Street on July 19, 2023 at 5:30pm

The motion passed 3 (L. Milette, R. Anthony, T. Alberti)-2 (B. Coye, T. Moore)-0

Ch. Alberti invited public comment; there was none. He continued the application to July 19, 2023 at 6:30pm. He noted no further notice to abutters would be given.

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.

R Anthony moved, second by B. Coye, to accept the two-lot subdivision application for the property at 17 Harriman Road, Tax Map 50, Lot 78 and as noted in tge legal notice PB#23-07 as complete.

The motion passed 5-0-0

Applicant's representative Joseph Coronati, Jones & Beach Engineers, Stratham, NH spoke to the application. He introduced applicant Josh Manning, Lewis Builders Development, and noted the property owner is Gerald Holt. He said the property has been before the Zoning Board and was ultimately approved by the Housing Appeals Board for the variance for the frontage. He noted it is a 49 acre property and the application is to subdivide off the existing house from the remaining land, and the remaining land would then be owned by Lewis Builders. He noted there is no application before the Board for any further development of the remaining land. He noted the smaller lot meets zoning regulations and has the existing house and septic on the property. He said they are required to have State Subdivision look at this smaller lot as it is below the 5 acres minimum. He noted they had requested waivers of some reports since there is nothing being proposed for the larger lot at this time. He also noted that they have not received a report

from Keach-Nordstom Associates yet, though he had looked at sight distance and driveway location for the Zoning Board.

Ch. Alberti noted he had not had a Housing Appeals Board involvement before and asked for some insights from V. Healey and also noted there is no KNA review or waivers in the paperwork and it was highly likely the hearing would be continued.

V. Healey noted the property had gone to the ZBA before and it was not approved twice. The applicants then went to the Housing Appeals Board and the property was split with resulting frontages less than 200 feet. The HAB allowed this with conditions:

- a) A sight distance easement shall be referenced in any deeds conveying either lot created by the subdivision plan. The easement shall require the property owner to be responsible for maintenance of the site distance as shown on the sight distance profile plan dated February 11, 2021 with revisions through August 6, 2022, represented by the applicant as Exhibit A(2) at the ZBA's meeting of August 25, 2022;
- b) The sight distance profile plan, Exhibit A(2), as presented at this meeting, is included in the subdivision plan submitted to the planning board;
- c) The sight distance easement to be prepared in the favor of the Town of Plaistow shall have language that notes the costs of continually maintaining the required sight distances are the responsibility of the property owners;
- d) This variance is valid only for the subdivision of the lot as depicted on the plan titled Harriman Road Subdivision dated February 1, 2021 with revisions through August 6, 2022 as submitted with the application. Any change in the frontage calculations will invalidate this variance;
- e) Revisions to the plan as may be required by the planning board during their subdivision review process that do not change the frontage as granted by this variance will not invalidate this variance; the applicant noted during the meeting that any structure will be a minimum of 235 feet from Harriman Road (on the new 46.5Ac lot, there is already a structure on the smaller 3.16Ac lot).

V. Healey said that this requires the sight lines to be maintained in perpetuity and the landowner is responsible for doing so.

Ch. Alberti opened the hearing to the public for comment.

Abutter Meghan Martin, 9 Buttonwood Farm, asked if the waiver application for all the drainage request had been received. Ch. Alberti said that at this time the Board has not considered them nor will they be considered this evening as they were not presented properly. He said regulations would have to be followed for the property. She said she would ask the Board to deny this application because baseline information would be needed to assess or predict any drainage into or near the wetland from any proposed driveway or structure to determine whether it is even possible to submit a plan for development.

Ch. Alberti asked about current vegetation in the easement designation. J. Coronati said the applicant will need to grade an area to meet the sight distance requirement, and the stormwater waiver referred to by the abutter would be looked at in the future when any development will be proposed.

Abutter Corrinne Martin, 9 Buttonwood Farm, said that what brought her to the meeting is the Housing Appeals Board overriding the ZBA 8/25/22 public hearing. She asked if the abutters were given documentation and notification of the ZBA meeting last year because the issue initially went to the ZBA on 6/24/2021, was continued to 7/29/2021 where it was denied, and the court document from the NH Housing Appeals Board are referencing ZBA 2022-25 and it was in 2021 they received notification. She asked for verification of abutter notification for the 8/25/22 meeting. She asked how these meetings could go forward

without abutter notification. She also asked about the documents from the NHHAB and how it talks about how they had no plans to modify anything from the plan that was given to the ZBA , but asked what are the revisions on the plot map that are dated May 2023. She cited particularly a well moving, septic moving and a new structure with a new proposed well and septic close to the wetlands.

She asked specifically if the abutters were notified of the ZBA meeting on August 25, 2022 as it was a new application as cited in the meeting minutes. She asked the Board to deny the waivers that are being asked for as there is a study of what will happen to habitats due to the changes made by removal of trees, vegetation and grading. She also noted there is a MLS listing for the property which is the same number as in 2021 but the description has changed, and it no longer says it can be developed. Ch. Alberti asked C. Martin to write up her questions and email them to Dee Voss and copy planboardchair@plaistow.com. She also said that Dan Garlington had written a formal letter regarding this for the ZBA 2021 meeting and has said he will not speak to this.

J. Manning said at that time the ZBA did seek input from D. Garlington on the sight distance and driveway and he didn't feel his expertise was sufficient enough to analyze it and that is when it went to KNA, who are not typically involved at the ZBA level. Ch. Alberti asked to see KNA's response.

There were no more questions or comments from the public or the Board. Ch. Alberti continued the application to the July 19, 2023 public hearing. No additional abutter notices will be sent out. He closed the hearing at 7:40pm.

4. OLD BUSINESS

Ch. Alberti said he did not prepare any update to the Rules of Procedure and no discussion would move forward.

Economic Development: There was discussion about whether a new section would be added to the Master Plan. T. Moore suggested that the HOP Grant timetable has taken some precedence over this because we have committed to its timetable. The Economic Development chapter will come later. CH. Alberti will follow up on when a draft economic development chapter is likely. Time said he would undertake a draft. V. Healey will follow up with J. Rowden to see if she intended to summarize the results. It was agreed ed there could be more to add to this item and the Board tabled action until the August workshop and potentially hold the public hearing in September.

5. NEW BUSINESS

V. Healey discussed the Housing Development survey. She noted it is a visual preference survey and it is short and simple. There was discussion about the survey distribution plan and agreed to follow the Economic Development Survey plan. She showed the proposed survey with photos of the houses and asked if there is a good enough variety. She will send the survey to the Board and get input. It was noted that everything for the HOP Grant needs to be done in 2023. The survey has to get out soon and run it for two weeks.

Topics for future meetings were discussed and V. Healey set them into a meeting calendar.

There was discussion about the imaging lab application, and its need for a larger transformer. There was discussion about how this change of use came before the Board, whether a vote on the matter was procedurally necessary as the Zoning Officer has the right to approve the change. B. Coye noted that the Board was notified as a courtesy. After discussion it was agreed to discuss this situation again if the applicant comes to the Board with an application and take a vote on whether it is a Zoning or a Planning determination.

6. COMMUNICATIONS, UPDATES, FYIS AND OTHER BUSINESS

Bond Set for 143 Plaistow Road (MiltonCAT): Ch. Alberti read into the record the following: On June 19, 2019, the Planning Board conditionally approved a site plan for a commercial equipment leasing business at the above noted address.

After matters in the Courts have now been resolved, the applicant is currently working on meeting conditions so the plan can be recorded at the Rockingham County Registry of Deeds.

The contractor for the site work for the project has submitted a Bond Estimate Worksheet, which has been reviewed by Keach-Nordstrom Associates (KNA), Planning Board Review Engineers. KNA has revised the calculations included in the .Bond Estimate Worksheet.

Per Planning Board Regulation §235-12(10)(a) *Construction Bonds ... The security for site plans, including amended site plans, shall be the greater amount of 10% of the total site improvement cost estimate, or \$5,000. [Amended 06-06-2018]*

The total amount shown and reviewed on the revised Bond Estimate Worksheet is \$1,992,028.50. 10% of that number would be \$199,202.85, which is the amount that the bond should be set at per regulation.

No site construction will begin until the final plan has been signed and recorded; the bond surety has been received by the Planning Department; and a pre-construction meeting has been held.

Staff is recommending that the Board vote to set the bond amount for the project at 143 Plaistow Road.

B. Coye moved, second by T. Moore that the bond for the site work related to the construction of a new commercial equipment leasing facility at 143 Plaistow Road be set at \$199,202.85.

The motion passed 3(T. Alberti, B. Coye, T. Moore)-0-2(R. Anthony, L. Milette)

ADJOURNMENT

There was no additional business before the Board and the meeting was adjourned at 8:33 PM.

Respectfully Submitted,

Charlene A. Glorieux
Minute Taker