



**Town of Plaistow, NH
Office of the Planning Board
145 Main Street, Plaistow, NH 03865**

**PLANNING BOARD MINUTES
November 6, 2013**

Call to Order: 6:50 p.m.

ROLL CALL: Steve Ranlett, Chair, *Excused*
Tim Moore, Vice Chair
Genifer Silva
Shern Kellogg
Robert Gray, Selectman Ex-Officio, *Excused*
Geoffrey Adams, Alternate

Also present was Leigh Kornornick, *Planner*.

♦ **T. Moore appointed G. Adams as a voting member for this meeting to replace S. Ranlett.**

Minutes of October 16, 2013 Planning Board Meeting

The minutes of the October 16, 2013 meeting are deferred to the November 20, 2013 meeting.

A Public Hearing on a Site Plan Application for the conversion of an existing residential structure to a commercial office building and an associated site plan amendment for the existing adjacent commercial property. The properties are located at 80 and 82 Plaistow Road, Tax Map 27, Lots 17 and 18m totaling .53 acres and 100 feet of frontage and .45 acres and 100 feet of frontage, respectively, along Plaistow Road (NH Route 125). Both properties are located in the Commercial I District. The owner of record for both properties is Pest End, Inc. of NH (*Written Request for Continuance Received*).

T. Moore noted that a written request to continue had been received and that the Public Hearing is continued to November 20, 2013.

Update on Projects – Panera Bread

L. Kornornick noted there was a change in the driveway for the under construction Panera Bread.

Kenneth Knowles, PE, Eaglebrook Engineering and Survey was present to offer an explanation. He noted there was an oversight between the building contractor and the architect regarding the location of the menu board. Mr. Knowles noted that instead of the menu board being four (4) car lengths from the pick-up window it was located five (5) car lengths from the pick-up window. He added that the queue length didn't change at all and neither did the location of the drive-up window, just the location of the order menu board, which was moved back one (1) car length.

L. Kornornick noted that she felt this was more than a field change and that was why she asked K. Knowles to bring an explanation to the Planning Board.

The Board reviewed the plan that showed the five (5) car queue and the location of the menu order board.

K. Knowles also noted that they were installing a fence to screen and protect the gas meters and the electrical stanchion. He added all landscaping was as approved by the Board.

L. Komornick questioned whether the sidewalk at that location was ADA (Americans with Disabilities Act) compliant.

K. Knowles replied that the sidewalk was not ADA compliant as it was not a true sidewalk but an area that was paved because it was too small to landscape. He added it wasn't an area that customers would be using to access the store.

K. Knowles questioned if all landscaping had to be in place in order to obtain a Certificate of Occupancy (CO).

L. Komornick answered that if the weather is too cold for plantings then there was precedent where the Board had given authorization for a temporary CO, while holding a portion of the bond, until the landscaping is completed.

T. Moore noted that only issue was to make sure that the loam and seeding are stabilized.

Continuation from September 18th and October 16th, 2013 Planning Board Meetings of a Public Hearing on a Final Site Plan/Site Plan Amendment for the renovation of approximately 61,394 square feet of an existing shopping center, demolition of approximately 78,090 square feet of an existing shopping center and construction of approximately 12,000 square feet of new retail space. Rehabilitation of associated parking and utilities is also to be completed. The existing shopping center is located at 3-9 Plaistow Road, and the property is known as Tax Map 24, Lot 38 located in the Commercial I Zone and totals 20.39 acres with 983.53 feet +/- of frontage along Plaistow Road (NH Route 125) and 246.26 feet of frontage along Haseltine Street (NH Route 121A). The owner of record is Taurus Plaistow Investors Limited Partnership, LLC [Please Note: The application was accepted as complete by the Planning Board on Wednesday, September 18, 2013 and the 65 day clock will expire on Friday, November 22, 2013]

Michael Malynowski, PE, Allen and Major Associates, Inc.; Rebecca Brown, Sr. Engineer, TEC; Edward Vydra, Taurus New England Investments, LLC; and Mark Donohoe, Taurus New England Investments, LLC were present for the application.

M. Malynowski offered that instead of reviewing the entire plan he would like to address the comments related to the plan.

- The Alteration of Terrain (AOT) permit had been received
- The drainage had been submitted to CLD
- Left turn valves (Fire Chief comment) will be installed
- Fire hydrants (Fire Chief comment) will be located and installed as requested
- Bark Mulch (Fire Chief comment) will be replaced with something that will satisfy the Fire Chief

There was a brief discussion regarding the bark mulch. It was noted that the concern is over people improperly disposing of smoking materials in the mulch and it smoldering and causing a fire. It was noted that bark mulch was not prohibited in the landscaping regulation but it would be good to address the Fire Chief's concerns. It was suggested that the Board consider reviewing the landscaping regulation in light of the Chief's concerns.

There was discussion regarding the New Hampshire Department of Transportation (NHDOT) driveway permit. It was noted that R. Brown and L. Komornick were working with Kevin Russell from NHDOT to determine whether or not a new driveway permit will be necessary.

It was noted that there was a discrepancy between some traffic and trip generation numbers. It was noted that the discrepancy was related to the Walgreen's project and some square footage was removed as part of that project. There was also discussion regarding the exits/entrances to

the plaza and it was noted that the entrance from Main Street (Route 121A) was now more than a service entrance as it provides full access to the plaza.

It was noted that there was a traffic study done by VHB which suggested re-striping on Wentworth Ave to improve the turning movements. NHDOT would have to approve the re-striping before it could be done. The applicant is amenable to making the changes if NHDOT is agreeable. It was noted that the Plaistow Highway Department should be consulted as well as Wentworth Ave is a Town road.

M. Malynowski offered that there was a CLD note regarding the conditions of the parking lot. He noted that the lot had been striped

There was discussion regarding the septic system. L. Komornick suggested that verification of the existing system be provided.

Waiver Requests:

§ 230-23A – To not provide a 10 foot buffer where Commercial II land abuts an Industrial land use. Conditions exists at the existing paved cross access between project and plaza adjacent with Meineke Car Care Center.

♦ **S. Kellogg moved, second by G. Silva, to grant the waiver of §230-23A. There was no discussion on the motion. The vote was 4-0-0 U/A**

§ 230-14.1.HH and §230-23.B.(3)(B)(2) – To provide a total of 8 fewer trees required along the front buffer than required (1/25ft of frontage/ 476ft = 19). 7 new trees are proposed for this phase of work and 4 were planted as part of the Walgreen's project for a total of 11 trees. Due to the proximity of the existing paving to remain along the northern frontage of the site. Planting of trees it not possible.

♦ **G. Silva moved, second by S. Kellogg, to grant the waiver of §230-14.1.HH and §230-23.B.(3)(B)(2). There was no discussion on the motion. The vote was 4-0-0 U/A**

§ 230-14.1.HH and §230-23.B.(3)(B)(2) – To not provide screening buffer strips between the side and rear of the site, The majority of the sides and rear of the site has existing vegetated buffers that are to remain. A side line between the adjacent plaza is afforded a paved cross access, which is to remain, therefore no buffer can be provided at the location.

♦ **G. Adams moved, second by G. Silva, to grant the waiver of §230-14.1.HH and §230-23.B.(3)(B)(2). There was no discussion on the motion. The vote was 4-0-0 U/A**

§230-14.S – To provide a number of plan sheets at a scale greater than one inch equals 50 feet. Due to the large area of the site, the existing conditions and soil plans have been prepared at 1" = 80' which still allows for adequate detail to the plan. Plans depicting detailed items have been prepared at 1" = 40' or less.

♦ **G. Silva moved, second by S. Kellogg, to grant the waiver of §230-14.S. There was no discussion on the motion. The vote was 4-0-0 U/A.**

T. Moore asked if there were any abutters present who wished to speak.

T. Moore read the list of suggested conditions of approval for the project at 3-9 Plaistow Road.

1. Review and Approval of Final CLD review Comments including the addition of any required notes;

2. Review and Final Approval by the Plaistow Fire Chief and the addition of any notes required by his review;
3. Submission of verification of Approval of all State permits, as needed, including NHDOT Driveway Permit, NHDES Alteration of Terrain, and NHDES Subsurface;
4. Upon any revisions to the State Permits noted in number 3, the Planning Board reserves the right to request that the applicant reappear before the Planning Board to discuss, review and reconsider any significant changes to the site plan as required by the appropriate State agency;
5. Upon completion of all items listed in numbers 1 through 4 above, the submission of a suitable Mylar for recording at RCRD (Rockingham County Registry of Deeds) and five paper copies to be signed by the Plaistow Planning Board Chairman;
6. Preconstruction Meeting with the Department of Building Safety prior to starting the project including submittal of the bond estimate spreadsheet to CLD Engineers for review and approval;
7. Payment of all invoices for the review of the application and all subsequent revisions/amendments by CLD Engineers, and any other outstanding fees related to the application and/or the recording of documents at the RCRD;
8. Submittal of the security, in the amount determined by the bond estimate spreadsheet in the form of bond, LOC (Letter of Credit), or cash;
9. Submission of the additional escrow funds to cover the cost of construction inspection fees;
10. Payment of all Town of Plaistow Impact Fees;
11. Submission of a Demolition Plan and Receipt of Demolition Permit by the Plaistow Department of Building Safety;

L. Komornick suggested that a 12th condition be added regarding the re-striping of Wentworth Ave as previously discussed, if approved by NHDOT and the Plaistow Highway Supervisor.

There was discussion that the Planning Board would support the re-striping of Wentworth Ave if NHDOT approved the suggestions made in the VHB traffic study.

12. To provide offsite mitigation (re-striping and new signage) to Wentworth Ave as approved by NHDOT

It was noted that if the NHDOT didn't agree with the re-striping and new signage on Wentworth Ave then there was no condition to the applicant to make the changes.

There was a discussion regarding the date that all conditions would have to be met for the Planning Board to sign and record the Mylar for the site plan. It was decided to allow 90 days, until February 04, 2014, for all conditions to be met.

♦ G. Silva moved, second by S. Kellogg, to conditionally approve the Final Site Plan/Site Plan Amendment as noted in the legal notice and with the twelve conditions as listed. There was no discussion on the motion.

L. Komornick noted that the applicant is not at liberty to identify the tenant for the retail unit but insures it will be a permitted use.

T. Moore added that once the tenant is identified it will be up to the Code Enforcement Officer to verify that the use is permitted.

M. Malynowski indicated that he understood the applicant would have to return to the Planning Board if the tenant was determined not to be a permitted use.

The vote was 4-0-0 U/A.

Review of Highway Safety Committee comments on the Planning Board's Recommendations to the BOS on Main Street Traffic Calming.

The Board reviewed the spreadsheet that showed collated information from the Rockingham Planning Commission (RPC) Traffic Calming Study; the Plan NH Charette, along with Planning Board recommendations and Comments from the Highway Safety Committee. Each suggested project was ranked in priority by need and complexity. Which board should take lead responsibility for implementation was also indicated.

There was discussion of some of the individual projects and who should be assigned the lead role.

There was discussion as to how this document related to the Town's MasterPlan.

♦ G. Silva moved, second by G. Adams, to move Table 2 – Planning Board Recommendations for Main Street Traffic Calming forward.

It was noted that the table (Table 2) needed to be updated to reflect the recently awarded Safe Routes to Schools (SRTS) grant. It was further noted that is table should be reviewed and re-evaluated every 2-3 years as priorities change and as work gets completed.

There was no additional discussion on the motion. The vote was 4-0-0 U/A.

The Chair called a break at 8:35 p.m. The meeting was called back to order at 8:45 p.m.

Review of 2014-2019 CIP (Capital Improvement Program)

The review of the CIP was deferred to a future meeting. The spreadsheet and supporting text document is to be emailed to the board members for review prior to that meeting.

Review of Preliminary List of Potential Zoning Amendments

The review of potential zoning amendments was deferred to a future meeting so that language could be developed for the Board to review and discuss.

Copies of Proposal Executed with Fougere Planning & Development, Inc. for Updates to the Recreation Impact Fee and MasterPlan Updates

T. Moore noted a copy of a proposal signed by the Town Manager contracting Fougere Planning & Development, Inc. for updating Recreational Impact Fees and the MasterPlan for the amount of \$7,000.00.

Review of Request to Solicit Support to Sign Petition to Repeal or Replace Workforce (Housing) that All Boards of Selectmen are Being Asked to Sign

T. Moore noted that a grassroots activists had submitted a letter to the Town requesting that the Board of Selectmen sign to either support or not support an effort to repeal or replace the State's Workforce Housing law. He noted that the Board of Selectmen (BOS) were looking for a recommendation from the Planning Board as to whether or not to respond as supporting the repeal or replacement.

There was discussion about whether or not Plaistow meets the current Workforce Housing requirements. It was noted that Peter Bealo (former Planning Board member) had done an analysis of the Town's Workforce Housing and was able to show that the Town does meet the requirements.

L. Komornick offered to send out to the members all the documentation that was compiled by Mr. Bealo.

The discussion as to whether or not to recommend support for repeal or not was tabled to November 20 once the members have the information.

Updates on Projects – Westville Business Park

L. Komornick offered that the Westville Business Park was looking to located additional parking on the site. The Board reviewed and discussed a drawing showing the location of additional parking. It was noted that the area was already paved and it would just be a matter of striping out the parking spaces.

♦ G. Silva moved, second by G. Adams, to allow the striping of additional parking spaces as indicated on the provided drawing conditioned on verification that the spaces are all nine (9) feet wide. There was no additional discussion on the motion. The vote was 4-0-0 U/A

Updates on Projects – Little River Village

L. Komornick updated the Board on the status of the relocated driveway, which was mandated by NHDOT. It was noted that no COs would be granted for this project until the driveway was finished and the roadway was paved to binder. It was noted that Building Permits had been issued prior to finding out that the NHDOT was going to ask them to relocate the driveway.

L. Komornick added that the applicant may be coming in with a request to no install sidewalks for the project as indicated on the subdivision plan.

T. Moore offered that they would have to review the road profile and what the applicant is proposing, but no guarantees were offered prior to looking at the proposal.

Updates on Projects – Snow's Brook

L. Komornick indicated that she had received correspondence that the Snow's Brook project was in line to receive State of New Hampshire Subdivision approval by the end of December.

There was discussion of the outstanding issues related to the conditions outstanding to the project. It was noted that the Board of Selectmen had voted that a Stop Work Order was to be issued 30 days from the date that the Letter of Deficiency (LOD) was issued, which meant the Stop Work Order would be imminent. It was noted that the BOS had not rescinded their order to issue the Stop Work Order.

There was discussion on the progress that was being made by the developer to meet all the conditions and requirements of this project. Based on those efforts, there was discussion on making a recommendation to the Board of Selectmen that they rescind their directive to issue a Stop Work Order.

♦ S. Kellogg moved, second by G. Adams, to recommend to the Board of Selectmen that they rescind their directive to issue a Stop Work Order with reference to Snow's Brook. There was no further discussion on the motion. The vote was 4-0-0 U/A.

Updates on Projects – Ron Brown (Falls at Gunstock)

L. Komornick noted that there were issues with the Subdivision approval for the Ron Brown project on Gunstock Road. She noted that a Stop Work Order was going to be issued for the project until corrective action could be taken.

Reading of Communications Directed to/from the Board

L. Komornick noted an article that appeared in the Union Leader Newspaper regarding Windham's efforts to explore a municipal water system. She noted that it would not be a total stretch for Plaistow to link into such a system.

Report/Update on RPC Activities

T. Moore noted that the next RPC meeting would be their annual legislative forum and would be held on November 13, 2013 at the Unital offices in Exeter.

Other Business - Updates and FYIs from the Planning and Building Departments

No items were noted.

There were no additional matters before the Board and the meeting was adjourned at 9:44 p.m.

Respectfully Submitted as recorded by Dee Voss.

Approved by the Planning Board on _____

Timothy E. Moore, Vice Chair