



**Town of Plaistow, New Hampshire**  
145 Main Street, Plaistow NH 03865  
Phone: (603) 382-8469

## **PB Minutes 01/07/15**

### **PLANNING BOARD MINUTES January 07, 2015**

**Call to Order:** 6:32 p.m.

**ROLL CALL:** Tim Moore, *Chair*  
Charles Lanza, *Vice Chair, Excused*  
Gennifer Silva  
Shem Kellogg  
Steve Ranlett, *Selectman Ex-Officio*,  
Geoffrey Adams, *Alternate*

**Also Present:** P. Michael Dorman, Chief Building Official

***G. Adams was appointed as a voting member for C. Lanza.***

#### **Agenda Item 2: Minutes of December 17, 2014 Planning Board Meeting**

***S. Kellogg moved, second by S. Ranlett, to approve the minutes of the December 17, 2014 meeting. There was no discussion on the motion. The vote was 3-0-2 (Silva and Ranlett abstaining).***

#### **Agenda Item 3: Continuation of a Public Hearing: Various Proposed Zoning Ordinance Amendments Including: Article III, General Provisions; Article V, Establishment of Districts & District Requirements; Article IX, Signs; and Article XIX, Aquifer Protection**

T. Moore read each of the proposed zoning amendments still under consideration.

##### ***Proposed Plaistow Zoning Amendment: Z-15-7:***

Are you in favor of amending the Zoning Ordinance by modifying "Article V Establishment of Districts and District Regulations; Table 220-32C.C(6) Commercial II; Table 220-32D.C(6) Village Center; Table 220-32E.C(7) Medium Density Residential; Table 220-32F.C(7) Low Density Residential; Table 220-32G.C (8) Integrated Commercial Residential District; and 220-32H.C(6) Residential Conservation I" by deleting the word "coops" and adding a new sequential number in each district table to read:

***"Chicken coops and rabbit hutches, less than 120 sq ft footprint, are exempt from the 100 foot setback requirement, but must comply with all building setback requirements of §220-32I"***

***[INTENT: The requirement for chicken coops and rabbits to meet a 100 foot setback is overly burdensome for these small types of animals. This seeks to relieve this requirement for smaller animals while still offering protection for the abutters.]***

***Recommended by the Plaistow Planning Board (0-0-0).***

It was noted that the Board had requested that this proposed amendment be reviewed by Planning Board Counsel. Attorney Cleary had no recommendations to change the amendment.

***S. Ranlett moved, second by G. Silva, to post proposed zoning amendment Z-15-7 to the Warrant as recommended by the Planning Board. There was no discussion on the motion. The vote was 5-0-0 U/A.***

***Proposed Plaistow Zoning Amendment: Z-15-8:***

Are you in favor of amending the Zoning Ordinance "Article III, General Provisions, by adding a new §220-11.1 "Commercial/Industrial Business Hours of Operation" to read:

***"Hours of operation for any commercial or industrial uses in all districts shall be reviewed and approved by the Planning Board as part of the site plan approval process and noted on the approved site plan."***

***[INTENT: To show a distinction between construction hours and business hours of operation. This will also insure that there is review and oversight of a commercial and industrial business' hours of operation.]***

***Recommended by the Plaistow Planning Board (0-0-0).***

It was noted that this proposed amendment was also reviewed by Attorney Cleary and there were no recommendations to change.

***S. Ranlett moved, second by G. Silva, to post proposed zoning amendment Z-15-8 to the Warrant as recommended by the Planning Board. There was no discussion on the motion. The vote was 4-0-1 (Kellogg abstaining).***

***Proposed Plaistow Zoning Amendment: Z-15-12:***

Are you in favor of amending the Zoning Ordinance "Article V, Establishment of Districts and District Requirements, Table 220-32G Integrated Commercial-Residential, Permitted Uses, Section B(4) Combined Uses by eliminating the words:

***"provided that the property owner is the occupant of the residence or the business"***

***[INTENT: To eliminate the owner-occupied requirement for a mixed commercial/residential parcel in the in the Integrated Commercial-Residential District.]***

***Recommended by the Plaistow Planning Board (0-0-0).***

T. Moore noted that this was the same change that the Board had already posted for the CII (Commercial II) and VC (Village Center) districts.

***S. Ranlett moved, second by G. Silva, to post proposed zoning amendment Z-15-12 to the Warrant as recommended by the Planning Board. There was no discussion on the motion. The vote was 5-0-0 U/A.***

***Note all proposed new text in this amendment is shown in bold text, all proposed deleted text is shown as ~~strikethrough-text~~.***

**Article Z-14-11:** Are you in favor of the adoption of amendments as proposed by the Planning Board to the Plaistow Zoning Ordinance by modifying Article XIX, Aquifer Protection District and by adding definitions to Article II as described below?

## **New Definitions:**

**Aquifer – A geologic formation composed of rock, sand, or gravel that contains significant amounts of potentially recoverable water.**

**Petroleum Bulk Plant Or Terminal – Means that portion of the property where petroleum products are received by tank vessel, pipeline, tank car, tank vehicle, portable tank, or container.**

**Groundwater – The subsurface water that occurs beneath the water table in soils and geologic formations.**

**Gasoline/Fueling station – Means that portion of a property where petroleum products are received by tank vessel, pipeline, tank car, or tank vehicle and distributed for the purpose of retail sales.**

**Impervious – Means does not readily permit the infiltration of water.**

**Impervious Surface – Means a surface through which regulated substances cannot pass when spilled.**

**Outdoor Storage – The storage of materials where they are not protected from the elements by a roof, walls, or a floor with an impervious surface.**

**Public Water System – A system for the provision to the public of piped water for human consumption where such a system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.**

**Regulated Container - Regulated container means any device in which a regulated substance is stored, transported, treated, disposed of, or otherwise handled, with a capacity of greater than or equal to 5 gallons, other than a fuel tank attached to a motor vehicle for the sole purpose of supplying fuel to that motor vehicle for that vehicle's normal operation.**

G. Adams asked if a home fuel tank would be considered a “regulated container” under this definition.

T. Moore added that there would certainly need to be protections in place should a home fuel container leak.

M. Dorman noted that it already is considered a regulated container.

**Regulated Substance – Means any of the following, with the exclusion of ammonia, sodium hypochlorite, sodium hydroxide, acetic acid, sulfuric acid, potassium hydroxide, potassium permanganate and substances used for the treatment of drinking water or waste water at department-approved facilities:**

- (1) Oil as defined in RSA 146-A:2, III;**
- (2) Any substance that contains a regulated contaminant for which an ambient groundwater quality standard has been established pursuant to RSA 485-C:6; and**
- (3) Any substance listed in 40 CFR 302, 7-1-05 edition.**

**Sanitary Protective Radius – The area around a well which must be maintained in its natural state as required by Env-Ws-378 or 379 for community water systems and Env-Ws-372.13 for other public water systems.**

**Seasonal High Water Table** – The depth from the mineral soil surface to the upper most soil horizon that contains 2% or more distinct or prominent redoximorphic features that increase in percentage with increasing depth as determined by a licensed hydrologist soils scientist, wetlands scientist, engineer or other qualified professional approved by the Planning Board.

**Secondary Containment** – A structure such as a berm or dike with an impervious surface that is adequate to hold at least 110% of the volume of the largest regulated-substance container for which the secondary containment will provide spill containment.

**Snow Dump/Snow Storage Area** – For the purpose of this ordinance this area is a location(s) where snow, which is cleared from roadways, sidewalks, and parking areas is placed for disposal.

**Stratified-Drift Aquifer** – A geologic formation of predominantly well-sorted sediment deposited by or in bodies of glacial meltwater, including gravel, sand, silt, or clay, that contains sufficient saturated permeable material to yield significant quantities of water to wells.

**Surface Water** – Any stream, river, lake, pond, or tidal water including marshes, watercourses, and other bodies of water, natural or artificial.

**Wellhead Protection Area** – The surface and subsurface area surrounding a water well or well field supplying community and non-community public water systems, through which contaminants are reasonably likely to move toward and reach such water well or well field.

**Aquifer Protection District Modifications:**

**§220-131, Authority and Purpose,**

Modify the introductory paragraph by changing “potential groundwater sources” to “potential **and existing** groundwater sources”.

Modify Paragraph F by changing “plant habitats and wetland ecosystems” to “plant habitats, wetland ecosystems, **and surface waters that are supplied by groundwater.**”

**§230-132, District Boundaries,**

Replace Paragraph (2) with the following new text:

**“The Aquifer Protection District as shown on the Town of Plaistow’s Aquifer Protection District Map (2005) includes the areas containing the following aquifer materials: Coarse Grained Stratified and Coarse Grained overlaying Fine Grained Materials.**

Add a new paragraph (3) as follows:

**(3)The Aquifer Protection District includes the well head protection areas (WHPAs) for active community water systems, delineated and maintained by the NH DES and shown on the Town of Plaistow’s Aquifer Protection District Map (2015).**

Add a new paragraph (4) as follows (formerly the 2<sup>nd</sup> sentence of paragraph 2).

**(4) The Aquifer Protection District is a zoning overlay district that imposes additional requirements and restrictions to those of the underlying, base district. In all cases, the more restrictive requirement(s) shall apply.**

**§220-135.B. Hydrogeologic Study**

Add a new paragraph as follows:

**(4) In cases of new development or redevelopment where the hydrology of a site is already know via previous studies or contamination identification, the Hydrogeologic study may consist of collecting previous studies and reports and submitting them to the Planning**

Board for consideration. The Planning Board can find these studies and reports to be acceptable or may require a more complete Hydrogeologic study be undertaken and evaluated by a qualified third party.

Add a new paragraph to section §220-135 as follows:

**G. For uses that involve the storage of large volumes ( greater than 100 gallons) of regulated substances a Spill Prevention And Control Countermeasure (SPCC) Plan must be reviewed by a local emergency official (fire chief, health officer, or emergency management director). All deficiencies found during the plan review must be corrected before the Planning Board can grant approval.**

Add a new section describing performance standards and Best Management Practices (BMPs) as below:

**§220-135.1 Performance Standard Impervious Surface Area – No more than 15% of the land area over an aquifer with a saturated thickness of greater than 20 feet and a transmissivity of greater than 1,000 feet squared per day.**

- Stormwater management plan must be prepared for conditional uses or any use that will render more than 15% of lot coverage or more than 2,500 square feet of any lot
- All operations involving storage, transfer and/or use of petroleum, including gasoline or other fuels, solvents or other regulated substances must comply with the NH State regulation Env-Wq 401, Best Management Practices for Groundwater Protection.
- All transfers of petroleum including gasoline or other fuels, solvents or other regulated substances into or from regulated containers storing five (5) or more gallons must be conducted over an impervious surface.
- Where uses involve storing animal manures, fertilizers, and compost the NH Department of Agriculture, Markets, and Food Best Management Practices should follow guidelines in agricultural BMPs.
- All blasting activity must follow guidelines in NH Department of Environmental Services BMPs.
- Secondary containment must be provided for outdoor storage of regulated substances in regulated containers and the containment structure must include a cover to minimize accumulation of water in the containment area and contact between precipitation and storage container(s).
- All inactive wells must be decommissioned in accordance with WE 604, NH Water Well Board Rules to prevent contaminants from making their way to groundwater through the well.
- All expansion or redevelopment activities will require an amended Stormwater management plan. Stormwater infiltration must not pass through areas containing contaminated soils without a favorable outcome from the completion of a Phase 1 Environmental Site Assessment.

Add a new section that specifies an enforcement authority for the provisions contained in this ordinance as follows:

**§220-135.2 Enforcement Authority.**

- The Code Enforcement Officer shall have enforcement authority for all local regulations of this ordinance.
- All Plaistow enforcement procedures and policies shall also apply to this ordinance when a violation is confirmed by the Code Enforcement Officer.

T. Moore noted that he still had a few things to check into with the proposed amendment, but it should be “good to go” at the next meeting. He added that he hoped to have all NHDES (New Hampshire Department of Environmental Services) comments back soon.

T. Moore stated the Public Hearing on Zoning Amendments was continued to January 21, 2015. He noted that only item that would still need to be decided would be to post the Aquifer Protection District changes to the Warrant.

#### **Agenda Item 4: Update from Tim Moore on RPC and MPO doings**

##### RPC

T. Moore noted there was no RPC meeting in January. He said he wasn't sure what the topic of the next meeting would be.

##### MPO

No activity to report

#### **Agenda Item 6: Correspondence**

There were no correspondences for the Board to review at this meeting.

#### **Agenda Item 7: Other Business**

M. Dorman noted that Chandler Place was getting back on track. He added that he hoped to be presenting the bond estimate at the next meeting for the Board's approval.

There was discussion regarding the trails grant that T. Moore was working on with the Recreation Department.

S. Ranlett asked if the grant required the Town to match any funds.

T. Moore replied that it was a 50% match and the money was available in the Recreation Capital Reserve Fund Account. He added that “soft costs” such as staff time can also be used as part of the match.

T. Moore noted that it was a very competitive grant with about \$10M in projects looking for a piece of \$3M in grant funds.

There were no additional matters before the Board and the meeting was adjourned at 7:08 p.m.

Respectfully Submitted as recorded by Dee Voss.

Approved by the Planning Board on \_\_\_\_\_

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Tim Moore, Chair