



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

PB Minutes 2/6/13

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

February 06, 2013

Call to Order: 6:30 P.M.

Item One:

ROLL CALL: Present was *Chairman*; S. Ranlett, *Vice Chairman*; Charles Lanza, *Selectman Ex-Officio*; Robert Gray, Tim Moore and Gennifer Silva (arrived at 6:50pm).

Also present was *Alternate*; Geoff Adams, *Alternate*; Joyce Ingerson, *Chief Building Official*; Mike Dorman, *Town Planner*; Leigh Komornick and *Recording Secretary*; Laurie Pagnottaro.

S. Ranlett appointed J. Ingerson a voting member for the meeting unit G. Silva arrived.

Item Two:

Minutes of January 16, 2013

T, Moore motioned to approve the minutes of January 16, 2012 as written, second by R. Gray.

There was no discussion on the motion and the vote was 4-0-1; J. Ingerson abstained.

Item Three:

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Review/Establishment of Construction and Vesting Timelines for EHD Project “Reserve at Snow’s Brook”

Present for the discussion was Steven Doherty from the Snow’s Brook Project.

L. Komornick explained that the site plan was approved and the applicant has another year to vest in the project, he has completed a spreadsheet for the estimate for the construction bond and is getting ready to post the bond. She added that the wetlands permit will expire in a few months and he would like to get started constructing the road. She is making sure before the bond is posted that the communication tower is worked out. Part of the condition of approval is that the tower is installed across the street and that the applicant participates in part of the cost and user fees. She noted that the Town has received a draft letter of credit and agreement but neither has been finalized.

S. Doherty added that per conversations with the Police Chief, a note was added to the plan stating that they would post a \$30,000 letter of credit as well as sign an agreement that the condo association would pay up to \$3,000 a year towards the tower. He will look into it and make sure it gets finalized.

S. Ranlett stated that the reason for the discussion is because the applicant wants to start constructing part of the road but they also need to adhere to the timeline set so that the road is not built and no other construction takes place.

S. Doherty noted the following:

- Just the road through the wetlands will be built now, not the whole road
- They are close to approval for construction with the two banks they are working with
- Across the wetlands is the only way into the site and they will build it before bank approval
- The proposal is to build the section of road that starts at Hillcrest and end at the next cul-de-

sac, approx. 1300' of roadway

- They would also build the clubhouse and pool house as well as two model homes right away
- The roadway would give them the availability to later build 17 units
- Phase two would be the loop road
- The bank will not fund all the roads and foundations right away
- They need to get the roads established first; housing will not be built for months later
- Community well

C. Lanza inquired about permits and the expiration dates.

L. Komornick replied that it was a conditional approval upon receipt of the permits and they are all in the files. They went through the new NHDOT rules.

S. Dorherty gave the following history for Board members who were not on the Board at the time of approval:

- Started meeting with the Board in 2004/2005
- Had no access into Plaistow
- Bought house on Hillcrest, approx. 8 acres from Mr. McKinney, and property from Mr. Wiley to again access in Plaistow, NH.
- They proposed several elderly housing projects to the Board before this one was approved
- The site was approved for 34 units and a clubhouse
- The site has wetland challenges

Gennifer Silva arrived at 6:50 PM.

L. Komornick stated that they need to address the Subdivision Regulations, Letter E, page 17; what constitutes vesting. She added that the applicant was granted a two year grace period to start the project and is still under that two year period. She added that in order for the applicant to achieve substantial and active development they would need to have all the streets complete with

binder applied and all drainage work complete include pedestrian pathways.

The Board discussed the issue of what constitutes vesting.

R. Gray expressed concern over the phasing process; approving a plan with x amount of units that may not be existing. He feels the plan should require a new plan every time a new part is added to it. There was more discussion.

S. Ranlett explained that the Board is concerned that roadways will get built and the site will be partially built but not get completed. He understands that once it is started it will not be completed within a year and they should be able to work with that. He asked S. Doherty how much time he will need to complete the project.

T. Moore noted that once the project is started the applicant has a four year period to complete it. If at the end of the four year period not enough is complete to be vested the applicant can take further action.

R. Gray read Subdivision Regulation E2 to the Board and stated that 60% of buildings including roadways need to be complete at the 4 year vesting period per the regulation.

M. Dorman stated that the PB can waive the subdivision regulations if they wish.

S. Doherty stated that they plan on developing the whole plan; it just can't be done in a year's time. He explained what he will complete in phase one; all the underground work, all the drainage, the water facility, the section of road to the last cul-de-sac and club house. This will be 50% of the work complete in phase one. They will gravel the loop, but only pave from Hillcrest to cul-de-sac. He showed the Board this plan on the site plans. He added they will build from the back of the site out to the front.

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There was further discussion regarding the applicant's plans for phasing.

L. Komornick asked about upgrade Hillcrest.

S. Doherty replied that they will resurface Hillcrest and bring up to current standards.

L. Komornick noted that she invited Highway Supervisor Dan Garlington to the pre-construction meeting.

T. Moore stated that he has no problems with what the applicant is proposing as long as the construction bond is in place and the impact fees for the two model homes will need to be paid.

C. Lanza and S. Ranlett agreed.

R. Gray disagreed; he stated that the entire road should be completed including the sidewalks. He feels if the regulations say that 60% of plan sold be complete then that's what should happen. He is concerned that half a road will be out there for years uncompleted like Sweet Hill Rd. He is tired of waiving regulations; they have the regulations for a reason.

After further discussion regarding the regulation, possible waiver and vesting period, the Board came to a consensus that the applicant can go ahead and start the project then come back before the Board in a year to tell them what progress has been made. If he needs a waiver at that time the Board will consider it. It is premature to ask for a waiver now.

S. Doherty stated that it seems risky to him.

L. Komornick suggested writing a plan based upon tonight's discussion. It will state what has been agreed to as follows:

- Roadway from Hillcrest to the cul-de-sac will be completed
- The poolhouse & clubhouse will be built
- All drainage and infrastructure will be complete
- The loop will be cut in and graveled
- Improvements to Hillcrest (already on plan)
- Sidewalk on main road in will be complete

S. Doherty asked the Board on their opinion about making Snow's Brook a gated community.

The Board agreed that it would be a good addition but that the Police and Fire Chief should be involved in the approval of it; they would need access to it as well as the Building Inspector.

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Item Four:

Review of "Request for Proposals" and Need to Solicit for Recreation Impact Fee Update Assistance

L. Komornick stated that she has received a proposal from Bruce Mayberry. She has a proposal she has been working on with Sean Fitzgerald (Town Manager) that will go out to four consultants. She added that the cost will be over \$5,000. She is working with the Town Manager on where the balance of the budget will come from. Bruce Mayberry's quote was between \$5,000 and \$6,000. She will send the proposal out to the Board members.

T. Moore stated they should be careful with the Recreation. If impact fees are not used in six years they need to be returned. They need to decide what can realistically be done in six years and base the impact fees on that.

L. Komornick agreed and stated that the Recreation Committee is putting together a strategic plan with concrete numbers and a timeline together for the Board. She also suggested a subcommittee be established with Sue Sherman from recreation and someone from the PB.

The Board agreed. T. Moore and S. Ranlett volunteered for the subcommittee.

Item Five:

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Discussion on the Development of a Template for "Notice of Decision" for Planning Board Actions on Subdivision and site Plans

L. Komornick provided the Board Members with a copy of the Rules of Procedure. She added that they need to develop a template to use for every project that comes before the Board to make sure procedure is followed.

The Board discussed and agreed a checklist is a good idea.

S. Ranlett asked the Board members to take home the Rules of Procedure and read through it, make comments or corrections on it and be ready to discuss it at the next meeting.

R. Gray asked that it is added to the Rules of Procedure that the meeting minutes are to be posted within a certain timeframe.

R. Gray noted some comments he had and read from the Rules of Procedure, section #225-2. He added that the Board would like the BOS Ex-Officio position to coincide with their term as a Selectman because they would like to have someone who has knowledge of planning carry on for a number of years; to keep it consistent.

The Board discussed this further.

L. Komornick suggested getting a copy of the 2012 "Knowing the Territory" to use as a reference for the relationship between the Selectman and other land use boards including planning boards.

R. Gray stated that the law states that the PB can appoint who they want to do the work of the PB but it is subject to financial approval from the BOS and Budget Committee. He added that the Rules and Procedure should state this.

T. Moore replied that the RSA states that it is up to the PB to define positions and job descriptions for the positions but is then up to the BOS to fund the position.

The Board will look at the document and discuss any comments and changes they wish to make at the next meeting. It was noted that the Rules of Procedure can be amended by majority vote provided that such amendments are read at two successive meetings and immediately precede the vote to be taken.

C. Lanza reminded the Board that they need to finish the subdivision amendments in zoning.

L. Komornick agreed and noted that they do not have anything about phasing in their zoning.

The Board discussed phasing further and agreed that it needs to be addressed in zoning.

Item Six:

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Review and Consideration of Sample Energy Chapters

L. Komornick brought sample chapters from other towns for the Board to review and get ideas from. She will e-mail them out to the Board members.

Item Seven:

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Other Business/Updates: Misc. Notices, letters, and other Correspondence from Dept. of Building Safety, Planning Department and ZBA; Status of Projects

R. Gray stated that he would like to have a discussion regarding putting the Boards legal services up for bid.

It was decided that the Board would go into no-public under legal and discuss this issue at the next meeting.

C. Lanza suggested that the Board have a three or five year review of all services; legal, engineering, etc...

The Board agreed it might be a good idea and will discuss it in non-public as well. They will meet for non-public to discuss legal and reputation of personnel on February 20th at 6:00 before the next PB meeting. L. Komornick will post it.

Item Eight:

Adjournment

There was no further business before the Planning Board and the meeting was adjourned at 8:17 P.M.

Respectfully submitted as recorded by Laurie Pagnottaro.

Approved by the Planning Board on _____

Steve Ranlett, Chairman