



Town of Plaistow, New Hampshire

145 Main Street, Plaistow NH 03865

Phone: (603) 382-8469

PB Minutes 4/2/14

PLANNING BOARD MINUTES

April 2, 2014

Call to Order: 6:30 p.m.

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

Also present were Leigh Komornick, *Planner* and P. Michael Dorman, *Chief Building Official*.

Minutes of the March 5 and March 19, 2014 Planning Board Meetings

S. Ranlett moved, second by G. Silva, to approve the minutes of the March 5, 2014 meeting. There was no discussion on the motion. The vote was 3-0-2 (Lanza, Ranlett abstaining)

S. Ranlett moved, second by C. Lanza, to approve the minutes of the March 19, 2014 meeting. There was no discussion on the motion. The vote was 5-0-0 U/A.

Agenda Item 3: Discussion/Review of a formal request for referral to the ZBA (Zoning Board of Adjustment) for Plaistow Community YMCA for a use variance (Tracy Fuller)

Tracy Fuller, Regional Executive Director for the YMCA, was present for the discussion. The YMCA is located at 175 Plaistow Road.

T. Fuller explained that they would like to make renovations to the existing building to include an early education center. She added that since child care is not a permitted use in the Commercial I (CI) District she was before the Board to request a referral to the ZBA to request a use variance.

L. Komornick suggested that the Board also provide the applicant with a letter of support to the ZBA.

T. Moore asked for a consensus from the Board regarding the referral.

S. Ranlett asked if there was any reason why they would be denied their variance.

L. Komornick offered that there was already a playground area on the grounds and this would be a symbiotic used for parents when they are at the Y working out.

The consensus of the Planning Board was to refer this applicant to the ZBA to apply for a use

variance. The Board also agreed to send a letter in support of the variance application.

Agenda Item 4: Discussion/Review of a formal request for referral to the ZBA for a mixed use and undersized non-conforming lot at 15 Walton Rd

Charles Zilch, SEC Associates, was present for the discussion on behalf of property owner Larry Haggett.

C. Zilch offered the following in support of his request to be referred to the ZBA for certain reliefs:

- The lot is an under-sized, nonconforming, pre-existing lot
- The lot has frontage on Route 125
- The lot is located between Larry's Clam Bar and the All State Insurance building
- The size of the lot is .88 acres
- There is residential access located on Walton Rd
- The owner would like to propose a 2,000 sq ft professional office building
- There would be onsite well and septic
- The property is located in the Commercial I District
- The access would be a shared driveway with the insurance company
- Parking would be located behind the building
- The property was the staging area for NHDOT (New Hampshire Department of Transportation) while they were working on Route 125

S. Ranlett asked if the proposed commercial building would be a standalone building. It was confirmed that it would be.

C. Zilch noted that he was before the board to be referred to the ZBA. If they prevail with their variance request they would be back to the Planning Board to present a site plan. He noted that there is currently a residential dwelling on the Walton Road access to the property, which is rented.

It was discussed whether the new commercial building would be related to the existing residential dwelling. It was noted that the existing house and the proposed commercial building would be independent from each other.

L. Komornick expressed concern as to what would happen if Mr. Haggett decided to sell either the commercial or residential buildings independently from one another.

C. Zilch replied he would either have to sell the lot as a whole or propose a condominium plan. He added it is Mr. Haggett's intent to keep the lot whole.

S. Ranlett questioned if there was some condition the Board or the ZBA could add to any plans they might approve that would prevent the lot from being subdivided.

C. Zilch suggested that the ZBA might be reluctant to consider such a restriction.

T. Moore added that it is not allowed to subdivide a lot to make it non-conforming and to subdivide this lot would make an already non-conforming lot even more non-conforming.

G. Adams asked if there was a drawback to a subdivision.

S. Ranlett replied it was almost like circumventing the system.

G. Adams offered that the only difference with a subdivision would be separate taxable lots.

C. Lanza asked if there was a possibility of adding land from an adjacent lot.

C. Zilch reminded that they did not have a plan to present to the Board at this time; he was only seeking a referral to the ZBA to seek relief for expansion of a non-conforming lot and to have a mixed residential/commercial use of the property.

T. Moore noted that approval from the ZBA did not necessarily guarantee Planning Board approval.

C. Zilch asked if there would be any restrictions on the property being a condominium. L. Komornick replied that condoization was a legal form of ownership. She added that the Planning Board could not deny a condo conversion if all State regulations and requirements are met.

S. Ranlett moved, second by G. Silva to refer the matter of 15 Walton Road to the ZBA to seek a mixed use variance and a special exception for the expansion of a non-conforming lot. There was no discussion on the motion. The vote was 5-0-0 U/A.

Agenda Item 5: Discussion regarding new tenant at Paley's site at 1 Hilldale Ave (Use variance granted by the ZBA for Cross Fit Classes)

L. Komornick noted that the applicants had received their use variance from the ZBA.

M. Dorman offered that he had spoken with Mr. Paley (property owner) regarding the site plan, which is now more than ten (10) years old and has not been completed. He said that they discussed upgrades to the pavement and other things that should be done before the tenant moves in.

S. Ranlett asked if there were any plans for the foundation that was put in many years ago and never built on.

M. Dorman replied that Mr. Paley may have a tenant for that addition. He added that his discussions with Mr. Paley were for this tenant and included new paving, a new entrance and a commitment to update the site plan in a reasonable period of time. M. Dorman suggested that the Planning Board request a letter from Mr. Paley guaranteeing the site plan would be updated. He noted that Mr. Paley told him that they might be including land in Haverhill as part of a new site plan.

L. Komornick noted that this was another commercial use that was now approved for a building in the Industrial District. She suggested that the Board may want to consider looking at the uses in the Industrial District when it comes time to review Zoning again in the fall.

T. Moore suggested that he thought it would be a good idea to review all the permitted and prohibited uses in all districts. He noted that some uses should either be better defined or deleted. T. Moore added that it should be something that was reviewed sooner than later so there isn't the pressure of trying to get something done and on the warrant for Town Meeting.

S. Ranlett moved, second by G. Silva to issue a temporary certificate of occupancy (CO) to crossfit on the condition that the property owner will file to update the site plan within 90 days.

C. Lanza asked if the Board had the authority to ask for an updated site plan based on the change of use.

L. Komornick questioned what would happen if they did not want to update the site plan.

M. Dorman suggested that they would then have to ring it up to compliance with the current site plan.

S. Ranlett noted that Mr. Paley had to update the site no matter what.

There was discussion about what might need to be updated on the site plan, including parking (number of spaces and location) and paving. It was noted that there are different parking requirements for Industrial (warehouse) uses than for commercial uses, which is more descriptive of the current uses in the building.

L. Komornick offered that this was a similar situation to the Testa property on Main Street. She added it's not just about the number of parking spaces; it's also about truck traffic and safety compatibility.

There was no additional discussion on the motion. The vote was 5-0-0 U/A.

Agenda Item 6: Request for road bond reduction by Arthur Wicks for Karl's Circle

S. Ranlett suggested that this item be put off to the next meeting as there was no communication from Highway Supervisor Dan Garlington regarding the condition of the road.

L. Komornick noted that she had sent an email to D. Garlington and Steve Reichert (CLD, Planning Board Engineers) requesting their comment.

C. Lanza suggested making a motion that would be conditional on favorable comment from D. Garlington.

M. Dorman read the performance bond regulation for the Board. He noted that it had not yet been two years since the road was accepted by the Town.

C. Lanza offered that could be why Mr. Wicks was only requesting 50% of his bond released.

There was discussion of pertinent dates regarding when the bond was established and how it related to the regulation. It was noted that everything that was required for acceptance of the road had been met.

S. Ranlett moved, second by C. Lanza to release \$5,000 of the \$10,000 bond being held for Karl's Circle pending receipt of a letter from D. Garlington and S. Reichert.

T. Moore questioned if there was anything in the regulation that allowed for a partial release.

C. Lanza recalled that the regulation noted two (2) years from the posting of the bond.

S. Ranlett amended his motion, C. Lanza second the amended motion, to release the \$10,000 bond being held for Karl's Cir.

L. Komornick suggested that the certification of the roadway be forwarded to the Board of Selectmen for inclusion in their file for the acceptance of the road.

There was no additional discussion on the amended motion. The vote was 5-0-0 U/A.

Agenda Item 7: CONTINUATION OF WORKSHOP: Final draft of Survey for MasterPlan Update

The Board reviewed a draft community survey that was prepared. Comments were made about each item and suggested corrections made. There was discussion about what information each question of the survey would provide with reference to updating the Town's MasterPlan.

Agenda Item 8: Reading of Communications Directed to or from the Board

T. Moore noted a couple of communications provided to the Board

- World Series Trophy at Town Hall (April 16)
- Copy of The Town of Plaistow Conflict of Interest Ordinance
- Upcoming Annual Drinking Water Source Protection Conference (April 30)
- OEP Spring Conference, Whitefield NH

Franchising (Water)

C. Lanza stepped down from the Board and became a member of the gallery for this discussion

There was discussion about water franchising, such as with Little River Village and other developments. The discussion was focused on checking documents to insure that specifics about the water supply are disclosed so that buyers will be aware. There was also discussion about time periods that would be provided to the Town for specific comment regarding a public water system. There was also discussion regarding whether or not a water company could sell water from one of their sites to another site and whether or not that is disclosed to potential buyers.

C. Lanza noted that all infrastructures for a community water system are installed per the approved plan; it's just administered by the water company, once approved by the PUC (Public Utilities Commission). He noted if they want to expand in any way they would have to repetition the PUC for approval.

S. Ranlett asked if homeowners were required to hook into the community well. It was confirmed that they do not.

L. Komornick added that the homeowners are not allowed to stop expansion of a community water system.

C. Lanza noted that a homeowner could join in with any petition to the PUC. He added that a franchise area was just a competitive edge.

C. Lanza returned to the table.

Agenda Item 9: Report/Update By Tim Moore on RPC (Rockingham Planning Commission) and MPO (Metropolitan Planning Organization) Activities and on the Rail Project

T. Moore noted there is a RPC/MPO meeting at the Plaistow Public Library on April 9 and a Rail Project Advisory Committee meeting on April 3 in Atkinson.

Agenda Item 10: Other Business

- **Updates and FYI's from the Planning and Building Departments**

M. Dorman noted that the last tenant that will be going into the former Shaw's location will be Savers.

- **Discussion on April 16 Meeting**

Due to the Red Sox Trophy coming to Town Hall and needing to use the meeting room there will be no Planning Board meeting on April 16.

The Board received updated copies of the Zoning Ordinances with changes adopted at March Town Meeting.

There were no additional matters before the Board and the meeting was adjourned at 8:15 p.m.

Respectfully Submitted as recorded by Dee Voss.

Approved by the Planning Board on _____

Timothy Moore, Chairman