



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

PB Minutes 08/06/14

PLANNING BOARD MINUTES August 06, 2014

Call to Order: 6:40 p.m.

ROLL CALL: Tim Moore, *Chair*
Charles Lanza, *Vice Chair*
Genifer Silva
Shem Kellogg
Steve Ranlett, *Selectman Ex-Officio*
Geoffrey Adams, *Alternate*, Arrived 6:37 p.m.

Also present was Leigh Komornick, *Planner*

Minutes of July 16, 2014 Planning Board Meeting

S. Ranlett moved, second by C. Lanza, to approve the minutes of the July 16, 2014 meeting. There was no discussion on the motion. The vote was 5-0-0 U/A.

Agenda Item 3: Discussion with Lavelle and Associates regarding proposed 2-lot subdivision off Smith Corner Road and need for a frontage variance

James Lavelle, Lavelle Associates, was present for the discussion. Mr. Lavelle noted that his client was looking to do a subdivision of a 6.8 acre lot to create a +/- 4 acre back lot. He added that there wouldn't be adequate frontage for the second lot according to the Zoning Ordinances and he was looking for a referral to the Zoning Board of Adjustment (ZBA). Mr. Lavelle offered that he felt this would be a more reasonable alternative to designing a subdivision with a new road that would have to be maintained by the Town.

S. Ranlett moved, second by C. Lanza, to deny the plan and send the applicant to the ZBA for variance relief for lack of lot frontage. There was no discussion on the motion. The vote was 5-0-0 U/A.

T. Moore noted a sample letter that had been developed that would allow a potential applicant to get a referral to the ZBA based on a staff review of proposed plans. He explained that the reason that applicants had been requested to come before the Board for their referrals was that Board members wanted to know about the projects to be able to answer questions that may come from other residents.

T. Moore explained that the letter was developed with the assistance of the Planning Board Attorney. Once a plan was reviewed by Staff and noted to need ZBA action the applicant would get this letter and a copy would come to the Planning Board.

G. Adams arrived at 6:37 p.m.

Members agreed the form was a good idea and would eliminate the need for an applicant to come to the Planning Board just for a referral.

C. Lanza asked if the Planning Board attorney was if an actual denial was required.

L. Komornick noted that the Board wasn't actually denying a plan when they come in because they aren't actually seeing a legally noticed applicant.

There was discussion regarding the use of the new form. It was suggested to double check and make sure that an actual denial of a plan wasn't necessary. It was also suggested that the Planning Board Rules of Procedure be reviewed to make sure the use of the form wasn't contrary. The ZBA will be consulted to make sure they will be okay working with the proposed referral form.

G. Adams questioned if the form was intended to be used with all projects or just with larger ones.

S. Ranlett noted that L. Komornick and Mike Dorman usually know when it's appropriate to send someone to the ZBA or to the Planning Board.

G. Adams expressed concern that an applicant may not feel that they had the right to take their matter directly to the Planning Board.

There was discussion regarding different options any applicant would have regarding the plan review process. It was suggested to amend the form to outline three (3) options any applicant would have with Staff Review of their proposed plan:

- Administrative Appeal to the ZBA (If the applicant disagreed with the need for variance or other relief)
- File an application for plan review by the Planning Board with all applicable fees and legal noticing of abutters
- Referral to the ZBA for relief identified in the Staff Review

L. Komornick was asked to have Attorney Cleary reviewed the suggested change to the form.

L. Komornick noted that she was always uncomfortable with plans that applicants would bring to the Board when all they wanted was a referral to the ZBA. She noted that these discussions were not legally noticed and therefore no plans, other than something hand drawn should be reviewed. She suggested that the Board may want to define a conceptual plan.

Agenda Item 4: Workshop on Review of Zoning Districts and Other Planning Board Procedural Issues

There was discussion regarding how many continuances should be granted to an applicant before they would be required to re-notify abutters. The concern is that with multiple continuances abutters may fall out of the process. The example of the Baron's Condo application (95A Plaistow Road), which has had a number of continuances, was cited.

T. Moore noted that there are sometimes good reasons to grant continuances, such as waiting for certain state permits to be issued or for small site work issues.

There was discussion regarding setting a time limit, such as 63 days, as a maximum before

abutters would need to be re-notified. The continuance request could be made as two separate 30 days continuances or as a single 63 continuance. If the longer time was requested the applicant would be bound to that time frame. If they wanted to shorten it they would have to re-notify abutters. If not ready to move forward in the review process at the end of the maximum continuance process the plan would be denied and the applicant would have to file a new application.

G. Adams suggested that the time frame be even more restrictive so that applicants will have their act together prior to making an application.

T. Moore added that not only are abutters affected by multiple continuances it's also difficult for Board Members to keep the application fresh in their minds.

There was discussion regarding the time frames for Planning Board action as prescribed in the RSAs, such as the 65 day time period to act upon an application that has been accepted as complete.

T. Moore noted a number of examples of different Commercial and Industrial permitted uses from other communities that were provided in the member's folders. He asked all to review the examples and be prepared to review and discuss the Town's tables at the next meeting on August 20.

Agenda Item 5: Reading of Communications Directed to or From the Board.

There were no communications in the Members folders to be discussed at this meeting.

Agenda Item 6: Report/Update by Tim Moore on RPC and MPO Activities and on the Rail Project.

T. Moore noted that there would be a Rail Project meeting on July 28, 2014 and a Public Information meeting on September 15, 2014.

Agenda Item 7: Other Business

L. Komornick noted that Mark Fougere will be at the August 20 meeting to present the updated Transportation Chapter of the MasterPlan.

L. Komornick gave an update on the MasterPlan Survey preparation. She noted that she had spoken with Beverly Donovan, Economic Director of the Haverhill Chamber of Commerce regarding the possibility of a business survey.

S. Ranlett noted that he had told the Board of Selectmen that the Planning Board would soon begin their annual Zoning Ordinance review process.

L. Komornick offered that Charlie Zilch of SEC Associates offered to submit comments on lot sizing based on soils. She added that she had been recently contacted by Jeff Oigny (28 Main St) regarding revisiting owner/occupied, business/residential uses in the Commercial II District.

There were no additional matters before the Board and the meeting was adjourned at 7:35 p.m.

Respectfully Submitted as recorded by Dee Voss.

Approved by the Planning Board on _____

Timothy E. Moore, Chair