



Town of Plaistow, New Hampshire
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Phone: (603) 382-8469

PB Minutes 11/20/13

PLANNING BOARD MINUTES November 20, 2013

Call to Order: 6:34 p.m.

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

Also present were: Geoffrey Adams, Alternate; Leigh Komornick, Planner; and Mike Dorman, Chief Building Official (*left the meeting at 7:50PM*)

Minutes of October 16, 2013 and November 6, 2013 Planning Board Meetings

R. Gray moved, second by T. Moore to approve the minutes of the October 16, 2013 meeting.

R. Gray wanted to note that the minutes did not reflect his mention, with reference to the Public Hearing on the Taurus property at 3-9 Plaistow Rd, that the hearing should be continued to November 20 (3rd Wednesday) which is designated as the public hearing night, not the first Wednesday, which is considered the workshop meeting, because and there were zoning amendments to be considered at the November 6 meeting.

The motion was amended, with a second, to include Mr. Gray's note. There was no additional discussion. The vote was 3-0-2 (Moore and Silva abstaining).

R. Gray moved, second by T. Moore to approve the minutes of the October 16, 2013 meeting. There was no discussion on the motion. The vote was 3-0-2 (Ranlett and Gray abstaining).

Item 4: Request by Henry (Red) Torromeo for a waiver on sidewalks for Little River Village PRD (Planned Residential Development) and request for Temporary Occupancy of some homes.

Present for the discussion were Henry (Red) Torromeo, property owner and Chester Sullivan, CMS Sullivan, LLC, contractor.

L. Komornick noted a letter of request from Plaistow Consultants that listed three (3) waiver requests. She offered that the changes being requested were a bit more significant than what could be considered a field change so she asked Mr. Torromeo and Mr. Sullivan to come in a speak with the Board.

The first waiver requested was to install rip-rap stone instead of grass on the roadside of the new driveway location. It was noted that it would stabilize the roadside better than grass that would turn to hay and weeds.

It was noted that the rip-rap was already installed as part of the relocation of the driveway.

T. Moore moved, second by G. Silva, to allow rip-rap on the side of Village Way instead of grass.

R. Gray noted that the changes were part of the new roadway location and were not in violation of the Planning Board approved plan.

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

C. Sullivan explained that there were concerns over the long term maintenance of the sidewalks. He offered because of the slope of the land the sidewalk would collect water and be prone to icing.

M. Dorman noted that the Planning Board Engineer had the same concern.

L. Komornick added that the roadway was already paved at 24 feet. She offered that she had spoken with Highway Supervisor, Dan Garlington, who was not in favor of the sidewalk or adding an additional four (4) feet of pavement to the roadway to substitute for the separate sidewalk. L. Komornick suggested that the roadway profile should be reviewed and D. Garlington would be invited to be part of the review.

T. Moore explained that the current road called for a 50 foot right-of-way with 24 feet of pavement. That way if it was decided to do something with the road in the future there would be room to do it.

M. Dorman added that there were no sidewalks on Main Street.

G. Adams suggested that sidewalks would give access to the future trails along Little River.

R. Gray asked if the cost of the sidewalks was known.

L. Komornick responded that the information could be pulled off the bond estimate worksheet. She added that D. Garlington suggested that any donation be put towards the Safe Routes to Schools project.

R. Gray noted that any donation would go into the General Fund.

L. Komornick added they would have to go to the Board of Selectmen (BOS) to request that any donation be earmarked to offsite mitigation.

There was discussion regarding the suggestion of a monetary donation from Mr. Torromeo in lieu of installing the sidewalks on Village Way.

S. Ranlett suggested it set a bad precedent, resembling a bribe, to allow Mr. Torromeo to deter from the approved plan by pledging monies for another project. He added that he wasn't implying Mr. Torromeo was trying to bribe the Board, but offered it could be seen by others that way. He acknowledged that the donation was being freely offered and not solicited by the Board and suggested that the Board consider approving the request without the donation, just looking at whether or not to require the sidewalks as per the approved plan. S. Ranlett added he would feel differently if the off-site mitigation had been discussed as part of the plan review at the public hearings, but it didn't sit right with him to have it be an after-the-fact decision.

R. Gray asked if the sidewalk was upslope would they still be required to put it in.

S. Ranlett offered he was in favor of getting rid of the sidewalk, but he was on the fence about the monetary donation as mitigation.

R. Gray noted that he didn't see it as a bribe because the Board was not strong-arming for the money,

G. Adams asked if the sidewalk could be put on the other side of the road.

M. Dorman noted the same problem existed on the other side of the road.

L. Komornick added that she had discussed the matter with Jim Driver of NHDOT, and he had concerns about a sidewalk that dumps out onto nothing, putting pedestrians in harm's way.

S. Ranlett suggested that if Mr. Torromeo wanted to go to the Board of Selectmen independently in the future that would be his prerogative, but he wasn't comfortable making a donation part of the motion regarding the sidewalks.

S. Ranlett moved, second by G. Silva to grant the request to waive the sidewalk for Village Way.

M. Dorman noted that he had spoken with the Planning Board Engineer and he was in agreement with the request not to have sidewalks.

T. Moore suggested that a road profile be developed that is consistent and can be stuck with.

There was no additional discussion on the motion. The vote was 4-1-0 (Gray dissenting).

C. Sullivan requested that he be allowed to have less street lights than were indicated on the approved plan.

There was a discussion about the street lighting. I was noted that on the approved plan that there are decorative street lights every 100 feet and when they were partially installed an illuminated it was way too bright. The lighting was described to be brighter than daylight and similar to the landing field at an airport.

T. Moore moved, second by G. Silva to allow C. Sullivan to reduce the number of street lights on Village Way to a number approved by the Planning Board Engineer. There was no discussion on the motion. The vote was 5-0-0 U/A.

L. Komornick updated that Board noting the NHDOT had delivered a revised engineering plan and Dan Johnson would be preparing the final record plan with all the changes for the new roadway location. She added that the plan would now enable Sumner Kalman to finalize all other documents for recording.

Item 5: Request by Mark Donohoe to begin demolition at "Plaistow Center" (aka "Old Shaw's Plaza") prior to final approval.

Mark Donohoe, Select Real Estate Consulting, Inc. was present for the discussion to represent Taurus Investment Properties, the property owners.

S. Ranlett read a letter from Taurus New England Investments, LLC, requesting to start demolition and construction of the new Dollar Tree location prior to meeting all the conditions of approval.

The letter noted that the outstanding requirement was the NHDOT driveway permit, which they didn't think would affect these aspects of the site plan.

S. Ranlett noted that he didn't have a problem with demolition starting. He asked if there were any problems with issuing a foundation permit.

R. Gray offered that no work should be done until all permits are in place. He added that regardless of what the Planning Board might approve the BOS could issue a Stop Work Order if they disagreed. R. Gray noted that there are members of the BOS were upset about the process.

S. Ranlett suggested that if the Planning Board's decisions are going to be overruled by BOS Stop Work Orders then perhaps legal advice should be sought. He noted that the issues of the past month were unique. S. Ranlett added this was the first time the BOS had gotten involved by issuing a Stop Work Order. He added that NHDOT was not likely to ask the Taurus to relocate the driveway.

L. Komornick offered that the Board could limit the approval to a foundation permit.

There was additional discussion regarding the BOS involvement. It was noted that the Planning Board should not have to worry that each time they make a decision that the BOS would issue a Stop Work Order. It was noted that it didn't look like the boards cooperated with each other.

M. Dorman suggested that of the Board was okay with issuing of a demolition permit and a foundation permit it could be dependent on a preconstruction meeting and bonding for the site.

L. Komornick added that this was a different situation from recent others. She said that it has been verified that they have made application to NHDOT for the driveway permit. L. Komornick added that she's been in touch with Kevin Russell (NHDOT) and their delay is due to the heavy workload and there was no hint that there would be any major recommendations with the permit.

R. Gray noted that by the time they are ready for the building permit the NHDOT permit may be in hand.

G. Adams offered that he didn't see a problem if there were unlikely to be any changes to the site based on the NHDOT driveway permit.

There was discussion about potential changes that had been suggested by a traffic study to re-stripe Wentworth Ave in connection with this project. It was noted that Wentworth was a town-owned road, but with the connection to Route 125 it was best to get NHDOT's input on the re-striping recommendation.

M. Donohoe pledged that any request for re-striping of Wentworth Ave at the request of either the Town or NHDOT would be honored.

T. Moore moved, second by S. Kellogg, to allow a demolition and foundation permit to be issued to Taurus Investments for 9 Plaistow Road with the following conditions:

- ***A pre-construction meeting must be held***
- ***All bonding must be in place***
- ***Appropriate escrow funds are received***
- ***All applicable Impact Fees, if any, must be paid***

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

Item 6: 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 Rd, Tax Map 27, Lots 17 and 18, 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 *[Note: This Public Hearing was continued from First Noticed Public Hearing date of Wednesday, November 6, 2013 until Wednesday, November 20, 2013, Application was not heard or accepted due to issues with property lines shown on submitted plan. Therefore, no 65-day clock has started.]*

Timothy Lavelle, Lavelle Associates and Andy Carace, Pest End, Inc. were present for the application.

T. Lavelle outlined the proposed plan for the Board noting the following features:

- 80 Plaistow Road was formerly a two-bedroom, single-family home
- The applicant would like to convert it to office space for his business located at 82 Plaistow Road
- There was existing parking for three (3) cars and one (1) in the garage
- Connecting the sites would allow for better traffic flow and access to Route 125
- It is a very low impact use
- There will be no retail business
- Most of the business activity is done over the phone
- There are existing hedges to the south of the property
- The properties are intended to be used together so they would like to not have a buffer between them
- An agreement between the sites, to be reviewed by counsel, that denotes that should either parcel change hands certain items shall be completed, such as installation of proper buffers
- The parking and entrances to each parcel shall remain the same

L. Komornick noted that this was similar to a plan approved between two sites on Newton Road. She added there should be a binding note on the plan.

T. Lavelle offered that if either parcel were to be sold it would be likely that either site would have to come back before the Planning Board to discuss changes.

R. Gray asked if the structure could be reverted back to residential.

M. Dorman responded that this was a commercial district and if the property so it could not return to residential once converted to commercial.

L. Komornick offered there was little difference in the functionality of the lot and it would not work as well without the shared access.

There was discussion regarding what documents would need to be in place to protect both parcels should there be a sale of either. It was noted that if there was a sale then any documents could be rewritten with mutual agreement.

S. Ranlett noted that the southern lot (80 Plaistow Road) only had an "in" arrow to enter the site.

T. Lavelle noted that it was an "enter only" through that parcel and the exit was through the other site (82 Plaistow Road). He added it was easier to pull out into traffic from this site.

R. Gray noted a temporary construction easement indicated on the plan.

T. Lavelle explained that was part of the Route 125 reconstruction project, which was why the public hearing needed to be continued. It was inadvertently forgotten on the previous plan. He noted the information on the easement was explained in note #16 on the plan.

L. Komornick that it was NHDOT who reminded of the taking and the two-year construction easement.

A. Carace noted that he was not sure they would ever even use his site for staging but it was in all the plans as a just in case.

T. Lavelle offered that no parking was affected by the easement. He added that they did need a new driveway permit for 80 Plaistow Road for the change of use and they would be submitting a new septic design. He noted they were not increasing the flow, but needed to have a plan approved.

T. Moore suggested that a note be added to reference the access easement.

R. Gray asked that the hours of operation be added to the plan.

A. Carace noted the building at 80 Plaistow Road would only be used for corporate offices and there wouldn't be any customers at that location.

The Board considered the following list of waiver requests:

- §230-14.1.XX – Location of dumpster – It is not intended to have a dumpster at the 80 Plaistow Road location

T. Moore moved, second by S. Kellogg to grant the waiver of §230-14.1.XX. There was no discussion on the motion. The vote was 5-0-0 U/A

- §230-11(C)2 AND §230-14.1.II – Lighting and Lighting plan – It was noted that all lighting is existing

T. Moore moved, second by R. Gray to grant the waiver of §230-11(C)2 and §230-14.1 II. There was no discussion on the motion. The vote was 5-0-0 U/A.

- §230-14.1.HH – Landscaping Plan

T. Moore moved, second by G. Silva, to grant the waiver of §230-14.1.HH. There was no discussion on the motion. The vote was 5-0-0 U/A.

- §230-23A & B – Buffers

T. Moore moved, second by G. Silva, to grant the waiver of §230-23A & B. There was no discussion on the motion. The vote was 5-0-0 U/A.

- §230-11.B(2) – Drainage

T. Moore moved, second by S. Kellogg, to grant the waiver of §230-11.B(2). There was no discussion on the motion. The vote was 5-0-0 U/A.

T. Moore moved, second by R. Gray to accept the plan for 80 Plaistow Road and Amendments to 82 Plaistow. There was no discussion on the motion. The vote was 5-0-0 U/A.

T. Moore moved, second by R. Gray to approve the plan for 80 Plaistow Road and Amendments to 82 Plaistow with the following conditions:

- ***Addition of a note to the Site Plan stating no hazardous chemicals will be stored in the buildings***
- ***Addition of a note to the Site Plan that the owner of Lot 17 shall continue to comply with all NHDES Groundwater Management Zone requirements***
- ***Receipt of NHDOT Driveway Permit for Lot 17***
- ***Receipt NHDES Subsurface Permit for Lot 17***
- ***Receipt of agreement to be recorded in the Rockingham County Registry of Deeds and filed with the Plaistow Planning Department that the access shown on the Site Plan (Lot 17 shall have an easement over Lot 18) shall be maintained during Pest End's ownership of the Lots and upon its conveyance of one of the Lots, as acceptable Access Easement shall be recorded in the Rockingham County Registry of Deeds and there shall be an associated note on the Plan***
- ***Receipt of payment for all legal fees incurred by the Planning Board Attorney for assistance and final review of the cross easements.***

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

S. Ranlett called for a break at 7:50 PM. The meeting was called back to order at 7:57 PM.

M. Dorman left the meeting at the break.

Item 7: Review 2014-2019 CIP (Capital Improvement Program) Update [Tabled from the November 6, 2013 PB Meeting] (Motion Required)

L. Komornick noted that this item had been tabled at the last meeting in order for the members to be able to review the spreadsheet and associated text document. She noted that a few of new departments, Cable, Hazard Mitigation and Emergency Management, had been added to the CIP.

L. Komornick added that the CIP was developed by committee. She noted that the BOS had reviewed it on November 4, which was out of the normal order, as it is preferred that the Planning Board be the first to see the finished document.

S. Kellogg asked who was on the CIP Committee.

It was noted the members are:

- Tim Moore (Planning Board)
- Geoff Adams (Planning Board)

- John Sherman (Board of Selectmen)
- Joyce Ingerson (Board of Selectmen)
- Dan Poliquin (Board of Selectmen, Alternate)
- David Gerns (Budget Committee)
- Gayle Hamel (Budget Committee)

S. Ranlett asked if the Board had any questions about the CIP.

S. Kellogg asked if there was someone who was going to sell him on accepting \$10M in proposals.

L. Komornick explained that the CIP was a planning tool to help the Budget Committee and BOS prioritize capital expenses in the budget process.

R. Gray added that it was used to help level the tax burden when considering major expenses for the Town.

L. Komornick noted that capital expenses are funded through either inclusion in the operating budget or as a warrant article that is voted on at Town Meeting. She noted that the BOS and Budget Committee review all proposed Warrant Articles and vote whether or not to recommend them to the voters. The Warrant Articles are also reviewed and discussed at Deliberative Session.

R. Gray offered that some items in the CIP are wish list items for future items.

G. Adams explained that it was knowing what capital costs were going to be over time and working out how to fund them without having a balloon cost.

R. Gray added that this tool helped level taxes and assess the burden equally and prevents spikes and huge fluctuations in some tax years. He noted that the departments are consulted for their projected capital expenses.

T. Moore noted that spread sheet was the summary of all projected capital expenses and the text was the substance of the projects.

L. Komornick added that the format was still evolving, noting the text document was added five (5) years ago. She noted that the bottom line was that the CIP was a planning tool and all request for capital funding still had to go before the voters for approval.

T. Moore moved, second by G. Silva, to approve the amended CIP for 2014-2019.

There was discussion regarding the projects with the highest priority in 2014.

There was no additional discussion on the motion. The vote was 4-1-0 (Kellogg dissenting).

Item 8: Review of Preliminary List of Potential Zoning Amendments. [Tabled from November 6, 2013 PB Meeting]

L. Komornick noted that the proposed amendments were developed from a list that she has been keeping since last year of issues that were encountered either by the Board or day-to-day operations in the Planning Office.

It was requested that specific language for each proposed amendment be developed for the next meeting.

Proposed Zoning Amendment Z-14-1

Are you in favor of amending the Zoning Ordinance by changing the current C1 zoning to C2 zoning in general area of Danville Road as shown on the map below?

** Map to be included along with a specific list of affected parcels.

[Intent: To allow mixed uses on Danville Road]

Discussion:

It was noted that the intent of this change was to allow mixed commercial/residential used on the properties located on Danville Rd, which is currently all Commercial I zoning. There was discussion whether or not this would best be achieved through a new Zoning District or as an overlay of the District; much like the Village District was originally done as an overlay of certain areas of the Commercial II District.

S. Ranlett offered that he would rather see an overlay rather than the Commercial II permitted use, which are more restrictive.

It was requested that specific language be developed and a map of the affected parcels be added.

Proposed Zoning Amendment Z-14-2

Are you in favor of amending the Zoning Ordinance by changing the current LDR zoning on Kingston Road to MDR zoning as shown on the map below?

** Map to be included along with a specific list of affected parcels.

[Intent: Most residential lots on Kingston Road are small lots that do not meet the 110,000 square foot requirement of the LDR zone. This change is to better match the existing conditions with zoning lot size requirements.]

Discussion:

L. Komornick offered that most of the parcels on Kingston Rd were non-conforming with the LDR (Low Density Residential) District requirements because they were smaller and more closely resembled MDR (Medium Density Residential) zoning requirements. She noted that these parcels were restricted by more stringent setback requirements and for these reasons she suggested that this area be re-zoned to MDR zoning.

There was discussion regarding what uses were permitted in the LDR, it was noted that Agricultural uses were not a permitted use in the MDR district, but were in the LDR. It was noted that there was at least one property owner on Kingston Road that was taking advantage of the Agricultural use by growing and selling vegetables roadside.

It was suggested that a list of pros and cons be developed regarding making such a zoning change.

S. Ranlett asked what prompted this proposed zoning change.

L. Komornick replied that it was being offered at her suggestion based upon the size of the lots on Kingston Road.

There was additional discussion as to what would happen if this zoning change was proposed. The Board decided that there were more cons than there were pros to such a proposal and decided to delete it from the list.

Proposed Zoning Amendment – Not Numbered

Make the Zoning District Boundaries follow property lines for the remaining Zoning Districts (We already changed the CI and CII Districts to follow property lines). No action at the current time.

There was no discussion on this item. It will not be carried forward for review or public hearing at this time.

Proposed Zoning Amendment Z-14-3

Are you in favor of amending the Zoning Ordinance by adding a new section to clarify requirements for building on a Class VI road as follows:

§ 220-17.4. Class VI Road Building Requirements

Class VI roads are roads that have been laid in some form but never maintained in the summer or winter by the Town. The Class VI designation may apply to entire roads or sections of roads. All buildings constructed on Class VI roads must submit a Limit of Liability form to the Board of Selectmen. This form must be reviewed and approved by the Board of Selectmen. All other zoning, subdivision, and/or site plan review requirements must also be met.

[Intent: Clarify the requirements for building on Class VI roads.]

Discussion:

It was noted that this was brought up based upon some issued with dwellings on Class VI roads. The suggestion was made to delete the words “in the summer or winter” from the language and just leave it as these roads are not maintained by the Town.

This item will be moved forward for review at the next meeting.

Proposed Zoning Amendment – Not Numbered

Clarify in the Home Occupation Ordinance that there can only be one business per dwelling unit. Right now, there is nothing that says one way or another if just one is allowed or more than one. (This was triggered by the Dept. of Building Safety recently receiving an application for a home occupation as a second business in the same dwelling.

Discussion:

There was discussion regarding the impact that a second home occupation would have. Some members felt that having more than one home occupation would not be a problem in certain circumstances, such as multiply internet based businesses. It was suggested that if more than one home occupation was going to be allowed that performance criteria would then have to be developed to define when there could be more than one home occupation. It was suggested that the defining factor could be the number of customers, but no one could offer a suggestion on how that would be enforced.

It was decided that language would be present at the next meeting for the Board's review.

Proposed Zoning Amendment – Not Numbered

Now that the In-Law Apartment no longer requires a special exception, there are still references in the ordinance that need to be cleaned up.

Discussion:

It was noted that the requirement for a special exception for an in-law apartment had been lifted and everything was now handled through the Inspection's Office. It was further noted that some

language referencing the need for a special exception remained in the In-Law/Accessory Apartment Ordinance.

It was noted that this is mostly a housekeeping issue and exact language would be presented at the next meeting.

Proposed Zoning Amendment Z-14-4

Are you in favor of amending the Zoning Ordinance by modifying “§220-16. Motor vehicle and trailer sales”, paragraph B to read as follows: “B. No lot used for a vehicular dealership in any zone may be located any closer than 1,000 feet in any direction to any other lot used for a vehicular dealership”?

[Intent: Previous zoning only required the 1,000 foot separation in the C-1 zone. This change extends the 1,000 separation to all zones even though only C-1 and ICR zones currently allow this use.]

Discussion:

It was noted that the current wording only restricted Motor Vehicle Dealerships located in the Commercial I District, but there are dealers located in both the Industrial and Integrated Commercial/Residential (ICR) Districts. This amendment would make it consistent across all districts where motor vehicle sales are a permitted use.

This item was to be moved forward to the next meeting.

Proposed Zoning Amendment Z-14-5

Are you in favor of amending the Zoning Ordinance by modifying § 220-47 paragraph B to include a minimum distance between 2 possible accesses by adding the following to paragraph B, “and at least 100 feet must exist between the centerlines of the 2 access rights-of-way.”?

[Intent: The current language in the ordinance does not specify a minimum distance between the access rights-of-way.]

Proposed Zoning Amendment Z-14-6

Are you in favor of amending the Zoning Ordinance by adding the following new paragraphs to § 220-47 as shown below?

H. If any part of the PRD is going to be part of a condominium, then a condominium subdivision plan and all associated condominium documents must be reviewed by the Planning Board attorney and approved by the State of New Hampshire. Such plans and documents must be recorded at the Rockingham County Registry of Deeds.

I. If any kind of homeowner’s association is to be formed, then covenants pertinent to the association must be reviewed by the Planning Board Attorney and approved by the State of New Hampshire. All such documents must be recorded at the Rockingham County Registry of deeds.

[Intent: Although these documents have always been required, the ordinance did not clearly spell out this requirement.]

Proposed Zoning Amendment Z-14-7

Are you in favor of amending the Zoning Ordinance by adding a new sentence to paragraph C of § 220-48 as shown below?

The combined area of wetlands and slopes over 15% may not exceed 30% of the open space.

[Intent: The intent of the open space requirement is to allow for passive recreational uses for the PRD community. This requirement cannot be met if the open space is made up of

mostly wetlands and steep slopes.]

Discussion:

It was noted that these changes were being proposed to clean up some messy language in the PRD (Planned Residential Development) Ordinance. It was noted that these changes applied to a PRD only.

These items are to be moved forward to the next meeting.

Miscellaneous Items:

- Allow either owner of house or owner of business in the ICR, i.e. like we have in the Village Center District; Check to see if this was done last year or the year before.

It was noted that this was addressed last year

- Add small contractor to allowed uses in the ICR (carpenter, plumber, etc...); Already done???

It was noted that this was addressed last year

- Add a Definition for Contractor Yard – the following are examples: Done last year.

It was noted that a definition of a Contractor Yard had been addressed, but there was no definition for a “contractor.”

L. Komornick noted that she would try to find a workable definition for the Board to consider.

- Table 220-32I – B. Pavement Setbacks. Already done???”

It was noted that the pavement setback for residential was defined as the same as a structure in all residential districts §220-9.1. The location of pavement was addressed in the site plan regulations and the question was asked if it was clear enough or needed to be specifically called out. It was decided that this subject would be addressed when the Board was reviewing possible changes to Site Plan/Subdivision Regulations at a future meeting.

Item 9: 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. [Tabled from November 6, 2013 PB Meeting]

R. Gray offered that he didn't think the proposed legislation the petition sought to fight would have any effect on Plaistow.

T. Moore noted that since the last discussion he has learned they are only requesting changes in the law, not the repeal of the law.

There was discussion regarding Plaistow's Workforce Housing, which based on previous analysis by Peter Bealo, was determined to be adequate and would be for at least 50-70 years into the future. It was noted that the analysis done by Mr. Bealo was currently used as the model by

Rockingham Planning Commission. It was decided that the best course of action would be to ignore the request to sign the petition as it wasn't clear what action the requestor was looking for and Plaistow already had adequate workforce housing. It was suggested that if specific legislation were to be proposed that directly affected Plaistow then letters reflecting the Town's position could be written then.

Item10: Updates on Projects Including Little River, Snow's Brook and Ron Brown

It was noted that the Board had already been updated on the Little River project.

L. Komornick noted updates for the other projects:

- Ron Brown (Falls at Gunstock)
 - Needs State Subdivision approval again
 - Charlie Zilch (SEC Associates) reports that he has been in contact with the NHDES (New Hampshire Department of Environmental Services) compliance officer
 - There is a discrepancy in the number of septic systems between the Planning Board approved plan and the plan submitted for Subdivision Approval
 - Charlie Lanza (former Planning Board Member) contacted the Planning Office to suggest that no one be allowed to access the site until guard rails are install on the roadside

There was discussion regarding the Town's liability for the guardrails not being installed. L. Komornick is to consult with counsel to discuss.

- Reserve at Snow's Brook
 - They are still under a Stop Work Order
 - Need to file Waiver of Limited Liability, which was in the minutes of the public hearing on the project as part of the discussion to shorten the length of the driveways. The applicant had decided to declare the access ways as driveways, rather than roads, in order to not require a variance for the length of a cul-de-sac. The length of the driveways requires the Limited Liability Waiver

R. Gray noted that the Board of Selectmen reviewed the request to lift the Stop Work Order to allow the driveways to be paved, but it was their decision that they wanted to see all permits in hand before lifting the Order.

Item 11: Reading of Communications Directed to/from the Board

MasterPlan

L. Komornick reported that she had spoken with Mark Fougere to try to come to an agreement on how the monies will be spent and what the scope of work will be.

S. Ranlett asked who picked Mr. Fougere. He questioned why Town Manager, Sean Fitzgerald, entered into a contract regarding a Planning Board issue. S. Ranlett added that he felt the Planning Board should be able to decide who they want to work with.

T. Moore noted that the Planning Board did not have authority to enter into contracts on behalf of the Town.

S. Ranlett reminded that the Planning Board picked which consultants to work with,

T. Moore responded that the Board picked, but the Town Manager had to sign the contract. He added there was discussion regarding having work done to update the Impact Fees

S. Ranlett asked about Bruce Mayberry as a consultant to work on the update.

L. Komornick noted that Mr. Mayberry was not available.

S. Ranlett reiterated that he felt it was the Planning Board's responsibility to select the contractor.

L. Komornick noted that the contract was clear it would cost \$6,500 to update the Recreation Impact Fee, which wouldn't allow a budget to do anything significant for the MasterPlan or any other Impact Fee Update. She noted that there was no planned increase to the lines in either the MasterPlan or Impact Fee Updates in the 2014 budget.

S. Ranlett suggested the total budget for both should be \$10,000.

L. Komornick responded that she was being told it would be the same \$7,000 (\$5,000 for MasterPlan Updates and \$2,000 for Impact Fee Updates) as it is for 2013.

S. Ranlett questioned why the Board's recommendations are not being considered.

R. Gray asked if it had been determined what sections will be updated. He added that he thought it would be an easy sell to the BOS if he could definitely say that a particular chapter would be updated by a specific date.

There was discussion that the Recreation Impact Fee update was the highest priority.

R. Gray said that he would like to be able to go back to the BOS with a specific schedule of what should be updated and when. He noted that the sticking point for the BOS was not seeing a specific product yet.

Item 12: Report/Update By Tim Moore on RPC (Rockingham Planning Commission) Activities

Item 13: Other Business

No items were noted.

There were no additional matters before the Board and the meeting was adjourned at 10:15PM.

Respectfully Submitted as recorded by Dee Voss.

Approved by the Planning Board on _____

Steve Ranlett, Chair

