



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

PB Minutes 12/17/14

PLANNING BOARD MINUTES December 17, 2014

Call to Order: 6:33 p.m.

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

G. Adams was appointed as a voting member for G. Silva.

Agenda Item 2: Minutes of December 3, 2014 Planning Board Meetings

C. Lanza moved, second by G. Adams, to approve the minutes of the December 03, 2014 meeting. There was no discussion on the motion. The vote was 3-0-1 (Kellogg abstaining).

Agenda Item 3: Public Hearing: An application for a Preliminary Design Review of a Plan to Construct an 850 foot roadway and create a 4-lot Residential Subdivision. The property is located at 26 Smith Corner Rd, Tax Map 53, Lot 56, in the Medium Density Residential District. The owners of record are Harry Scott and Susan Lane

Steven Cummings, representing the applicants, was present for the public hearing.

S. Cummings explained the proposed project noting the following:

- The Property is located at 26 Smith Corner Road
- The proposed road that would service the subdivision would be 850 feet in length
- There would be 4 lots in the subdivision to include the existing house lot and three (3) new lots
- There is a wetlands crossing that State permitting would be required
- There will be consultation with the Conservation Commission
- He received the review letter from Planning Board Engineers CLD today and has not yet been able to address any of the items.

T. Moore noted a staff report from Mark Fougere, a copy of which was given to Mr. Cummings.

There was discussion regarding whether or not there would be streetlights for the new road. Mr. Cummings noted that if the Board required them he would make sure they were included in the plan.

T. Moore asked if the Board had any additional questions. There were none. He asked if there were any abutters wishing to comment.

David Goodwin, 7 Kristie Lane, noted the following concerns:

- Property devaluation and compensation for any loss in property values
- Additional traffic
- Wetlands impact
- Additional street lights shining on abutting properties
- Possibility of a tree-line buffer to shield abutters

Mr. Goodwin noted that he felt there was nothing but a negative impact to this project and suggested that the Board not allow it to go forward.

T. Moore explained that any wetlands crossings would require State approval.

D. Goodwin questioned the economic impact to the abutters and compensation. He added that he has owned his property for over twenty (20) years and now feels he is being penalized by this proposal.

T. Moore replied that his concerns were noted for the record.

Gene Charmanski, 11 Kristie Lane, noted the following concerns:

- He also state concern for property value impact. He added that one of the selling points for him when he first purchased the property was that he was told that property was landlocked
- The loss of the view of the tress
- Availability of water
- Safety concerns for additional traffic on Smith Corner Road
- Site distances for a new road off Smith Corner Road, which is very curvy in this area

T. Moore noted that proper site distances will be checked before a permit will be issued to construct the road.

T. Moore explained that this was a preliminary design review hearing. He explained what the steps of a subdivision site plan review process noting the following:

- The applicant receives review comments from the Planning Board and the Planning Board's review engineer
- The applicant has the opportunity to address those comments and revise their plan if necessary
- The applicant must then re-submit for a final public hearing, all abutters are re-notified of that hearing
- The Planning Board reviews the application, considers all comments, reviews applicable regulations and zoning ordinances and makes a decision on the plan

There was a discussion regarding street lighting. S. Cummings requested that the Board make a decision as to whether or not they were going to require them on the plan. T. Moore noted that they were not a requirement, but the Planning Board had the discretion to require them for public

safety. He added that he would like to consult with public safety officials before making that decision. There was discussion about potential placement of street light poles so as not to impact the abutters on Kristie Lane.

S. Cummings noted that there would need to be changes to the embankment and some tree trimming on Smith Corner Road in order for the new road it have proper site distance. He added that the driveway for the existing house would definitely have to be relocated.

T. Moore closed the public hearing on the design review. He noted again that abutters would be re-notified when the final application is scheduled for public hearing.

Agenda Item 4: 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 under consideration.

Proposed 2015 Zoning Amendment Changes UPDATED 12/03/14

Proposed Plaistow Zoning Amendment: Z-15-1

Are you in favor of amending the Zoning Ordinance by modifying Article V Establishment of Districts and District Regulations; Table 220-32A, Industrial by deleting the words referencing “bank” from sections D, E and F and changing “certificate of occupancy” to “building permit” in section D.

If amended would read:

“D. No building permit for any bank kiosk use may be granted before at least one certificate of occupancy has been issued for an industrial use.

E. In an industrial development, no more than 10% of the total building footprint for the development can be used for bank kiosk use.

F. The intent of allowing a bank kiosk in an industrial zone is to provide a convenient service for the employees of the industries in the industrial zone.”

INTENT: Since banks are not a permitted use in the Industrial District this is a housekeeping change. Certificates of Occupancy may not be required for bank kiosks if they are unmanned, therefore the restriction is being changed to the building permit in section D.

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

Reason for proposed change:

Housekeeping: At the last review of this district it was determined that full service banking was not a compatible use with an industrial district. In order to provide a service to the employees of the district “bank kiosks” which would most likely not have a big public draw where left as a permitted use. Sections D, E and F still reference banks,

G. Adams moved, second by C. Lanza, to post the proposed zoning amendment to the Warrant as written. There was no discussion on the motion. The vote was 4-0-0 U/A.

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**Proposed Plaistow Zoning Amendment: Z-15-2**

**Are you in favor of amending the Zoning Ordinance by deleting Article IX, §220-59C, Identification signs for shopping centers and industrial parks, in its entirety.**

**INTENT: The section is word-for-word repetitious of §220-58C and is not necessary.**

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

Reason for proposed change:

Housekeeping: §220-58C and §220-59C are word-for-word identical and one should be deleted.

**C. Lanza moved, second by G. Adams, to post the proposed zoning amendment to the Warrant as written. There was no discussion on the motion. The vote was 4-0-0 U/A.**

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Proposed Plaistow Zoning Amendment: Z-15-3

Are you in favor of amending the Zoning Ordinance “Article III, General Provisions, §220-8.1 Residential Garages” by adding a Letter C to read:

“C. Barns on residential lots of greater than 5 acres and used for agricultural purposes are exempt.”

INTENT: To amend the ordinance to meet the needs of agricultural uses

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

Reason for proposed change:

In 2002 this Residential Garage ordinance was passed. This restricted size totals of garage/barns on residential properties based upon the size of the lot. The intent was to prevent large garages from being built and the evolving into under-the-radar commercial businesses. However, the passage of the ordinance unintentionally made a number of complaint properties non-compliant and unable to expand their agricultural uses without having to take their chances with applying for a variance (i.e. Cox Farm, Goudreaults, 148 Main St and Hoyt Farm). This amended would rectify that making them all compliant again and not restrict the size of barns on 10+ acre parcels that are used agriculturally.

Discussion: It was noted that the “reason for proposed change” still noted a 10+ acre requirement, which had been changed to 5+ acres in a previous discussion. The “reason for proposed change” does not appear on the Warrant, on the “intent.”

C. Lanza moved, second by G. Adams, to post the proposed zoning amendment to the Warrant as written. There was no discussion on the motion. The vote was 4-0-0 U/A.

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**Proposed Plaistow Zoning Amendment: Z-15-4**

**Are you in favor of amending the Zoning Ordinance “Article IX, Signs, §220-58.D All Districts” to read as follows:**

**“All free standing signs are required to have a street address that includes the street name and number and that is a minimum of six inches for signs for commercial uses**

***in the I1, I2, CI and ICR Districts; a minimum of three inches for commercial uses in the CII and VC District; and a minimum of three inches for signs for residential uses in all Districts. The space required for the address portion of the sign shall not be counted as part of the required sign size.”***

***INTENT: In 2012 the ordinance was amended to include the address rider for free standing signs for commercial uses in CI, ICR and all residential uses in all districts. The purpose was easier location recognition for emergency responders. I1, I2, CII and VC were overlooked at that time. This proposed change would correct those omissions.***

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

Reason for proposed change:

Current Ordinance Reads:

All free standing signs are required to have a street address that includes the street name and number and that is a minimum of six inches for signs for commercial/***industrial (added)*** uses in the CI and ICR Districts and a minimum of three inches for signs for residential uses in all Districts. The space required for the address portion of the sign shall not be counted as part of the required sign size.

There are no provisions for I1, I2, CII and VC Districts.

The requirement for the street address rider has been well received by the business community. It has been a great aid not only to emergency responders but has helped consumers find the location they are seeking much easier, thus contributing to traffic safety.

Discussion:

It was noted that industrial uses should be noted as well as commercial uses as the amendment would apply to both (see bold italic notation).

***C. Lanza moved, second by G. Adams, to post the proposed zoning amendment to the Warrant as amended. There was no discussion on the motion. The vote was 3-1-0 (Kellogg dissenting).***

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Proposed Plaistow Zoning Amendment: Z-15-5

Are you in favor of amending the Zoning Ordinance “Article IX, Signs, §220-60 Commercial II District” to include the Village Center District.

INTENT: The Village Center was once an overlay of a portion of the Commercial II. As such all signage requirements were the same as the Commercial II District. When the Village Center became its own District no sign requirements were established. Since the area is the same it makes sense that it should follow the same requirements as the Commercial II District.

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

Reason for proposed change:

Housekeeping: When the VC District was changed from an overlay of the CII to its own district signage requirements were overlooked. This corrects that omission.

C. Lanza moved, second by G. Adams, to post the proposed zoning amendment to the Warrant as written. There was no discussion on the motion. The vote was 3-1-0 (Kellogg dissenting).

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***Proposed Plaistow Zoning Amendment: Z-15-6***

***Are you in favor of amending the Zoning Ordinance “Article IX, Signs, §220-65 Permit Required” by adding a new Letter C to read:***

***“C. All internally lit signs must be UL listed”***

***INTENT: To require all internally lit signs be UL listed for safety***

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

Reason for proposed change:

While it is part of the Electrical Code, and it should be common sense, that all internally lit signs be UL listed having it called out in the ordinance will reinforce this requirement.

***C. Lanza moved, second by G. Adams, to post the proposed zoning amendment to the Warrant as written. There was no discussion on the motion. The vote was 3-1-0 (Kellogg dissenting).***

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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 2220-32H.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).

Reason for proposed ordinance:

Since the 100 foot restrict has been in place the Department of Building Safety has received a number of complaints about residents being unable to have chickens because they cannot meet the setback. We do not feel that chickens, rabbits, etc have the same concerns for abutters as horses, pigs and cows do, therefore we are proposing this amendment.

Discussion:

It was noted that the ordinance for Residential Conservation I district had an extra digit and was not formatted the same as the other districts. That correction was made.

C. Lanza moved, second by G. Adams, to post the proposed zoning amendment to the Warrant as amended.

There was discussion regarding whether or not this would also be applicable to the Residential Conservation II (RCII) District. It was noted that requirements for animals structures was not listed in the RCII District, therefore it was not seen as a permitted use in that district.

T. Moore suggested that since the proposed amendment was more than a house keeping change that it be reviewed by Planning Board counsel before the Board voted whether or not to post it to the Warrant.

C. Lanza withdrew his motion, G. Adams withdrew his second.

Public Hearing Continued

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***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.***

Reason for proposed change:

The construction hours have long been referred to when a complaint has been received regarding a business’ hours of operation. The proposed change is intended to create a distinction between the two and give clear oversight to the Planning Board regarding review and approval of hours of operation.

T. Moore noted that this was also a newly proposed ordinance, more than a house keeping change, and suggested it too be reviewed by counsel.

***Public Hearing Continued***

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Proposed Plaistow Zoning Amendment: Z-15-9

Are you in favor of amending the Zoning Ordinance “Article V, Establishment of Districts

and District Requirements, Table 220-32C Commercial II, Permitted Uses, Section 9.1 by eliminating the words

“where the workplace or the residence must be owner occupied”

INTENT: To eliminate the owner occupied requirement for a mixed commercial/residential parcel in the Commercial II District

C. Lanza moved, second by G. Adams, to post the proposed zoning amendment to the Warrant as written. There was no discussion on the motion. The vote was 4-0-0 U/A.

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***Proposed Plaistow Zoning Amendment: Z-15-10***

***Are you in favor of amending the Zoning Ordinance “Article V, Establishment of Districts and District Requirements, Table 220-32D Village Center, Permitted Uses, Section 11 by eliminating the words:***

***“where the work place or the residence must be owner occupied”***

***INTENT: To eliminate the owner occupied requirement for a mixed commercial/residential parcel in the Village Center District***

***G. Adams moved, second by C. Lanza, to post the proposed zoning amendment to the Warrant as written. There was no discussion on the motion. The vote was 4-0-0 U/A.***

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It was noted that the Integrated Commercial Residential (ICR) District had the same restriction that the Board was seeking to remove. It was requested that a similar proposed Zoning Amendment be drafted for the next meeting and the continuation of the public hearing.

T. Moore noted that he had not yet received all comments back on the Aquifer Protection District updates. He said he hoped to have everything ready for the next meeting.

T. Moore continued the public hearing on proposed zoning amendments to January 7, 2015.

Agenda Item 5: Update from Tim Moore on RPC and MPO doings

RPC

T. Moore noted the recent public hearing on the RPC Regional Master Plan. He noted that the Land Use and Housing Chapters were not reviewed, but would be at a public hearing the second Wednesday in January.

MPO

The State’s ten-year transportation plan was adopted and a there will be a public hearing by the Governor’s Council in 2015 for adoption by the legislature.

Rail Project

The next public hearing will be decided in January.

Agenda Item 6: Correspondence

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

Agenda Item 7: Other Business

It was noted that Mark Fougere will not be able to attend the next Planning Board meeting.

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 _____

Tim Moore, Chair