



Town of Plaistow, New Hampshire
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PB Minutes 02/04/15

PLANNING BOARD MINUTES February 04, 2015

Call to Order: 6:35 p.m.

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

Also Present: P. Michael Dorman, *Chief Building Official* and Mark Fougere, *Planning Consultant*.

Agenda Item 2: Minutes of January 21, 2015 Planning Board Meeting

G. Silva moved, second by C. Lanza, to approve the minutes of the January 21, 2015 meeting. There was no discussion on the motion. The vote was 3-0-1 (Kellogg abstaining).

Agenda Item 3: Review of Subdivision and Site Plan Regulations for Amending

The Board reviewed the following Regulations as suggested by Mark Fougere, Charles Cleary (Planning Board Attorney) and staff.

SUBDIVISION REGULATIONS:

Charlie's Comments:

Section 235-2C (Page 3), the regulations must comply with New Hampshire Law that completeness of an application is to be determined by the Planning Board at a public hearing. A "completed application" must be defined by the Planning Board Regulations.

There was discussion regarding clarifying the regulation to make it clear that staff does not have the authority to keep an applicant from the Planning Board agenda. It was also noted that the language needed to be clear that only the Planning Board can deem an application as complete.

Section 235-2.C(8) (Page 3), may not be lawful as the Planning Board's fees are supposed to cover administrative costs of processing an application.

T. Moore noted that he recalled this being put in based on the amount of time the former Planner spent with each applicant.

There was discussion regarding what procedure was for the application and approval process. It was noted that the regulation should be removed.

Section 235-5.B (Page 7), is awkwardly worded suggesting that the Planning Board does not have authority to deny an amendment. I believe it is intended that all amendments to a subdivision plan must be submitted to the Planning Board for approval

Section 235-11 (Page 11), the requirement that a waiver of a Subdivision Regulation should be requested in writing at the time of application will tie this section with §235-1.C.(10).

Section 235-12.B(2)(d) (Page 14), could be reworded to specifically reference the Plaistow Fee Schedule as an Appendix or as a file in the Office of the Planning Board.

There was discussion regarding making the Fee Schedule and all other appendixes clearly listed and noted.

Section 235-12.B(10) (Page 20), entitled “Construction Bonds” is similar, but not identical to Section 235-23, also entitled “Construction Bonds”

There was discussion regarding combining the two sections into one and making sure that it is logically placed within the regulations.

Section 235-15.1 (Page 22), it is likely that a condominium conversion, unlike some condominium projects, will require a subdivision and the procedure for converting a building to the condominium form of ownership may be better handled under the site plan regulations.

There was discussion regarding what changes should be made to clarify the Town’s requirements for submitting of condo-conversion plans and whether or not to move the requirements to Site Plan Regulations.

Section 235-23.1 (Page 31), Paragraph B should be reviewed and possibly rewritten to clarify its intent.

Mark’s Comment:

As outlined by Attorney Cleary, application completeness can only be made by the Planning Board. Sections 235-2.C, 235-12, B (2) Submission (a) & (b) seem to indicate that Staff makes a determination of application completeness. This has to be undertaken by the Planning Board. Staff can make a recommendation to the Board, but only the Board can decide.

Article V, 235-18 details those items that must be met to have an application considered complete.

It was again noted that the language in these regulations needed to be clarified so as not to imply that staff has any decision making authority over submission of plans and/or deeming them to be complete.

Section 235-11, waivers, must meet RSA 674:36 II (n); suggest the RSA language be inserted into the Regulation.

M. Fougere noted a recent change in the NHRsAs that stemmed from a case up north. The change defined the criteria under which waivers should be reviewed and/or granted. It was noted that there are two (2) criteria, one of which is very close to a variance criteria and the other which is a bit looser in its scope.

Definition of wetlands - The Board may want to consider referencing the Zoning Ordinance, then if any changes are made only one document will need to be amended.

M. Fougere suggested that the Wetlands Zoning Ordinance be referenced in the Subdivision Regulation. This would prevent oversight if something were to be changed in the Ordinance that was not reflected by a similar change to the Regulation.

There is no definition of an abutter; the State definition should be reference (NHRSA 672:3).

There was a review of the State of New Hampshire definition of an abutter. There was discussion as to whether or not to just reference the RSA or to include the actual language in the Town's Regulation.

Staff Comment:

Amend Section 235-9 D to remove the requirement that the Planning Board be notified of tests pits and note that all test pits must be inspected by the Chief Building Official or Health Officer. This is the practice today.

SITE PLAN REGULATIONS

Charlie's Comments:

Section 230-20 (Page 14), while there is a procedure for amending the site plan review regulations, unlike the subdivision regulations, there is no mention of a process for obtaining a waiver of a regulation.

Mark's Comments:

A waiver provision should be added, consistent with RSA 674:44 III (e).

There is no definition of an abutter; the State definition should be referenced (NHRSA 672:3)

This was discussed as part of the Subdivision Regulation amendments. It was noted that no waiver can be granted regarding design or construction standards.

There additional discussion about waiver requirements and the new law for the criteria to grant a waiver.

It was noted that the term "Planning Coordinator" was used throughout the Regulations. It was suggested that it be changed to "Planning Staff" wherever found.

M. Fougere offered to compose language for the proposed changes that were discussed.

T. Moore suggested that there be one more workshop meeting to discuss potential changes and then schedule a public hearing.

Agenda Item 4: Update on RPC and MPO

No activity to report other than a regularly scheduled meeting.

Agenda Item 7: Correspondence

Two correspondences were noted for the Board:

FYI – Non-Compliance Notice (Parking off-site) – Plaistow Power Sports

FYI – Public Hearing Notice – City of Haverhill

M. Dorman reiterated concerns over how the multiple “Construction Bond” regulations were confusing and offered to work with M. Fougere to combine the two into a single comprehensive regulation.

There were no additional matters before the Board and the meeting was adjourned at 7:34 p.m.

Respectfully Submitted as recorded by Dee Voss.

Approved by the Planning Board on _____

Tim Moore, Chair