



**Town of Plaistow, NH
Office of the Planning Board
145 Main Street, Plaistow, NH 03865**

**PLANNING BOARD MINUTES
December 07, 2016**

Call to Order: The meeting was called to order at 6:30 PM

ROLL CALL: Tim Moore, *Chair*
Gennifer Silva, *Vice Chair*
Charlie Lanza,
Laurie Milette
Steve Ranlett, *Selectman Ex-Officio, Excused*
Geoffrey Adams, *Alternate*

Also present: Greg Jones, *Town Planner*

Agenda Item 2: Minutes of November 16, 2016 Meeting

★G. Silva moved, second by C. Lanza to approve the minutes of the November 16, 2016. There was no discussion on the motion. The vote was 4-0-0 U/A

Agenda Item 3: PB16-07: A continued Public Hearing for a proposed Minor Site Plan application submitted by Mr. Mark Lagasse with Pentucket Companies to seek approval for a proposed site plan amendment to a commercial site located at 239 Main Street (Map 31, Lot 18) in the Medium Density Residential Zoning (MDR) District.

G. Jones noted that he had spoken with the engineer for this project and requested that they re-apply due to the amount of time that has lapsed since any updates have been provided to the Board. It was also noted that no requested for continuations had been received.

★G. Silva moved, second by L. Milette to deny the application for a Minor Site Plan Application at 239 Main St for lack of information. There was no discussion on the motion. The vote was 4-0-0 U/A

Agenda Item 4: PB16-03: A continued Public Hearing for a Minor Site Plan Application submitted by the owner of record, Cottage Plaza, L.L.C., 23A Wentworth Ave, Plaistow, NH 03865, to consider a proposed change of use from an existing ground floor retail/restaurant space to a 15 unit long-term stay motel facility located at 93 Plaistow Road, Plaistow NH, 03865, Tax Map 27, Lot 26-1 in the Commercial 1 District.

G. Jones noted that he and Mike Dorman had spoken with the property owner (Gerry Carbone) for this project and requested that they re-apply due to the amount of time that has lapsed since any updates have been provided to the Board. It was also noted that no requested for continuations had been received.

★G. Silva moved, second by L. Milette to deny the application for a Minor Site Plan Application at 93 Plaistow Rd for lack of information. There was no discussion on the motion. The vote was 4-0-0 U/A

Agenda Item 5: Plaistow Master Plan – Water Resources Chapter – Consultant Recommendation

T. Moore reminded the Board that there had been two (2) presentations regarding the RFP (Request for Proposals) to update the Water Resources Chapter of the town's Master Plan. Proposals were received from Resilience (Steve Whitman) and Rockingham Planning Commission (RPC – Glenn Greenwood). It was noted that both proposals are in the same range for costs.

There was discussion regarding the two proposals comparing and contrasting what each contract had to offer.

★L. Milette moved, second by C. Lanza to accept the proposal for the Water Resources Master Plan Chapter update from Resilience. There was no discussion on the motion. The vote was 3-0-1 (Silva abstaining)

G. Jones noted that he would do what needed to be done to get the contract signed so that 2016 funding could be encumbered.

Agenda Item 6: Plaistow Recreation Impact Fee Update – Proposal Review & Recommendation

T. Moore noted that there were two proposals in response to the RFP to update the Recreation Impact Fee Ordinance. Proposals were received from RSG (Jonathan Slason) from White River Junction, Vermont and BCM Planning, LLC (Bruce Mayberry) from Yarmouth, Maine. He noted that both were in the \$10,000 range for cost. It was also noted that B. Mayberry had done work on Impact Fees with the town in the past.

G. Jones offered that he had wanted to have both come in and make a presentation, but the distance was an issue, particularly for RSG. He added that both are highly qualified to do the requested work.

C. Lanza asked if everything had gone okay with BCM in the past.

T. Moore noted that things had gone well. He added that B. Mayberry had done work on School Impact fees with all four (4) communities in the Timberlane School District. He noted that Mr. Mayberry supplied the information and the methodology and the Town wrote the ordinance. He offered that he was easy to work with and could easily explain complex technical methods in easy to understand terms

It was noted that the costs were nearly the same as well as the timeline for each proposal.

★L. Milette moved, second by G. Silva to accept the proposal for the Recreation Impact Fee Update from BCM Planning, LLC. There was no discussion on the motion. The vote was 4-0-0

Agenda Item 7: 2017 Zoning Ordinance Updates – Review & Discussion

Accessory Dwelling Units:

T. Moore noted that the driving factor for the change to the former In-Law/Accessory Apartment to Accessory Dwelling Unit was the change in the Legislation. He noted that the change goes into effect in June of 2017, which gives communities a chance to update their ordinances.

The Board reviewed a draft copy of the proposed changes:

Deletions are in ~~green bold-strikeout~~
Additions are in *red bold italics*

ARTICLE VIII
~~In-Law/Accessory Apartments~~
Accessory Dwelling Units - ADUs

NOTE: ALL references to “in-law/accessory apartment” in this Article and throughout the Zoning Ordinances shall be changed to “Accessory Dwelling Unit”

§ 220-56. Purpose.

- A. The purpose of the ~~in-law/accessory~~ *accessory dwelling unit* is to provide a housing alternative ~~for a family member(s)~~ while maintaining the health, safety and neighborhood aesthetics and quality.

§ 220-57. General Requirements.

~~In-law/accessory apartments~~ *Accessory dwelling units* are allowed if they comply with the following:

- A. The ~~in-law/accessory apartment~~ *accessory dwelling unit* shall be designed so that the appearance of the building remains that of a single-family dwelling. Any new entrances shall be located on the side or in the rear of the building. *Where accessory dwelling units are attached to the primary dwelling unit there shall be a connecting door.*
- B. The single-family dwelling shall not be a mobile home ~~or a condominium~~. *Accessory Dwelling Units are permitted in condominium units with written authorization from the condominium association. There shall not be more than one accessory dwelling unit per parcel.*
- C. The size of the ~~in-law/accessory apartment~~ *accessory dwelling unit* shall ~~be between 400 and 800 square feet.~~ *not be any greater than 1,000 square feet.*
- D. ~~The first occupant of an in-law apartment must be a family member.~~ *At least one of the units, either the primary dwelling or the accessory dwelling unit, must be owner occupied.*
- E. ~~Only one bedroom is~~ *No more than two bedrooms are* permitted in the ~~in-law/accessory apartment~~ *accessory dwelling unit.*
- F. In no case shall there be more than two people residing within an ~~in-law/accessory apartment~~ *accessory dwelling unit.*
- G. The structure and lot shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the existing single-family dwelling.
- H. Prior to granting a building permit for a new ~~in-law/accessory apartment~~ *accessory dwelling unit* or a certificate of occupancy for an existing ~~in-law/accessory apartment~~ *accessory dwelling unit* the property owner shall provide to the Building Inspector the following:
 - a. The applicant for a new ~~in-law/accessory apartment~~ *accessory dwelling unit*, or an existing ~~in-law/accessory apartment~~ *accessory dwelling unit* without a State approved septic design, shall provide the Building Inspector's Office with a State of New Hampshire approved septic design. Any septic design shall specifically call out

the number of bedrooms in the primary dwelling ~~in-law/accessory~~ *and the number of bedrooms in the accessory dwelling unit separately*. Prior to submission of any septic design to New Hampshire Department of Environmental Services, a test pit will be done and witnessed by the Town's Health or Deputy Health Officer and the proposed design shall be reviewed for compliance with all Zoning Ordinances.

- b. A floor plan of one-fourth-inch-to-the-foot scale showing the proposed changes to the building.
 - c. A sketch plan (drawn to scale) of the lot, with existing and proposed structures and parking.
- I. All utilities in the ~~in-law/accessory apartment~~ *accessory dwelling unit* shall use the existing utility meters.
- J. ~~Once the initial family member(s) ceases to occupy the unit and prior to it being occupied as a rental unit, An accessory dwelling unit may be rented,~~ the property owner shall apply for a certificate of occupancy in the new tenant's name. Before a certificate of occupancy will be issued the unit shall be inspected for compliance with building and life safety codes. A new certificate of occupancy shall be issued each time there is a change in tenancy.
- K. If a home with an ~~in-law/accessory apartment~~ *accessory dwelling unit* is sold, the new property owner shall make an application to the Department of Building Safety for a certificate of occupancy for the new tenant, under the provisions in letters A through J in this ordinance.
- L. ~~In-law/accessory apartment~~ *Accessory dwelling units* may be added to single-family residence, an attached garage, or a detached garage. The garage ~~apartments units~~ may be added on the same floor as the garage proper or may be built as a second story to the garage.
- M. For lots exceeding 160,000 square feet, an ~~in-law/accessory apartment~~ *accessory dwelling units* may be added as a stand-alone structure provided all other provisions of this ordinance are met.

INTENT: To bring the current In-Law/Accessory Apartment Ordinance into compliance with recent changes in the NHRSA's pertaining to Accessory Dwelling Units.

Discussion:

T. Moore noted that the biggest change was in the nomenclature changing the words "In-Law/Accessory Apartment to Accessory Dwelling Unit (ADU) through the ordinances. He noted that there was also a change to the size of the unit and the elimination of any familial restrictions. It was also noted that the new RSA does not allow a town to restrict the ADU to just one (1) bedroom, but they can be restricted to no more than two (2).

C. Lanza questioned that requirement for all utilities to be on the same meter.

It was noted that had always been a part of the ordinance in its current status. The intent of keeping the utilities to the same meter is to insure that the ADU will remain a subordinate structure to the primary dwelling. It was also noted that the RSA does insist that there be a subordinate relationship between the primary dwelling and the ADU.

C. Lanza suggested that the restriction for utilities was not necessary. The discussion will continue at the public hearing.

There was additional discussion for clarity on the proposed ordinance change, but not other changes were recommended.

Unregistered Vehicles and Commercial Equipment

PLAISTOW CODE ARTICLE III

Additions are in ***bold red italic***

Deletions are in ~~**bold green strikeout**~~

Proposed Plaistow Zoning Amendment Z-17-??

Are you in favor of amending Zoning Ordinance “Article III § 220-13. Unregistered vehicles and commercial equipment” by adding the words “for sale” in Section A. and changing the number of commercial vehicles allowed on a residential lot to one; and by adding a new section B. (1) EXCEPTION to read as noted:

A. No more than one unregistered or inoperable motor vehicle may be kept on any lot in any zone unless part of an approved site plan. Such vehicles shall not be stored between the principal building and the street line unless adequately buffered from the street and neighbors by a stockade fence or other solid screening. This section shall not apply to the parking of one noncommercial motor vehicle ***for sale*** parked on a driveway, if the same is in operable condition and meets standards as required under New Hampshire Revised Statute Annotated 266:1, IV, for inspection and registration.

~~B.~~ No more than ~~two~~ ***one*** commercial motor, one-ton weight limit ~~each~~, vehicles may be kept on any lot in the residential zone. ~~One shall be garaged or fenced in with a stockade fence or other solid screening.~~

(1) EXCEPTION: Employees who bring home vehicles, greater than 1-ton capacity, to provide “on call” 24-hour response service, may keep that vehicle on their property while they are on “on call” status. A letter from the employer, noting the name of the employee, their “on call” status, and type of response vehicle, must be filed with the Code Enforcement Office and updated annually.

INTENT: Housekeeping changes regarding vehicles for sale on residential lots as well as limit the number of commercial vehicles on residential lots. To also allow those who provide “on call” services, and may need to use a vehicle of greater than one-ton capacity (i.e. oil/propane truck, tow truck) to keep that vehicle on their property while in “on call” status.

Discussion:

There were questions asked about what the proposed change was trying to achieve. It was noted that this was drafted at the request of S. Ranlett, who was not in attendance at this meeting to offer explanation.

There was discussion about the change in section B from allowing two (2) commercial vehicles to restricting it to one (1). It was noted that M. Dorman proposed that change and would be able to explain it at the public hearing.

There was discussion regarding the requirement to have a letter from the business owner to verify that there is an "on call" status. It was noted that this was an enforcement aid and for the protection of the residential abutters to make sure that the exception would not be abused. It was suggested that requesting a letter seemed excessive. It was offered that this would be a more productive discussion with S. Ranlett and M. Dorman participating.

There was discussion about scheduling the public hearing dates. These proposed Zoning Ordinance changes, as well as some others that may be ready, will be posted for Public Hearing on December 21, 2016.

Subdivision and Site Plan Regulation Amendments:

T. Moore noted a number of suggested subdivision changes. It was noted that these changes do not have the same strict timeline as the zoning ordinances do as changes can be made anytime throughout the year by hold a Public Hearing

§230-25 – Fire Cisterns: The minimum capacity shall be 15,000 (requested 30,000 by Chief McArdle) gallons usable water. Due to the configuration of the cistern, it is assumed that the lowest 12 inches will not be available for fire apparatus suction due to cavitation. The size will be increased (in ten thousand gallon increments) proportionately based on the distance from the nearest pressurized hydrant.

C. Lanza suggested that the size of the cistern should be proportioned to the size of the neighborhood is services.

G. Jones offered to speak with Chief McArdle and M. Dorman for additional clarification.

T. Moore noted for other suggested subdivision/site plan regulation updates:

- Lighting Plan
- Landscaping Plan

T. Moore suggested reviewing these regulations because the requirement for a separate plan sheet is frequently being waived by the Board

G. Jones added that the Planning Board Fee Schedule needs to be updated as well as developing a standalone permit process for Conditional Use Permits (CUP).

T. Moore noted that there was only one place in the regulations that require a CUP and that was in the wetlands.

G. Jones offered that it would be easier to expedite a CUP if there is a standalone permit application.

- Vesting

T. Moore noted that this was more of a housekeeping item; the regulations on vesting need to be updated to be in conformity with current RSAs

- Road Profile Standards

A road profile standard needs to be developed with more consistency.

More work will be done on updating the subdivision and site plan regulations over the winter.

Other Business/Updates

G. Jones noted the following updates:

- Questions have been asked about locating a microbrewery in town
- Working with Methuen Construction (144 Main St) on a CEDS (Comprehensive Economic Development Strategy) grant application to be able to cross over wetlands and connect with Route 125 over Joanne Drive

There was discussion over the possible connection of the Methuen Construction Campus to Route 125 over Joanne Drive. It was questioned if they would abandon their Main Street access if the Route 125 access is granted. It was noted that they would probably maintain both access points, with the Route 125 access being the primary one. It was also noted that RPC was interested in this project. It was noted that there are Little River crossings that need to be permitted.

- Renewables Energy Committee (REC) will have a presentation regarding converting exterior municipal non-street-light lighting fixtures to LED for cost savings. They are considering inviting the school system to participate in the discussion. It was noted that if things go well with the exterior lighting then they may consider looking into converting interior lighting as well.
- Safe Routes to School – moving through the process
- Westville Road Bridge Realignment – moving through the process
- Eagle Tribune Article on the Town's Lighting Struggles

It was noted that there were no Zoning Board of Adjustment actions at this time that related to Planning Board matters.

There was no additional business before the Board and the meeting was adjourned at 7:25 p.m.

Respectfully Submitted,

Dee Voss
Recording Secretary