



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

**PLANNING BOARD MINUTES
January 3, 2018**

Call to Order: The meeting was called to order at 6:35 PM

ROLL CALL: Tim Moore, *Chair*
Gennifer Silva, *Vice Chair*
Laurie Milette, *excused*
Lisa Lambert
Steve Ranlett, *Selectman Ex-Officio, absent*
Geoffrey Adams, *Alternate*
Chantal Boudreau, *Alternate, excused*

Also present: Dee Voss, *Interim Planning Coordinator* and P. Michael Dorman, *Chief Building Official*

★G. Adams was appointed as a voting member for L. Milette

Agenda Item 2: Minutes

The minutes were deferred to the next meeting.

Agenda Item 3: PUBLIC HEARING: The Planning Board will hold a public hearing to discuss amendments to the following sections of the Plaistow Zoning Ordinances:

- Article III, General Provisions
- Article VI, Planned Residential Development
- Article V, Establishment of Districts/District Regulations
- Article VIII, Accessory Dwelling Units (ADU)
- Article IX, Signs
- Article X, Home Occupation
- Article XIV, Impact Fee Ordinance
- NEW Article VII, Age-Restricted Rental Housing
- Re-Zoning of Parcels Tax Map 24/Lot 40; Map 24/Lot 41; Map 24/Lot 40 and Tax Map 36/Lot 65 from the Commercial 2 District to the Commercial 1 District

Note: All new text is shown in underlined bold italics and ~~all deleted text is shown in bold italics with a strikethrough font.~~ Additional information about each of the zoning amendments may be found in the Planning Board Zoning Amendments Voter's Notes which will accompany the official ballot.

D. Voss noted that all the language has been sent to Planning Board Attorney Charlie Cleary for review. It was requested that all motions include "pending review by Planning Board attorney."

It was noted that these proposed amendments had been reviewed several times. At the last review there was a vote to post them for public hearing. This is the public hearing where the Board will decide whether or not to post the proposed amendments to the Warrant to be voted on by the residents at Town Meeting.

Proposed Plaistow Zoning Amendment Z-18-01

Are you in favor of amending the Zoning Ordinance Article X, Home Occupation, § 220-66. Permitted Uses, by adding the use "Internet Sales" to Section A?

★G. Silva moved, second by G. Adams to post Article Z-18-01 to the Warrant, pending review by Planning Board attorney. There was no discussion on the motion. The vote was 4-0-0 U/A.

Proposed Plaistow Zoning Amendment Z-18-02

Are you in favor of amending the Zoning Ordinance Article V, Establishment of Districts and District Regulations, Table 220-32G, Integrated Commercial-Residential, B. Uses (2) Permitted commercial/industrial uses by adding a letter (z) Private/Public Schools?

★G. Adams moved, second by G. Silva to post Article Z-18-02 to the Warrant, pending review by Planning Board attorney. There was no discussion on the motion. The vote was 4-0-0 U/A.

Proposed Plaistow Zoning Amendment Z-18-03

Are you in favor of amending the Zoning Ordinance Article V, Establishment of Districts and District Regulations, Table 220-32G, Integrated Commercial-Residential, B. Uses (3) Allowed by special exception by deleting the use “Care and treatment of animals” as a permitted use and by deleting all other references to “Care and treatment of animals” in the Integrated Commercial –Residential zoning district?

★G. Adams moved, second by G. Silva to post Article Z-18-03 to the Warrant, pending review by Planning Board attorney.

Discussion:

There was discussion regarding the intent of the ordinance change, which was to remove the permitted use of “Care and Treatment of Animals” from the Integrated Commercial Residential (ICR) district. It was noted that this is not the same and another proposed amendment that would restrict the placement of structures related to care and treatment of animals to be 500 feet from the property lines.

There was no additional discussion on the motion. The vote was 4-0-0 U/A.

Proposed Plaistow Zoning Amendment Z-18-04

Are you in favor of amending the Zoning Ordinance Article V, Establishment of Districts and District Regulations, Table 220-32A, Industrial, B. Uses, by adding a (3) Care and treatment of animals as permitted use?

★G. Silva moved, second by G. Adams to post Article Z-18-04 to the Warrant, pending review by Planning Board attorney. There was no discussion on the motion. The vote was 4-0-0 U/A.

Proposed Plaistow Zoning Amendment Z-18-05

Are you in favor of amending the Zoning Ordinance Article V, Establishment of Districts and District Regulations, Table 220-32B, Commercial I, D. Special exception criteria for the use “Care and treatment of animals” by adding a number (11) to read **“No structures, including, kennels and fenced animal play areas, shall be located no closer than 500 feet to the property line.”**

★G. Adams moved, second by G. Silva to post Article Z-18-05 to the Warrant, pending review by Planning Board attorney.

Discussion:

It was noted that there was an additional “No” in the language and first one was deleted so that the sentence would not contain the double negative.

There was also discussion as to why this use was only allowed by Special Exception as opposed to just by right and with Planning Board approval of a site plan.

The motion was amended to include the deletion of the “No.” There was no additional discussion on the motion. The vote was 4-0-0 U/A.

Proposed Plaistow Zoning Amendment Z-18-06

Are you in favor of amending the Zoning Ordinance Article VI, Planned Residential Development (PRD), §220-48 Specific design requirements, G. PRD lot requirements, (3) by changing the words “Dwelling units” to “Foundations” so that the ordinance would read: ***“Foundations shall not be located any closer than 50 feet to each other”?***

★G. Silva moved, second by L. Lambert to post Article Z-18-06 to the Warrant, pending review by Planning Board attorney.

Discussion:

There was a brief discussion on the difference between “dwelling units” and “foundations.” It was noted that without the change multi-unit buildings, currently allowed in a Planned Residential Development (PRD) would not be buildable.

There was no additional discussion on the motion. The vote was 4-0-0 U/A.

Proposed Plaistow Zoning Amendment Z-18-07

Are you in favor of amending the Zoning Ordinance Article VIII, Accessory Dwelling Units - ADUs, § 220-57 General Requirements by eliminating paragraph M as follows: ***“~~M. For lots exceeding 160,000 square feet, an accessory dwelling unit may be added as a stand-alone structure provided all other provisions of this ordinance are met.~~”?***

★G. Adams moved, second by G. Silva to post Article Z-18-07 to the Warrant, pending review by Planning Board attorney.

Discussion:

T. Moore explained that under the current ordinance a stand-alone Accessory Dwelling Unit (ADU) can only be constructed on a lot with greater than 160,000 acres. However, if an ADU is constructed on a free-standing garage it doesn’t matter how large the lot is, which makes the ordinance in conflict with itself.

M. Dorman added that the new legislation prevents a town from prohibiting stand-alone ADUs as long as there is an adequate septic and well.

There was no additional discussion on the motion. The vote was 4-0-0 U/A.

Proposed Plaistow Zoning Amendment Z-18-08

*Planning Board Minutes
January 3, 2018*

Are you in favor of amending the Zoning Ordinance Article III, General Provisions, §220-3. One building per lot by adding an exception for Accessory Dwelling Units under paragraph A:

A. Not more than one house or other principal building or principal structure shall be placed on a lot.

(1) Exception: Accessory Dwelling Units (ADUs) are permitted provided all other requirements of Article VIII - Accessory Dwelling Units (ADUs) are met.

★G. Silva moved, second by G. Adams to post Article Z-18-08 to the Warrant, pending review by Planning Board attorney.

Discussion:

T. Moore noted that this was just a housekeeping issue to keep Article III consistent with Article VIII.

There was no additional discussion on the motion. The vote was 4-0-0 U/A.

Proposed Plaistow Zoning Amendment Z-18-09

Are you in favor of amending the Zoning Ordinance Article III, General Provisions, §220-3 One building per lot by deleting paragraph C as follows: **~~“C. In the ICR the dwelling unit shall be occupied by the owner of the business.”?~~**

★G. Silva moved, second by G. Adams to post Article Z-18-09 to the Warrant, pending review by Planning Board attorney.

Discussion:

T. Moore noted that this was also a housekeeping matter, cleaning up a previous ordinance amendment.

There was no additional discussion on the motion. The vote was 4-0-0 U/A.

Proposed Plaistow Zoning Amendment Z-18-10

Are you in favor of amending the Zoning Ordinance Article V, Establishment of Districts and District Regulations, §220-34 Dimensional requirements. B. Front yard regulations and exceptions by eliminating (5) as follows: **~~“(5) No accessory use or structure may occupy any part of a required front yard.”?~~**

★G. Adams moved, second by G. Silva to post Article Z-18-10 to the Warrant, pending review by Planning Board attorney. There was no discussion on the motion. The vote was 3-1-0 (Lambert dissenting).

The following two (2) ordinances will not be moving forward in discussion or to the Warrant.

~~Proposed Plaistow Zoning Amendment Z-18-11~~ PROPOSED AS CITIZEN’S PETITION

Are you in favor of amending the Zoning Ordinance Article V, Establishment of Districts and District Regulations, Table 220-32F, LDR Low Density Residential, C. Area and dimensions, (1) Minimum lot size by changing (1) Area: 110,000 square feet to (1) Area: 80,000 square feet per dwelling unit?

Proposed Plaistow Zoning Amendment Z-18-12 ON HOLD UNTIL NEXT YEAR – Needs more work on language changes and consistency with other districts.
Are you in favor of amending the Zoning Ordinance Article V, Establishment of Districts and District Regulations, Table 220-32F, LDR Low Density Residential, C. Area and dimensions, (1) Minimum lot size by eliminating (2) as follows: ***“(2) Minimum area per family: 110,000 square feet.”?***

Proposed Plaistow Zoning Amendment Z-18-13

Are you in favor of amending the Zoning Ordinance Article IX, Signs, §220-61. Temporary Signs B. Permit duration; content, size and fee. by deleting paragraph D as follows: ***“D. Temporary signs shall not be installed on in-ground posts or anything else of a visible permanent or semi-permanent nature.”?***

★G. Silva moved, second by G. Adams to post Article Z-18-13 to the Warrant, pending review by Planning Board attorney.

Discussion:

It was noted that when the original ordinance was proposed the intent was to eliminate a temporary sign from being installed on a permanent structure, exemplified 4” X 4” wooden posts set in the ground with concrete footings. It was not the intent to prohibit other temporary signs that stick into the grounds, such as wave-runner or real-estate type signs, from being used. The literal enforcement of the current ordinance would prohibit these types of signs.

There was no additional discussion on the motion. The vote was 4-0-0 U/A.

Proposed Plaistow Zoning Amendment Z-18-14

Are you in favor of amending the Zoning Ordinance Article X. Home Occupation, §220-67. Conditions by deleting portions of paragraph D.

§ 220-67. Conditions.

Section to remain: D. The business use shall not change the residential character of the dwelling and the property.

Section to be eliminated: ***Storage in an accessory building or exterior storage may be permitted by special exception granted by the Zoning Board of Adjustment. Exterior storage must be screened from neighboring views by either solid fence, evergreens of adequate height and bulk at the time of planting or by an existing combination of natural foliage and longer distances, to be determined sufficient by the Code Enforcement Officer.***

★G. Silva moved, second by G. Adams to post Article Z-18-14 to the Warrant, pending review by Planning Board attorney.

Discussion:

It was noted that the intent of a Home Occupation was to have minimal if any impact on a residential neighborhood. It was suggested that if a Home Occupation business is growing enough that storage now becomes an issue that they are probably better suited to find a location in the commercial district.

There was no additional discussion on the motion. The vote was 4-0-0 U/A.

Proposed Plaistow Zoning Amendment Z-18-15

Are you in favor of amending the re-zoning parcels on Tax Map 24, Lot 42 (1 Main St); Lot 41 (3 Main St); Lot 40 (5 Main St) and Tax Map 37, Lot 65 (7A Main St) from Commercial 2 designation to Commercial 1 designation?



★G. Silva moved, second by G. Adams to post Article Z-18-01 to the Warrant, pending review by Planning Board attorney. There was no discussion on the motion. The vote was 3-1-0 (Lambert dissenting).

Proposed Plaistow Zoning Amendment Z-18-16

Are you in favor of amending the Plaistow Zoning Ordinance by making a housekeeping change by changing all occurrences of “Plaistow Fee Schedule” and “Plaistow Impact Fee Schedule” to “Plaistow Planning Board Fee Schedule”?

★G. Silva moved, second by G. Adams to post Article Z-18-01 to the Warrant, pending review by Planning Board attorney. There was no discussion on the motion. The vote was 4-0-0 U/A.

Proposed Plaistow Zoning Amendment Z-18-17

Are you in favor of amending Article XIV, Impact Fees, of the Plaistow Zoning Ordinance by deleting the Fire Suppression Impact Fee, moving the methodologies to the Plaistow Planning Board Fee Schedule, adopting a new Recreational Facilities impact fee methodology, modifying the credits for various types of dwelling units and clarifying when each type of impact fee is assessed and collected?

The marked-up language changes are included in the Planning Board Zoning Amendments Voter’s Notes which will accompany the official ballot.

★G. Silva moved, second by G. Adams to post Article Z-18-01 to the Warrant, pending review by Planning Board attorney. There was no discussion on the motion. The vote was 4-0-0 U/A.

Proposed Plaistow Zoning Amendment Z-18-18

Are you in favor of a new Article VII that will create an Affordable, Elderly, Rental Housing Overlay District? The age and income restrictions must be monitored and enforced by a state or federal agency. A density bonus would allow up to 6 dwelling units per 40,000 square feet on a lot with 160,000 or more square feet.

The complete text of Article VII will be included in the Planning Board Zoning Amendments Voter's Notes which will accompany the official ballot.

★G. Silva moved, second by G. Adams to post Article Z-18-01 to the Warrant, pending review by Planning Board attorney. There was no discussion on the motion. The vote was 4-0-0 U/A.

T. Moore noted that the full language of the last two (2) amendments will appear in the Voter Notes or in a separate handout that will be available to the voters.

T. Moore stated that the Public Hearing on the Zoning Ordinance Amendments was continued to January 17, 2018.

Citizen's Petition

The Board was given a copy of the Citizen's Petition Warrant Article that was proposed by Bob Zukas, 108 Sweet Hill Rd. His petition is to change the minimum lot size requirements in the Low Density Residential (LDR) district from 110,000 to 80,000 square feet. The Town Clerk has verified the signatures on the petition and it will appear on the Warrant for Town Meeting.

T. Moore noted that he would like to gather information on approximately how many new lots could be created with the proposed change. T. Moore stated that review or action on the Citizen's Petition will be continued to January 17, 2018.

Voter Notes

There was discussion about the form of the Voter Notes. It was not known if they will be in the same document as the Board of Selectmen or in a separate document. There were also questions about what will be available at the polls. D. Voss will check into what is allowed.

Other Business

Abutter Notices from the Town of Rye, New Hampshire, and the City of Haverhill, Massachusetts, were noted to be in the member folders.

There was no additional business before the Board and the meeting was adjourned at 7:58 p.m.

Respectfully Submitted,

Dee Voss
Interim Planning Coordinator