



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

PLANNING BOARD MINUTES

May 2, 2018

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

ROLL CALL: Tim Moore, *Chair*
Laurie Milette
Lisa Lambert, *Vice Chair*
James Peck
Steve Ranlett, *Selectman's Rep*
Geoffrey Adams, *Alternate*

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

Agenda Item 2: Minutes of March 21 and April 4, 2018 Planning Board Meetings

★*Tim Moore moved, second by L. Lambert, to approve the minutes of the March 21, 2018 meeting. There was no discussion on the motion. The vote was 4-0-1 (Peck abstaining).*

★*Tim Moore moved, second by L. Lambert, to approve the minutes of the April 4, 2018 meeting. There was no discussion on the motion. The vote was 5-0-0 U/A.*

Agenda Item 3: Public Hearings

PB 18-05: An application for a Lot Line Adjustment between two (2) parcels owned by the Town of Plaistow, NH. The Plan proposes to transfer 0.31 acres (Parcel A) from 27 Elm St, Tax Map 41, Lot 77 (Plaistow Safety Complex) to 17 Elm St, Tax Map 41, Lot 82 (Plaistow Cemetery) and to also transfer 1.28 acres (Parcel B) from Lot 82, to Lot 77. The Plan also proposes to realign and extend/widen a public access right-of-way between the two parcels for access to parcel Tax Map 41, Lot 83 (owned by John Alden Palmer, Jr. Revocable Trust of 2006). Both town-owned parcels are located in the Village Center(VC) Zoning District.

Charlie Zilch, SEC and Associates, was present for the application. He noted that Janice Palmer, representing the Palmer Family was also present.

C. Zilch offered the following information for discussion for the Board regarding the proposed plan.

- The Lot Line Adjustment Plan proposed to transfer 0.31 acres from Lot 77 (Plaistow Safety Complex) to Lot 82 (Plaistow Cemetery) and 1.28 acres from Lot 82 (Plaistow Safety Complex) to Lot 77 (Plaistow Cemetery)
- Right-of-way to be 40ft wide to 50ft wide and will divide the Cemetery and Safety Complex parcels and will provide public access to Palmer property. The public access to the Palmer property was a condition of a previous land swap between Alden Palmer and the Town as part of the expansion of the Safety Complex.
- Drainage location and system information
- Graveled area for snow storage in the winter and overflow/temporary parking for both the Safety Complex and the Cemetery

D. Voss noted that the Highway Supervisor had looked at the Plan and did not have any issues.

S. Ranlett added that there are monies set aside to pay for the road to access the Palmer property and there will not be any impact to the tax payers.

C. Zilch asked if the Board had any questions.

L. Lambert asked if public access to Palmer property is verbal or in writing. It was noted that it was part of the written agreement.

G. Adams asked for clarification of lot lines. C. Zilch showed the lot lines on the Plan.

J. Peck asked if there are any other options; It has been determined that this adjustment is considered a gain to all parties involved not a loss.

★ S. Ranlett moved, second by L. Lambert, to accept the application for lot line adjustment between 27 Elm St. Tax Map 41, Lot 77 (Plaistow Safety Complex) and Lot 82 (Plaistow Cemetery) and road realignment as complete. There was no discussion on the motion. The vote was 5-0-0 U/A.

It was noted that there were no waiver requests.

★ S. Ranlett moved, second by L. Lambert, to approve the application for lot line adjustment between 27 Elm St. Tax Map 41, Lot 77 (Plaistow Safety Complex) and Lot 82 (Plaistow Cemetery). There were no conditions on the motion. There was no discussion on the motion. The vote was 5-0-0 U/A.

Agenda Item 4: Site Plan/Subdivision Regulation Amendment Review

Review of Changes discussed at April 4, 2018 Board Meeting

Deletions are in ~~***bold italic strikethrough***~~; Additions are in ***bold italic***

General Changes:

Change all references in Site Plan and Subdivision Regulations of "Town Engineer" or "Planning Board Engineer" to ***"Planning Board Review Engineer"***

Site Plan Regulations:

§230-14.1.AA (AKA: "The Checklist")

Page 12:

AA. Existing and proposed grades, drainage systems, ***siltation/erosion controls***, structures and/or features.

Page 14:

||. Wetlands boundaries/buffers

Change "||." to ***AAA*** to continue the numbering system

Page 14:

Add to Checklist:

BBB: Hours of operation (See Plaistow Zoning Ordinance §220-11.1)

CCC: Note stating: “Construction hours shall be in accordance with Plaistow Zoning Ordinance §220-11.1”

DDD: Note stating: “Additional Information, not included on this Amended Site Plan, can be found on Plan _____, recorded at the Rockingham County Registry of Deeds Recording.” (Amended Site Plans only)

Subdivision Regulations:

§235-8 Rights-of-Way; reserve strips

Page 8: Add new section:

§235-8A - Shared Driveways

A. Each existing lot, or new lot(s) created by subdivision, for single-family dwelling unit must have a separate driveway that connects to a Class V or better road.

B. Each Duplex dwelling unit may have two (2) separate driveways or may share one (1) driveway for some or all of the driveway length, provided that each dwelling unit of the duplex dwelling unit has its street address clearly displayed. Each driveway (shared or unique) must connect to a Class V or better road.

C. Multi-family dwellings may share driveways provided dwelling unit numbers or other address identifiers are clearly displayed at the driveway entrance(s).

Discussion:

There was discussion about placement and widths of residential driveways. It was noted that there are no minimum requirements for the width and placement of driveways except that they must meet the side setback requirements of the district where the property is located. It was also noted that a driveway longer than 300 feet may be required by the Town to sign a “Waiver of Municipal Liability.”

It was also noted that the bigger issue was for emergency responders to be able to identify which residence they are going to when there is a shared driveway.

S. Ranlett stated that he would bring back to the Board of Selectmen (BOS) the suggestion that there be a Selectmen’s Regulation that numbers be put on each house as well as the mailbox for all residences. He added that because this was a public safety concern that no grandfathering be allowed.

§235-9 - Adequacy of land

Page 8: Modify §235-9 - Adequacy of land, Paragraph B. (2) Land use limitations as follows:

Currently reads:

(a) Wetland areas in which soils are classified as very poorly drained, freshwater marsh, or alluvial soils shall not be utilized to fulfill any portion of the minimum lot size requirements. (See also Chapter 220, Zoning, Article IV, §220-25.)

Proposed Amendment:

(a) Wetland areas as defined in Chapter 220, Zoning, Article IV, §220-20, in which soils are classified as very poorly drained, freshwater marsh, or alluvial soils shall not be utilized to fulfill any portion of the minimum lot size requirements. (~~See also.~~)

Discussion:

It was noted that connecting the subdivision regulation to the Zoning Ordinance, instead of having specific language in the regulation, allows for an automatic change to the regulation if there is a change to the Zoning Ordinances.

§235-12 - Board's procedures on plats

Page 14:

§235-12.B.(2)(b) - Note: *This amendment is to comply with NHRSA 676:4-b*

(b) Once the application has been submitted, the Planning Staff shall review all submitted materials as to their compliance with the Regulations and report all comments to the Board. In addition, the Planning Staff shall refer, as appropriate, all submitted materials to the Planning Board's Review Engineer for review and comment. ***Options for the selection of the Planning Board Review Engineer are as follows:***

1) The applicant may elect to use the Planning Board's designated Primary Review Engineer.

2) The applicant may select a Planning Board Review Engineer from a list pre-approved by the Planning Board.

3) The applicant may submit their own request for a Planning Board Review Engineer, subject to Planning Board approval.

4) In all instances the Review Engineer will be retained to review plans on behalf of the Plaistow Planning Board. All communication and invoicing with the Planning Board Review Engineer will be conducted through Planning Staff.

Discussion:

There was discussion about creating a list of Planning Board Review Engineers that the Planning Board has reviewed. It was noted that applicants would still have the option of requesting someone not on the list, but the Board still had to approve the selection, which could make the review process take a little longer. Concerns were expressed that an engineer could be offended by not being on the list. It was suggested that something like an RFP (Request for Proposals) could be issued to solicit engineers who would like to be on the list. This would allow the Board to precheck any engineering company to make sure that they meet the review standards the Board is looking for. Having the prechecked list would be for the convenience of the applicant as well as integrity of the review process. One engineer would be selected as the “default” should the applicant not make a specific request at the time of application. It was noted that the current Planning Board Review Engineer is CLD | Fuss & O’Neill and they would most likely be the default.

Page 15:

§235-12 - Board’s procedures on plats

****ADD letter [c] to B.2.(e)[3] Escrow Amount****

[3] Escrow amount.

- [a] The initial escrow amount is listed in the Plaistow Fee Schedule.
[Amended 12-3-2008]
- [b] The determination of the required escrow fee shall be based on an estimate number of reviews and/or inspections required for the submitted plans
- [c] ***If the Staff determines that no engineering reviews, legal reviews, or additional studies are required, then an escrow account does not need to be established.***

Discussion:

There was discussion about the definition of “staff.” It was noted that in the case of the checklist review staff is D. Voss and M. Dorman. It was suggested that there be a definition of “staff” added to clarify who is doing the review.

Page 20: §235-12.B.

(10) Construction Bonds (amended 04-01-2015)

- (a) **For Site Plans:** Construction Bonding of sites includes on-site roads, drainage systems and individual public parking areas, erosion control systems, landscaping (or plantings) in buffer areas, loam and seed for the entire project area, fencing, construction survey, preparation of record drawings and other site improvements.

The security for site plans, *including amended site plans, shall be the greater amount of 10% of the total site improvement cost estimate, or \$5,000.*

- (b) **For Subdivisions:** Construction bonding for streets and roadways shall cover all work to be performed within the proposed right(s)-of-way and all work associated with the storm drain system(s). It shall also cover any required off-site improvements.

The security for subdivision plans shall cover a minimum of 50% of the total site improvement cost estimate.

Page 21:

Current Language:

(13) Performance Bonds

- (a) Upon completion of improvements and approval by the Town, surety (performance bond) covering maintenance of roads and improvements for a period of two (2) years from completion shall be required in an amount based on the cost of such improvements, as approved by the governing body. The amount of the performance bond shall be 10% of the construction ~~bond~~ *costs of the new road.* (Amended 04-01-2015)
- (b) The amount of the performance bond shall reflect 10% of construction costs and Winter maintenance of streets, public improvements, drainage structures, and other utilities. This amount shall not be released from the construction bond until the performance bond has been received by the Board of Selectmen. (Amended 04-01-2015)

Proposed Change:

** Make switch to paragraphs (b) and (a) - letter (a) is more of a definition, and should come first. **

The revised section would read:

- (a) The amount of the performance bond shall reflect 10% of construction costs and Winter maintenance of streets, public improvements, drainage structures, and other utilities. This amount shall not be released from the construction bond until the performance bond has been received by the Board of Selectmen. (Amended 04-01-2015)
- (b) Upon completion of improvements and approval by the Town, surety (performance bond) covering maintenance of roads and improvements for a period of two (2) years from completion shall be required in an amount based on the cost of such improvements, as approved by the governing body. The amount of the performance bond shall be 10% of the construction *costs of the new road*. (Amended 04-01-2015)

Starts on Page 33:

** Add a new paragraph K. Street Lighting to §235-32. Construction of roads. **

K. Street Lighting

- (1) *The location of all streetlights shall be shown on all new subdivision roads and on connecting roads where they intersect new subdivision roads. Streetlights shall properly illuminate all street intersections. Street lights should be placed approximately every 300 feet and on sharp curves or other potentially dangerous areas along the street that should be lit at night. The Highway Safety Committee should also review and provide comments on streetlight locations.*
- (2) *New streetlights shall have LED fixtures and bulbs shall comply with the Lighting Requirements as specified in the Site Plan Regulations Article II, §235-22.*
- (3) *Street names of all streets in the proposed subdivision as well as all connecting and/or intersecting street names shall be illuminated.*
- (4) *Street sign location(s) shall be shown on the subdivision plan. The street sign must not block site distance and must be in a location that is lit by a streetlight. Street names should be reviewed by the Highway Safety Committee and approved by the Board of Selectman.*
- (5) *Streetlights should be on the side of the road where provisions, if any, for a pedestrian or bicycle path are made and that are part of the road profile.*

Discussion:

S. Ranlett suggested striking the reference to the Highway Safety Committee (HSC) to review the placement of streetlights. He noted that roads and streetlights are the

jurisdiction of the BOS. The HSC is an advisory committee only and if the BOS feel that they need input they can request it from them without it being part of the regulation.

S. Ranlett also suggested striking section 3 as it is covered in section 2 and therefore redundant.

2018 Proposed Subdivision and Site Plan Review Changes:

- (1) **Modify §235-12.B.5.e as follows:**
e. "... shall address the vesting requirements necessary to meet ~~one-year~~
two-year and ~~four-year~~ *five-year* exemptions as specified in RSA 674:39.

- (2) **Modify §230-12.G. (Minimum Parking Spaces Required) as follows:**

1. Nursery/Preschool:

1 space ~~per~~ *for* each employee, ~~and~~ 1 space for each 10 students, *and 1 visitor space.*

2. Schools without student drivers:

1 space for each employee, 1 bus loading/unloading area for each 30 students, and 1 visitor parking space per 100 students.

3. Schools with student drivers:

1 space for each employee, 1 bus loading/unloading area for each 30 students without school parking permits, 1 space for each student with a parking permit, and 1 visitor space per 100 students.

4. Additional parking for athletic facilities and concert facilities

1 space for 60% of the available facilities seating capacity

5. ~~All other institutions of learning:~~

~~*1 space per each employee, plus designated student parking (see church/chapel/funeral home, and other places of assembly.*~~

Discussion:

There was discussion about how the proposed parking regulations would affect the existing public schools. It was noted that Timberlane Regional School District (TRSD) is not required to file a site plan with the Town, nor are they required to notify the Town of amendments to their site. Therefore, the proposed parking regulations would not affect TRSD. The requirements are for more for private schools.

There was a question about what would happen if a private school were to expand their student body and require more parking. It was noted that any change to their site plan would require them to amend the site plan, which would mean Planning Board review.

(3) *Modify §230-13 by adding a new paragraph E as follows:*

E. For businesses that do not receive or send large volumes of materials, loading/unloading bays do not need to be shown on the site plan provided that all provisions of Paragraph A of this section are met.

(4) *Modify §230-14.1.HH as follows:*

~~HH. Landscaping plan that complies~~ *Compliance* with all requirements of the Town's landscaping regulations.

Modify §230-23 by adding a new paragraph as follows:

C. Landscaping Features

1. All landscaping features and plantings shall be shown on the site plan or subdivision plan, as appropriate.

2. If the features and plantings make the site or subdivision plans too cluttered, the Planning Board may, at its discretion, require the applicant to provide the features and plantings on a separate plan sheet. This shall apply to both original and amended plans.

(5) *Modify §230-14.1.II as follows:*

II. ~~Lighting plan that complies~~ *Compliance* with all requirements of the Town's lighting regulations.

Replace §230-23.D in its entirety and replace it with the following new sections as follows:

~~*D. Authorization for installation of public area and roadway lighting*~~

~~*(1) Installation of any new public area and roadway lighting fixtures, other than for traffic control, shall be specifically approved by the Plaistow Planning Board and Highway Safety Committee.*~~

~~*(2) All requests for new public area and roadway lighting fixtures shall be made in writing to the Plaistow Planning Board.*~~

~~*(3) (Reserved).¹³ Footnote reference -- removed Highway Safety Committee references and requirement for a public hearing.*~~

D. Installation of roadway lighting that is part of a new or amended subdivision plan - See Subdivision regulations.

E. Requests for installation or removal of roadway lighting that is not part of a new or amended subdivision plan shall be made to the Board of Selectmen, since the request would fall outside of the Planning Board's jurisdiction.

F. Installation of area lighting that is part of a new or amended site plan shall meet the following criteria:

1. All luminaires shall be shown on the site plan with accompanying note that all of the fixtures and their associated bulbs satisfy the lumens requirements of this section.

2. If the inclusion of all luminaires on the site plan make the site plan too cluttered, the Planning Board, may at its discretion, require a separate plan sheet showing all luminaire details.

G. Requests for new lighting in a public area shall be requested by submitting a site plan or an amended site plan to the Planning Board that is properly noticed and meets all of the Site Plan Review requirements.

Agenda Item 5: New Business:

M. Dorman offered the following FYIs from the Department of Building Safety (DBS):

148 Plaistow Road (former location of the Sad Café)

M. Dorman noted that the Commercial 1 District allows for funeral establishments and he has been contacted by a crematorium regarding occupancy at 148 Plaistow Road.

Goudreault Farm – 82 Newton Road

M. Dorman explained that the new owners of Goudreault's Farm will be keeping the agricultural use of the farm. They have contacted him regarding building permits for a tractor barn and a new farm stand. He will be issuing those permits under the agricultural use and the new structures will be included on the amended site plan that should be soon coming before the Board.

New Plaistow Planning Board Fee Schedule:

D. Voss noted that the last time the fee schedule was updated was in 2008. She offered an updated Planning Board Fee Schedule that she and T. Moore had been working on. D. Voss noted that some of the fees were eliminated as repetitive and some just didn't make sense. She noted that proposed list standardized the costs for similar applications. Costs for items such as legal noticing fees were adjusted to be more in line with what the Town is actually being charged.

There was discussion regarding whether costs were being increased or decreased. It was explained that some were increased as it had been ten (10) years since the last update. It was also noted that the elimination of some of the extra charges, such as the additional charge for the square footage of any proposed structures, brought some overall totals down. It was also noted that the structure of the form itself now made tracking of application fees easier.

The amended fee schedule will be considered for adoption at the Public Hearing for the Site Plan and Subdivision changes on June 6, 2018.

Agenda Item 6: Old Business - Communications, Updates, and Other Business

Pending DBS Enforcement Actions:

1. Department of Environmental Services: February 26, 2018 "Complete Forestry Notification" RE: Brighton Drive Inc RE: File # 2018-00488
2. Department of Building Safety: April 16, 2018 "Stop Work Order" RE: Brighton Drive Inc RE: North Ave, Map 47, Lot 3
3. Department of Environmental Services: April 26, 2018 "Notice of Findings" RE: Brighton Drive Inc RE: Land Resources Management File 2018-00488, North Av, Map 47, Lot 3
4. Town of Plaistow Department of Building Safety: April 30, 2018 "Notice of Violation" RE: Brighton Drive Inc RE: Land Resources Management File 2018-00488, North Av, Map 47, Lot 3
5. Town of Plaistow Department of Building Safety: April 25, 2018 "Notice of Violation" RE: Dunkin Donuts RE: 74 Plaistow Rd, Tax Map 27, Lot 44
6. Town of Plaistow Department of Building Safety: April 25, 2018 "Notice of Violation" RE: Joey's Jewelry RE: 91 Plaistow Rd, Tax Map 27, Lot 27
7. Town of Plaistow Department of Building Safety: April 25, 2018 "Notice of Violation" RE: Mindy's Donuts RE: 119 Plaistow Rd, Tax Map 29, Lot 59

Discussion:

There was discussion regarding the notification process when something issued by the DBS is CC'd to the Planning Board. Currently the procedure is that anything the DBS copies the Planning Board as a courtesy, is included in their folders at the next Planning Board meeting. The specific discussion was regarding a stop work order issued to Brighton Drive Inc. Some members of the Board suggested that certain items, such as this stop work order, should be immediately sent out to the Board. M. Dorman noted that he was under no legal obligation to notify the Planning Board of any enforcement actions and the he only did so as a courtesy to the Board. Members offered concern that they be kept in the loop for something that could potentially come before the Planning Board. Some noted having discussions with Board of Selectmen members as well as the general public about matters throughout the Town and they were looking to have the information to be able to address concerns. It was noted that the current enforcement action is under the jurisdiction of the DBS and there was nothing pending before the Planning Board. Members were cautioned about discussing matters pending or potentially pending before the Board outside of a Board meeting as being improper and potentially grounds for recusal from any matter.

There was discussion for the Board to get more advanced notice about what applications will be coming before the Board. D. Voss will send a copy of any legal notices at the time they are prepared for mailing. It was noted that when a staff checklist review is done of a pending application, a copy of that review is sent to the applicant to give them an opportunity to correct technical issues before they come to the Board. Staff review is for technical completeness only, not for any approval purposes. By giving the applicant a chance to make corrections prior to the meeting is expedites the review process for the applicant as well as the Planning Board. It was noted that a copy of any plans submitted are kept in the Planning Office for public review prior to the meeting. The Board will see the most up-to-date plan submission at the public hearing.

There was discussion as to when the Public Hearing will be held to consider approval of the Site Plan/Subdivision Regulation amendments. Adoption of the updated methodology for the Recreation Impact Fee will be on the same agenda. That date will be June 6, 2018.

There was no additional business before the Board and the meeting was adjourned at 8:28 p.m.

Respectfully Submitted,

Samantha D. Cote