



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

**PLANNING BOARD MINUTES  
October 17, 2018**

**Call to Order:** The meeting was called to order at 6:32 PM

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

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

L. Lambert appointed G. Adams as a voting member for the meeting in T. Moore's absence.

F. Hart is the voting member as Selectman's Representative.

**Agenda Item 2: Minutes of October 3, 2018 Planning Board Meeting**

**★ J. Peck moved, second by F. Hart, to approve the minutes of the October 3, 2018 meeting.**

***Discussion on the motion: It was noted that on page 7 under the Joanne Drive Extension discussion, Mr. "Carbone" is incorrect, it should be "Barbone".***

***There was no additional discussion on the motion. The vote was 3-0-2 (L. Lambert and L. Milette abstaining).***

**Agenda Item 3: Public Hearings:**

***Continued from July 18, 2019, August 15, 2018 and September 19, 2018***

**PB 18-10: An application from Hoyt Realty Trust, David M. Hoyt Trustee and Henry Torromeo for a Lot Line Adjustment that proposes to transfer 1.88AC from Tax Map 33, Lot 1, owned by KNP Land Associates, LLC to Tax Map 32, Lot 29, owned by the applicants. The application also proposes a 1,510-foot extension of Carli's Way and a 14-lot residential subdivision of Tax Map 32, Lot 29 under the Town's PRD (Planned Residential Development) Zoning Ordinance. Both properties are located in the Residential Conservation 2 district.**

Charlie Zilch, SEC and Associates, was present for the application.

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C. Zilch offered the following information about the application:

- Continuation from September 19, 2018 meeting.
- Fourteen (14) lot residential subdivision
- The have met with Conservation
- Two (2) State permits pending approvals: New Hampshire Department of Environmental Services (NHDES) Alteration of Terrain and NHDES Subdivision
- Two (2) variances granted for the roadway access under the PRD Ordinance
- Conditional Use permit was granted for roadway extension and drainage improvements within the wetland buffer
- Addressed comments from Planning Board Review Engineer (PBRE) Keach-Nordstrom Associates.
- There was one (1) follow up letter with comments
- Waiting for final response from legal review to comments for Home Owners' Association documents
- There are two (2) Waivers:
  - subdivision regulation Article IV, Section 235-18 BB, EE, and II.
  - subdivision regulation Article VII, Section 235-32C

L. Lambert asked if the Board had any questions.

J. Peck asked for clarification of what is meant by final wearing course.

C. Zilch offered that a final wearing course is simply a final coat of pavement that is put on a roadway once all of the construction is complete. The current section from Old County Rd to the project site is only to binder.

There was discussion that David Hoyt, property owner, will hire his own contractor and be responsible for the paving. The new road will be bonded

D. Voss offered that the paving of the roadway will need to meet the approval of the Highway Supervisor and Town Engineer before it goes to the Board of Selectmen (BOS) for acceptance as a town road. All construction will be overseen by Keach-Nordstrom Associates on behalf of the Board.

There was discussion as to whether Carli's Way is considered a Town road. It was stated that it is not yet considered a Town road. Since Carli's Way is still considered a private road, Mr. Hoyt will be responsible for plowing in the winter.

D. Voss offered that the Plan was accepted as complete and an extension of the 65-day review period was granted at the September 19, 2018 meeting. The outstanding items are the pending State permits and clean review letters from Keach-Nordstrom for the Plan review and Attorney Cleary regarding Home Owners' Association documents.

J. Peck asked if abutters were notified.

C. Zilch offered that yes, abutters were notified, including Old County Rd.

There was a brief discussion about street lighting. It was stated that there are four (4) street lights as shown on Site Plan sheets 9 and 10: one (1) at the intersection and three (3) more along the length of Carli's Way. The streetlights are proposed to be LED.

L. Lambert asked if there was anyone in the audience who had any questions. There was no one asking to speak.

C. Zilch respectfully asked the Board for conditional approval with the following conditions:

- Receipt of State Alteration of Terrain Permit
- Receipt of State Subdivision
- Final "clean" review letter from Keach-Nordstrom
- Final "clean" review letter from Attorney Cleary RE: Home Owners' Association documents

C. Zilch offered a detailed review and justification for the two (2) waiver requests:

- Request to waive subdivision regulation Article IV, Section 235-18 BB, EE, & II.
- Request to waive subdivision regulation Article VII, Section 235-32C

D. Voss offered that the Fire Chief signed off on the request to waive subdivision regulation Article VII, Section 235-32C.

There was a brief discussion to give clarification about the requirements for a maximum 2,000-foot roadway length. It noted that many years ago the Fire Department over concerns about emergency access requested that there be a maximum length for a dead-end road. The length of the proposed roadway is not over 2,000 feet, but when added to the existing section it exceeds that maximum. The applicant has provided alternatives, like a "T" turn for apparatus and all the new houses will have sprinklers. It was also noted that there is an access point at the end of the proposed cul-de-sac that may give access to additional land in the future.

**★ J. Peck moved, second by L. Milette, to approve the waiver for subdivision regulation Article IV, Section 235-18 BB, EE, and II as written. There was no discussion on the motion. The vote was 5-0-0 (U/A).**

**★ J. Peck moved, second by L. Milette, to approve the waiver for subdivision regulation Article VII, Section 235-32C as written. There was no discussion on the motion. The vote was 5-0-0 (U/A).**

**★ J. Peck moved, second by F. Hart, to approve the lot-line adjustment, 14-lot residential subdivision, and 1,510-foot roadway expansion off of Old County Road (Carli's Way) for Hoyt Realty Trust with the following conditions:**

- **Receipt of State Alteration of Terrain Permit**
- **Receipt of State Subdivision**
- **Final “clean” review letter from Keach-Nordstrom**
- **Final “clean” review letter from Attorney Cleary RE: Home Owners’ Association documents**

***There was no discussion on the motion. The vote was 5-0-0 (U/A).***

D. Voss offered that Impact Fees for the new roadway will be \$5.00 per linear foot. The plan must be recorded, a preconstruction meeting held and a bond posted before any construction can be started.

***Continued from September 19, 2018***

**PB 18-20:** An application from Exeter Med Real, Inc. for a Lot Consolidation and Site Plan Review. The Lot Consolidation proposes to combine 127 Plaistow Road, Tax Map 29, Lot 58 and 129 Plaistow Rd, Tax Map 29, Lot 59. The Site Plan proposes two (2), two-story medical office buildings with associated parking, landscaping, utilities and storm water management infrastructure. The applicant is the property owner of record for both parcels.

Philip Chaput, Exeter Hospital: Senior Director of Facilities Planning and Richard Friberg Jr., The Engineering Corp (TEC): Civil Engineer, were present for the application.

R. Friberg offered the following information regarding the application:

- The properties involved are 127 & 129 Plaistow Rd
- There are a total 6.4 acres
- Proposing two (2) two-story buildings:
  - Building I: Phase 1: 44,000SF, 2-story, medical offices
  - Building II: Phase 2: 18,400, 2-story, 2<sup>nd</sup> floor - medical office space; 1<sup>st</sup> floor - related retail
- Includes development of all required parking to meet Town requirements
- Includes all necessary utilities to service the two (2) buildings
- The lot is primarily undeveloped (grass field)
- The proposed project meets all landscaping and dimensional requirements
- Low impact development storm water management plan:

Includes:

- Catch basins
- Sediment bays
- Extended detention basins
- Two (2) access points:
  - Primary - Route 125
  - Local Access - Old Road
- New Hampshire Department of Transportation (NHDOT) permit pending
- Letters have been submitted to the Board addressing two findings regarding Zoning Ordinances:
  - Zoning Ordinance: 220-3.B regarding two (2) buildings instead of one (1) larger, L-shaped building
  - Zoning Ordinance: 220-22.2J regarding an access point on a State Road (Route 125), when there is an alternative Town road option

Phase I will include:

- Building I
- All drainage
- Driveway access points

F. Hart asked what retail opportunities would be present in Building II that would benefit the Town.

R. Friberg offered that the retail opportunities would be such that they complement medical nature of the buildings, such as a pharmacy.

F. Hart offered the comment of there already being adequate pharmacies in the area.

R. Friberg offered that since the preliminary meeting in May 2018. They have met with abutters and have taken some of their comments and incorporated them into the Site Plan noting the following changes:

- Relocation of:
  - Electrical Transformer
  - Generator
  - Loading area
  - Staff patio area
- Addition:
  - Berm for visual relief for Jesse George Rd.
  - Increased buffer from parking to property line to 20 FT which exceeds the Town's landscaping requirements
  - adding sixteen (16) new trees where Old Rd and Jesse George come together

R. Friberg offered a detailed review of the Route 125 and Old Rd access points.

There was a discussion about the Board's concerns regarding the Route 125 access point and the queuing of vehicles exiting the site. It was discussed that NHDOT is reviewing this project and will address any issues.

R. Friberg offered that there was pre-scoping meeting with NHDOT to make sure they were conceptually okay with the access points.

R. Friberg offered that there are two (2) State Permits still pending:

- NHDES Alteration of Terrain
- NHDOT Driveway Permit

Town Staff Comments:

- Fire access to be coordinated with the Fire Chief
- Waterline - Site Plan will show waterline instead of having to do a Utility Plan.
- Hydrogeological study will be needed due to size of the septic system

R. Friberg offered that representatives from Exeter Environmental, Hydrogeological Consultants and SMRT, Project Architects, were present to answer any questions from the Board.

L. Lambert asked if there were any additional questions from the Board or the audience.

D. Voss offered that the hydrogeological study will need to go to CLD for peer review.

There was a brief discussion on if there was going to be mulch used in the landscaping, as mulch is not allowed, only non-flammable materials.

R. Friberg offered that there will be no mulch used in the landscaping.

There was a discussion regarding the Old Road access point. It was noted that NHDOT is reviewing the project and there has not been any mention the need to modify Old Road in any way.

There was a brief discussion on the "bump out" at the intersection of Old Road and Route 125 and if it should be modified. It was noted that the area is on Dr. Edelstein's private property.

#### Abutter Comments:

Brian Pecci, 7 Jesse George Rd., asked about peer review and hydrogeological study. Also offered concern about the project and its effect on abutters well water. Asked if water testing could be completed before, during, and after the construction is complete.

R. Friberg offered that the application was submitted in August for review and Town comments. Peer review comments were received back the same day as the meeting was scheduled. Needed time to review, therefore a continuance had been requested.

M. Dorman offered that the Board also needed time to review the comments as well.

Steve Shope, Exeter Environmental Associates, offered the following:

- His education is in hydrogeology
- The hydrogeological investigation is required according to the Aquifer Protection Ordinance regarding septic discharges within an aquifer protection area.
- The two (2) purposes of the hydrogeologic study are:
  - Take a look at the water budget for a property and how that might change with development.
  - To take a look at nitrate dilution from a septic system to check its effect on groundwater.

Bill Shaffer, 9 Jesse George Rd., expressed concern about the effect of the project on abutter's well water and the possibility of foundation damage. Also asked whether the berm was undulated. Asked if the type of trees used for the project lose leaves.

R. Friberg offered that the trees used are a combination of deciduous and evergreens as shown by the specifications on the Site Plan. It was stated that the angles of the views of the houses on Jesse George Rd were taken into consideration in the placement of the trees.

F. Hart asked about the possibility of a surety bond for a certain amount of time after the project is completed.

D. Voss offered that there was a similar issue regarding the Hoyt Farm Rd project. Legal advice at that time was that such a bond cannot be required. Any issues between property owners would be considered a civil matter. The Board can only insure that the applicant is following the Town's ordinances and regulations.

J. Peck asked about the height of the berm.

R. Friberg offered that the height of the berm varies from one (1) to four (4) feet high.

M. Dorman offered that the landscaping for Building I is included in Phase 1 of the project.

F. Hart asked if there would be any recourse to address the abutters concerns about the effect on wells.

D. Voss offered that the Town does not have jurisdiction on private wells, but if there is concern, it is encouraged that the abutters do their own water testing, understanding that

if there is a problem, it is considered a civil matter and they will have to get a lawyer to address it.

J. Peck asked for clarification on the Zoning Ordinance for access point management. It was explained that for properties with access on a State road as well as a town road then their access point should be on the town road. However, the Planning Board has the discretion to allow an access on the State road, if they feel it provides better and safer access and lessens impact to neighborhoods. NHDOT driveway permits would still be required for the State road access.

There was discussion about the Board having discretion to allow for two (2) buildings instead of one (1) larger building. It was discussed that from a safety standpoint two (2) buildings is strongly supported from the Fire Department's perspective. It was also discussed that the Fire Department has reviewed the project and they are okay with it.

R. Friberg offered that a fire truck turn radius experiment was completed.

D. Voss offered that page C-17 of the Site Plan addresses the Fire Department's recommendation(s).

There was a brief discussion about notes on the Site Plan regarding fire lanes. It was stated the Fire Chief does not need markings as long as there are notes on the plans.

There was a brief discussion regarding retail space. It was discussed that it is required that the retail area(s) be medically related.

There was a brief discussion about the hours of operation, deliveries being done during business hours, and the amount of foot traffic between buildings.

***★ J. Peck moved, second by L. Lambert, to allow an access point onto Route 125. There was no discussion on the motion. The vote was 5-0-0 (U/A).***

***★ J. Peck moved, second by F. Hart, to approve the construction of two (2) buildings instead of one (1) large L-shaped building. There was no discussion on the motion. The vote was 3-0-2 (L. Lambert and L. Milette abstaining).***

There was a brief discussion on what it means for the Board to accept a Site Plan as complete.

***★ L. Milette moved, second by J. Peck, to accept the Site Plan as complete. There was no discussion on the motion. The vote was 5-0-0 (U/A).***

The public hearing for PB 18-20 will be continued at the December 19, 2018 meeting. There will be no additional notification to abutters.

#### **Agenda Item 4: Capital Improvements Program (CIP) Review and Questions:**



There was a brief discussion about the HVAC system for the Historical Society. To include forced hot air furnace and HVAC. Motion to approve the replacement, not just the repair. \$10,500 replacement cost to come out of the Contingency Fund.

F. Hart offered that some figures will be revised once the energy audit is completed.

D. Voss offered that if anyone on the Board wants to be included on the CIP e-mail list to send her a written request.

### **Agenda Item 5: Old Business:**

#### November 7, 2018 meeting will include:

- Rules of Procedure
- Fee Schedule
- Road Profile

It was discussed that there needs to be two (2) readings of the Rules of Procedure changes before they can be adopted.

There was discussion about the number and length of the meetings when there are public meetings. It was asked if information can be requested seven (7) days in advance to allow time for the Board to review the information. It was also discussed that the Board can express to the applicant when it is in their best interest to request a continuance.

D. Voss offered that applications are given twenty-one (21) days prior to the meeting and then the Board must hold a public meeting to accept the Plan as complete within thirty (30) days. During the time prior to that meeting certified notices are prepared and sent out. Then there is a staff checklist review and report and most plans are sent to other departments for comment. Plans that are sent to a PBRE can take as much 2-3 weeks for review and comment. Plans can be sent to the Board in advance, but are likely to change prior to the Public Hearing on them based on staff and PBRE comment. It was reminded that when the Board “accepts an application as complete” they are not approving the plan; they are only acknowledging that the technical aspects of the plan are all present and accepting jurisdiction over that plan. The Board then has 65 days, often referred to as the “65-day clock,” to review the plan, ask for additional information, and ultimately make a decision to either approve, conditionally approve or deny the plan. Frequently on smaller amended site plans, acceptance and approval occur at the same meeting. Only the applicant can waive the 65-day deadline, but most are amenable to doing that if the Board needs additional information. Especially if not doing so could mean their plan being denied.

There was a brief discussion about the Board being able to request site walks. There was expressed interest from members of the Board to be able to request a site walk for large

projects like Exeter Medical. It was noted that the Board could request a site walk for any project. Site walks are required to be posted the same as meetings are.

#### Master Plan Survey Results:

D. Voss offered that she is waiting for the results to come back from the Open House online survey.

D. Voss offered that she is still working on getting the Land Use Map to match the chart.

#### **Agenda Item 6: New Business:**

##### Zoning Amendment Review:

At the November 7, 2018 meeting it will be discussed whether or not the Board wants to address Zoning Amendments this year or not. If it is decided, yes, then D. Voss will work on warrant article language. Board members should contact D. Voss if there is a topic that they would like to add to the Zoning Amendment discussion.

J. Peck offered that the Library wants to propose a change to the Sign Ordinance, as they want to be able to have a digital sign. He suggested that there be some restrictions written into the ordinance to prevent abuse.

D. Voss offered that if the digital signs are allowed the Town has no say over the content that is put on the sign.

M. Dorman concurred and added that the Board can only enforce the size and location of the sign.

##### Chandler Place: Phase II:

D. Voss noted that based on the bond estimate worksheet the proposed bond for Phase II of Chandler Place is calculated to be \$87,000.

***★ J. Peck moved, second by L. Milette, to approve the \$87,000 bond for Phase II of Chandler Place. There was no discussion on the motion. The vote was 5-0-0 (U/A).***

F. Hart asked about the status of the application for the extended stay motel.

D. Voss offered that an application for a variance was not submitted within the 20-day deadline. ~~There was a deadline of twenty (20) days.~~

#### **Agenda Item 7: Communications, Updates, & Other Business:**

##### Westville Market: 71 Plaistow Rd.

D. Voss offered that the information she had received was that the bank repurchased the property at 71 Plaistow Rd (Davey) at today's auction.

M. Dorman offered that now the Board can consider if they want to revoke the Site Plan.

There was a brief discussion asking about what is going to happen to the cars on the property. M. Dorman will look into it and will e-mail the Board when a response is received.

Main Street Paving:

There was a discussion about the paving of Main St. It was noted that Elm St will be paved this year, but Main St is postponed until 2019.

There was no additional business before the Board and the meeting was adjourned at 8:53 p.m.

Respectfully Submitted,  
Samantha D. Cote  
Recording Secretary