



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

PLANNING BOARD MINUTES

June 5, 2019

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

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

Also present: John Cashell, *Planning Director*

Agenda Item 2: Minutes of the May 15, 2019 Planning Board Meeting:

★ L. Lambert moved, second by F. Hart, to approve the minutes of the May 15, 2019 meeting.

Discussion:

J. Peck offered his opinion that if a Board member asks a question at a meeting, that he would like to see the specific Board member quoted.

The vote was 5-0-0 (U/A).

Agenda Item 3: Master Plan Update:

Presented by: Steve Whitman, Resilience Planning & Design, LLC

S. Whitman asked that the Board review the current updated draft of the Master Plan and offer feedback and comments. The goal is to be able to adopt the Master Plan by November 2019.

S. Whitman offered that the only items that have been updated since the last meeting have been the drafts for the Recreation and Community Facilities sections. Working to finish subsections in which the drafts can be completed by the end of June 2019.

S. Whitman offered that he will be coming back before the Board in August to review the remaining sections.

S. Whitman offered that there is past information available to start the Future Land Use section which can be reviewed and critiqued and then some focus can be put into looking into the Corridor Study. The full draft of the Master Plan can be made available for the Board to review by September 2019. The solid draft including the chapter on Future Land Use can be made available for the Board to review and post on the Town website by October 2019. The first Public Hearing for the Master Plan can be scheduled in October 2019.

S. Whitman recommended that the Board plan on scheduling more than one (1) Public Hearing.

S. Whitman asked if the Board had any questions or comments.

T. Moore offered that the list of proposed Zoning changes will be available by the middle of October 2019. The timeline that S. Whitman offered for the completion of the Master Plan will allow for most of the Master Plan to be completed before the Board needs to start focusing on the Zoning changes. He offered that the new Noise Ordinance and Solar Ordinance were implemented last year. It is understood that the Corridor Study will require some Zoning changes to be made.

J. Cashell offered that the Water Improvement Project will coincide with the Zoning changes also.

There was a discussion that with the new formatting of the Master Plan, most chapters now have an action plan associated with it.

There was a discussion as to whether the action plans should remain within each chapter or if they should be incorporated into the Implementation section.

T. Moore offered that in the current Master Plan there are some action plans and recommendations that have not yet been acted upon. He offered the recommendation to the Board that there be a focus on taking a critical review of implementation and focus the most attention on the items that the Board wants to get accomplished and possibly set some items aside to focus on at a later date.

F. Hart asked if allocating a subcommittee to work on each chapter may help with executing implementation, as well as getting the involvement of other Boards and Committees.

T. Moore offered that the topic of subcommittees has not yet been a topic of discussion.

J. Peck asked if the action plans will be put into the Implementation chapter or if they will stay within each individual section. He asked what was done before and if the new formatting is completely new.

T. Moore offered that the formatting is completely new and that previously there was a focus based upon recommendations rather than actual action plans.

S. Whitman asked the Board if it would be possible to have a "Working Session" outside of a formal Planning Board Meeting to allow for interaction and marking up of the Future Land Use Map.

T. Moore offered that it would be possible to have a public "Workshop Meeting" in August 2019 that is not televised and then the outcome of the meeting could be reported at the next televised meeting.

J. Peck offered that he is impressed with the new formatting of the current draft of the Master Plan.

J. Peck initiated a discussion regarding the Clean Water section of the Master Plan in regard to the MS4 Storm Water Permit and a MS4 Storm Water Committee.

T. Moore stated that the Town currently has a MS4 Storm Water Committee and gave a review of the current members and associated Town contractors involved. He stated that the Committee is responsible for submitting an Annual Report each year.

J. Peck asked how he could get a copy of the MS4 Storm Water Annual Report.

T. Moore offered that Dee Voss, Administrative Assistant can provide a copy of the Annual Report if the Board would like to take a look at it.

J. Peck asked what is meant by Low Impact Development becoming the standard.

T. Moore offered that the Low Impact Development Standard allows for swales and more natural storm water runoff rather than being required to have granite curbing with drainage infrastructure.

J. Peck stated that the Open Space and Conservation chapter mentions a New Hampshire Wildlife action plan and has a map associated with it. He asked if it would be possible to get a digital copy of the map to be able to look at it in more detail.

S. Whitman offered that he could make a digital copy of the New Hampshire Wildlife action plan and map available to the Board for review.

S. Whitman asked the Board if they had any additional questions.

S. Whitman stated that it would be helpful if the Board would review the draft of the Master Plan by August 2019 and offer any editorial or grammatical changes that they feel are needed.

J. Peck asked where Snow Brook is located.

T. Moore offered a review of the location of Snow Brook.

J. Peck initiated a discussion relating to Existing Land Use and Commercial and Industrial uses where it references the existing C1 Zoning District in relation to a 500 FT strip along Route 125. It was discussed that a Zoning change was made previously that changed 500 FT to now include the entire lot that runs along Route 125.

T. Moore offered an explanation of the Zoning change that was made previously.

S. Whitman offered that he would update the Existing Land Use section appropriately given this new information.

J. Peck initiated a discussion regarding a section stating that "all businesses along Route 125 have been tied in to the fire suppression system". He asked about the accuracy of the statement.

T. Moore offers that there are very few exceptions if any in regard to the businesses along Route 125 being tied into the fire suppression system.

S. Whitman asked the Board to review the photos in the Master Plan and offer any better photos or updates if they are available.

J. Cashell asked if it would be possible to Photoshop and remove the power lines from the photo of the Town Hall.

There was a brief discussion about the possibility of getting a drone picture in the Summer instead of the Winter photo that is currently shown on the cover of the Master Plan.

T. Moore offered that D. Voss will provide a copy of the draft of the Master Plan to Christina Cruz, Recreation Director so that she and the Recreation Commission can review it.

J. Peck asked if the Conservation Commission would receive a copy of the Natural Environment chapter.

T. Moore offered that the Conservation Commission would receive a copy of the Natural Environment chapter to review.
T. Moore asked if the Board had any additional questions.

Resilience Contract - Formal Vote to Recommend Needed:

★ F. Hart moved, second by J. Peck, to recommend that the contract presented by Resilience Planning & Design LLC, for the Master Plan Update, dated May 3, 2019, and in the amount of \$21,725.00 be signed. There was no discussion on the motion. The vote was 5-0-0 U/A.

Agenda Item 4: Impact Fee Presentation:

Presented by Bruce Mayberry, BMC Planning, LLC

School Impact Fee Update:

B. Mayberry offered a brief review of the highlights of the following sections regarding the School Impact Fee Update document provided to the Board:

- Purpose and Summary
- Components of School Impact Fee Update
- School Enrollment and Demographic Trends
- Proportionate Enrollment Ratios and Housing Characteristics 2019
- Facility Space Standards: Floor Area of Schools per Pupil Capacity
- Capital Cost of Schools
- Credit Allowances
- School Impact Fee Calculations 2019
- Policy Issues for Consideration

B. Mayberry asked if the Board had any questions or comments.

F. Hart initiated a discussion on how the 2020 Census will impact the conclusions and numbers relating to the School Impact Fee Updates. She asked if School Impact Fees can be utilized in a more creative manner since enrollment is declining.

There was a discussion on whether the Town can continue to collect School Impact Fees if the bonds are paid off and no further expansion of the school is expected.

B. Mayberry offered that the statute allows the Town to recoup the Capital Facilities Expenditures and improvements as long as it is done proportionately. Therefore, it is believed that School Impact Fees can continue to be collected.

B. Mayberry offered some comment regarding the 2020 Census by stating that growth and enrollment are not really the driving factors. He stated that school facilities have been provided for current enrollment as well as allowing for additional enrollment. Therefore, School Impact Fees can be used for recouping what was already spent. He reiterated that School Impact Fees can be used as a "Recoupment Fee" for Capital Expenditures that have already taken place as long as they are used proportionately. It is a policy issue and it is up to the Board to decide if the School Impact Fees should continue to be collected based upon the recoupment philosophy. The statute doesn't provide specifics it just broadly states that the Impact Fees can be spent on the Capital Facility in which purpose it was collected for or they can be used to recoup the cost of Capital Facilities provided in anticipation of new development. The School Impact Fees are directly related to the school building and school system and need to be spent within six (6) years.

J. Peck stated that it is understood that the school is currently at 2/3 capacity. He asked what happens if the school's capacity reaches 100%.

B. Mayberry offered that if the school capacity reaches 100%, the Town would need to look at the standards and consider whether or not expansion of the school is needed.

J. Peck offered that he has seen expenditure requests from the school. However, there is no clear understanding of who audits the expenditure request to determine if the money is being used for the correct purposes. Is there an auditor review?

B. Mayberry offered that he believes that it is up to the Town to review whether or not the expenditure is for an acceptable use and if the Impact Fees are being used correctly. However, they are not formally reviewed by an auditor.

There was a discussion regarding the requirements of Senior Housing (age 55 and over and age 62 and over communities) and the possible challenging of expenditures relating to the development of Senior Housing and the enforcement of the age of the occupants.

J. Peck offered that per the Annual Report for the Town, there were five (5) Impact Fees collected totaling \$14,580, in which \$12,000 was used, leaving an ending balance available of \$24,000.

There was a brief discussion that eighteen (18) Senior Housing units have been approved for potential residential development.

J. Cashell offered that there needs to be a mixture of quality housing, not just Senior Housing.

B. Mayberry offered that the collection of School Impact Fees could potentially be challenged if there is no growth anticipated. However, it is up to the Board to decide if the suggested philosophy justifies continuing to collect the Impact Fees.

There was a brief discussion that any Impact Fees collected lowers the Town's tax rate.

T. Moore offered that the Conservation Commission sponsors an Arbor Day event each year for 5th graders. He offered that there have been consistently eighty to ninety-five (80 to 95) 5th graders each year. The median age of the Town's residents from 2000-2010 increased by seven to eight (7 to 8) years. However, it is decreasing now.

T. Moore offered that there will need to be a Public Hearing to accept the School Impact Fee Update. However, the Board will need to choose one of the two options for accessing the Impact Fee based upon:

- Table 8, Page 15: School Fee Calculation per Dwelling Unit (Recommended, Option 1)
- Table 9, Page 16: School Fee Calculation per Square Foot of Living Area (Recommended, Option 2)

T. Moore offered that it is easier to assess the Impact Fee by dwelling type. However, it may be more beneficial to use the calculation per square foot.

B. Mayberry offered that it would be more equitable to use the square foot option.

There was a discussion that there will be some criteria that allow for a School Impact Fee exemption. However, there would need to be a Town Meeting review of the current School Impact Fee Zoning Ordinance to create the language for a waiver.

B. Mayberry offered that there could be a summary inserted into the School Impact Fee Table that would eliminate the need to make a Zoning change or create a waiver.

F. Hart asked if the Building Inspector verifies the number of bedrooms within a unit.
T. Moore offered an example and explanation that focusing on the number of bedrooms creates s own problems.

J. Peck offered that he noticed that the Type of Housing Construction categories has been changed from the previous five (5) categories to now three (3) categories. He asked for clarification.

B. Mayberry confirmed that the categories have been condensed down to three (3):

- Single Family Detached
- Attached or 2+ Family Structure
- Manufactured Housing

The Board decided that Table 9, Page 16: School Fee Calculation per Square Foot of Living Area (Recommended, Option 2) is more equitable and will include that the following would be exempt from the School Impact Fee:

- Dwelling units with 500 SF or less living area
- Age Restricted Housing (Senior Housing)
- Affordable Housing that is Federally or State funded

B. Mayberry offered that footnotes could be added into the table to show preferences instead of having to create waiver language or make any Zoning changes. An explanation of the current School Impact Fee collection process can also be added.

There was a consensus to have the Public Hearing for the School Impact Fee Update on Wednesday, July 17, 2019. B. Mayberry will be in attendance for the Public Hearing.

Public Safety Impact Fee Update:

B. Mayberry offered a brief overview of the calculation updates made from inception of 2001, through 2018 with assumptions made for the building of the Public Safety Complex, and into 2019 with the inclusion of the actual construction costs incurred in the building of the Public Safety Complex.

B. Mayberry offered a brief review of the highlights of the following sections regarding the Public Safety Impact Fee Update document provided to the Board:

- Executive Summary
- Proportionate Demand Measures
- Estimates of Future Growth in Service Base
- Facility Capacity and Allocation of Capital Costs
- Public Safety Impact Fee Model

B. Mayberry asked if the Board had any questions or comments.

F. Hart asked B. Mayberry for some clarification regarding the figures and information presented on Page 3, Table 3 to Page 4, Table 4.

B. Mayberry offered an explanation of and clarification of the information provided on Page 3, Table 3 to Page 4, Table 4.

J. Peck initiated a discussion regarding the 2/3 ratio spent on residential when preparations were being made to build the Public Safety Complex.

B. Mayberry offered that if the Board feels that the figures need to be looked into further and adjusted, it can be done.

The Board decided that nothing needs to be resolved or adjusted. They were just looking for clarification on the information provided.

T. Moore offered that there are no exemption credits given for Public Safety Impact Fees.

F. Hart asked if the 70%/30% relating to Commercial and Residential needs to be reportioned.

B. Mayberry offered that Commercial and Residential can be reportioned, but they don't have to be.

T. Moore initiated a discussion regarding the three (3) sub accounts associated with the Public Safety Impact Fee. He stated that accounting is more specific now. It was asked if the Town should continue to collect a separate fee for fire apparatus.

B. Mayberry offered a review of Page 12 regarding the assessment of accessory dwelling units (ADU) subject to Public Safety Impact Fees.

J. Peck asked if there was a benefit to choosing the square foot option over the per dwelling option.

B. Mayberry offered that he is not recommending one option over the other. He is just looking at whichever option is more equitable.

T. Moore offered that the Board will need to look into tiny houses within the next year.

T. Moore asked if the Board has any additional questions.

There was a consensus to have the Public Hearing for the Public Safety Impact Fee Update on Wednesday, July 17, 2019. B. Mayberry will be in attendance for the Public Hearing.

Agenda Item 5: Old Business:

There was no Old Business discussed.

Agenda Item 6: New Business:

Escrow Release Request - 108 Sweet Hill Rd. (Zukas) 3-Lot Subdivision:

There was a discussion that the current balance of the escrow account is \$4,150.50. It is recommended that the escrow be released and the account closed.

★ J. Peck moved, second by F. Hart, to recommend that the escrow monies being held for the 3-lot subdivision project at 108 Sweet Hill Rd. released and returned to Robert and Deborah Zukas, and the account be closed. There was no discussion on the motion. The vote was 5-0-0 U/A.

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

88 Plaistow Rd.:

There was a discussion that the variance for 88 Plaistow Rd. has been granted in regard to the request from 201 Highland LLC for a variance from Article V, §220-32B, to allow a mini-storage use, which is not a permitted use in the district.

ProQuip Public Hearing:

The ProQuip Public Hearing will be held on Wednesday, June 19, 2019 at 6:30pm.

J. Peck asked if the joint meeting with ProQuip, the Planning Board and the Conservation Commission is going to take place.

T. Moore offered that the Conservation Commission was not interested in a joint meeting with the two boards and ProQuip regarding the project. However, the ConCom was going to be meeting with ProQuip representatives the next night at the regular Conservation Commission Meeting.

F. Hart asked if the review to accept the application as complete could take place before going into the Public Hearing.

T. Moore offered that the suggestion can be made at the June 19, 2019 meeting and that the review to accept the application as complete is simply to make sure that all items on the application checklist have been checked off.

It was discussed that if the Board is not ready to vote on the project at the June 19, 2019 meeting that a request can be made for an extension. However, a Notice of Decision is to be provided to ProQuip by June 30, 2019.

Haverhill, MA Public Notice:

There has been a notice provided for abutters regarding a Public Hearing to be held on Tuesday, June 18, 2019 at 7:00pm.

71 Plaistow Rd.:

T. Moore offered that he will look into getting a status update on 71 Plaistow Rd. and will report back to the Board.

J. Cashell offered that M. Dorman, Chief Building Official, is working on 71 Plaistow Rd. and would have some additional information available.

North Avenue:

L. Milette asked about the status of North Avenue.

T. Moore offered that the property has the same developer and that they will be submitting an application to the Board at some point.

There was no additional business before the Board and the meeting was adjourned at 8:50pm.

Respectfully Submitted,
Samantha D. Cote
Recording Secretary