



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

PLANNING BOARD MINUTES
July 17, 2019

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

ROLL CALL: Tim Moore, *Chair, arrived at 7:15 PM*
Lisa Lambert, *Vice Chair*
Laurie Milette
James Peck
Francine Hart, *Selectman's Rep*
Geoffrey Adams, *Alternate, excused*

Also present: John Cashell, *Planning Director*

J. Cashell offered that T. Moore would be late to the meeting. L. Lambert chaired the meeting until T. Moore's arrival.

Agenda Item 2: Minutes of the June 19, 2019 Planning Board Meeting:

★ F. Hart moved, second by J. Peck, to approve the minutes of the June 19, 2019 meeting. There was no discussion on the motion. The vote was 3-0-1 (L. Lambert abstaining).

Agenda Item 3: Public Hearings:

PB 19-09: The Board shall consider the completeness of an application from R & J Ramsey Family Rev Trust of 2002, Raymond L. and Janice M. Ramsey, TR for a lot line adjustment. The plan proposes to convey 959SF of land (Parcel A) from 16 Old County Rd, Tax 44, Lot 63 to 12 Old County Rd, Tax Map 44, Lot 62. And to also convey 1,221SF (Parcel B) of land from 12 Old County Road to 16 Old County Road, a net gain of 262SF to 16 Old County Rd. If the application is found to be complete, a public hearing on the matter may immediately follow. Both properties are located in the MDR district. The property owner of 12 Old County Road is R & J Ramsey Family Rev Trust of 2002, Raymond L. and Janice M. Ramsey, TR. The property owners of 16 Old County Rd are Jason M. and Corinna A. Yeager.

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

C. Zilch reviewed the current lot lines and the proposed lot lines and offered the following information regarding the project:

- This project proposes a simple lot line adjustment
- The property is located in a Medium Density Residential (MDR) Zone
- The neighbors got together and decided to make a lot line adjustment
- Parcel A (yellow on displayed map) ownership from Yeager to Ramsey
- Parcel B (orange on displayed map) ownership from Ramsey to Yeager
- There are no waivers needed
- There are no variances needed
- There are no State permits needed

- There are no changes to the frontage needed

L. Lambert asked if the Board or abutters had any questions or comments. There were none.

★ F. Hart moved, second by L. Milette, to accept the lot line adjustment between 16 Old County Rd., Tax Map 44, Lot 63 and 12 Old County Rd., Tax Map 44, Lot 62 as complete. There was no discussion on the motion. The vote was 4-0-0 (U/A)

★ F. Hart moved, second by L. Milette, to approve the lot line adjustment that transfers 959SF of land from 16 Old County Rd., Tax Map 44, Lot 63 to 12 Old County Rd., Tax Map 44, Lot 62 and also transfers 1,221SF of land from 12 Old County Rd. to 16 Old County Rd., resulting in a net gain of 262SF to 16 Old County Rd. There was no discussion on the motion. The vote was 4-0-0 (U/A)

T. Moore joined the meeting at 7:15pm.

PB 19-10: A Preliminary Design Review from Brighton Drive, Inc. The application proposes the consolidation of two (2) lots identified as Tax Map 47, Lot 3, a 43.39A parcel with 145.69LF of frontage on North Av and Tax Map 36, Lot 18, a 2.0A parcel with 0.0LF of frontage on North Ave. Both parcels are located in the LDR District. The plan further proposes that the consolidated lot of 45.39A with 145.69LF of frontage on North Av be subdivided into fourteen (14) residential parcels of varying size and frontage. The lots are proposed to be situated on two (2) new public roadways, one proposed to be +/-1900LF in length, and the other proposed to be +/-800LF in length. The applicant is the property owner of record for both parcels.

Tim Lavelle, James M. Lavelle Associates, was present for the application.

T. Lavelle offered the following information regarding the proposed project:

- Review of property lines
- There is to be two (2) roads that would provide access to fourteen (14) lots
- The lots range from two and a half (2.5) acres to just shy of five (5) acres
- The drainage design has been completed

T. Lavelle offered a brief overview of the comments provided by Steve Keach, Nordstrom-Associates.

T. Lavelle offered that four (4) lots in the initial design would cross over the wetlands and therefore a review will need to be done with the Zoning Board of Adjustments (ZBA) for a variance.

J. Peck asked T. Lavelle for a review of the lots that will cross through the wetlands.

T. Lavelle offered a review of the lots that would cross over the wetlands, as requested.

T. Lavelle offered a review of the twenty-five (25) foot no cut area.

L. Milette asked if there are any photos available to show what the property looks like now.

T. Lavelle offered that trees were cut on the property prior to the Site Plan Design.

J. Peck offered that there were letters received by the New Hampshire Department of Environmental Services (NHDES) that was not received by the Board prior to the deadline for providing comments.

J. Cashell offered there are challenges that need to be addressed before the conceptual design can be followed by a definitive review by the Board. There are forty-seven (47) deficiencies made by Steve

Keach, Keach-Nordstrom Associates, and the minimum lots size needs to be met for each lot before they can be considered buildable lots.

T. Lavelle offered that the conceptual plan can be serviced by Haverhill, MA water and sewer.

J. Cashell asked if Haverhill, MA was on board with the use of their water and sewer. Is there a letter approving the use of water and sewer?

L. Milette offered that the last time the applicant came before the Board it was recommended that the project be reviewed before the ZBA. However, that never happened.

T. Lavelle offered that at that time the project and design was never pushed forward.

J. Cashell offered that the applicant may want to reconsider the number of lots being proposed and then come back with a definitive Site Plan for the Board to review.

J. Peck offered that the Board was trying to get an understanding of the history of the project. He asked if an NHDES Alteration of Terrain (AoT) Permit had been applied for.

T. Lavelle offered that the design was just a sketch to initiate a preliminary discussion, there were no permits applied for.

J. Peck offered that there was cutting of the trees on the property. He asked what was filed to allow for the cutting of the property with the intent for development.

T. Lavelle offered that when the property was cut, it was cut for the timber and that the cutting was not done with the intent of development at that time.

F. Hart offered that the original permit that was given was incorrect and therefore a cease and desist was issued. However, by that time, the cutting was already completed.

T. Lavelle offered that at the time the cutting took place, there were no issues presented. Therefore, there was no problem with clear cutting.

F. Hart asked for confirmation from T. Lavelle that the taxes of the timber were paid.

T. Lavelle offered that the tax on the timber was paid.

F. Hart offered that the final intent was not presented before the permit was granted.

T. Lavelle offered that the cease and desist was addressed and cleared up.

J. Cashell offered that the Board may want to do a review of the forestry laws. It is understood by the Board that the initial intent was to develop the property. Therefore, the applicant was expected to follow through with the intent. However, it looks as though the intention was abandoned which implemented a technical loop hole.

F. Hart offered that what is done is done. However, there looks as though a loop hole was created. The Board needs to look at the letter of the law and make sure that it is being followed and make sure that ordinances are not being bypassed.

J. Cashell suggested that the applicant work with the ZBA to create a reasonable lot yield without disturbing the wetlands. The goal is to work out the best agreement that is best for the environment.

J. Peck asked if there is a more practical way to design the plan so that there is a way to build around the wetlands.

J. Cashell offered that perhaps a shared driveway would allow for a couple of lots to be built behind the wetlands.

J. Peck asked if there were any Haverhill, MA abutters.

T. Lavelle offered that he appreciates the feedback and comments provided by the Board.

T. Moore asked if the Board or audience had any additional questions or comments.

Nolan Pelletier, 24 North Avenue, offered the following comments and concerns:

- During the last meeting regarding the proposed project the Board advised the applicant to go before the ZBA
- The next thing he heard about the project was about the property being clear cut
- It is his understanding that there are certain forestry requirements that need to be met
- It is his understanding that the intention for development of the property would have required a different permit
- In his opinion it looks as though the applicant circumvented the process of going before the ZBA
- In his opinion, this shows poor planning on behalf of the applicant
- If the applicant managed to establish a loop hole regarding the clear cutting, it creates additional concerns about how the rest of the project is going to go
- He stated that he upgraded his septic system and had to follow certain requirements and had to get the appropriate permits. Therefore, it is understood that the applicant should be abiding by similar requirements and getting the correct permits as well

F. Hart offered that the Board needs to be more proactive at reviewing permits and making sure that ordinances are being followed.

L. Milette offered that there was a review of the forestry permit, and within a month, the applicant was clear cutting. Then within another month the applicant decided upon developing the property.

T. Moore offered that this meeting was a one-shot opportunity for discussion. The next step for the applicant will be to submit a formal application.

J. Peck offered that it is important for abutters to watch the agendas for the Board and attend the meetings to ask questions, give comments, and gather feedback.

Anastasia Sheehan, 8 Hoyt Farm, offered the following questions and concerns:

- She offered her concerns about a NHDES letter regarding the wetlands dated back in February 2019 that the abutters just received a copy of two (2) weeks ago
- She offered her concerns about the wetlands being filled and dredged
- She asked if all of the wetland area is being filled and dredged, or just a portion of it
- She asked if there have been any studies on the property to check for endangered species or environmental impact

T. Lavelle offered a review of the portion of wetland that is to be filled and dredged and offered that additional wetland filling and dredging would be minimal.

T. Lavelle offered that an application for a NHDES AoT Permit has been submitted and is pending comments back.

J. Cashell offers that Plaistow is a Phase II community. He suggested that the Board review the two (2) letters from the NHDES:

- NHDES letter from Bruce Gilday, BAG Land Consultants, dated May 21, 2019
- NHDES letter from Eben Lewis, NHDES Wetlands Bureau, dated February 12, 2019

T. Lavelle offered that plan information was submitted to NH Fish and Game, Plaistow Highway Department and Fire Department, and the NH Division of Natural Heritage. They were also asked to complete an archeological study. He offered that letters regarding the submittals have been provided to the Board.

Mary Soraghan, 30 North Ave., offered the following question to the Board:

- If it was possible for abutters to receive a copy of the comment letter provided by Steve Keach, Keach-Nordstrom Associates

T. Moore offered that any abutter who wishes to get a copy of the letter can request a copy from Dee Voss, Administrative Assistant, at the Town Hall.

J. Cashell offered all attendees a review of the process for future public hearings and stated that a definitive Subdivision Plan will need to be submitted by the applicant.

J. Peck recommended that the applicant consider meeting with abutters to come to some even ground as far as making decisions.

T. Moore apologized to the Board and attendees for being late to the meeting.

Agenda Item 4: Old Business:

Master Plan Scope - Reminder to submit comments for Resilience:

L. Lambert offered that she submitted some comments and errors that need to be corrected that she found in the Master Plan document.

F. Hart offered that she highlighted some questions for discussion and comments to be discussed at the next meeting that Steve Whitman will be present.

T. Moore offered that there is not a set-in-stone deadline for submitting comments, but he recommended that the Board submit them to Steve Whitman as soon as possible.

Agenda Item 5: New Business:

There was no new business presented.

Agenda Item 6: Communications, Updates, & Other Business:

L. Millette and J. Peck offered that there have been instances where correspondence has been received by the Town regarding Planning Board business that has not been given to the Board in a timely manner. There has been correspondence in the past that has not been shared with the Board prior to the deadline for submitting comments.

It was discussed that all correspondence regarding Planning Board business needs to be shared with the Board as soon as it is received. It is of utmost importance that all communications that are date sensitive be sent to the Board and posted.

There was a discussion as to whether or not a policy can be created regarding the receipt of Planning Board correspondence. It was discussed that a policy would create parameters for future Boards.

J. Peck offered that the Board may want to consider making an edit to Rules and Procedures to address the disclosure of Planning Board correspondence.

T. Moore offered that Drop Box may work the best for the sharing of large documents.

There was a discussion regarding items being put up on the Town Website.

F. Hart offered that there is a member of the Board of Selectmen (BOS) that is working on the Town Website. Typically, items go through Beth Hossack, Administrative Assistant to the Board of Selectmen. There is to be a survey that will be sent out to residents to see what information they would like to see on the Town Website.

T. Moore offered that it may be beneficial to use e-mail subscriptions to trigger notices being sent to subscribers.

There was a discussion that applicants are under the impression that the Board is receiving the correspondence when they are sent in. Sometimes this has not been the case.

71 Plaistow Rd.

F. Hart asked for an update on the status of 71 Plaistow Rd.

T. Moore offered that per the last e-mail from Mike Dorman, Chief Building Official, he has been in contact with the new owner and it is his understanding that they are going through the appropriate court process to evict the previous property owner, Jay Davey.

ProQuip:

There was a discussion as to whether the Board gets sued if abutters go to court or if it is the Town itself.

T. Moore offered that it is the Town that gets sued, not individuals or the Board itself.

J. Cashell offered that if there is a court proceeding, the Town's Council compiles a packet of all information available which is reviewed by a judge to determine whether the Board's decision was arrived at in a legal manner. Once reviewed, the judge will give appropriate instructions.

J. Peck asked if there was anything out of the "invitation only" meeting that the Board needs to be made aware of.

T. Moore offered that the report that was in the paper was fairly accurate.

F. Hart offered that the NHDES AoT Permit needs to be completed by August 19, 2019.

T. Moore offered that little is known as to what will happen if abutters go to the Supreme Court to appeal the Board's decision. He offered that the typical court process is all information will be presented together and reviewed by the court.

J. Peck asked if there was any idea how long an appeal would take.

T. Moore offered that the court case would probably not come up until 2020. Sometimes it is possible to present to the court that the case has no merit.

J. Peck offered that if an appeal is filed, then the ProQuip project would be brought to a halt.

There was no additional business before the Board and the meeting was adjourned at 8:15p.m.

Respectfully Submitted,
Samantha D. Cote
Recording Secretary