



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

**PLANNING BOARD MINUTES**

**August 21, 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, *excused*  
James Peck, *excused*  
Francine Hart, *Selectman's Rep*  
Geoffrey Adams, *Alternate*

Also present were: John Cashell, *Planning Director* and Dee Voss, *Administrative Assistant*

*T. Moore appointed G. Adams as a voting member for L. Milette.*

**Agenda Item 2: Minutes of the July 17, 2019 Planning Board Meeting:**

Review of the July 17, 2019 minutes was deferred to the next meeting.

**Agenda Item 3: Public Hearings:**

**PB 19-11: An application from Heidi Mongeau for a special event, namely a charity obstacle course challenge. The one-day event is proposed to be held across two (2) parcels, 90 Newton Rd, Tax Map 68, Lot 8-A, property owner of record St. Matthew's United Methodist Church and 82 Newton Rd, Tax Map 68, Lot 8, property owner of record Sweet Hill Farm, LLC. Both parcels are located in the ICR zoning district.**

T. Moore opened the Public Hearing.

Heidi Mongeau was present for the application.

H. Mongeau noted the following about the special event application:

- This is the third year for the event and there are no significant changes from past years
- Proceeds from last year's event enabled Ms. Mongeau's group to sponsor projects at the following:
  - PARC
  - Plaistow Library
  - Town Forrest/Trails
  - Smith Field/Ingalls Terrace
  - Pollard School
  - Timberlane Regional High School

F. Hart asked if Ms. Mongeau had contacted the Police, Fire and Health Departments

H. Mongeau replied that she had reached out to all

D. Voss offered that she had contacted the departments and there were no questions or concerns.

L. Lambert asked when the event was to be held. It was noted to be October 19, 2019.

T. Moore asked if the Board had any questions, there were none. He asked if there were any abutters with questions or comments. There were none.

**★ F. Hart moved, second by G. Adams that the special event permit for the Rock, Run, Raiser at 82 & 90 Newton Road be approved.**

L. Lambert questioned if the motion needed to include the date. It was noted to already be in the record.

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

**PB 19-12: The completeness of an application from Blinn Family Realty, LLC that seeks to amend the existing site plan to add motor vehicle sales as a use and to designate five (5) existing parking space as sale/display spaces. The property is located at 38 Westville Rd, Tax Map 27, Lot 49 in the C1 District. The applicant is the property owner of record. If the application is found to be complete, the Planning Board may immediately conduct the public hearing.**

T. Moore noted that the Staff Report indicated that all necessary application paperwork had been received for this application. He asked for a motion to accept the application as complete.

**★ L. Lambert moved, second by F. Hart that the amended site plan application that adds motor vehicle sales as a use and designates five (5) display parking spaces at 38 Westville Road, Tax Map 27, Lot 49, be accepted as complete.**

T. Moore opened the Public Hearing.

Charlie Zilch, SEC Associates and John Blinn, property owner, were present for the application.

C. Zilch noted that following information regarding the application:

- The property is 1.42A, with 430' of frontage on Westville Rd
- The parcel is entirely situated in the Commercial 1 (C1) district
- The property is serviced by its own on-site septic and well
- In 2017 the Planning Board approved a 2,200 SF addition to the service area of the business, which has been completed
- The intent of this amendment is to show five (5) dedicated parking spaces that would be for display of vehicles for sale
- The proposed designated parking spots would be the ones to the right on the parking at the entrance to the site
- This would be low volume sales, but because they are sale it has to be noted on the site plan
- This property is within 1,000 feet of another parcel that is approved, by variance, for motor vehicle sales and therefore a variance was necessary for this parcel
- That variance was granted by the Zoning Board of Adjustment (ZBA)
- There is a small sign proposed for the building to meet state dealership signage requirements
- There will be no physical changes to the site
- There will not be any additional employees
- The parking calculations still meet Site Plan Review Regulations (SPRR)
- There are no waivers requested
- The granted variance is noted on the amended site plan

L. Lambert made note of vehicles being parked on grass and asked if the designated parking spaces were paved.

C. Zilch offered that his client will take corrective action about the parking on the grass.

G. Adams asked if the spaces to be designated for sale were existing and paved or proposed to be paved.

C. Zilch replied that they were existing and already paved and marked. They were just proposing to re-designate five spaces for the sales use.

G. Adams asked how large the sign was proposed to be.

J. Blinn responded that it would be the minimum to meet New Hampshire Department of Transportation (NHDOT) requirements.

T. Moore asked if the Board had any additional questions. There were none. He asked if there were any abutters with questions or comments. There were none and the Public Hearing was closed.

**★ L. Lambert moved, second by F. Hart that the amended site plan that adds motor vehicle sales as a use and designates five (5) display parking spaces at 38 Westville Road, Tax Map 27, Lot 49, be approved with the following condition:**

- **Expiration of the ZBA appeal period for the variance granted on July 25, 2019**

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

#### **Adoption of Impact Fees Methodology**

**The Planning Board will also hold a public hearing on the adoption of the Methodology and Fee Schedule Update for the School and Public Safety Impact Fees as prepared and presented by Bruce Mayberry of BCM Planning, LLC.**

T. Moore opened the Public Hearing.

Bruce Mayberry, BCM Planning, LLC, was present of the Public Hearing

#### **School Impact Fees**

B. Mayberry noted that he had previously been before the Board to answer questions regarding the updates to the School Impact Fee Methodology. He noted that the last time the methodology had been updated was 1997.

B. Mayberry explained some of the factors that go into the development of an impact fee methodology and what local data was included. He noted that the biggest change was related to the Accessory Dwelling Units (ADU). It was noted that there were two (2) proposed version of calculations for the assessment of the school impact fee, per square foot of residential structure and per dwelling unit. Only per square foot (increase of living space) calculations were provided for the ADU assessment. It was noted that the Board had previously discussed going with the per dwelling unit method and that was still the consensus.

F. Hart asked how the difference between a \$400,000 home was reconciled with a work force housing situation.

There was discussion regarding the how an impact is calculated. It's not based upon the value of the home, but how many children may be entering the school system because of the new construction, potentially causing a need for expansion. It was noted that the delta between the impact of a \$400,000 home and a typical workforce housing home is on average negligible.

J. Cashell noted the difficulties in developing impact fee methodologies and that Mr. Mayberry is the best at showing the rational nexuses and having the methodologies be defensible if there is a dispute. He asked Mr. Mayberry what his track record has been with any legal challenges.

B. Mayberry offered that he knows of impact fees that were challenged but not on the methodologies, more on how the assessments were calculated by the municipality.

T. Moore asked if there were any additional questions from the Board. There were none. He asked if there was anyone in the audience with a question. There was no one.

T. Moore asked for a motion to adopt the School Impact Fee Methodology.

**★ F. Hart moved, second by L. Lambert to adopt the methodology for the School Impact Fee as prepared by Bruce Mayberry of BCM Planning and presented at this meeting. There was no discussion on the motion. The vote was 4-0-0 U/A.**

#### Public Safety Impact Fees

B. Mayberry noted that the Public Safety Impact Fee was developed in 2001, with a subsequent update in 2008, but both were prior to the completion of the new Police Station and the upgrades to the Fire Station. Commercial Public Safety Impact Fees have been assessed on a per square foot, net increase basis, while residential has been a per new dwelling unit assessment.

There was discussion regarding the changes that have occurred since the last Public Safety Impact Fee update. It was noted that the former fee was based on a projected cost of \$8.5M, which is now known to be \$11.86M. It was also noted that the former Public Safety Impact Fee was broken out into Police, Fire and Fire Apparatus. This update has the fee shared with buildings and apparatus in a 70/30 (respectively) split.

There was discussion as to how the assessment of an Accessory Dwelling Unit (ADU) would be calculated based on an increase in the living space, not per unit. B. Mayberry suggested that if there was a concern about people doing an end-run around having to pay the fees by creating additional living space, i.e. finishing a basement, before requesting an ADU, the Board could include a provision that the living space had to exist prior to the adoption of the methodology. It was also noted that it was helpful having the actual building costs to base the methodology on.

T. Moore asked if the Board had any more questions about the Public Safety Impact Fee, there were none. He asked if there was anyone in the audience would had a question or a comment. There was no one.

T. Moore asked for a motion to adopt the methodology for the Public Safety Impact Fee.

**★ F. Hart moved, second by L. Lambert to adopt the methodology for the Public Safety Impact Fee as prepared by Bruce Mayberry of BCM Planning and presented at this meeting. There was no discussion on the motion. The vote was 4-0-0 U/A.**

#### Impact Fee Schedule

T. Moore noted the Impact Fee Schedule also needed to be adopted.

There was discussion regarding the adoption of the per square foot or per dwelling unit method of assessment for residential structures. It was noted that there was no clear difference in the services that would be provided to a \$400,000 home versus a \$200,000 home that would make charging by the square foot more advantageous than the per unit charges; it just makes for more cumbersome calculations for assessing the impact fees.

There was additional discussion of how the living space was defined for the assessment of ADUs. Living space that is converted to an ADU is not subject to impact fee assessment. However, unfinished space that is converted to an ADU would be assessed appropriate impact fees on a per square foot basis.

T. Moore asked if the Board had any more questions about the Impact Fee Schedule, there were none. He asked if there was anyone in the audience would had a question or comments. There was no one.

T. Moore asked for a motion to adopt the updated Impact Fee Schedule.

**★ F. Hart moved, second by L. Lambert to adopt the Impact Fee Schedule as prepared by Bruce Mayberry of BCM Planning and presented at this meeting. It was further moved that the per unit method of assessment be the method adopted for all residential assessments, with the exception of Accessory Dwelling Units, which will use the net square foot increase of living space method to calculate Impact Fee assessment. There was no discussion on the motion. The vote was 4-0-0 U/A.**

**PB 19-13: The completeness of an application from 201 Highland, LLC – Mark Murphy that seeks to amend an approved site plan to change the previously approved, but not constructed 20,000SF garage/office building to a 56,940SF self-storage building. The previously approved, but not constructed, retail space is proposed to remain unchanged. The property is located at 88 Plaistow Rd, Tax Map 27, Lot 21 in the C1 District. MBT Holdings, LLC is the property owner of record. If the application is found to be complete, the Planning Board may immediately conduct the public hearing.**

T. Moore noted that the Staff Report indicated that all necessary application paperwork had been received for this application. He asked for a motion to accept the application as complete.

**★ L. Lambert moved, second by F. Hart, to accept the application for an amended site plan proposed to change the use at 88 Plaistow Rd, Tax Map 27, Lot 21, from an office/garage to a self-storage business as complete. There was no discussion on the motion. The vote was 4-0-0 U/A.**

T. Moore opened the public hearing.

Brian Jones and Aaron Mackey, Allen and Major Associates, where present for the application.

B. Jones noted the following information for the Board in support of the application:

- The property is 18.74A and is located at 88 Plaistow Rd
- The property is completely located within the Commercial 1 (C1) district
- The property owner was previously granted site plan approval in January 2018 for mixed use site; retail units in the front of the property along Route 125 and a 20,000 SF bus office/maintenance facility to the rear of the lot
- There has been a variance granted for the proposed change of use to a self-storage facility
- The amended site plan proposes to convert the bus office/maintenance facility to a self-storage facility. No changes are proposed for the retail use at the front of the parcel

- Architectural renditions were shared with the Board. Both “cold” in the traditional “drive-up” units and climate controlled storage is proposed in a three-story building
- The proposed buildings would sit a minimum of 600’ back off the road. The curvature of the access drive would make the proposed building not visible from Route 125
- The proposed change would require less parking and less pavement, which increases the distance from the wetlands
- There was a wetlands buffer variance previously granted and the less pavement, and the smaller building footprint, is less impactfully, but still requires the relief of the variance
- There will be a small office space for the storage business
- The drainage system was explained and was noted to be under review by Keach-Nordstrom Associates (KNA)
- It was noted that all the original State permitting had been either amended or re-submitted to the appropriate agency as required for the change of use
- The site will initially be serviced by on-site well and septic for the office use
- There will be a connection to the fire-suppression line, which left open the future possibility of connection to the potable water system
- There will be natural gas service to the site, as well as underground electric service
- The lighting plan is all LED and dark-sky compliant with zero off-site spillage
- The landscape plan is compliant with the Town’s regulations
- The applicant is requesting re-affirmation of all waivers that were granted for the previously approved plan as they are all still applicable to the proposed amended site plan
- The applicant is not seeking any additional relief

It was noted that the applicant had previously requested a waiver for dumpster, but had withdrawn the request on advice of KNA and Staff. There are dumpsters located on the amended site plan, near the retail uses, and therefore a waiver is not required. It was also noted that there will not be any dumpsters located near the self-storage facility to prevent dumping by those who clean out their units.

F. Hart asked how many employees would there be with the storage facility. It was noted that there would two (2) at a time at most.

F. Hart questioned if this would be a 24/7 operation.

B. Jones replied that it would 24/7 and unit holders would have key fob access. He added that there were plans for security lighting and security cameras.

G. Adams asked if there would be a security access gate, as it was not noted on the plan.

L. Lambert offered that she didn’t think it was the Board’s purview as it was a liability to the owner.

There was discussion as to whether or not the Planning Board had the authority to require a security gate.

B. Jones explained that all other facilities by this company had security access gates and he did not see an issue with adding one to this plan. He added that it was probably an oversight with the amended site plan.

It was also noted that a key/fob access would have to be provided to Police and Fire and that would need to be worked out with those departments. It was decided that the addition of a security gate could be a condition of approval.

There was discussion regarding whether or not the applicant would be subject to the newly adopted Impact Fees or the fees in place at the time the application was filed. It was noted that the fees in place at the time the application was filed with the Planning Department were the appropriate fees to be charged to this application.

T. Moore asked if there were any additional questions from the Board, there were none. He asked if there were any abutters who had questions or comments regarding this application. There was no one.

T. Moore asked for a motion to re-affirm the previously granted waivers.

**★ F. Hart moved, second by G. Adams, to re-affirm all waivers that were previously granted for the office/garage site plan at 88 Plaistow Road, Tax Map 27, Lot 21 and transfer their approval to the self-storage use proposed by the amended site plan. The previously approved waivers shall be listed on the amended site plan for recording purposes.**

It was noted that Conservation Commission (ConCom) had been supplied the drainage materials for this amended site plan, but had not had the opportunity to have a presentation from the applicant as yet. The applicant was advised that they still needed to present their plan to ConCom, even though there were no approvals needed from that committee.

**★ L. Lambert moved. Second by F. Hart, to approve the application for an amended site plan proposed to change the use at 88 Plaistow Rd, Tax Map 27, Lot 21, from an office/garage to a self-storage business with the following conditions:**

- **Receipt of all State Permit Amendments and Approvals and any conditions thereof are incorporated into the site plan. The approval numbers shall also be noted on the recording plan**
- **Confirmation that the applicant has had a courtesy discussion with the Conservation Commission to update them on the change of use**
- **Clean review letter from Keach-Nordstrom Associates indicating that all items have been satisfactorily addressed**
- **Addition of a location for a security gate on the amended site plan**

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

**It was noted for the record that the property owner was subject to Public Safety Impact Fees as follows:**

|                         |           |             |
|-------------------------|-----------|-------------|
| – Self-Storage Building | 32,781 SF | \$33,108.81 |
| – Retail Building #1    | 10,350 SF | \$10,453.50 |
| – Retail Building #2    | 7,150 SF  | \$ 7,221.50 |

**Payment of Impact Fees is due prior to the issuance of a Certificate of Occupancy for each of the noted structures.**

**Agenda Item 4: Old Business** – there was no old business pending before the Board at this meeting

**Agenda Item 5: New Business**

Conceptual Discussion with Sean Mindes re: 8 and 17 Main St

Sean and Eileen Mindes were present for the discussion.

S. Mindes explained that he would like to change the use of the property at 8 Main Street from the current daycare to an office for his residential remodeling business. He offered that he was looking for feedback from the Board before going to the expense of having an amended site plan engineered.

S. Mindes noted the following information for the Board:

- The site would be the office for his home remodeling/flipping businesses
- He would like to also have a showroom and supply storage
- The showroom would be for kitchen and bath cabinetry, tile and other accessories
- The supply area would be mostly for tools, but could have small amounts of inventory
- The business is currently being operated from his home in Atkinson
- He intends to clean up and repair the building, keeping it in character with the current residential uses surrounding the property
- Renditions of the updates to the façade where shown
- The daycare was using the lot across the street (17 Main St) for employee parking. He would like to use the lot to park his work trucks, noting there were no heavy equipment pieces, just pick-ups and box trucks
- Parking across the street would be on pavement
- Excavations that would require heavy equipment would be sub-contracted out
- He would be willing to fence in the parking area to screen for the neighbors and provide security for his trucks
- He has ten (10) employees, but most would come and pick up their assignments and proceed to the job site
- No demolition materials would be brought back to the site

The Board agreed that it would be an upgrade of the current use of the site. The uses are permitted in the district. However, no promises of site plan approval were given at this meeting.

#### Request for Escrow Release – 2 East Pine St (Leblanc)

It was noted in a Staff Report that a request for release of escrow from Peter Leblanc had been received. Mr. Leblanc's application was approved by the Board, the plan has been recorded and it has been confirmed that there are no outstanding invoices.

**★ F. Hart moved, second by G. Adams, that the escrow monies being held for the condominium conversion project at 2 East Pine Street be released and returned to Peter A. Leblanc and the account closed. There was no discussion on the motion. The vote was 3-0-1 (Lambert abstaining as an abutter to the property).**

#### **Agenda Item 6: Communications, Updates and Other Business**

##### 71 Plaistow Road – Update

It was noted that the Court had ruled in favor of the new property owner in the eviction proceedings against Jay Davey at 71 Plaistow Road. Mr. Davey has seven (7) days to file an "intent to appeal" the Court's decision and thirty (30) days to file that appeal.

##### 143-145A Plaistow Road (ProQuip) – Update

It was reported that Planning Board Attorney, Charles Cleary, has not yet received service of any litigation. The petitioner has until September 8, 2019 to serve and the Town will then have thirty (30) days to respond.



The next meeting is September 4 and will be a workshop on Zoning Ordinance Amendments.

There was no additional business before the Board and the meeting was adjourned at 8:10 PM

Respectfully Submitted,

Dee Voss  
Administrative Assistant