

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



PLANNING BOARD MINUTES
October 21, 2020

Call to Order: The meeting was called to order at 6:31 PM

Ch. Peck read the following COVID-19 statement:

The Plaistow Planning Board, due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, is authorized to meet electronically, and these reasons shall be reflected in the minutes. Notice of this electronic meeting was sent to all abutters and published in the Eagle Tribune Newspaper.

The Plaistow Planning Board is utilizing the GoToWebinar program of the GoToMeeting platform for this electronic meeting. All members of the Board have the ability to communicate contemporaneously during the meeting through the GoToWebinar program, and the public has access to contemporaneously listen and, if necessary, participate in this meeting. The link to access this meeting was provided on the Town's website, with the notice where to email with It is strongly suggested that you test the link in advance of the meeting to make sure you are able to access it. Please report any issues to jcashell@plaistow.com.

There is a "raise your hand" feature of the program that will allow attendees to participate in the discussion. There is also a Q&A box for the public to type questions during the meeting. The Public can also send emails with questions or concerns prior to and during the meeting to jpeck@plaistow.com. Please note: all questions and concerns typed into the Q & A box or sent via email will be read aloud to become part of the public record. The meeting will also be live on Plaistow Access Cable - Channel 17 and will be livestreaming on the Town's website

- 1. ROLL CALL:** James Peck, *Ch.* - Present at Town Hall
Tim Moore, *Vice Ch.* - Present at Town Hall
Laurie Milette- Present at Town Hall
Francine Hart, *Selectman's Rep-* Present at Town Hal
Karen Robinson - Present at Town Hall
Tom Alberti, Alternate – Present at Town Hall (non-voting)
Geoffrey Adams, Alternate – Present at Town Hall (non-voting)
Greg Taillon, *Selectman's Alternate* - Present at Town Hall (non-voting)
John Cashell, *Planning Director* – Present at Town Hall (non-voting)

2. REVIEW/APPROVAL OF OCTOBER 7, 2020 MINUTES:

Draft minutes were included with the meeting materials. Ch. Peck asked for any changes or suggested edits. L Milette noted that on Agenda Item 7, Old Business she, not Karen Robinson, asked the question regarding

the building inspector. F. Hart noted that on Agenda Item 4, Master Plan the date for the water workshop in CF17 and the conceptual design presentation to the Board of Selectmen in T-1 is 10/26/2020.

T. Moore moved, second by K. Robinson to approve the minutes from October 7, 2020. The motion to approve the minutes as amended passed 5-0-0.

3. PUBLIC HEARINGS:

Ch. Peck stated there are two hearings on the agenda but that before getting into these he must note that relative to the second hearing PB 20-13 190 Plaistow Road, a late notice was received from the Code Enforcement Officer that the requested usage is not allowed. Ch. Peck noted that after discussion with T. Moore and J. Cashell it was decided that the application cannot be acted upon until the applicant asks for a variance from the Zoning Board of Adjustment, and as such will be tabled until the next meeting in which it can be discussed, likely December 17, 2020 unless it is denied.

Ch. Peck read the hearing notice:

PB 20-12: A request from Total Construction Solution, LLC (Kyle McManus) for a Preliminary Design Review, of a proposed seven-lot Planned Residential Development of an 18.41AC parcel, with 238 feet of frontage at 44 Sweet Hill Rd, Tax Map 62, Lot 29 in both the LDR and MDR districts. The property owner of record is 44 Sweet Hill LLC.

Ch. Peck opened the hearing.

Bill Hall, Civil Design Associates, Inc., 344 No. Main Street, Andover, MA 01810 noted that this is a preliminary conceptual design for which he is asking the Board's opinions. He noted it is a long narrow parcel with 7 individual house lots and approximately 700 feet of road. The plan takes up approx. 6 acres and leaves 12 acres of open space. The road is 24 feet wide and has a cul-de-sac. He asked for questions/opinions.

Ch. Peck noted this is a preliminary design review and the applicant will come back for the final review.

F. Hart asked if there had been any discussion about potable water, if they were planning to use town water and, if it would be a town-owned street or self-contained. B. Hall said they plan for the street to be a town road and they hope that the timing would work out to tie into the town water supply.

J. Cashell asked about the amount of fill needed to be brought onto the property to accomplish the grade of the road and driveways. B. Hall said the driveways would be compliant with Town regulations all being about six percent but that Lot 5 would require the maximum allowed of nine percent. He noted the applicant has experience with bringing in fill and keeping the site stable and is confident he can successfully do this. He said the fill would be brought in from elsewhere, and has an estimate of 40,000 yards. J. Cashell noted this would be about 4,000 truckloads. Ch. Peck noted there is another street nearby with a similar grade.

G. Adams asked about the lineal length of the Lot 5 driveway; it is approximately 340 feet in length. He asked if there is a maximum allowable length for driveways. T. Moore said he believes driveways over 300 feet need a waiver of liability from the Town. The driveway is 12 feet wide paved. Ch. Peck asked about Cape Cod berms and was told it is to minimize the amount of fill needed if swales had to be added. G. Adams expressed concerns that the width of the drive and the bends might cause difficulties for emergency

vehicle access. B. Hall said they will be getting the Fire Department's opinion before coming back to the PB. He said the path of the driveway was created to get more length and minimize its slope.

Ch. Peck asked about the square footage percentage of wetlands and if the percentage was within the requirements; he noted it appears to be so. He also asked about the 50 foot buffer on all sides and asked if the west side was less than that. B. Hall said he would double check that it is 50 feet. B. Hall noted they do not expect to require variances.

Ch. Peck asked if there was anything relative to the two zones and noted the rules for each zone must be followed. B. Hall said they have been reviewed and followed. Ch. Peck asked if there would be a homeowners association and J. Cashell noted there would have to be unless the open space is owned by someone.

J. Cashell noted that the road is going to be very expensive to build. He suggested that to shorten the road, if the division has town water the developer might consider shrinking the lots to a size that still allows for septic. C. Zilch suggested considering other options allowed by the state such as a no lot line approach. J. Cashell also suggested using a communal leaching field to shrink the road length, or to consider "condoing" the lot itself so the land around the individual private areas could be considered one lot.

Ch. Peck asked for questions from the abutters or those online.

Christopher Alexpoulos, 7 Sequoia Lane, Plaistow, NH. Before he heard that fill would be trucked in he had wanted to know if there would be digging on the site.

Kyle McManus, 44 Sweet Hill LLC. 2 Mockingbird Lane, Kingston, NH stated he is the owner of the property and was available to answer any questions. There were none.

Joe Cardiff, 1 Sequoia Lane, Plaistow, NH asked what would be between the new development and his house. B. Hall said they are required to maintain a 50 foot vegetative buffer around the development. He showed the buffer on the scale drawing and said they would leave as much natural vegetation as possible, or replace it. J. Cardiff asked if there would be any digging near his lot line; B. Hall replied the only reason they might was if they needed to direct storm water drainage away from his lot. J. Cardiff asked when construction would start and was told in the Spring at the earliest.

There were no more questions from the public.

K. McManus asked the Board about starting to prepare the property in advance of the application's approval. Ch. Peck noted there was nothing to be voted or approved at this point in the process. J. Cashell noted that anything he might want to undertake would need to be within the legal parameters and with local and State permissions, and he should keep the Planning Board advised of what he is doing. Ch. Peck suggested he speak with Peter Blanchette, Code Enforcement Officer for the Town of Plaistow.

G. Adams asked for a description of a Cape Cod berm. B. Hall described it as a curb made of asphalt, one foot wide by 4-6 inches tall

Ch. Peck closed the public hearing.

4. OLD BUSINESS: Continued Rt. 125 Corridor/Economic Revitalization District-after potable water

J Cashell noted that in order to be ready for the Town Meeting, the Board would need to have the language of the proposed amendments well developed in time to have public hearing in December. Ch. Peck suggested that this should be accomplished by the Nov. 17, 2020 Planning Board meeting. Ch. Peck asked that the presentation of ideas explain the benefit to the Town of the amendment.

K. Robinson reviewed a previous proposal for a zoning district to limit the traffic impact of new commercial development north of and adjacent to the intersection of Main St. and Rte. 125 to the Plaistow-Kingston line. She suggested this last part of the CI district should be commercial free, with the aim of keeping Main Street from becoming another thru-way to get to the north. She presented a list of uses such as personal services, retail business, condos, multi-family residential, restaurants etc. but no industry, no storage units, no automotive sales.

Ch. Peck noted there are not a lot of open properties in the section north of Old County Road, but there are some that could be used. F. Hart asked if the existing properties that fall outside permitted uses would be grandfathered and it was agreed they must be, though T. Moore noted that if a property has been abandoned for more than a year they would not be eligible to be grandfathered. J. Cashell suggested the proposal would help the Town plan for the future. Ch. Peck noted there are some zones that state not-permitted uses, but K. Robinson might use Table 220-32C to adjust what each use is called.

T. Alberti asked if the Board could legally specify a type of business/use that would not be acceptable. It was agreed legal advice would be helpful. J. Cashell said the retail business is a broad brush and should we be more specific. It was suggested K. Robinson look at the uses for CII and see how the uses fit or don't in her planning.

G. Taillon asked about the process to get these changes operations. Ch. Peck said the Board has to decide they want to put it forward, be sure it is correctly worded, hold a public hearing, make adjustments as needed and then get it on the ballot for a vote, and if accepted it becomes Town law. K. Robinson said you would also need to change the table and that would need to be voted upon also. F. Hart said that T. Moore had produced a voter's guide for the Zoning amendments to help explain the changes. T. Moore noted that you can have uses that are not allowed but you have to a substantial reason for changing the laws.

There was discussion of whether certain types of business can be restricted. T. Alberti said there are legal reasons to not exclude a type of business, but would we be able to say we will only allow a certain number of businesses (used car lots for example) and the answer was no, but restrictions can be made on outside storage and environmental concerns. Also limitations based on size are possible.

It was agreed this needs more work and be brought back for further discussion. K. Robinson, T. Moore, Ch. Peck and anyone else interested will work on the issues identified and further refine the proposal.

5. NEW BUSINESS:

A) Review of Proposed New Zoning Amendments for the CI Zoning District: As a continuation of the discussion from the October 7, 2020 Planning Board meeting, J Cashell presented a Rte. 125 Mixed-Use Zoning Proposal. He noted the proposal represents the entire CI District as it currently exists and that if K. Robinson's proposal moves forward and creates a distinct CIII District this would not apply to that particular part of the zoning district.

He suggested:

1) The Board change the name of the "CI" Commercial I Zoning District to "CI" – Commercial I/Mixed-Use.

2) Amending the CI district to include pg. 28 of the Zoning Ordinance, Table 220-32B 'CI' Commercial 1), multi-family above the 1st floor commercial/retail/office uses and multi-family in stand-alone buildings, via a Conditional Use Permit, whereby the Planning Board, via a supermajority (4/5ths) vote, may approve the aforementioned uses.

3) Amend the CI district so as to provide for a Conditional Use Permit for said multi-family uses and for uses not specifically cited in Table 220-32B 'CI' Commercial, per the following terms and conditions for the issuance of said Commercial Use Permit: I

The terms and conditions were delineated as part of his written report.

J. Cashell said he wants to keep things simple by not proposing an overlay district, which adds another layer of requirements. Ch. Peck asked what benefit the Town would gain from this. J. Cashell said additional use permits would allow the Town to remain flexible as the economy continues to transform itself. Ch. Peck asked if any developer or business has been asking for mixed-use developers, but none had. J. Cashell suggested a future need to create more housing, particularly professional housing, and that having this in a mixed-use area would help keep property taxes lower. He cited Amazon's search for work centers and satellite housing locations and noted that by having this area already available and the flexibility to implement mixed-uses, the Town's existing residential neighborhoods would be forever protected.

G. Taillon asked if the goal is to provide more housing couldn't it be done in other areas than Rte. 125. J. Cashell cited the mixed-use development replacing parts of the Burlington Mall which is losing its tenants as stores and other business fold. He said this proposal would create areas like villages people would be able to live and walk to stores, restaurants, entertainment, etc.

Ch. Peck said it is probably a good idea to be prepared and flexible but wondered if anything would actually happen. T. Alberti cited a development underway in Londonderry near the brewery that will have some apartments, grocery store, retail stores, and entertainment – everything you need. He said he could see there might be some nice small-scale opportunities for Plaistow. He suggested protecting the area in K. Robinson's proposal and perhaps developing something nice on the available land so that the area does not become a ghost town because we haven't adapted. F. Hart suggested the Board take the concept that has been discussed in the proposals and reduce it to a manageable piece. She suggested that there will be more demand for housing on a smaller scale and this would be a good fit.

Ch. Peck asked T. Moore to present his Plaza proposal. T. Moore suggested an overlay district with its own set of uses. This would provide mini-villages allowing integration of multi-family residential and commercial. He is also concerned with the traffic on Rte. 125. He would like the plazas to integrate groupings of commercial properties located adjacent to multi-story, multi-family residential properties. The plaza would have a one-way, one-lane street used for emergency vehicles and perhaps postal and small package deliveries only and no parking on the street. The plaza would have wide sidewalks that would allow for restaurant / pub patrons to eat or drink outside and still have 5 foot of sidewalk remaining for pedestrian traffic. In a similar manner, retail stores may display their goods on sidewalks. Both the store fronts and residential buildings must have a common look or similar architecture. The plaza portion of the property would be at least 40% of the property, and the remaining portion of the lot could be used for stand-alone commercial and/or residential property. The internal roads on the lot, other than "plaza one street" would have designated spaces for sidewalks and bike lanes. No commercial space can exceed a 50 foot x 100 foot footprint, but it could be up to 3 stories high. Residential dwelling units must have a balance of studio apartments (max 700 square feet), one-bedroom apartments (max 900 square feet), and two-bedroom apartments (max 1800 square feet). He hoped this would be an attractive place to live. He also said there would be just one way into the plaza and there would not be a lot of curb cuts and traffic.

K. Robinson wondered how multi-family residences would work on Rte. 125, and that they would need to be far back from the road and asked how they could be fit in. J. Cashell suggested that multi-family was really 2 bedroom, 2.5 baths.

T. Alberti noted that the proposals from J. Cashell and T. Moore are similar and have the same intent. F. Hart asked what would be the difference between an overlay and a mixed-use district, and what would be

the financial or legal advantages of one or the other? G. Taillon asked if there is a goal for the Town's population increase. He suggested again these could be put in other parts of the Town and asked why this has to be on Rte. 125. T. Moore said if you allow some residential on Rte. 125 you could attract the type of business beneficial to the Town. J. Cashell said people love the idea of going out the door to take care of their needs without getting in the car if you don't need to. T. Alberti noted he worked at Sears as a kid and it is no more; he asked what happens when some of the large stores on 125 go the same way, what would replace them? Would they just remain there empty? Are we set up to react and have something desirable come in?

Ch. Peck said the proposals are trying to accomplish the same thing and he doesn't think we could have both ordinances. He said these proposals would be brought up for further discussion at the Nov. 7, 2020 meeting.

B) Bond Set – 88 Plaistow Road: L. Milette asked if the property was sold since the original company was Ocean Storage. J. Cashell said he believes the original company name was a subsidiary of the parent company True Storage. Ch. Peck asked if the original rendering will be followed and J. Cashell said it belongs to the Town and should be followed.

F. Hart moved, second by K. Robinson that the construction bond for 88 Plaistow Rd be set at \$53,200. The motion passed 4-0-1 with L. Milette abstaining.

C) Bond/Escrow Requests for Release:

1. J & L Garage (Skip's): After review of the memorandum

T. Moore moved, second by F. Hart that the bond being held for the amended site plan at 157 Plaistow Road, as well as any accrued interest, be released and returned to J & L Garage, LLC, and the account closed.

The motion to passed 5-0-0

T. Moore moved, second by K. Robinson that the balance in the escrow being held for the amended site plan at 527 Plaistow Road, as well as any accrued interest, be released and returned to J & L Garage, LLC, and the account closed.

The motion passed 5-0-0

2. Exeter Med Real: After review of the memorandum

F. Hart moved, second by K. Robinson that the bond being held for the amended site plan at 127 Plaistow Road, as well as any accrued interest, be released and returned to Exeter Med Real, and the account closed.

The motion passed 5-0-0

T. Moore moved, second by K. Robinson that the balance in the escrow being held for the amended site plan at 127 Plaistow Road, as well as any accrued interest, be released and returned to Exeter Med Real, and the account closed.

The motion passed 5-0-0

6. COMMUNICATIONS, UPDATES, FYIS AND OTHER BUSINESS:

Ch. Peck wanted the Board to be aware that the NHDOT is holding two meetings, the first on the traffic calming and safety improvement project to be held at the Selectmen's office on Nov. 16th. This is a public officials meeting and the Planning Board is invited to attend. F. Hart said the BOS will see you get remote access if you let them know you would like to attend.

There is another NHDOT public informational meeting via Zoom on Route 125 reconstruct .25 miles south of the Plaistow-Kingston line into Plaistow on Oct. 29th at 6:00 PM.

Ch. Peck also wanted the public to know that by State regulation, the first day petitions to amend zoning ordinances can be accepted is Nov. 9th and the deadline for submission is Dec. 9th. These need to get to Dee Voss at the planning office.

J. Cashell reported that this day the Route 125 Development NH Corporation submitted a lot line adjustment application that was incomplete. They need to submit an application that meets the Town's criteria. He will talk with them shortly to straighten it out.

CH. Peck asked what was going on with the RPC regarding a regional impact meeting. T. Moore said he did not believe they have submitted any formal plans to Newton either. T. Alberti said he has attended their meetings as an abutter. They have submitted plans to Newton looking for lots of waivers, and they are asking for a subdivision of the lot but the formal plan has not been proposed.

Ch. Peck noted that there is a new code enforcement officer, Peter Blanchette, who is very knowledgeable.

7. ADJOURNMENT

There was no additional business before the Board and the meeting was adjourned at 9:17 PM.

Respectfully Submitted,

Charlene A. Glorieux
Minute Taker