

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



PLANNING BOARD MEETING MINUTES
September 21, 2022

Call to Order: The meeting was called to order at 6:33 PM.

1. ROLL CALL:

Tom Alberti, *Ch.* – excused
Tim Moore, *Vice Ch.* - Present at Town Hall
Laurie Milette - Present at Town Hall
Karen Robinson – Present at Town Hall
Richard Anthony, Alternate – Present at Town Hall
Darrell Britton, *Selectman's Alt.* Excused
Bill Coye, *Selectman's Rep.* – Present at Town Hall
Sara Tatarczuk, RPC – Present at Town Hall

Also Present: Charles Zilch, SEC & Associates

In the absence of T. Alberti, T. Moore appointed T. Anthony voting member for the meeting.

2. MINUTES:

The Minutes of the September 7, 2022 Planning Board meeting were distributed in advance.

B. Coye moved, second by K. Robinson, to approve the minutes as written.

The motion to approve the minutes passed 5-0-0.

3. PUBLIC HEARINGS:

Continuance from August 17, 2022

PB 22-18: The completeness of an application from Three Hamilton North, LLC (Rob Waters) for an amended site plan for a change of use. The amended site plan is proposed to include an office use, personal services use, and two (2) residential uses in the existing building, with associated parking. The property is

located at 174 Plaistow Rd, Tax Map 30, Lot 64 in the C3 zoning district. The applicant is the property owner of record. If the application is found to be complete the Planning Board may move directly to public hearing on the application.

T. Moore opened the Public Hearing. C. Zilch, SEC & Associates, Plaistow, NH spoke to the application. He noted the lot under discussion is within the Commercial 3 zone and there are no wetlands on the site. He noted the site supports a 2400SF commercial building and prior to that a store. The last approved site plan had been approved in 1984 changed the use to a store and added professional office space and apartments as well as additional parking some of which encroaches the adjoining lot. He said the building currently supports two 2-bedroom apartments on the second floor and these are a grandfathered use and will remain as is. He said all the uses meet the current zoning.

L. Milette noted the 1984 site plan shows the second floor was just office space and asked when the apartments went in. C. Zilch said he had seen tax cards from this time and just prior that mentioned residential use, but he was not sure when it began. K. Robinson asked that the plan reflect no residential uses on the ground floor. S. Tatarczuk said there is such a note on the plan.

K. Robinson asked about landscaping to make the site more appealing. C. Zilch said there is not a lot of opportunity for additional landscaping, though they are going to introduce more where possible.

Waivers:

Waiver #1 Article II, §220-22 – Lighting Requirements.

The waiver request is to allow the applicant to make all existing lighting full cutoff compliant, but not to require additional lighting to bring the site into full compliance. This is an existing that has functioned for many years with the lighting currently there.

R. Anthony moved, second by K. Robinson, to grant the waiver request from Article II, §230-22 and not require new lighting on property located at 174 Plaistow Rd, but to require that the existing lighting is updated to be compliant with the full-cutoff requirements of the regulation.

The motion to grant the waiver passed 5-0-0.

Waiver #2 – Article III, §230-23 – Landscaping

The request is for waiving certain buffer requirements. This is an existing site, with pavement that has impacted the buffers.

K. Robinson moved, second by R.; Anthony, to grant the waiver request from Article III, §230-23 and not require a full 10' left side, or full 12' front landscaping buffer strip for the property located at 174 Plaistow Rd.

The motion to grant the waiver passed 5-0-0.

Waiver #3 – Article I, §230-12 – Offsite Parking

§230-12 requires all parking to be on the same lot as the principal use. This plan proposes some shared parking between this parcel and the parcel to the south (The Clam Bar). The easement documents are still under review; therefore, this approval should be conditioned on the resolution of those documents

R. Anthony moved, second by K. Robison, to grant the waiver request from Article I, §230-12 and allow shared parking with the lot at 172 Plaistow Rd by easement, for the property located at 174 Plaistow Rd, with the following condition:

- Final satisfactory review by the Board's Legal Counsel, of the easement documents***

The motion to conditionally grant the waiver passed 5-0-0.

Conditional Approval:

B. Coye moved, second by K. Robinson, to grant the approval of the amended site plan for and office and personal services use, with grandfathered residential use at 174 Plaistow Road with the following findings and conditions:

- The Application meets the requirements of the Plaistow Planning Board Site Plan Review Regulations, except as waived by the Board on September 21, 2022***
- All granted waivers shall be updated as notes to the plan by Article and Section number, and the date of approval***
- Receipt of NHDES approval of the contingency septic plan, and the approval number and date noted on the final plan***
- Final approval of the parking easement documents by the Board's Legal Counsel***
- All professional stamps shall be on the final plan sets***
- A note will be added to the plan that there will be no additional expansion of residential use***

The motion to conditionally approve the site plan passed 5-0-0.

Impact Fees:

There are no new structures proposed as part of this application. Therefore, there are no Impact Fees to be assessed for this application.

Bonding:

There are no physical changes proposed for this site. Therefore, there is no need to bond the project.

Recording Information:

All information necessary for the recording of the final plans, including the Rockingham County Registry of Deeds requirement for the submitted of a \$25.00 LCHIP fee with the recording plans, shall be provided as part of the Notice of Decision.

T. Moore closed the Public Hearing

4. OLD BUSINESS

a) Zoning Amendments: S. Tatarczuk said she hoped there would be some kind of consensus on these suggested amendment, and that staff will compose some language to reflect this discussion.

1. **Article IX. Signs. §220-60.A** – Add Village Center District to language in section, currently it only mentions the C2 district

A. *All signs in a Commercial 2 **and Village Center Districts** shall consist of wood construction only, shall be illuminated with indirect lighting only, and shall be in keeping with the character of Main Street.*

Staff Note: Originally the Village Center District was an overlay section of the Commercial 2 District. Then it became its own district instead of an overlay and we're still finding small housekeeping items like this that have not yet been corrected to reflect the VC as its own district.

2. **Question about Rooming/Boarding Houses (related to the Air BnB and a recent ZBA matter of a Veteran's Home at 16 Atkinson Depot Road)**

Article II Defines Rooming and Boarding House as this way:

ROOMING AND BOARDING HOUSE — A building other than a hotel or motel where lodging is provided for compensation without individual cooking facilities. These will be considered commercial uses. [Amended ATM 3-13-2012 by Article P-12-21]

Where is the line between a rooming house and someone who just rents there house out to a bunch of people who decided to be roommates together? For example, if someone rents a four-bedroom house to four separate individuals, who didn't know each other before moving in, and under four separate agreements (leases) would that be considered a rooming house? What if four people who do know each other decided to rent a four-bedroom house together under a single lease that names them all? Where is the fine line between roommates and rooming house and how would we monitor/enforce either?

It was suggested that one lease would be a rental, multiple leases would imply rooming house. There was discussion of how this could be enforced. It was suggested there be separate definitions for rooming and boarding houses. Examples will be looked for in other Towns' ordinances. There was discussion of short term rentals and how some towns require registration of any type of rental.

3. **New Use Definitions – These are uses that are not currently listed in our Zoning and are not similar enough to another permitted use.**

Article II. Definitions – Air BnB *there needs to be a definition in the PZOs*

Article V. District Requirements – Air BnB, where to permit? Require Site Plan? By Right, or by Special Exception? If so, what would be the requirements of the Special Exception?

Article II. Definitions – Communal living facilities, such as a sober living, or housing for homeless veterans. – *there needs to be a definition in the PZOs that specifically defines these types of living situations in contrast to a simple roommate arrangement.*

Article V. District Requirements – Communal living facilities, where to permit? Require Site Plan? By Right or by Special Exception? If so, what would be the requirements of the Special Exception?

Article II. Definitions – Transportation Facilities (Small), such as taxi, limousine, livery and courier services. *If there aren't vehicles to be parked on site, this would just be a business office use. The parking of the vehicles on site triggers a Planning Board review for the site to insure there is adequate parking for the business vehicles, employees and customers and where each will be situated on the site.*

Article V. District Requirements –Transportation Facilities (Small), where to allow? By right or by Special Exception? If so, what would be the requirements of the Special Exception?

Article II. Definitions – Transportation Facilities (Large) or Bus Depot, this definition would be for bus companies, such as the Coach Company

Article V. District Requirements –Transportation Facilities (Large) or Bus Depot, where to allow? By right or by Special Exception? If so, what would be the requirements of the Special Exception?

Staff Note: We are getting more calls about Air BnBs that are already in operation, they do not have any site plans, or any other kinds of approvals.

S. Tatarczuk said there are no definitions on the books for the short term rentals and definitions of appropriate and inappropriate will allow the Town better flexibility and control. It was also felt it is important to define where things are appropriate.

It was agreed to define and set examples of both small and large transportation facilities. There was discussion about allowing by use or special requirement. Allow them in the Industrial district by application to the Planning Board for special review. There was discussion of fleets having a small office and then the fleet in the industrial area.

4. Incorrect Fee Schedule cited

§ 220-17.3. Storage containers. [Added 3-9-2004 ATM by Art. P-31]

- A. The cost of a permit for a storage container shall be as set forth in the **Plaistow Planning Board Fee Schedule** for a twelve-month period. [Amended 3-11-2008 ATM by Art. 42; 3-13-18 ATM by Art. Z-18-14] *Should be Building Department Fee Schedule – Chapter 31*

Staff Note: This is just a housekeeping item. The Storage Container fee has never been a Planning Board Fee, but a Department of Building Safety Fee, which is Chapter 31 of the overall Plaistow Code.

5. Other Discussion Items:

- RVs and Campers being used for housing and pseudo-ADUs and are becoming an enforcement issue. Parameters for short term visits (i.e., relatives), if any, should be defined.
- HB1021 and HB1661 – what changes need to be made to the PZOs or the Board's Rules of Procedure in light of the recent legislative changes.

There was discussion about requiring a permit and a length of time allowed for short-term visits. One of the issues with long-term campers is sewage and waste disposal problems. Any permit should require inspections. The difference between visiting and living was discussed. It was agreed that thirty days stay would be reasonable for family members.

It was suggested that garages be defined better, and living spaces being constructed above them. Also garage aesthetics were discussed, and creating dimensional and placement standards.

There was discussion about defining types of warehouses and in what areas they could be allowed.

b) HB 1661 & 1021:

S. Tartarczuk discussed the details and ramifications of these House Bills, noting that 1661 introduces provisions having to do with Planning Board procedures, Zoning issues and workforce housing.

There was discussion about written findings about approvals or denials to cover any possible legal cases. The Planning Board timeline was also discussed: the timeline for determining if an application can be deemed complete and the difficulties that can arise trying to meet deadlines. There was also discussion of the requirement that if the planning board does not act upon a completed application in the 65 day period it is required to approve the application.

S. Tartarczuk said that HB1021 is very vague and complicated and may get amended in the upcoming legislative session, because it is missing important pieces.

T. Moore asked the Board to keep the 2022 Zoning Amendment calendar in mind as the Board moves forward with it's work.

5. NEW BUSINESS

Palmer Woods - Bond Set:

B. Coye moved, second by L. Miletter, that the construction bond for the 16-unit PRD subdivision project known as Palmer Woods on Stephen C. Savage Way to be set at \$ 220,393.25.

The motion to approve the bond set passed 5-0-0.

6. COMMUNICATIONS, UPDATES, FYI'S AND OTHER BUSINESS

T. Moore noted the invitation to the Board members to attend the groundbreaking ceremony at 26 Plaistow Road on Wednesday, October 5 at 9AM.

S. Tartarczuk asked the members to take the proposed Economic Development Survey and provide her with any comments. She hopes to have the comments compiled and survey revised for the October workshop. She reminded that the HOP grants would be discussed at one of the next two meetings. Also she noted that the Main Street traffic calming study is progressing.

ADJOURNMENT

There was no additional business before the Board and the meeting was adjourned at 8:31 PM.

Respectfully Submitted,

Charlene A. Glorieux
Minute Taker