

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



PLANNING BOARD SPECIAL MEETING MINUTES
August 24, 2022

Call to Order: The meeting was called to order at 6:30 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.* Present at Town Hall
Bill Coye, *Selectman's Rep.* – Present at Town Hall
Sara Tartarczuk, RPC – Present at Town Hall

Also Present: Steve Bennett, Attorney for Plaistow Planning Board
Brian Jones, Allen & Major Associates
Paul Feldman, attorney, Davis Malm Attorneys
William Bergeron, P.E. Hayes Engineering
Jennifer Gagnon, property owner

In the absence of Ch. T. Alberti, T. Moore chaired the meeting and appointed R. Anthony as a voting member for the meeting.

2. PUBLIC HEARINGS:

T. Moore opened the public hearings at 6:30 PM.

Continued from July 20 and August 17, 2022

PB 22-17: The completeness of an application from Jennifer Gagnon, Managing Member for JM Property Management, LLC, for an amended site plan to convert an existing 2nd floor yoga studio to an owner-occupied dwelling unit. The property is located at 18 Danville Rd, Tax Map 30, Lot 88 in the C1/Danville

Road Overlay Zoning District. JM Property Management, LLC 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.

Applicant representative Brian Jones, Allen & Major Associates, spoke to the application and introduced property owner Jennifer Gagnon. He distributed revised site plan drawings dated August 19, 2022. He noted there is no site work, but a conversion of the mezzanine to a dwelling unit. He said they have prepared a septic plan for the additional flows from the dwelling unit, and are waiting on a Planning Board's decision before filing with the State.

He referenced two outstanding waivers not granted at the last meeting and mentioned a desire to explore the lighting waiver. He said the existing light fixtures in the back are full cut-off fixtures, dark sky compliant but the front fixtures are not. He noted the front fixtures light the parking lot and they would like to keep them to illuminate the edge of the parking area.

S. Tartarczuk noted that the Fire Department comments requested adding the egress stairs to the site plan. L. Milette asked if the owner occupied residence will take up the whole second floor, and if it should be classified as a two story building since it will not be open to the story below. It was noted that there is a garage bay which takes up the whole height of the building, so the mezzanine does not encompass the entire building, and it was always meant as personnel space. There was discussion about enforcing owner-occupation of the dwelling unit. Staff has recommended adding a note to the plan that states the residential part of the plan would be and remain owner-occupied. It was noted that enforcing this could be a challenge.

S. Tartarczuk noted that all the waiver requests have been updated and match the notes on the plan.

Waivers:

Article I, §230-14.1.AA (Waiver #8) – Existing Grades, Drainage Systems, Structures outside of 100' development area. he request it to not have to show structures on abutting properties more than 100' away. Since there are no new structures or site improvements being proposed by this plan, there shouldn't be any kind of offsite impacts to the abutting properties, and this is a reasonable waiver request.

R. Anthony moved, second by B. Coye, to grant the waiver from Article I, §230-14.1.AA and not require that structures and drainage beyond the 100' areas of project disturbance be shown on the plan, for the reasons stated in the waiver request and discussed at this meeting

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

Article II, §230-23.A Lighting Requirements (Waiver #7): S. Tartarczuk noted that the applicant had wanted to waive lighting compliance across the board, but staff recommended some conditions be required and only a portion of the lighting requirement be waived.

K. Robinson moved, second by R. Anthony, to grant the waiver from Article II, §230-23.A, Lighting Requirements, with the following conditions:

- *No additional lighting, that would be compliant with Article II, is being required for this plan*
- *Any future site lighting will require Planning Board approval and will need to be compliant with Article II, Lighting Requirements.*
- *Note #15 on the plan will be updated to read: "Lighting shall be compliant with the requirements of Article II, §230-22, except where specifically waived."*

There was discussion of the exiting wall pack lights and full cut-off lights.

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

Conditional Approval

B. Coye moved, second by R. Antony, to approve the amended site plan which proposes residential use be added to the 2,000SF mezzanine level at 18 Danville Rd, Tax Map 30, Lot 88, in the C1/Danville Road Overlay Zoning District, with the following findings of fact and conditions:

- *The applicant has met the requirements of the Plaistow Planning Board's Site Plan Review Regulations and/or has been granted waivers where compliance cannot be met, and the Board has found it reasonable to waive the requirement. Those waivers are noted on the site plan.*
- *A NHDOT approved driveway permit for change of use, or confirmation from NHDOT that a new driveway permit will not be required, must be received by the Planning Department and noted on the final plan with the permit number and date of approval.*
- *A NHDES approved contingency septic design, or confirmation from NHDES that the existing system is adequate for that existing commercial uses, and the proposed residential use, must be received by the Planning Department and noted on the final plan with the permit number and date of approval.*
- *The waivers list shall be updated on the plan to reflect only the final waivers approved by the Planning Board, with the dates of approval*
- *All references throughout the plan and the waiver requests to a "second floor" shall be changed to "2,000SF mezzanine"*
- *A note stating the owner-occupancy requirement of the Danville Road Overlay shall be added to the plan*
- *Unless there are pending State permits, the updated site plan shall be provided to the Planning Department for recording within 90 days of the date of the Board's conditional approval. The applicant shall keep the Planning Department apprised of the status of any State permits.*

There was discussion about impact fees, and whether school and recreation should be paid now with the change of use. Atty. Bennett said there may be impact fees due and it was agreed that the issue should be looked into by staff.

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

Recording: This plan will be required to pay an LCHIP fee at the time of recording. The Notice of Decision will include that requirement as well as the number of plan sets that will be needed for department files and recording purposes.

Impact Fees: There are no new structures proposed for this parcel, therefore there are no applicable Impact Fees. Future additional structures require Planning Board review and approval and maybe subject to Impact Fees at that time. It was noted there would be no additional commercial impact fees, but the residence would be subject to recreation and school impact fees, and these would be credited in part from commercial fees already paid but reduced by the loss of commercial space.

Bond/Pre-Construction Meeting: There are no new structures or site work being proposed, therefore no bond or pre-construction meeting is required. The applicant will have to wait until the plan has been successfully recorded to obtain any building permits. Staff will notify the Department of Building Safety when the plans have been recorded and provide that department with a copy and the Notice of Decision.

T. Moore declared a 20-minute break for an Executive Session between the Planning Board and Attorney Bennett and suspended the Public Hearing at 7:05 PM. All applicants and members of the public left the meeting room.

T. Moore called the Public Hearing back in session at 7:32 PM. He noted that at the August 17, 2022 meeting several motions had failed and the Board would address these issues now.

Continued from February 16, March 16, April 20, May 18, June 15, July 20, and August 17, 2022

PB 22-05: The completeness of a Site Plan application from HOW-PLAISTOW, LLC. The Site Plan proposes a 301,000SF warehouse structure and associated parking, drainage, lighting, and landscaping. The parcel is 214 Plaistow Road, Tax Map 45, Lot 1 with 1,129,093SF (25.92Ac) with 151' frontage on a private access road. The property is located in the I2 Zoning District. The property owner of record is Panniello Plaistow 214 Realty Trust, Maria C. Levin, TR. If the application is found to be complete, the Planning Board may move directly to Public Hearing on the application.

Applicant representative Atty. Paul Feldman spoke to the application. He said that after the last meeting and the discussion of the traffic study produced by Jeff Dirk of Vanesse Associates and asked if his assessment had specifically addressed the issues of Main Street traffic and Route 125 traffic and asked for a short letter to encapsulate the issues for the Board. He distributed this to the Board.

He said the traffic assessment was peer reviewed by Steve Keach, KNA Associates and the NH DOT and reviewed by the Rockingham Planning Commission, and all concurred it was done in accordance with the proper professional standards, looked at the correct impacts and properly assessed those impacts. He noted that during peak hour the number of trucks that will be generated is expected to be a total of six headed in a southerly direction. He noted there is a disincentive for these trucks to turn onto Main Street due to an extra turn against traffic and extra travel distance, and suggested even if fifty percent were to do it the impact would be hardly noticeable. He further noted that Route 125 in Plaistow has plenty of capacity for the traffic, and if there is a problem it happens in Haverhill. He suggested it was important to look at these impacts based on what is really happening rather than speculation or feeling.

He also said that if there is to be another vote and a decision this evening, the applicant is willing to accept a condition that, if there is an approval, whereby the applicant will fund \$50,000 upon issuance of the building

permit, to be used for traffic mitigation as the Town deems appropriate. He said that if they know the Town wants to engage the State with regard to Main Street the Town could hire its own consultant to work with the State to advocate the Town's interest to the State, and this would give some resources to do that so that meaningful adjustments could be made to Main Street in the vision of the Town. He stressed the applicant's desire for this money to be used in a meaningful and impactful way and to enhance the Town's stature with NH DOT to get the job done as the Town wishes.

P. Feldman noted the applicant has advised the Planning Board that they will put into any lease agreements for that building that their trucks should be directed to not use Main Street. He proposed that the site plan be adjusted so that the applicant will put signage when trucks are exiting the lot saying truck usage of Route 121A/Main Street is prohibited to reinforce the message.

P. Feldman noted there have been six or seven public hearings over the last six months and no members of the public have opposed the project or indicated concerns about traffic, and he asked this be taken into account by the Board.

The Board agreed that, should it be approved, the \$50,000 would be earmarked for traffic mitigation. The Board would provide a recommendation stating such. T. Moore proposed this condition: The applicant will contribute \$50,000 at the time the building permit is issued to contribute to the study, design and/or construction of Main Street traffic mitigation. B. Coye amended it to when the building permit is recorded for the Town to use at their discretion to address Main Street traffic mitigation. It was agreed to add another condition that the site plan be adjusted to show signage when leaving the lot advising that truck traffic on Main Street/Route 121A is prohibited. And it was agreed to also add the condition that the applicant will put language in all lease agreements that drivers shall be instructed to not use Main Street.

B. Coye moved, second by R. Anthony, to approve the Site Plan application calling for the construction of a 301,000SF warehouse/distribution facility at the property created by subdivision/lot line consolidation by PB #22-03 and to be known as 31 Industrial Way, Tax Map 45, Lot 3, with the following findings of fact and conditions:

- The site plan meets all the requirements of the Plaistow Planning Board's Site Plan Review Regulations, except where a waiver was granted on July 20, 2022***
- The site plan has been reviewed for drainage and engineering by Keach-Nordstron Associates***
- The parcel will now be known as 31 Industrial Way, Tax Map 45, Lot 3 for E9-1-1 and Assessing purposes***
- All State Permits are received by the Planning Department and permit number(s) and dates(s) of approval are updated to the site plan***
- The applicant shall satisfactorily address the comments if KNA Review #3 and a final comment letter from Steve Keach with confirmation is received by the Planning Department***
- The applicant shall satisfactorily address the final Staff Checklist Review Comments from August 12, 2022***
- The applicant will contribute \$50,000 when building permit is recorded for the Town to use at their discretion to address Main Street traffic mitigation***
- the site plan be adjusted to show signage when leaving the lot stating that Truck traffic on Main Street/Route 121A is prohibited***

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

Impact Fees: The approved use will be for Warehouse use. The building is subject to a Public Safety Impact Fees based on the square footage and use of the structure. Warehouse use is assessed at \$0.42.SF. Based on the proposed building size of 301,000SF, the assessed Impact Fee is \$126.420.00. If there are changes to the approved footprint or use, prior Planning Board approval is required, and the assessment of the Impact Fees will be adjusted accordingly.

Recording Bonding/Pre-Construction: Information regarding the recording, bonding and preconstruction process will be provided with the Notice of Decision.

ADJOURNMENT

There was no additional business before the Board and the meeting was adjourned at 8:00 PM.

Respectfully Submitted,

Charlene A. Glorieux
Minute Taker