

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



PLANNING BOARD MINUTES *(DRAFT MINUTES- Subject to change once approved and amended by the board at its next meeting on Jan 20)*

January 6, 2021

Public Hearing Meeting

Call to Order: The meeting was called to order at 6:30 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*- Remote
 - Karen Robinson - Present at Town Hall
 - Tom Alberti, Alternate – Excused (non-voting)
 - Geoffrey Adams, Alternate – Present at Town Hall
 - Greg Taillon, *Selectman's Alt*- Remote (non-voting)
 - John Cashell, *Planning Director* – Present at Town Hall (non-voting)

Also Present:

Maxann Dobson, Resident
Jessica Dollard, Resident

2. REVIEW/APPROVAL OF DECEMBER 2 , 2020 MINUTES:

Draft minutes were included with the meeting materials.

G. Taillon moved, second by K. Robinson approve the minutes from December 2, 2020 as issued.

The motion to approve the minutes as amended passed 4 (J. Peck, T. Moore, K. Robinson, F. Hart) - 0 - 1 (L. Milette).

3. PUBLIC HEARING:

Ch. Peck opened the public hearing. He said the Board will consider additions, deletions, and modifications to the proposed amendments and explained the rules of procedure.

Proposed Plaistow Zoning Amendment Z-21-1 The proposed amendment and Voter's Guide information were read aloud and are made a part of these minutes as an addendum Ch. Peck asked for public comment but none was forthcoming.

T. Moore moved, second by K. Robinson to post Zoning Amendment Z-21-1 to the warrant.

The motion to post passed 5- 0 -0.

Proposed Plaistow Zoning Amendment Z-21-2 The proposed amendment and Voter's Guide information were read aloud and are made a part of these minutes as an addendum. It was noted that existing residential dumpsters would be grandfathered. Ch. Peck asked for public comment but none was forthcoming.

T. Moore moved, second by L. Milette to post Zoning Amendment Z-21-2 to the warrant.

The motion to post passed 5- 0 -0.

Proposed Plaistow Zoning Amendment Z-21-3. The proposed amendment and Voter's Guide information were read aloud and are made a part of these minutes as an addendum. There was discussion of why Function Hall had been added to the list of uses and whether it is good for the Town. T. Moore noted that some restaurants have 'function hall' space but someone might want to open a stand-alone function hall.

Ch. Peck asked for public comment. Jessica Dollard 152 Plaistow Rd, Plaistow asked for better clarification of 'Function Hall'. She said she has lived for in Plaistow for 20 years and was concerned about any plans for 148 Plaistow Road. She suggested these might be restricted if there has never been one before and had concerns about smoking rooms being created.

Maxann Dobson, 5 Nicholas Road, Plaistow also spoke. She said RSA 155-67 cites non-smoking exemptions for commercial properties which could open the door for smoking clubs. T. Moore recommended the Board continue the discussion of the amendment to Jan. 20 and do more research.

Ch. Peck continued the proposed amendment to the January 20, 2021 meeting of the Planning Board.

Proposed Plaistow Zoning Amendment Z-21-4 The proposed amendment and Voter's Guide information were read aloud and are made a part of these minutes as an addendum. T. Moore suggested that since this also deals with Function Hall it should also be continued.

Ch. Peck continued the proposed amendment to the January 20, 2021 meeting of the Planning Board.

Proposed Plaistow Zoning Amendment Z-21-5. The proposed amendment and Voter's Guide information were read aloud and are made a part of these minutes as an addendum.

K. Robinson moved, second by T. Moore to post Zoning Amendment Z-21-5 to the warrant.

After discussion of why in the Zoning Amendment Z-21-5 Explanation the home occupations were medical and possibly would restrict other home occupations it was agreed to strike from the first sentence everything after occupation.

The motion to post as amended passed 5- 0 -0.

Proposed Plaistow Zoning Amendment Z-21-6 The proposed amendment and Voter's Guide information were read aloud and are made a part of these minutes as an addendum.

K. Robinson moved, second by T. Moore to post Zoning Amendment Z-21-6 to the warrant.

The motion to post passed 5- 0 -0.

Proposed Plaistow Zoning Amendment Z-21-7 The proposed amendment and Voter's Guide information were read aloud and are made a part of these minutes as an addendum.

It was noted that Function Hall is listed in Table 220-32L, B3. Permitted uses and would need to be removed or the amendment continued to the next meeting. It was also agreed to add back to this table "multi-family residential" as use number 24 and change Function Hall to number 25 depending on whether it remains a use.

In Table 220-32M D. Layout guidelines, the word "maintained" in the first sentence should be changed to "maintaining."

In Table 220-32M D1. a Objectives 7 it was agreed to strike "but it may be up to 3 stories high" from the end of the sentence and to also strike "b. Sample plaza configuration" entirely.

Ch. Peck continued the proposed amendment to the January 20, 2021 meeting of the Planning Board.

Proposed Plaistow Zoning Amendment Z-21-8

The proposed amendment and Voter's Guide information were read aloud and are made a part of these minutes as an addendum.

There was discussion about removing small industry from the permitted uses in order to ensure a contractor's yard would not be permitted. Ch. Peck cited a recent ruling by the code enforcement officer calling 190 Plaistow Road a contractor's yard and not permitted in C1. J. Cashell noted that many industrial businesses store vehicles and materials on site and suggested proper screening needs to be in the site plan review. K. Robinson read the definition of small industry. It was noted that C1 has light industry not small

industry under permitted uses and there are different definitions for light, small and heavy industries. T. Moore suggested under “B. Uses” add the following statement “contractor’s yards are strictly prohibited in the C3 district” and then the permitted uses follow.

T. Moore suggested that “as shown below” be stricken from the first paragraph, and to add another sentence: “The full text of the ordinance is available in the Planning Department, on the Town’s website and at the Polls” and that, along with the map, would be all that appears on the ballot. There would then be three sheets for the January 20th meeting: 1) just the language that goes on the ballot; 2) a file with the full text of the Zoning Amendments discussed during this session at the poll; and 3) the Voters Guide which would have all the information.

There was discussion about whether to have all the information for all the amendments on the ballot or if voters would already have ballot fatigue from all the warrant articles. It was suggested that having all the information available at the Deliberative Session would allow for discussion, that this Public Hearing is the venue for public discussion about the amendments, and that nobody wants to spend a half hour in the voting booth. It was also suggested that voters are mostly guided by the Planning Board’s vote on the amendments when making their choices. Finally it was agreed to include the objective and characteristics paragraph on the ballot for Z-21-8, Z-21-8 and Z-21-9. The complete information will be available on the Town’s website, Library, Town Hall and the Deliberative Session.

F. Hart moved, second by L. Milette to post Zoning Amendment Z-21-8 to the warrant.

The motion to post passed 5- 0 -0.

Proposed Plaistow Zoning Amendment Z-21-9

The proposed amendment and Voter’s Guide information were read aloud and are made a part of these minutes as an addendum.

Ch. Peck asked what had prompted the change of title from Wetland to Natural Resource Protection. T. Moore said the Commission had looked at several ordinances from surrounding towns and liked what Exeter was doing which combined wetlands, flood plains, storm water, etc. into one ordinance. So they are revamping Plaistow’s one section per year. Ch. Peck asked about Prime Wetlands and T. Moore said there are placeholders for it and when the survey is done the article would be amended in 2022.

F. Hart asked if all of the definitions had been vetted to comply with MS4 Ground Water Management System put in place in Plaistow. T. Moore thought they may be independent of storm water management but will look into it.

T. Moore said the Conservation Commission hired Mark West of West Environmental Services to help evaluate the current plan. They looked at Exeter and Portsmouth’s plans and used Exeter’s. Ch. Peck asked if any conditional use permits had come before the Board; T. Moore reported the storage unit of 125 by Tractor Supply needed conditional use permits to get access to the rear of the property and the North Ave. subdivision used them. J. Cashell noted that all this language is involved with MS4 as the community is MS4 and making this part of the Town ordinances needed to be done.

K. Robinson moved, second by L. Milette to post Zoning Amendment Z-21-9 to the warrant.

The motion to post passed 5- 0 -0.

Ch. Peck continued the Public Hearing to January 20, 2021

5. NEW BUSINESS:

BOND AND ESCROW RELEASE REQUEST – 222 PLAISTOW ROAD

Bond Release: The bond was posted as a bank letter of credit in the amount of \$14,797.20. There is no interest to post to a letter of credit. The letter is released and returned to the bank.

T. Moore moved, second by K. Robinson that the bond being held for the amended site plan at 222 Plaistow Road be released, the letter of credit returned to the bank, and the account closed.

The motion passed 5- 0 -0.

Escrow Release: The final invoice has been submitted for payment leaving a balance in the escrow account of \$1053.89.

T. Moore moved, second by K. Robinson that the balance in the escrow being held for the amended site plan at 222 Plaistow Road be released and returned to PH Electric/DBH Realty of Plaistow, LLC, and the account closed.

The motion passed 5- 0 -0.

BOND RELEASE REQUEST – 26B MAIN STREET

Bond Release: The bond was posted in the amount of \$5,000.00 (cash bond) and there will be interest added when the account is closed.

K. Robinson moved, second by T. Moore that the bond being held for the amended site plan at 26B Main Street be released and returned to DAP Realty, LLC and the account closed.

The motion passed 5- 0 -0.

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

J. Cashell reported on the 125 development in Newton, saying that there is no subdivision of property in Plaistow and is part of a lot line reallocation that is mostly in Newton. He told the applicants to submit a subdivision plan but is a minor lot-line relocation of one lot area and could just be signed off. When the plan is submitted the Board can decide if they want to have the abutters notified. He thought it might come to the Board on January 20th if they get everything in early next week. Newton has conditioned the final approval on the Plaistow Planning Board review. He said it is still in the courts and there are major obstacles to moving forward.

T. Moore suggested sending a letter to Attorney Cleary about the language in Z-21-9 and to incorporate any changes he might have. He also said that if there is any building in Plaistow in the 125 development it has to be accessed by a Plaistow road, and this might be gotten around by having Newton signing a letter saying they are providing road and utility access. J. Cashell said this is far in the future and is only a lot line relocation.

J. Cashell said there are no applications pending though some may be coming in the near future, noting a proposed development across from Walmart in a vacant site to be replaced by 5,000 sq. ft. retail going before the ZBA.

Ch. Peck said the next meeting will be January 20 and the warrant articles will need to be finished. The Deliberative Session will be held on January 30. F. Hart said anyone participating remotely will not be able to vote. The warrant articles and budget must be posted by January 25.

7. ADJOURNMENT

There was no additional business before the Board and the meeting was adjourned at 9:23 PM.

Respectfully Submitted,

Charlene A. Glorieux
Minute Taker

Proposed Zoning Amendments for 2021

Proposed deletions in ***bold strikethrough***.

Proposed additions in ***bold italics***.

Proposed Plaistow Zoning Amendment Z-21-1. Are you in favor of Amendment #1 as proposed by the Planning Board to the Zoning Ordinance, Article II, Definitions, as follows?

Modify § 220-2, Definitions, D. Personal Service Business, by adding the following language to the current language:

D. PERSONAL SERVICE BUSINESS — A business enterprise which holds the necessary state and local permits, ***in accordance with NHRSA Title XXX***, to operate an establishment in which state-qualified practitioners provide individuals with such manual or mechanical types of treatment to external surfaces of the human body as barbering, cosmetology, esthetics, electrology, body massage and physical therapy. [Amended 2-10-2001 ATM by Art. P-29]

Delete all footnotes and footnote reference text for Personal Service Business in § 220-28, Table 220-32.

Amendment #1 is recommended by the Planning Board by a **0-0-0** vote.

Voter's Guide information follows:

Zoning Amendment Z-21-1 Explanation: This amendment provides a definition for an allowed land use, i.e., "PERSONAL SERVICE BUSINESS", as cited in the Zoning Ordinance.

Proposed Plaistow Zoning Amendment Z-21-2. Are you in favor of Amendment #2 as proposed by the Planning Board to the Zoning Ordinance, Article III, General Provisions, by adding a new paragraph as follows:

§ 220-17.5. Residential Dumpsters. No dumpsters used for residential waste shall ~~may~~ be placed closer than 10 feet to a sidewalk or bike path or edge of a street right-of-way and must include screening between the dumpster and the sidewalk/bike path/street. A dumpster used on a temporary basis and associated with active onsite construction is exempt from this ordinance.

Amendment #2 is recommended by the Planning Board by a **0-0-0** vote.

Voter's Guide information follows:

Zoning Amendment Z-21-2 Explanation: This amendment, as proposed, is intended to provide a visual buffer between streets, sidewalks or bike paths and permanently placed dumpsters used for the collection of household refuse.

Proposed Plaistow Zoning Amendment Z-21-3. Are you in favor of Amendment #3 as proposed by the Planning Board to the Zoning Ordinance, Article V, Establishment of Districts and District Regulations as follows:

Add the “C1 – Danville Road Overlay District” to § 220-28 paragraph A.

Add the following use to § 220-32B paragraph B “**25. FUNCTION HALL**”.

Amendment #3 is recommended by the Planning Board by a 0-0-0 vote.

Voter’s Guide information follows:

Zoning Amendment Z-21-3 Explanation: This amendment corrects a housekeeping error by adding the C1 – Danville Road Overlay District to the list of districts in paragraph A. The overlay district was created in 2014, but was not included in the paragraph A list. This amendment also adds a single use, i.e., “FUNCTION HALL” to the list of permitted uses in the Commercial 1 (C1) zoning district.

Proposed Plaistow Zoning Amendment Z-21-4 Are you in favor of Amendment #4 as proposed by the Planning Board to the Zoning Ordinance, Article II, Definitions, by adding a new definition: “FUNCTION HALL” as follows:

FUNCTION HALL - A room or building for the purpose of hosting a party, banquet, wedding reception or other social event. Function halls are often found within pubs, clubs, hotels, or restaurants and are also known as reception halls or banquet halls.

Amendment #4 is recommended by the Planning Board by a 0-0-0 vote.

Voter’s Guide information follows:

Zoning Amendment Z-21-4 Explanation: This amendment adds a definition for the land use “FUNCTION HALL”, which is a newly proposed permitted land use in the Commercial 1 (C1) zoning district.

Proposed Plaistow Zoning Amendment Z-21-5. Are you in favor of Amendment #5 as proposed by the Planning Board to the Zoning Ordinance, Article X, Home Occupation by adding the Village Center District (VC), to the list of zoning districts that permit certain land uses as follows:

Modify § 220-66, D. Permitted Uses, by expanding the permitted use districts from ~~“ICR or CH Zones”~~, to ***“ICR, CII, or VC Zones”***.

Modify § 220-67, E. Conditions, by modifying the second sentence

From: ~~“Signs will not be illuminated from within or by exterior spot lighting in Residential Zones ICR, MDR, LDR.”~~

To: ***“Signs will not be illuminated from within or by exterior spot lighting in any zoning district that permits a home occupation.”***

Amendment #5 is recommended by the Planning Board by a 0-0-0 vote.

Voter’s Guide information follows:

Zoning Amendment Z-21-5 Explanation: As proposed, this amendment will include the Village Center District (VC) as a district that allows home occupations by doctors, dentists and other medical or mental health specialists. It will also make clear that signs for Home Occupations cannot be illuminated no matter what zoning district they are located in.

Proposed Plaistow Zoning Amendment Z-21-6. Are you in favor of Amendment #6 as proposed by the Planning Board to the Zoning Ordinance, Article III, General Provisions, Motor vehicle and trailer sales – Fee Schedule as follows:

Modify § 220-16.C from, ~~“...as set forth in the Plaistow Planning Board Fee Schedule ...”~~ to, ***“...as set forth in the Fee Schedule of the Department of Building Safety...”***

Amendment #6 is recommended by the Planning Board by a 0-0-0 vote.

Voter’s Guide information follows:

Zoning Amendment Z-21-6 Explanation: This amendment, as proposed, shall provide deposit of collected municipal fees to the correct municipal department and associated fee schedule, i.e., from the Planning Board Fee Schedule to that of the Department of Building Safety.

Proposed Plaistow Zoning Amendment Z-21-7. Are you in favor of Amendment #7 as proposed by the Planning Board to the Zoning Ordinance, Article V, Establishments of Districts and District Regulations, § 220-28 Establishment of Districts; Zoning Map, by creating a new zoning district – “C1 Mixed Use Overlay District” as shown below:

Modify § 220-28 Paragraph A by adding a new district, “C1 Mixed Use Overlay District” to the list of zoning districts.

Modify § 220-32 Table 32 by adding a new district to Table 32 as follows:

Table 220-32L
“C1OD” – C1 Overlay District

A. Objectives and characteristics. This overlay district will be defined by its own geographic boundaries provided that the boundaries do not fall outside the existing Commercial 1 (“C1”) boundaries. The district may be used for new construction or for redevelopment of existing C1 properties. The objectives of this overlay district are to enhance the utility of CI properties that have access to municipal potable water and/or fire suppression water. Route 125 provides the primary access to the C1 properties and the Town and the New Hampshire Department of Transportation work together through a Memorandum of Understanding (MOU) when developers require access to their projects from Rt. 125. The overarching goal of the MOU is to restrict curb cuts along Rt. 125. This overlay district will follow the guidelines set forth in the MOU.

An applicant may choose to utilize the provisions of this ordinance for submission of an allowed land use application within the subject C1 Overlay District. However, when said provisions are not included in such a submission all of the existing C1 provisions shall apply, i.e., all permitted land uses, dimensional setbacks, and required lot size, etc. When an applicant chooses to use this overlay district as the basis for development, the entire development must be located on a single lot.

All internal roads in this overlay district shall be built to Town specifications and shall be private roads maintained by the applicant, the developer, or a management company.

B. Uses. Paragraphs B1, B2 and B3 list permitted uses, however there may be additional restrictions on the size and relative position of one use to another as defined by the layout standards in Paragraph D.

B1. Permitted uses by Special Exception:

1. Care and treatment of animals¹

B2: Permitted uses by Conditional Use Permit:

1. None.

B3. Permitted uses:

1. Retail business
2. Wholesale business
3. Personal Service Business
4. Business office
5. Professional office
6. Bank
7. Restaurant
8. Funeral establishment
9. Private/service club
10. Commercial recreation
11. Place of worship
12. Publishing
13. Vehicular brokerage office
14. Produce stand
15. Public use, limited to public safety and service
16. Accessory use or structure
17. Storage of equipment/vehicles used to service a product
18. Essential service
19. Small industry
20. Theaters
21. Nursing/Convalescent Homes/Assisted Living Facilities
22. Hospital/urgent Care Facilities
23. Trade Business
24. Function Hall

C. Areas and dimensions.

- (1). Minimum lot size: 420,000 square feet.
- (2). Minimum frontage: 150 feet.

Note: The frontage is to be measured along Rt. 125.

- (3). Minimum yard dimensions: Not applicable.
- (4). Maximum lot coverage: 75%.
- (5). Maximum height: 45 feet or three stories, whichever is less.
- (6). Minimum building set back: 50 feet from all Class IV and V roads.
20 feet from pavement edge of internal roads.
10 feet from internal sidewalks.
- (7). Commercial square footage: At least 70% of the total developed square footage must be commercial.

(8). Residential square footage: Not to exceed 25% of the total developed square footage.

(9). Park/playground minimum square footage: 500 square feet per residential dwelling unit.

D. Layout guidelines.

These guidelines are defined to integrate commercial and multi-family residential uses in a manner such that pedestrian and cyclist safety is emphasized while maintained a high quality of life. Each layout shown has its own objectives and all submitted applications using this overlay district must meet some or all of the objectives.

D1. Plaza Concept

a. Objectives:

1. The plaza grouping of commercial properties are located adjacent to multi-story, multi-family residential properties. Residential units may also be located above the commercial properties. The commercial properties may also be multi-story (max 3-story).
2. The plaza has a one-way, 10-foot wide street that is to be used for emergency vehicles and for postal and small package deliveries (parking - 15 minutes maximum).
3. The plaza is characterized by wide sidewalks that allow for restaurant / pub patrons to eat or drink outside and still have 5 feet of sidewalk remaining for pedestrian traffic. In a similar manner, retail stores may display their goods on sidewalks.
4. Both the store fronts and residential buildings must have a common look or similar architecture.
5. The plaza portion of the property must be at least 40% of the property. The remaining portion of the lot may be used for stand-alone commercial and/or residential property.
6. All internal roads on the lot, other than “plaza one-way street”, must have sidewalks and bike lanes.
7. No single commercial space can exceed a 50-foot x 100-foot footprint, but it may be up to 3 stories high.
8. 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).

b. Sample plaza configuration.

TBD

Amendment #7 is recommended by the Planning Board by a 0-0-0 vote.

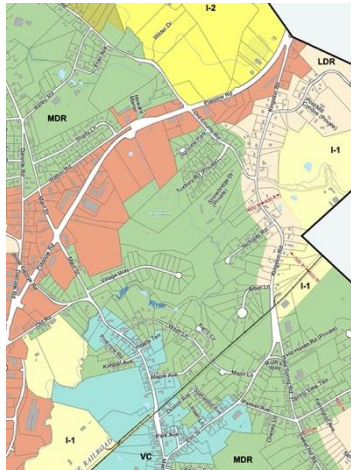
Voter's Guide information follows:

Zoning Amendment Z-21-7 Explanation: The addition of municipal water service along the Route 125 Corridor, and within the CI zoning overlay district, will help to progress commercial

development opportunities within said district, and thus, help to expand the town's commercial tax base, and in so doing, help to reduce the residential tax burden for the residents of Plaistow.

Proposed Plaistow Zoning Amendment Z-21-8. Are you in favor of Amendment #8 as proposed by the Plaistow Planning Board to the Plaistow Zoning Ordinance, Article V, Establishments of Districts and District Regulations, § 220-28 Establishment of Districts; Zoning Map, by creating a new zoning district – “C3 – Commercial 3” as shown below:

Still working on getting
a better map



Modify § 220-28 paragraph A by adding “C3 – Commercial 3” to the list of zoning districts.

Modify § 220-32 by adding a new table, Table 220-32M, with the district regulations defined below:

Table 220-32M
“C3” – Commercial 3

A. Objectives and characteristics. The purpose and intent of the Commercial 3 District is to limit the building size and to protect Plaistow's village center, schools, and neighborhoods from the overwhelming impacts of increased traffic and congestion. Expanded traffic counts resulting from large-scale retail development in the designated Commercial 3 area, to and from NH Route 125 via Main Street and other residential roads, will threaten the character of the community and the general public safety and quality of life of Plaistow residents. Only businesses with reduced traffic volumes will be permitted in the district.

B. Uses.

Permitted uses

1. Retail business
2. Wholesale business
3. Personal service business

4. Business office
5. Professional office
6. Bank
7. Restaurant
8. Funeral establishment
9. Commercial recreation
10. Private /service club
11. Publishing
12. Vehicular brokerage office
13. Drive-through restaurants
14. Produce stands
15. Essential service
16. Theaters
17. Trade business
18. Small industry

C. Areas and dimensions.

(1). Minimum lot size

(a) Area: 80,000 square feet

(b) Frontage: 150 feet

(2). Minimum yard dimensions: refer to Table 220-32I.

(3). Maximum lot coverage: 75%.

(4). Maximum height: 45 feet or three stories, whichever is less.

(5). Minimum building set back: 50 feet from the front property line.

(6). Maximum building size where a single business is to occupy a single building:
20,000 square feet.²

(7). Maximum building size where multiple businesses are to occupy a single building:
60,000 square feet.³

D. Further restrictions applicable to all buildings on a lot.

(1). Multiple buildings are permitted provided they are located in such a manner as to account for pedestrian safety as well as efficient and easy to follow traffic patterns.

(2). Total vehicle trips shall not exceed 3,000 vehicle trips per day, per lot.

Modify § 220-32, Table 220-32I, with the district setbacks defined below:

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Zoning District	Front Setback
Commercial 3	50 feet
All uses of land in the C3 district	Side and rear setbacks
Where any use of land in C3 abuts an industrial use	35 feet
Where any use of land in C3 abuts a residential use	50 feet
Where any use of land in C3 abuts a commercial use	35 feet

Modify § 220-3, One building per lot, Paragraph B by adding C3 to the list of zoning districts that allow multiple buildings per lot if the Planning Board finds that the placement of multiple buildings on a lot enhances the general health, safety and welfare of the public.

Amendment #8 is recommended by the Planning Board by a 0-0-0 vote.

Voter's Guide information follows:

Zoning Amendment Z-21-8 Explanation: The purpose of this amendment is to limit the building size and traffic impacts for development in the commercial district along the northern portion of Route 125 from the intersection of Main Street and Route 125 to the Kingston town line in order to protect the Town's character, public safety and quality of life. The proposed C3 zoning district replaces the C1 district in the area north of the intersection of Main Street to the Kingston Town Line. Its boundaries are the same as the C1 boundaries.

Proposed Plaistow Zoning Amendment Z-21-9. Are you in favor of Amendment #x as proposed by the Planning Board to the Zoning Ordinance, Article II, Definitions, by deleting definitions for Groundwater, Poorly drained soils, Surface water, and Very poorly drained soils all of which will be moved to Article IV Definitions, and to modify Article IV, Wetlands by modifying the Article IV title from "Wetlands" to "Natural Resource Protection" and by replacing sections § 220.18 through § 220.26 of the existing Article IV with the text below:

Article IV – Natural Resource Protection

§ 220.18 Wetlands Conservation District

§ 220.18.1 Purpose and Intent: By the authority granted in New Hampshire RSA 674:16 to 17 and RSA 674:20 to 21 the Wetlands Conservation District is hereby enacted to protect the public health, safety, and general welfare of the community by promoting the most appropriate use of land and the protection of wetland ecosystems and water quality in accordance with the Plaistow Master Plan. It is intended that this article shall:

- A. Be implemented as an overlay district, that is, all of the regulations/restrictions of the underlying zoning district remain in place, but the overlay district will impose additional regulations/restrictions as described in the following paragraphs.
- B. Prevent the development of structures and land uses on wetlands and wetland areas of very poorly drained soils, poorly drained soils and/or their buffers that will contribute to pollution of surface and groundwater by sewage or toxic substances, excess nutrients, or sedimentation.
- C. Prevent the destruction of, or significant changes to, those wetland areas, related water bodies, and adjoining land that provides flood protection.
- D. Protect wetland systems that provide filtration of water flowing into ponds and streams, augment stream flow during dry periods and which connect to the ground or surface water supply.
- E. Protect wildlife habitats, maintain ecological function and support other public purposes such as those cited in NH RSA 482-A:1 and as amended from time to time.
- F. Protect potential water supplies and existing aquifers (water bearing stratum) and aquifer recharge areas.
- G. Prevent unnecessary or excessive expense to the Town for the purpose of providing and/or maintaining essential services and utilities that might be required as a result of development in wetlands.
- H. Prevent damage to structures and properties caused by inappropriate development in wetlands.
- I. Require the use of best management practices and low impact development in and adjacent to Wetland Conservation District areas

§ 220.18.2 Applicability: All proposed development, removal of vegetation or alteration/disturbance of the land including but not limited to drainage, wastewater disposal system, wells and other utilities within the wetlands conservation district is subject to the requirements of Article IV, § 220.18.

§ 220.18.3 Boundaries and Setbacks: The Wetlands Conservation District includes:

- A. Surface waters of the State.
- B. Wetlands of any size including but not limited to swamps, bogs, marshes, ponds, lakes, and vernal pools.
- C. Inland streams that meet the definition in NHDES Env-Wt 103.21 “Intermittent stream” and Env-Wt 103.53 “Perennial stream”. Note: Additional restrictions and setbacks apply if within the Plaistow Shoreland Protection District, § 220.27.
- D. Man-made drainage structures including but not limited to detention ponds, retention ponds, and drainage swales shall not be considered part of the Wetlands Conservation District.
- E. A wetland buffer area comprised of all land parallel to and measured from the edge of the wetland boundary on a horizontal plane to a width defined below:

Wetland Buffers and Setbacks (in feet)			
	Limited Use Buffer	Parking and Structure Buffer	Wastewater System Setback
Prime Wetland	100'	125'	125'
Vernal Pool	75'	100'	100'
Wetlands Greater than 3,000 SF	50'	75'	75'
Inland Streams (including intermittent streams)	25'	75'	75'

§ 220.18.4 Boundary Markers: The Planning Board or Conservation Commission may request the wetland boundaries or the Wetland Conservation District boundaries be marked with an identifiable marking system when adjacent to existing or proposed developed areas.

§ 220.18.5 Boundary Appeals: In the event that the Building Inspector, Code Enforcement Officer, the Planning Board, or the Conservation Commission questions the validity of the boundaries of a wetland area on a specific parcel of land, or upon written petition of the owner or an abutter of the said property to the Planning Board, the Board may call upon the services of a certified wetland scientist to delineate wetlands in accordance with the standards and criteria specified in **§ 220.18.6.L** and **§ 220.18.6.M** in order to examine said area and report the findings to the Planning Board for their determination of the boundary. Expenses incurred in retaining these services shall be paid by the applicant or landowner.

§ 220.18.6 Definitions:

- A. Buffer:** The protected upland areas adjacent to all systems described within the Wetlands Conservation District. This area acts as essential maintenance and protection of wetland value and function.
- B. Certified Wetland Scientist:** A person qualified to delineate wetland boundaries and prepare wetland maps who is certified by the State of New Hampshire Board of Natural Scientists as defined by RSA 310-A:76 II-A and as amended from time to time.
- C. Development:** Any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, paving, mining, dredging, filling, grading excavation or drilling activities.
- D. Inland Stream:** Env-Wt 103.21 **“Intermittent stream”** means a watercourse that is fed by groundwater but is not in the groundwater table throughout the year, where runoff from rainfall and snowmelt is a supplemental source of water for flow, such that the stream typically does not have flowing water during dry portions of the year. Env-Wt 103.53 **“Perennial stream”** means a watercourse that is in the groundwater table for most of the year and so has groundwater as its primary source of water for stream flow,

with runoff from rainfall and snowmelt as a supplemental source of water, so that it contains flowing water year-round during a typical year.

- E. Groundwater:** The subsurface water that occurs beneath the water table in soils and geologic formations.
- F. Limited Use Buffer:** Uses within this buffer area are restricted to permitted or conditionally permitted uses through these regulations. Any use not specifically identified as permitted or conditionally permitted, is considered prohibited.
- G. Prime Wetland:** An area designated as a Prime Wetland in accordance with RSA 482-A:15, and the NH Code of Administrative Rules Env-Wt 700, and as amended from time to time.
- H. Setback:** Distance from a wetland boundary, within which a use is prohibited. Any Zoning Board of Adjustment action to grant a variance for a smaller setback, shall still require a Conditional Use Permit if the proposed use is a conditional use. Conditional Use Permit shall not override the distance setback granted or denied by the Zoning Board of Adjustment.
- I. Surface Waters of the State:** Pursuant to RSA 485-A:2.XIV and as amended from time to time, perennial and seasonal lakes, streams, ponds, and tidal waters within the jurisdiction of state, including all streams, lakes, or ponds bordering state marshes, water courses, and other bodies of water, natural or artificial.
- J. Vernal Pool:** Env-Wt 104.44 “Vernal pool” means a surface water or wetland, including an area intentionally created for purposes of compensatory mitigation, that provides breeding habitat for amphibians and invertebrates that have adapted to the unique environments provided by such pools and that: (a) Is not the result of on-going anthropogenic activities that are not intended to provide compensatory mitigation, including but not limited to: (1) Gravel pit operations in a pit that has been mined at least every other year; and (2) Logging and agricultural operations conducted in accordance with all applicable New Hampshire statutes and rules; and (b) Typically has the following characteristics: (1) Cycles annually from flooded to dry conditions, although the hydroperiod, size, and shape of the pool might vary from year to year; (2) Forms in a shallow depression or basin; All rules effective 12-15-19 unless otherwise noted Rules as amended through 09-25-20 15 (3) Has no permanently flowing outlet; (4) Holds water for at least 2 continuous months following spring ice-out; (5) Lacks a viable fish population; and (6) Supports one or more primary vernal pool indicators, or 3 or more secondary vernal pool indicators.
- K. Wetland:** Pursuant to RSA 482-A:2.X and as amended from time to time, an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. They include, but are not limited to, swamps, bogs, marshes, ponds, lakes, and all such areas as included in the jurisdictional definition of the New Hampshire Wetlands Bureau Administrative Rules.
- L. Wetland Delineation and Classification of Jurisdictional Areas:** Env-Wt 406 Delineation and Classification of jurisdictional areas Env-wt 406.01 references for delineation of wetland boundaries. Subject to (a) through (c), below, the individual performing the wetlands delineation on behalf of the applicant shall base the delineation on the presence of hydrophytic vegetation, hydric soils, and wetlands hydrology in accordance with the federal delineation method, available as noted in Appendix B (Env-

Wt 406.01). According to Method established in “Wetlands Delineation Manual”, Technical Report Y-87-1, Corps of Engineers, January 1987, and “Regional Supplement to the Corps of Engineers Wetlands Delineation Manual: Northcentral and Northeast Region”, Version 2.0, U.S. Army Corps of Engineers, January 2012.

- a. The hydrophytic vegetation component of the delineation shall be done in accordance with the Northcentral and Northeast 2016 Regional Wetland Plant List, Version 3.3, 2016, published by the US ACE and available as noted in Appendix B.
- b. The hydric soils component of delineations shall be determined in accordance with the New England Hydric Soils Technical Committee’s “Field Indicators for Identifying Hydric Soils in New England”, Version 4, 2017, published by the New England Interstate Water Pollution Control Commission and available as noted in Appendix B.
- c. Delineations of vernal pools shall be based on the characteristics listed in the definition of “vernal pool” in Env-Wt 104. To assist in the delineation, individuals may use either of the following references: (1) “Identifying and Documenting Vernal Pools in New Hampshire”, 3rd Ed., 2016, published by NHF&G and available as noted in Appendix B; or (2) The US ACE “Vernal Pool Assessment” draft.

M. Wetland Boundaries Delineation: Env-Wt 406.02 Delineation of Wetlands Boundaries states that for projects that require a wetlands delineation, wetlands boundaries shall be delineated by a certified wetland scientist except in the circumstances listed in RSA 310-A:79, reprinted in Appendix D (Env-Wt 406.02).

§ 220.18.7 Permitted Uses: The following uses, to the extent permitted in the underlying zoning district, shall be permitted in the Wetlands Conservation District as specified, provided that the proposed use will not cause increases in surface or groundwater contamination, contribute to soil erosion, or cause a degradation to the wetland.

- A. Agriculture, including grazing, hay production, truck gardening and silage production provided the activity does not impact a prime wetland’s buffer.
- B. Forestry and tree farming to include the construction of access roads for said purpose provided the activity does not impact a prime wetland’s buffer.
- C. Wildlife habitat and management.
- D. Recreational uses consistent with the purpose and intent of this ordinance.
- E. Conservation area and nature trails.
- F. The construction of well water supplies.
- G. Elevated, uncovered decks attached to an existing structure, free-standing gazebo or garden-type structures, and storage sheds not exceeding 120 square feet in size when elevated on blocks, sonatubes or similar footing provided they maintain a minimum ten-foot (10 ft) setback from the edge of a wetland.
- H. Native, non-invasive plantings such as trees and shrubs.
- I. Projects that reduce impervious surfaces while ensuring the protection of the wetland buffer through erosion and sediment control best management practices.
- J. Projects that revegetate or revitalize in some way an already disturbed buffer zone.
- K. Projects that are within any easement must also comply the conditions of the easement.

§ 220.18.8 Conditional Uses:

- A. Conditional Use Permit:** Under the enabling authority granted by NH RSA 674:21 II and as amended from time to time, the following uses are only permitted in the Wetlands Conservation District pursuant to the issuance of a conditional use permit by the Planning Board. Before the Planning Board undertakes a conditional use review, the applicant shall make application, on forms provided by the Planning Department, to the Conservation Commission for review and comment. The application shall document the degree of temporary and permanent impact and detail how the conditions listed in § 220.18.8.B are met. The Planning Board shall consider the comments or recommendations made by the Conservation Commission prior to acting upon a Conditional Use Permit. Conditional Use Permits shall only be considered for the following uses:
1. Site development such as but not limited to construction of roads and other access ways, parking areas, utilities, structures, drainage systems, water impoundment and other site improvements that impact the Wetlands Conservation District.
 2. Agricultural activities within the prime wetland buffer including grazing, hay production, truck gardening and silage production in accordance with best management practices.
 3. Forestry and tree farming within the prime wetland buffer when conducted consistent with the best management practices as published by the NH Department of Natural and Cultural Resources and the NH Cooperative Extension.
- B. Conditions:** Prior to the issuance of a conditional use permit, the Planning Board shall conclude and make a part of the record, compliance with the following criteria:
1. That the proposed use is permitted in the underlying zoning district.
 2. No alternative design that does not impact a wetland or a wetland buffer or that has less detrimental impact on the wetland or wetland buffer is feasible.
 3. A certified wetland scientist has provided an impact evaluation that includes the functions and values of the wetland(s), an assessment of the potential project-related impacts and concluded to the extent feasible, the proposed impact is not detrimental to the value and function of the wetland(s) or greater hydrologic system.
 4. That the design, construction and maintenance of the proposed use will, to the extent feasible, minimize detrimental impact on the wetland or wetland buffer.
 5. That the proposed use will not create a hazard to individual or public health, safety and welfare due to the loss of wetland, the contamination of groundwater, or other reasons.
 6. That the applicant may propose an increase in wetland buffers elsewhere on the site that surround a wetland of equal or greater size, and of equal or greater functional value than the impacted wetland.
 7. In cases where the proposed use is temporary or where construction activity disturbs areas adjacent to the immediate use, the applicant has included a restoration proposal revegetating any disturbed area within the buffer with the

goal to restore the site as nearly as possible to its original grade and condition following construction.

8. That all required permits shall be obtained from the NH Department of Environmental Services Water Supply and Pollution Control Division under RSA 485-A: 17, the NH Wetlands Bureau Administrative Rules and the US Army Corp of Engineers under section 404 of the Clean Water Act.

§ 220.18.9 Prohibited Uses: In reviewing an application for a variance from provisions of Article IV, § 220.18, the Plaistow Zoning Board of Adjustment may request that the Conservation Commission and/or the Planning Board review the application and provide written comment as to the impacts the proposed use may have on wetlands or wetland buffers. The following uses are not permitted in the Wetlands Conservation District, notwithstanding, that they may be permitted in the underlying zoning district:

- A. Salt storage
- B. Junkyards
- C. Solid or hazardous waste facilities
- D. Use of fertilizers on lawns, except for lime or wood ash
- E. Bulk storage or handling of chemicals, petroleum products, underground tanks, drums, aboveground tanks, hazardous materials or toxic substances as defined under NH RSA 147-A2 VII and as amended from time to time
- F. Snow storage, unless in accordance with NH Department of Environmental Services Snow Disposal Guidelines (Document WMB-3, 2007)
- G. Sand and Gravel Excavations
- H. Processing of excavated material
- I. Any use not specifically listed as a permitted or conditional use.

§ 220.18.10 Non-local Permits: Notwithstanding the provisions Article IV or local approval of proposed uses, any permits required by the NH Department of Environmental Services Water Supply and Pollution Control Division under RSA 485-A: 17, the NH Wetlands Council under RSA 21-O.5-a and the US Army Corp of Engineers under section 404 of the Clean Water Act shall be obtained prior to the use or alteration of wetlands. Separate local approval of regulated uses in wetlands shall be required irrespective of obtaining non-local permits.

§ 220.18.11 Enforcement: Any wetlands altered in violation of Article IV, § 220-18 shall be restored at the expense of the violator(s) as provided by RSA 482-A. The Code Enforcement Officer shall be responsible for the enforcement of the provisions of this ordinance. From time to time as appropriate the Code Enforcement Officer may call upon the resources at the NH Department of Environmental Services to resolve any issues regarding the nature and/or extent of the violation and to enlist their help on a suitable restoration.