

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



PLANNING BOARD MEETING MINUTES (***DRAFT MINUTES – Subject to change once approved and amended by the board at its next meeting on February 7, 2024***)

January 17, 2024

Call to Order: Ch. Alberti called the meeting to order at 6:31 PM.

1. ROLL CALL:

Tom Alberti, *Ch.* – Present
Chuck Fowler – Present
Laurie Milette -Present
Karen Robinson –Present
Richard Anthony, Alternate – Present
Timothy Moore, Alternate – Present
Jay DeRoche, *Selectman's Alt.* – Excused
Bill Coye, *Selectman's Rep.* – Present
Victoria Healey, RPC – Present

Also Present: Chris York, Greenman-Pederson, Inc.
Michael Durant, Nouria Energy
Charlie Zilch, SEC Associates
Ramin Doorandish
Albert Couillard
Phillip Christiansen

2. MINUTES:

The minutes of the January 3, 2024 Board meeting had been distributed prior to the meeting. There was a question about the discussion of the Citizen's Petition in the minutes. It was noted that the vote was missing. It was agreed to table the minutes and have the vote included. It was also noted that the continuing of the Public Hearing was not phrased properly and should also be corrected.

3. PUBLIC HEARING

Continued from December 20, 2023

PB 23-14: The completeness of an application from Nouria Energy Retail for an amended site plan. The plan proposes a 340SF addition to an existing building, and the shifting of the existing drive-thru lane approximately 8 feet south. The property is located at 119 Plaistow Rd, Tax Map 29, Lot 59 in the C1 Zoning District. The property owner of record is Nouria Energy New Hampshire Realty, LLC. If the application is found to be complete, the Planning Board may immediately conduct the public hearing.

Applicant's representative Chris York, Greenman-Pederson, Inc. and Michael Durant of Nouria Energy noted that the outstanding issue was the landscaping and they have a new plan. They discussed the trees that had been removed and proposed to put in four red maple trees. L. Milette noted that the trees under discussion had been taken out after Route 125 was widened, not because it was widened. There was discussion of the trees on adjoining properties. It was noted that Nouria does not want its sign blocked. L. Milette asked if they were given a variance to have an electronic sign. There was discussion over what might be on the original site plan and original sign. M. Durant said the sign was updated, and the permit approved. C. Fowler reported that the new storage building on Rte. 125 has 5 maples out front and suggested that Nouria similarly add another maple and perhaps some bushes. M. Durant said Nouria is trying to get back to the landscaping that existed when they took over the site. He said they might be able to find a spot for one or two more trees but noted there are some existing features around the detention pond with two or three catch basins that tie into it with underground drainage structures.

Ch. Alberti noted that this discussion is for an amended site plan and should be for the drive through and bathroom; that there may have been changes that should not have happened and could be corrected now and then approve the amended site plan. He noted the Board has questions about where the existing trees were located and what was on the original site plan, as well as was there a variance for the sign that makes the electronic nature allowed. It was noted that John Cashell had approved the landscaping changes and it may be in writing. B. Coye noted that if Nouria had not wanted to make a change the four new trees would not be going in, and that they are trying to work with the Board's requests.

V. Healey read from the site plan regulations under general landscape provisions, front buffer strip "the front buffer strip is intended to promote the aesthetic quality of tree-lined streets in all districts. This strip shall be a 12-foot wide strip running parallel to the frontage of any public right of way and shall be continuous along the entire length of said right of way excepting areas reserved for approved curb cuts. It shall be planted with a minimum of one indigenous shade tree for every 25 feet of right-of-way frontage." M. Durant said they will add two more trees.

There was discussion of the sign and a desire to have evidence that it was appropriately approved and if it needed a variance because it is digital. T. Moore said the site plan would approve where the sign is, but there would be no sign details. It was noted that the sign was updated when Nouria took over the site. There was discussion of digital signs at other gas stations. V. Healey read from the zoning ordinances that "the following types of signs are expressly prohibited in all districts unless otherwise provided for in this article: Offsite signs, animated, moving, flashing, intensely lighted signs or signs that emit audible sounds, noise or visible matter."

Waivers

Waiver Request #1:

B. Coye moved, second by K. Robinson, to grant the requested waiver from Article III, §230-23.B.(3)(b)[2] and not require for the front buffer strip only, for the reasons stated in the applicant's request and as discussed at this meeting.

C. York noted that this is asking for a partial waiver because the current ordinance has a tree every 25 feet they would be looking at 30 trees. Ch. Alberti read Landscaping Note #19 "indicates full compliance with the Board's Landscaping Regulation, except where waived. A waiver has been submitted for the Board's consideration for the front landscaping buffer that has changed since the reference plan #D-29334 was approved. Previous Planning Director, John Cashell, allowed some replacement landscaping in the front buffer that was not fully compliant with the existing site plan. There are also no details on the rest of the site's landscaping that would indicate full compliance for the rest of the site if the waiver for the front of the parcel is approved by the Board."

V. Healey said they are asking for a waiver from the front buffer strip. She read again "This strip shall be a 12-foot wide strip running parallel to the frontage of any public right of way and shall be continuous along the entire length of said right of way excepting areas reserved for approved curb cuts. It shall be planted with a minimum of one indigenous shade tree for every 25 feet of right-of-way frontage. The size of the trees to be planted in this area shall be a minimum of 2.5 inches in caliper at the time of the planting. Branching height shall not be less than six feet. Above grade when planted." She noted this concern has been covered because of the agreement on the number of trees.

K. Robinson rescinded her second and B. Coye rescinded his motion.

T. Alberti moved, second by C. Fowler, to grant the requested waiver from Article III, §230-23.B.(3)(b)[2] and not require for the front buffer strip only, for the reasons stated in the applicant's request and as discussed at this meeting.

The motion passed 5-0-0

Waiver Request #2:

T. Alberti moved, second by C. Fowler, to grant the requested to re-affirmed waivers from Article I, §230-14.1BB and §230-14.1CC for the location of offsite structures, wells, and septic, that were previously granted under the site plan recorded at the Rockingham County Registry of Deeds as plan #D-29334.

The motion passed 5-0-0

Conditional Approval

T. Alberti moved, second by B. Coye, to approve the application from Nouria Energy Retail, for an amended site plan that proposes a 336SF addition to the existing building, and the relocation of the drive-thru eight (8) feet south for the property located at 119 Plaistow Road, and as noted in the legal notice for application PB #23-14, with the following conditions:

- Receipt of favorable final review comments from KNA*
- All waivers granted or re-affirmed by the Board are listed, by section and date approved, on the final site plan for recording*
- All conditions shall be met and recording documents submitted to the Planning Department within sixty (60) days of the date of approval.*
- All applicable professional stamps shall be affixed to the final plan for recording*
- If the applicant is not able to submit recording documents within sixty (60) days, they must make a written request to re-open the public hearing, such that it can be properly re-noticed prior to the expiration of sixty (60) day deadline. The costs of re-noticing the public hearing shall be the responsibility of the of the applicant.*
- Six red maple trees in total will be added to the recorded site plan and shall be planted by June 30, 2024 or within 60 days of approved building permit*

The motion passed 5-0-0

Impact Fees – This project will be subject to Public Safety Impact Fees. The fee will be \$1.27/SF for a commercial retail use. This is assessed on the addition only. Based on 336SF addition the Public Safety Impact Fee will be assessed at \$264.57 and will be payable prior to the closing out of the building permit and issuance of the Certificate of Occupancy. If the building size should change, the Public Safety Impact Fee will be adjusted accordingly.

Recording, Bonding and Pre-Construction – Information regarding what will be necessary for recording Department file copies of the approved amended site plan, and information regarding bonding, and a pre-construction meeting will be included in the Notice of Decision should the Board Approve or Conditionally Approve the application.

PB 24-01: The completeness of an application from Units Moving & Portable Storage of Northshore MA for an amended site plan. The plan proposes for the storage of vehicles, such as automobiles, boats, RVs, and motor homes, in addition to the current approve use of temporary storage of containers for household belongings. The property is located at 144 Main St, Bay A, Tax Map 41, Lot 12 in the IND1 Zoning District. The property owner of record is Albany Road – Plaistow, LLC. If the application is found to be complete, the Planning Board may immediately conduct the public hearing.

B. Coye moved, second by C. Fowler, that the application from Units Moving & Portable Storage of Northshore, MA, for an amended site plan for the property located at 144 Main Street, and as noted in the legal notice for application PB #24-01, be accepted as complete.

The motion passed 5-0-0

Applicant's representative Charlie Zilch, SEC Associates, spoke to the application and the history of the site. He noted the building still serves space for Methuen Construction as well as providing additional tenant space for other companies, and there are two additional detached buildings providing space. He said Unit A will be discussed this evening. He noted that the plan was update last year and Bay A was approved as a warehouse distribution and office space and Ramin Doorandish has taken over that operation. R. Doorandish would like to expand the use beyond portable storage and storage of containers to include storage of vehicles such as automobiles, boars, RVs and motor homes. He had met with the Building Inspector and Fire Chief for consideration of the proposed change. They were amendable providing the fire suppression system is capable of handling the additional storage needs. JS Consulting Engineers, fire protection engineers, who report the system is capable of meeting the sprinkler demand for this type of storage. C. Zilch noted the application is for an internal change of use, and there are no external changes, parking is not affected, no additional employees or traffic. There will not be outside storage. R. Doorandish expects 60% seasonal storage, 40% year round but he is looking to expand more year round and less seasonal.

There was discussion of the previous workers shift changes coinciding with the Pollard School's schedule and required traffic pattern changes around that time. C. Zilch said there is a condition on the plan requiring a left turn up to Rte. 125. R. Doorandish said he would ensure there is proper traffic signage

Waivers:

Waiver #1 Request: Re-Affirmation of all previously granted waivers

B. Coye moved , second by K. Robinson, to approve the request from Units Moving & Portable Storage of Northshore, MA to re-affirm the wavier requests previously granted and shown on reference Plans #D-39081 and #D-43394 recorded at the Rockingham County Registry of Deeds:

- Article I, §230-14.1.Z – Topography not shown***
- Article I, §230-14.1.BB and CC – To not have to show existing structures, wells, or septs on the abutting properties***
- Article I, §230-14.1.HH – Landscaping Plan – Landscaping and natural vegetation to remain as is***
- Article I, §230-14.1.II – Lighting Plan - Lighting to remain as is***
- Article 1, §230-14.1.KK – Parking requirements***

The motion passed 5-0-0

Conditional Approval:

T. Alberti moved, second by C. Fowler, to approve the application from Units Moving & Portable Storage of Northshore, MA, for an amended site plan for the property located at 144 Main Street, and as noted in the legal notice for application PB #24-01 with the following conditions:

- The re-affirmed waivers be noted on the recording plan by section and date of re-affirmations approval.*
- All appropriate professional stamps shall be on the final recording plan*
- All conditions are to be met and recording documents submitted to the Planning Department within sixty (60) days of the date of approval.*
- If the applicant is not able to submit recording documents within sixty (60) days, they must make a written request to re-open the public hearing, such that it can be properly re-noticed prior to the expiration of sixty (60) day deadline. The costs of re-noticing the public hearing shall be the responsibility of the of the applicant.*
- The applicant will affirm the current traffic requirement regarding left turn only for vehicles 15,000 pounds and over, with the exception of Town-owner or contracted highway vehicles, and will make notice to their customers of this traffic condition.*

The motion passed 5-0-0

Bonding: There is no site work proposed as part of this amended site plan, therefore, there is no requirement for bonding the project.

Impact Fees: There are no changed proposed to increase the footprint of the existing buildings that would result in an assessment of Impact Fees

PB 24-02: A Conceptual Consultation with Albert Couillard of a subdivision plan. The plan shows an initial 3-lot subdivision resulting in Parcel A, Parcel B, and the remaining lot. Parcel A is then shown with a 9-lot standard subdivision and Parcel B with 7-lot PRD subdivision. The property is 93 Forrest St, Tax Map 66, Lot 17 in the LDR and ICR Zoning Districts. The property owner of record is Haverhill Golf & Country Club. This is a non-binding Conceptual Consultation only.

Owner's representative Philip Christiansen noted that the majority of the Haverhill Country Club is located in Plaistow and they are looking to sell some of it. He said they are proposing to do a subdivision off Newton Road of approximately 30 acres with eight or nine lots and also a 14 unit PRD with the reminder of the land, seven of which would be duplex lots. They are proposing a new road foe the PRD. A. Couillard said he had gone to the Conservation Commission with his wetlands plans and they seemed to be ok with it. The property would be entered of Forrest St. and Rte. 108. The individual homes would be on 110,000SF in the LDR and would be approximately 3,000SF. He said the duplexes common wall would be garages. There would be 82 acres of open space. It was agreed this looks like a best use for the land.

Continued from January 3, 2024 Public Hearing of a proposed amendment to modify Plaistow Zoning Ordinance, Article III, §220-2.1, Site plan applicability.

It was noted that Attorney Cleary and reviewed and revised the amendment.

Proposed Plaistow Zoning Amendment Z-24-07: Are you in favor of Amendment #7, as proposed by the Plaistow Planning Board, to the Plaistow Zoning Ordinance, to modify Article III, General Provisions, §220-2.1 Site Plan Applicability as follows?

Replace § 220-2.1 in its entirety and replace with:

The Planning Board shall require site plans to be submitted for review by any applicant seeking any of the following:

1. Construction involving any non-residential use or multi-family dwellings.
2. Change or expansion of existing non-residential or multi-family uses and/or structures.
3. Any change of use involving a non-residential or multi-family building or site which does not have an approved site plan.
4. Approval Required. Prior to land clearing, excavation, site preparation, construction or any other such activity may begin on a site, and before any permit for such activities may be issued, final approval of the Site Plan is required as evidenced by the recording of the approved plan(s) at the Rockingham County Registry of Deeds. All activity on the site shall be performed in accordance with the approval.

There was discussion about how this had changed from the prior discussion.

B. Coye moved, second by K. Robinson that the proposed Plaistow Zoning Amendment Z-24-07 be posted to the warrant for March Town meeting as recommended by the Planning Board.

The motion passed 5-0-0

OLD BUSINESS/NEW BUSINESS/COMMUNICATIONS, UPDATES, FYIS, AND OTHER BUSINESS

K. Robinson had procedural questions about recusal from meetings on a particular topic and then a vote is conducted on the subject. V. Healey said it would be dependent on what you are recusing yourself from, such as a specific address, a specific application. Ch. Alberti said he understood the most important time for recusal is typically if you are an abutter, or if you've provide public judgment to an application or applicant, or have a vested interest in an application. There was discussion about recusing from a conceptual application and not from a non-conceptual application from the same applicant. It was also noted that you should recuse yourself if you give public opinion on something and then it comes to the Board. There was discussion about inconsistency of recusal and whether this could be a legal issue. Ch. Alberti said he would ask Atty. Cleary to provide guidance on when it is and isn't appropriate for recusal, for some hypothetical situations. NHMA could probably provide information on recusal. There were questions about the legality of recusing yourself from all discussion on an issue and then voting on it. V. Healey said she could provide some informational documents which already exist.

Ch. Alberti noted that the Board was not able to create retail definitions. He'd like to deal with prime wetlands and have the Conservation Commission discuss them with the Board. The next steps for the Housing project also need to be addressed and Master Plan goals for the housing chapter. Storm water site plan review changes need to be addressed as well as subdivision regulations.

V. Healey proposed for the next meeting agenda discussion about recusals, everyone's top three zoning amendments for the year, and pushing MS4 to public meetings so it can go on site plan review regulations and subdivision regulations. A discussion about policies and procedures is usually held after elections. Also the Build Out analysis needs to be wrapped up. There was discussion about the Board each getting Town email addresses.

ADJOURNMENT

There was no additional business before the Board and the meeting was adjourned at 8:53 PM.

Respectfully Submitted,

Charlene A. Glorieux
Minute Taker