

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



PLANNING BOARD MEETING MINUTES
February 7, 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

2. MINUTES:

The minutes of the January 3, 2024 Board meeting were reviewed again. L. Milette noted she had alerted Ch. Alberti she would be absent and should be listed as excused. There was discussion again about the vote on the Citizen's Petition an whether saying the motion failed 2-2-0 was the proper terminology and why a tie is considered a fail. B. Coye said it is written that way because there was not a majority vote. V. Healey said because it wasn't approved by a majority it failed.

B. Coye moved, second by C. Fowler, to accept the minutes of the January 3, 2024 meeting with the change of Laurie Milette to excused instead of absent.

R. Anthony asked if the Board could put off the vote as there was still a question regarding the language associated with two-two being something. He said that customarily it might be worded that way if there is

anything like from the zoning board with a quorum of four a two-two would lose and there's logic that says that based on a tie vote which he believed is backed up by the RSA so it isn't arbitrary or just by convention that two-two means you lose from a ZBA perspective. He asked for the logic here that drives that it doesn't prevail or it's not recommended if it's merely customary and is not backed by an RSA. V. Healey said it is not the same situation. He said that the ZBA allows the applicant to put off their application until the next meeting and a full ZBA board is present. He asked whether this particular language is merely a convention or is backed up by a RSA. Ch. Alberti noted that a vote this night on changing the language would not change the language on the warrant article. The ballot says not recommended.

K. Robinson suggested that perhaps one person should not have voted on the Petition and the vote might be incorrect. Ch. Alberti asked T. Moore is anyone had questioned a tie vote in the past. T. Moore said that the vote failed. He said for an action to be taken a positive vote is needed. He said if a vote on a motion is two-three then the motion failed. Ch. Alberti said the question was not the minutes but one of the motions which ended in a tie and listed as the motion failed. It was noted that the minutes reflect what happened during the meeting. It was agreed to table the minutes. Ch. Alberti asked for clarification of whether it statute, RSA or whatever clarifies what happens when there is a tie vote on a motion and the language that should be reflective of a tie vote. V. Healey noted that with regular zoning amendments if there is a tie the Board works together to make it not a tie, but with a Citizen's Petition there is nothing that can be done.

The minutes of the January 17, 2024 Board meeting had been distributed before the meeting

B. Coye moved, second by K. Robinson, to accept the minutes of the January 17, 2024 as presented.

The motion passed 5-0-0

3. HOP GRANT UPDATE:

V. Healey gave an update on the HOP Grant. She noted it had been put on hold while working on the zoning amendments. She said she would like to wrap this up and discuss Master Plan goals as well as the Build Out scenario. She noted there were eight goals which she felt could reflect that were presented at the open house.

Goal 1: Support a variety of residential housing options to accommodate all generations, income levels, and household structures, including housing to foster aging-in-place.

- "for veterans and aging town residents"
- "Support existing town residents with additional flexibility for owner occupied ADU's supporting multi-generational living to assist with aging in place."

Goal 2: Ensure that new housing development does not overburden Plaistow's drinking water supply or put an undue strain on the Town's natural resources.

- "Be clear on what the town's natural resources are. How would we measure drinking water supply (public or well)"
- "Major businesses cannot build within or near residential. Need to protect residential properties from big business."

- “Add sidewalks with lighting to denser neighborhoods or high traffic roads.”
- “Issues RE: aquifer/water are incredibly important”

There was a question if this concerns the dug wells or the municipal water supply; it was felt it was the wells. How to achieve such a goal was discussed. It was suggested the Board promote enforcement of clean water practices and of the town’s municipal water such as having new developments connect to the Town water system to protect the ground water supply. It was noted that the biggest issue would be with water line proximity and whether connection could be mandated. It was also suggested that the Town’s natural resources could be broad, and not specifically about water, or about protecting ground water by accessing municipal water when appropriate. Also, the need to maintain wetlands and maintain natural buffers was considered.

Goal 3: Foster a sense of community and connectivity in residential neighborhoods through thoughtful site design, the provision of safe walking routes, and enforcement of speed limits.

- “(yes)(yes)”
- “Provide opportunities for small businesses to thrive in Plaistow. Flexibility with home-based business and equipment storage”

There was discussion of sidewalks and safe streets, and that zoning ordinances and subdivision regulations can be reviewed

Goal 4: Ensure there are opportunities for safe, affordable, quality housing for all residents.

- “Too broad of a statement”
- “Rewrite: support opportunities for safe, market-priced housing built by quality builders for existing and new residents of Plaistow.”
- “nobody can afford” placed under the previous comment “market priced” and “lovely thought” placed after the previous comment

It was noted that tis goal is repetitive of Goal 1. It was suggested that Goal 4 reads better than Goal 1.

Goal 5: Address the needs of Plaistow residents while also protecting and enhancing the Town’s character through land use planning.

- “yes- so important”
- “yes, but land use planning is too vague. Need a clear statement of what this means.”

It was suggested that this broad goal relates to Goals 6 and 7 and that Goal 7 and historical district provisions could go into Goal 5. It was suggested that encouraging PRD developments could help preserve open space, and establishing historical district provisions

Goal 6: Look into the feasibility of encouraging or requiring the use of the Planned Residential Development provision to ensure that future developments incorporate natural resource protection and connectivity between open space parcels.

- “Yes but need to specify the natural resources included in the scope for protection.”

It was suggested that Goal 6 could be moved into Goal 2.

Goal 7: Retain Plaistow's existing village area by adopting some historic district provisions to protect the properties.

- “Yes! Also add historically attuned requirements to future redevelopments in C2”
- “I agree, but logical allowances are need to provide some flexibility to homeowners”
- In response to the above comment “tricky, but important”

It was suggested that Goal 7 could be moved into Goal 5.

Goal 8: Investigate techniques and strategies to ensure that the Town promotes affordable housing in new residential developments.

- “Not at this time”
- “super important”

It was suggested that Goal 8 could be moved into the adjusted Goal 1. V. Healey suggested rewording to say the Town promotes housing that is affordable to residents.

There was discussion of whether a workforce housing ordinance and creating opportunities for density bonuses in affordable housing, that meaning affordable to someone making 80% of the area median income. It was agreed that Plaistow meets the workforce housing minimums and this should be checked again in another year or so.

V. Healey brought up the Build Out scenario and said that if an alternate scenario cannot be created at this meeting it may have to be presented as is. R. Anthony asked if the data set information would be good for a while and could be used to run some scenarios in the future. V. Healey said in the future the data would no longer be part of the HOP grant and a fee would attach though it would be lower than starting from the beginning. The Board felt it had identified some properties that had been built on or approved for building as well as unbuildable land due to wetlands.

V. Healey had proposed a scenario to add 100% more additional density to all areas of Town within 500 feet of an existing water line regardless of zone. R. Anthony asked if there was any more planned for expanding the water line; B. Coye said not at the moment. There was discussion of any likely location for sewers should it ever become feasible. There was a question about whether a scenario for the overlay districts would make sense. V. Healey said it would delay the outcomes even more than they currently are. However, it was decided a scenario for the overlay districts would be a good idea as commercial zones may become repurposed in the near future. A letter from Tim Moore to the RPC was referenced and his feeling that without sewer, increasing density along the water lines would not be much impact Rte. 125.

4. MS4 WRAP UP:

V. Healey referred to the Site Plan Regulations and noted that all of it is new. She said all the information comes from the reference document – the Southeast Watershed Alliance Model Storm Water Standards to which she added purpose and goals, minimum threshold for applicability, construction and post-construction regulations. She noted that everything that the Board has done with the storm water regulations is in the zoning

ordinance warrant article, and that this is the site plan review component, and there is a subdivision regulations component too. She said moving these things from the zoning ordinances to site plan regulations made them easier to understand and puts all the rules in one place. She noted that Steve Keach has reviewed and approved the proposed regulations as well.

V. Healey suggested that at another meeting these changes should be scheduled for a public hearing session as the zoning ordinances should be finalized first. T. Moore suggested holding the public hearing before the Town elections and approve the site plan changes conditional on the storm water zoning ordinance passing in March. The hearing should be in March 6.

T. Alberti moved, second by K. Robinson, to hold a public hearing on March 6, 2024 to review and vote on the site plan and subdivision regulations changes relative to MS4.

The motion passed 5-0-0.

Ch. Alberti asked the March 6, 2021 public hearing be noticed appropriately. .

5. 2024 TOP THREE ZONING PRIORITIES

Ch. Alberti noted that he will not be running for an elected seat but would be willing to serve as an alternate.

It was agreed to wait until after the elections to see what zoning ordinances are approved before determining the top ordinances to work on for the coming year.

Ch. Alberti suggested that prime wetlands should be worked on regardless, as well as putting some closure on the Economic Development Plan especially in defining retail uses.

6. OLD BUSINESS/NEW BUSINESS

Ch. Alberti referenced a letter from the Rockingham Planning Commission (RPC) noting that T. Moore's appointment to the RPC's Transportation Advisory Committee (TAC) expires as of June 30, 2023 and that a new term will run from January 1, 2024 through December 31, 2025.

B. Coye moved, second by K. Robinson, to recommend the Board of Selectmen that they re-appoint Tim Moore as the Town's representative to the Rockingham Planning Commission Transportation Advisory Committee.

The motion passed 5-0-0.

8. OTHER BUSINESS/FYI'S

Ch. Alberti said there had been some requests for discussion this evening about the Citizen's Petition and whether because it's in the zoning it is in the Board's jurisdiction. He noted he had reached out to Attorney Cleary about how elections or appointments are made to the Zoning Board even though the language is in our zoning language.

He read from Atty. Cleary's response to him that "in Plaistow the membership of the Planning Board (T. Alberti aside: and this also applies to the zoning board) is determined by the voters at the annual Town Meeting. The voters can authorize the Selectmen to appoint all of the Planning Board members or the voters can decide, by majority vote, that the Planning Board members be elected, either as a whole or on a staggered basis. RSA 673:2 is referenced. The Zoning Ordinance is not involved in the designation of Planning Board members, and for obvious reasons, the Planning Board does not insert itself into this voting process." He said it's in the Zoning Ordinance because it is a land use board, but the Board has no jurisdiction about the process. He noted the Planning Board is elected and the alternates are recommended for appointment to the Board of Selectmen for approval. The ZBA members are appointed along with any alternates.

K. Robinson said that the whole things about the Citizen's Petition related to changing the ZBA the Planning Board received a note from D. Voss on December 20, 2023 saying that the Citizen's Petition to change the ZBA from an appointed to an elected board was being reviewed by Planning Board attorney Charles Cleary and Town Counsel Eric Meyer to determine which board, Planning Board or Board of Selectmen holds the public hearing and makes the recommendation. I will forward their answer as soon as it is available. K. Robinson said the Planning Board received nothing. She said she had raised the question and apparently D. Voss doesn't even remember the letter. She asked how it all of a sudden gets to the Board of Selectmen but they were supposed to vote on it and never did. B. Coye said the Board of Selectmen doesn't have to vote on a Citizen's Petition. He said counsel told them they did not have to vote on it, it would stay on the warrant. He said their feeling was that it might come to a negative vote which nobody wanted so it was felt the citizens should decide. He explained that a no vote on the petition means it reverts back to what currently holds. R. Anthony asked if there was a public hearing on it. B. Coye said it was read during a BOS meeting. There was discussion of the signators of the petition being disenfranchised. There was discussion of modifying the intent but not the subject matter of a citizen's petition, whether there was public notice of the BOS discussion. Ch. Alberti noted that this is not a Planning Board business, and opinions should be voiced through the Board of Selectmen. Ch. Alberti noted there was some communication accountability to be considered, but there is a lot of communication and it is human to miss some of it.

There was a request a meeting with Atty. Cleary. Ch. Alberti suggested it would be best done after the elections so the new members can hear him. A discussion list should be provided to him so he will be prepared. Recusal, roles and applicability were suggested. It was suggested that the Town's planning board chair email address be provided on the website. It was suggested email addresses for the planning board members would be nice. Ch. Alberti said he would find out about that and how emails could be shared with the entire Board. There were more complaints about missing communications. It was agreed to look at policies and procedures after elections.

R. Anthony said there is a question about a vote that was taken and he felt it should be discussed. There was discussion of dealing with this in a private meeting. There was a question of if this would qualify for a non-public meeting. There were complaints about getting legal opinions on the day of a meeting. Ch. Alberti said he would request of Mr. Colby any staff the Board would like at the March 5, 2024 meeting.

ADJOURNMENT

There was no additional business before the Board and the meeting was adjourned at 8:57 PM.

Respectfully Submitted,

Charlene A. Glorieux
Minute Taker

DRAFT