



Town of Plaistow, New Hampshire
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Phone: (603) 382-8469

PB Minutes 2/12/14

PLANNING BOARD MINUTES **February 12, 2014**

Call to Order: 6:34 p.m.

ROLL CALL: Steve Ranlett, *Chair - Excused*
Tim Moore, *Vice Chair*
Genifer Silva
Shem Kellogg, *Excused*
Robert Gray, *Selectman Ex-Officio - Excused*
Geoffrey Adams, *Alternate*
Michelle Curran, *Selectmen Ex-Officio, Alternate*

Also present was Leigh Komornick, *Planner*.

It was noted for the record that M. Curran was the Selectmen Ex-Officio Alternate to the Board and was at the meeting in place of R. Gray. G. Adams was appointed as a voting member in place of S. Kellogg.

Minutes of January 15, 2013 Planning Board Meeting

The review of the minutes from the January 15, 2014 meeting was deferred to the next meeting.

Agenda Item 4: A Public Hearing on a Condominium Plan for Taurus Plaistow Investors Limited Partnership who intend to create a commercial condominium form of ownership on the premises located on Route 125 (Plaistow Road), in Plaistow, Rockingham County, New Hampshire, Tax Map 24, lot 38. "The Plaistow Center Condominium" more particularly described as Unit 1 and Unit 2 shall consist of existing and future buildings and all improvements constructed on the premises. Unit 2 shall encompass the existing and approved building (Walgreens Pharmacy) as indicated on plan D-37671 as recorded at the Rockingham County Registry of Deeds. Unit 1 shall encompass the remaining buildings and improvements.

Edward Vydra, Managing Director for Taurus Plaistow Investors Limited Partnership (Taurus) was present for the discussion.

E. Vydra explained that there had been consultation back and forth between the attorney for Taurus and the Planning Board's counsel to finalize the language for the Declaration of Condominium for two (2) units and all associated documents and easements. He noted that the impetus was to be able to sell the Walgreens unit separate from the rest of the parcel. Mr. Vydra explained some of the features of the condo plan including shared parking, shared utilities and a shared sign.

L. Komornick noted that this plan is similar to the plan for Pentucket Shopping Center with the

WalMart owning their own until and the rest of the plaza being separately owned. She noted that all documents have been submitted to Charles Cleary, Planning Board Attorney, for final review, but she had not yet received written confirmation that everything is compliant.

E. Vydra offered that Walgreens wasn't insisting on this condominium, but it was more of an investment strategy.

G. Adams questioned if the State of New Hampshire distinguished between residential and commercial condos.

L. Komornick replied that the State doesn't require commercial condos to file with them. She added that the residential requirements were a consumer protection measure; commercial still follows state law to develop the plan, but they don't have to file with the Attorney General's office.

E. Vydra added that all the documents were recordable.

There was a discussion of the development of the condo plan. It was noted that there would be no changes in the day-to-day operations for either unit of the condo. All maintenance responsibilities, including snow removal and landscaping will remain as is.

G. Adams, remarking that Unit 1 of the Condo Association encompassed all remaining buildings, questioned if it would be in Taurus' best interests to condo all the buildings.

E. Vydra noted that would be a little more complicated with multiple tenants sharing walls and it wasn't part of their plan at this time. He added that it was more manageable to keep the rest of the parcel as is.

There was discussion of the numbering of the individual units for identification purposes. After discussion it was requested that the final plan show all the numbered units.

L. Komornick noted that this plan included actual meets and bounds for each unit unlike the WalMart plan that called out areas of influence. She noted that this was not a parcel line, but the condo boundaries.

G. Adams moved, second by M. Curran, to accept the two-unit condominium plan for Taurus as complete. There was no discussion on the motion. The vote was 4-0-0 U/A.

M. Curran moved, second by G. Adams to approve the two-unit condominium plan for Taurus with the following conditions:

- Labeling the individual units on the final condominium plan
- Final approval of all documents by the Planning Board Attorney

There was no discussion on the motion. The vote was 4-0-0 U/A.

L. Komornick noted that the NHDOT (New Hampshire Department of Transportation) permit had been received for this parcel and the related re-development on the site.

M. Curran had high praise for Walgreens and their community participation.

Agenda Item 5: Review of Surveys for MasterPlan Update

This item is deferred to the next meeting

Agenda Item 6: Reading of Communications Directed to or from the Board

This item is deferred to the next meeting

Agenda Item 7: Reports/Update by Tim Moore on RPC and MPO Activities on the Rail Project

M. Curran noted that the Board of Selectmen would like to ask T. Moore to be the alternate for the Rail Committee.

T. Moore accepted.

It was noted that the next NHDOT meeting was tentatively schedule in February and notices would be posted as soon as the date was confirmed.

T. Moore offered that HB1573, which would have done away with regional planning commissions, was defeated in committee by a vote of 18-0-0 and was unlikely to go any further.

Agenda Item 8: Other Business

- **Updates and FYIs from the Planning Board and Building Department**
- **Proposed Methadone Clinic in Haverhill (Next to Laundromat)**

There was discussion regarding the methadone clinic located in Haverhill, right on the Plaistow town line. It was noted that they didn't open as scheduled because they still needed to meet some conditions, including those regarding security at the facility. There are security measures, including guards and surveillance cameras that will be in place to address the possibility of loitering by those waiting for the clinic to open.

M. Curran noted that the clinic itself was not the concern; it was potential issues that could be associated with the clinic, such as how other businesses might be affected and strain on emergency response services.

L. Komornick added that the situation with the clinic brought to light the need to review the Town's ordinances regarding the location of these types of facilities. Under current zoning they can be opened anywhere in the Commercial I district. She suggested there could be a review of the zoning to determine if restrictions, much like those for adult-oriented businesses, were called for.

T. Moore noted that all permitted uses should be reviewed.

There were no additional matters before the Board and the meeting was adjourned at 7:20 p.m.

Respectfully Submitted as recorded by Dee Voss.

Approved by the Planning Board on _____

Tim Moore, Vice Chairman

