

Town of Plaistow, New Hampshire

145 Main Street, Plaistow NH 03865 Phone: (603) 382-8469

PB Minutes 04/01/15

PLANNING BOARD MINUTES April 1, 2015

Call to Order: 6:30 p.m.

ROLL CALL: Tim Moore, *Chair*

Charles Lanza, Vice Chair

Gennifer Silva Shem Kellogg

Steve Ranlett, Selectman Ex-Officio

Geoffrey Adams, Alternate

Also Present: P. Michael Dorman, Chief Building Official and Mark Fougere, Planning Consultant

Agenda Item 2: Minutes of March 18, 2015 Planning Board Meeting

S. Ranlett moved, second by G. Silva, to approve the minutes of the March 18, 2015 meeting. There was no discussion on the motion. The vote was 3-0-2 (Moore and Lanza abstaining)

Agenda Item 3: Reorganization and Nominations for Chair and Vice-Chair

- S. Ranlett moved, second by G. Silva, to nominate T. Moore for chair of the Plaistow Planning Board for the next year. There were no other nominations. The vote was 5-0-0 U/A.
- S. Ranlett moved, second by G. Silva, to nominate C. Lanza for vice chair of the Plaistow Planning Board for the next year. There were no other nominations. The vote was 5-0-0 U/A.

Agenda Item 4: Discussion w/Charlie Zilch, SEC and Associates; and Roger LaJoie and Chris Barisano, ProQuip, Inc. Re: 22 Old Road Use

Charlie Zilch, SEC and Associates; Roger LaJoie and Chris Barisano, ProQuip, Inc. were present for the discussion. There were others affiliated with ProQuip and Henry Torromeo, property owner 22 Old Road, in the gallery.

- C. Zilch noted the following for the Board:
 - ProQuip is a construction equipment rental company who would like to expand their business to the southern part of the state
 - They currently have locations in Chichester and Gorham, NH

- The location at 22 Old Road has been the location of Senter Bros for decades
- The parcel is approximately 11 acres and is zoned Industrial I
- The other business located nearby is Moynihan Lumber, also zoned Industrial I
- The property is in close proximity to Route 125
- The proposed use by ProQuip is very similar to the existing contractor's yard use

C. Barisano noted the following:

- This site is proposed to be a depot for their Chichester site
- Equipment would be stored on this site, but dispatched out of Chichester
- They would like to have a repair/maintenance garage, entry foyer, office and eventually a training facility
- Their intent is to tap into the North Shore/Southern NH market
- The site would be cleaned up, organized and well maintained. Pictures of their Chichester site were shared with the Board
- There would be a mechanic and a driver on this site
- Equipment would be dispatched out of Chichester, anything returned to this site would be serviced and safety inspected prior to being put back out for rental
- The proposed use wouldn't show any different activity from what is current to the site
- C. Zilch added that this site would look very similar to the existing contractor's yard in that there would be equipment being moved in and out of the site. He noted that the difference would be that there would not be stock piles of materials and it would be a lesser intensive use. C. Zilch offered that they were not looking to advertise out of this site.
- T. Moore asked if there would be any need for fuel storage on site.
- C. Barisano responded that the driver is responsible for refueling the truck before returning it to the lot. It was noted that there are no fuel storage tanks located on the other ProQuip sites.
- M. Dorman offered that the reason he asked ProQuip to come in and talk to the Board was because of their retail use (equipment rentals) on an Industrial site. He added that he was sending them for a use variance and was in total support of the project. He continued that ProQuip was seeking to start using the site while they work through the Zoning Board of Adjustment (ZBA) process for the variance and then the Planning Board process to amend the Site Plan for the change of use and he wanted to make sure that the Board wouldn't have a problem with that. He added that ProQuip would also begin cleaning up the site.
- T. Moore offered that the proposed use is very similar in activity to what is already occurring on the site and he didn't see a problem with them occupying the site while working through the process.
- S. Ranlett requested that when the Site Plan is updated that whatever available information about the proposed Service Road (part of the New Hampshire Department of Transportation (NHDOT) Route 125 redevelopment project) be included in the Amended Site Plan.

There was a brief discussion about the current parking on the site. It was noted that the gravel area to the rear of the building is not designated as parking and the current (1985) Site Plan shows the parking out front. It was noted that the revised Plan would show the appropriate parking per the regulations.

C. Barisano noted that the excavators could not be parking on pavement as they would constantly tear it up.

- M. Dorman offered that the equipment would all be new and in well maintained condition so parking it off pavement may not be an issue, but a waiver would be needed.
- T. Moore stated that ProQuip could go ahead with the Industrial use of the property while working through the administrative process to get the Amended Site Plan approval.
- S. Ranlett asked if the business would be opened on Sundays.
- R. LaJoie replied that they were a five (5) day a week operation, no weekends.

Agenda Item 5: Public Hearing: Site Plan and Subdivision Regulation Amendments

The Board reviewed the final language for the proposed amendments to Subdivision and Site Plan Regulations. It should be noted that the amendment language has been discussed during two (2) previous work sessions.

Proposed Amendments to the Subdivision Regulations:

- Amend Article I, Authority; Administration; Definitions, Section 235-2. Duties of the Planning Board
- C. Staff review of plans.
- The Planning Staff Coordinator and Code Enforcement Officer (herein referred to as "Staff") will assist the Planning Board and the applicant in expediting the review of submitted plans. Staff will review all plans to determine their conformance to the Zoning Ordinances, subdivision regulations, site plan review regulations and any other applicable regulations. All submitted applications shall be reviewed by the Planning Board at a public meeting within 30 days of submittal; at said meeting the Board shall make a determination if the application is complete per Article V, Section 235-18 Plan Requirements.
- (4) The Planning Staff Coordinator will provide the applicant and the Planning Board with a memorandum summarizing Staff's review of the site/subdivision plan and any other review comments. Any technical items which are listed as outstanding or inadequate should be addressed by the applicant prior to being scheduled for a public hearing.
- (5) Only applications deemed complete by Staff will be placed on the Planning Board's agenda for formal consideration. If at any time an applicant wishes to discuss an application with the Board, a preliminary hearing will be scheduled by the Planning *Staff* Coordinator. Abutters shall be notified at the applicant's expense.
- (6) Staff is not authorized to make any final binding decisions. Once the Staff's and Town Engineer's requirements have been met, the applicant will be scheduled for a final Planning Board hearing. Any outstanding Subdivision Regulation requirements unresolved planning or engineering requirements will be listed in the Planning Staff's Coordinator's memorandum to the Board for final clarification and resolution by the Planning Board.
- (7) The Planning Board at any given time may deem an application complete and schedule the same for a public hearing.
- (8) The Planning Board has determined that Staff shall typically require one hour for a meeting with the applicant and subsequent review of the applicant's plan. Any time over and above this allowance shall be charged to the applicant at a rate of \$25 per hour. Plaistow Subdivision Regulations.

S. Ranlett moved, second by C. Lanza, to amend Article I Authority: Administration; Definitions §235-2. Duties of the Planning Board, as noted. The vote was 5-0-0 U/A.

2) Amend Article I, 253-3 Definitions as follows:

Wetland: As defined in the Zoning Ordinance, Article IV Wetlands. Areas of the Town that contain bodies of water (either man made or natural), freshwater marshes, perennial and intermittent streams, and soils classified as poorly or very poorly drained. Such areas are to be defined by the standards for High Intensity Soil Maps for New Hampshire on file with the Rockingham County Conservation District, supplemented by the National Cooperative Soil Survey conducted by the United States Department of Agriculture Soil Conservation Service, the New Hampshire Wetlands Board, and the on site soils investigation of a certified soils scientist if such investigation is required by the Planning Board. (See also Chapter 220, Zoning, Article XII, § 220-83.)

Abutter: As defined in RSA 672:3.

It was noted that the proposed change was to reference existing definitions in the Zoning Ordinances for wetlands and in the RSAs for abutters so there are no conflicts.

- C. Lanza moved, second by S. Ranlett, to amend Article I, §235-3. Definitions, as noted. The vote was 5-0-0 U/A.
- 3) Amend Article II, General Provisions as follows:
- 235-5 Approval required, delete Section B
- B. In all cases where any amendment of a subdivision plat is proposed, approval of the amendment by the Planning Board must be granted.
- 235-9 Adequacy of land, D.

Soil test pits, boring and percolation test pits.

All soil test pits, borings or percolation test pits shall be conducted with without at least five days' prior written notification to either the Chief Building Official or Health Officer who shall witness all proposed tests. office of the Planning Board as to their date and location within the proposed subdivision/site development.

235- 11 Waivers

• When a proposed subdivision plat is submitted for approval, the applicant may request the Planning Board to waive specific requirements of these regulations as they pertain to the plat. The Board may agree to such a request provided the Board has determined that the waiver of a particular requirement will not adversely affect the purpose and intent of these regulations as expressed in § 235 2B. All requested waivers shall be in writing. The basis for any waiver granted by the planning board shall be recorded in the minutes of the board. The planning board may only grant a waiver if the board finds, by majority vote, that:

~~~~~ (1) Strict conformity would pose an unnecessary hardship to the applicant and
waiver would not be contrary to the spirit and intent of the regulations; or
~~~~~ (2) Specific circumstances relative to the subdivision, or conditions of the land in

such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.

- B. *The Planning Board may consider waiving* No waiver of the requirements regarding design and construction standards shall be given. *only after consulting with the Town's Review Engineer*.
- C. Lanza moved, second by S. Ranlett, to amend Article II. General Provisions, §235-5 Approval Required; §235-9 Adequacy of Land; and §235-11 Waivers, as noted. The vote was 5-0-0 U/A.
- 4) Amend Article III Procedure for Subdivision Approval, Section 235-12 Board's procedures on plats, B. Formal consideration of application
 - Submission
 - When the material has been provided and Planning Board staff feels that the application is complete, the application will be formally submitted and will be placed on the agenda for the Board's review. All applications shall be submitted to the Planning Office at least This must occur 21 days prior to a regular Planning Board meeting. Within 30 days of application submittal the Planning Board shall, at a public meeting, make a determination as to the completeness of the application per Article V, 235-18.
 - Once the application has been submitted and the Planning Staff shall review all submitted materials as to their compliance with the Regulations and report all comments to the Board. In addition, the Planning Staff shall refer, as appropriate, all submitted materials to the Planning Board's Review Engineer for review and comment. feels all items discovered in the completeness review have been addressed, the Planning Staff will submit the material to the Planning Board Engineer for review. All special studies, such as those dealing with traffic or environmental issues, will also be submitted for review by the Planning Staff.
 - A public hearing on completeness may be held 30 21 days after submission, however the Planning Board will not open the Public Hearing to act on approval until all plans and studies have been reviewed and comments returned to the Planning Board and its staff.
 - (d) Fees and charges. The following All fees and charges must be paid at the time of formal application submission. The total fee is the sum of all applicable fees described in the Plaistow Fee Schedule.
- G. Silva moved, second by C. Lanza, to amend Article III, Procedure for Subdivision Approval, §235-12 Board's procedures on plats, B. Formal consideration of application as noted. The vote was 5-0-0 U/A.
- 5) Amend Article III Procedure for Subdivision Approval, Section 235-12 Board's procedures on plats, B. Formal consideration of application:
- 9) Preconstruction meeting.
- (a) Prior to the start of construction, the applicant shall make arrangements with the Planning Board staff to hold a preconstruction meeting. The purpose of this meeting will be to review construction sequences and inspection schedules. Typically the applicant, Planning Board staff, Building Inspector, and the Planning Board Engineer would attend the preconstruction meeting. [Former paragraph replaced completely with this new paragraph on 1–6–2010]

Upon final approval of a subdivision and/or site plan, following signature of the mylar(s) by the Planning Board Chairman, and recording of the mylar(s) by the Planning Board staff at the

Rockingham County Registry of Deeds (RCRD), the applicant shall make arrangements with the Planning Board staff to hold a preconstruction meeting. The purpose of this meeting will be to review construction sequences and inspection schedules. Typically the applicant, Planning Board staff, Building Inspector, and the Planning Board Review Engineer would attend the preconstruction meeting.

- (b) At the preconstruction meeting, the applicant shall submit a completed bond estimate worksheet that must be reviewed by the Planning Board Review Engineer and approved by the Planning Board. The Board's approval must take place at a regular Board meeting but does not require a public hearing or notification.
- 10) Construction bonds.
- (a) *For Site Plans*: Construction bonding of sites includes on-site & public roads, drainage systems and individual public parking areas, erosion control systems, landscaping (or plantings) in buffer areas, loam and seed for the entire project area, fencing, construction survey, preparation of record drawings and other site improvements.

The security for site plans shall cover a minimum of 10% of the total site improvement cost estimate.

(b) *For Subdivisions*: Construction bonding for streets and roadways shall cover all *proposed public improvements shown on the approved plan* including work to be performed within the proposed right(s)-of-way, *pubic easements* and all work associated with the storm drain system(s). It shall also cover any required off-site improvements.

The security for subdivisions shall cover a minimum of 50% of the total public improvement cost estimate.

- (c) The construction bond amount shall include the cost of installation of all utilities, including any work that needs to be done in existing Town roads and/or rights of way. These costs shall include the costs of patching, repairing, loaming, and seeding of any existing areas disturbed during the installation. In the case of electric lines or other utilities to be installed by a public corporation or a municipal department, a written statement shall accompany the bond from such public utility, corporation, or municipal department indicating that the installation will be placed underground, within the right-of-way, and that work will be done within a reasonable time and will be completed without expense to the Town.
- (d) All bonds shall take the form either of a surety bond, issued by a surety company authorized to do business in the State of New Hampshire, a letter of credit, cash, or a savings book properly endorsed to the Town of Plaistow. All surety bonds or letters of credit shall be approved as to form by legal counsel of the Town of Plaistow and said security shall only be released upon approval by the Planning Board.
- (11) Release of construction bonds.

As work is completed, inspected, and found to be *installed* per the *approved* plan, the applicant may request a corresponding portion of the construction bond to be released to the applicant. The requested release amount will be reviewed by the Planning Board Review Engineer and approved by the Board. In no case will the amount released reduce the amount remaining below 10% of the original total amount plus the anticipated cost of recording record (as-built) plans. It is expected that the ten-percent amount will roll over to a performance bond. The full amount of the construction bond may be released upon submission of a record drawing if such a drawing is required.

(12) Start of construction.

No construction can take place on the site or subdivision until the construction bond has been received by the Planning Board staff. The Town Treasurer will hold all bonds.

- (13) Performance bonds.
- (a) Upon completion of improvements and approval by the Town, surety (performance bond) covering maintenance of roads and improvements for a period of two years from completion shall be required in an amount based on the cost of such improvements, as approved by the governing body. The amount of the performance bond shall be 10% of the construction bond.
- (b) The amount of the performance bond shall reflect 10% of construction costs and winter maintenance of streets, public improvements, drainage structures, other utilities. This amount shall not be released from the construction bond until the performance bond has been received by the Board of Selectmen.
- C) The performance bond shall not be released, *nor the road accepted*, until the following conditions have been met:
 - 1. The Board of Selectmen has received certification by the Town Engineer or authorized agent that:
 - The road(s) have been in service for two years from the date of the submittal of the performance bond.
- S. Ranlett questions to make sure that all were reading this to mean that the road would be in service for at least two (2) winters prior to acceptance. It was verified that was the intent.
 - The road(s), associated drainage infrastructure, and utility installation remain in good shape and continue to meet all regulations and requirements in place at the time of the Planning Board approval of the plan.
 - c. All other applicable improvements are in substantial accordance with the requirements.
 - 2. Deeds covering land to be used for public purposes, easements, rights-of-way over property to remain in probate ownership, and rights to drain onto or across private property are submitted in a form satisfactory to the Town Attorney. All recording fees shall be borne by the subdivider/developer.
- (d) The performance bond shall be released upon approval by the Board and by acceptance of the road by the Board of Selectmen.
- (d) Until such time as the roads and associated improvements have been accepted by the Town, all road maintenance of roadways under construction and/or unaccepted by the Town will shall be provided by the developer and or project owner. All maintenance of drainage infrastructure associated with said roadways will be provided by the developer.
- S. Ranlett moved, second by G. Silva, to amend Article III, Procedure for Subdivision Approval, §235-12 Board's procedures on plats, B. Formal consideration of application, (9) Preconstruction meeting, as noted. The vote was 5-0-0 U/A.
- S. Ranlett left the meeting at 7:11 p.m.

- 6) Amend Article III Procedure for Subdivision Approval, Section 235-17 Certificate of Occupancy as follows:
 - No certificate of occupancy shall be issued for any building or use of land without the following two certifications:
 - (1) Certification by the Planning Board Engineer that the installation of all land improvements is complete and in conformance with the subdivision and/or site plan approved by the Planning Board; and
 - (2) Certification by the Building Inspector that all building construction is complete and in conformance with the building plan approved by the Building Inspector's office.
- A. No certificate of occupancy permit shall be issued for any building until all improvements related to the construction of roads, up to and including the binder course, as well as the installation of storm drainage, runoff/erosion/sediment controls, fire cistern, and utilities, shall be certified by the design engineer as properly placed according to the approved subdivision plat.
- B. No certificate of occupancy shall be granted to, and a lien may be placed against, the development of property resulting in damage to a Town accepted road until such time as the road is repaired to the satisfaction of the Highway Department.

If during the site construction activities, town owned property is damaged in any way, no certificate of occupancy will be granted until such damage has be repaired in full to the satisfaction of the Town or alternatively proper security is obtain to cover the cost to repair damage.

Relocated above to paragraph A. C. No occupancy permit shall be issued for any building until all improvements related to the construction of roads, up to and including the binder course, as well as the installation of storm drainage, runoff/erosion/sediment controls, fire cistern, and utilities, shall be certified by the design engineer as properly placed according to the approved subdivision plat.

- D. No occupancy permit shall be issued until all applicable impact fees are collected. New road and fire suppression water line impact fees are specifically exempted from the occupancy permit requirement.
- C. Lanza moved, second by G. Silva, to amend Article III, Procedure for Subdivision Approval, §235-17 Certificates of Occupancy as noted. The vote was 4-0-0 U/A.
- 7) Amend Article V, Plats and Data for Final Approval, Section 235-23 Construction bonds, Section 235-23.1 Performance bonds by deleting these two Sections in their entirety.
- S. Kellogg moved, second by C. Lanza, to amend Article V, Plats and Data for Final Approval, §235-23.1 Performance Bonds as noted. The vote was 4-0-0 U/A.
- S. Ranlett returned to the meeting at 7:15 p.m.

Proposed amendments to Site Plan Review Regulations

1) Amend Article 1, by adding new section 230-15 to read as follows:

Waivers

When a proposed site plan is submitted for approval, the applicant may request the Planning Board waive specific requirements of these regulations. All request for waivers shall be provided in writing at the time of application to the Planning Board. The basis for any waivers granted by the Planning Board shall be recorded in the minutes of the board. The planning board may only grant a waiver if the board finds, by majority vote, that:

~~~~~ (1) Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; or

~~~~~ (2) Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

C. Lanza moved, second by S. Ranlett, to amend Article I, of the Site Plan Regulations by adding a new §230-15 Waivers, as noted. The vote was 5-0-0 U/A.

2) Amend Article 1, Section 230-3 Definitions, by adding the following new definitions:

Wetland: As defined in the Zoning Ordinance, Article IV Wetlands.

Abutter: As defined in RSA 672:3.

C. Lanza moved, second by S. Ranlett, to amend Article I, of the Site Plan Regulations by adding two new definitions to §230-3, as noted. The vote was 5-0-0 U/A.

It was noted that both of these changes mirrored changes made earlier in the Subdivision Regulations. These amendments will be consistent between the Subdivision and Site Plan Regulations.

S. Ranlett requested that the Board consider an amendment to Article II, Lighting Regulation.

It was noted that Article II was posted as part of the public hearing but no specific language had yet been discussed. If the Board should agree on language it would have to be posted for a new public hearing.

S. Ranlett explained that NHDOT does not routinely install the infrastructure for street lights unless a town has an ordinance that requires street lighting. He noted that there was a memo on a request from the Town Manager later on the agenda related to this topic. He continued that he would like to suggest to the Board that a change in the regulation be posted to strengthen the requirement for street lighting. He suggested that the following language be added to Article II. Lighting Requirements

New Section E.

E. All new Town Road shall require adequate street lighting (lights and poles), approximately 250 feet apart.

Or

- E. All new proposed town roads shall require adequate street lighting per Article II, §230-22.D(1), (2) and (3).
- S. Ranlett noted that when the State builds a road it will only install infrastructure, such as street lights, that is required by the Town's regulations/ordinance. If it's not required that Town bears the costs of those installations.

There was discussion regarding how best to word. It was noted that there are requirements for the street lighting, but it's not as clear that having street lighting is a requirement.

S. Ranlett moved, second by G. Silva, to post for public hearing an amendment to Chapter 230, Article II, Lighting Requirements §230-22.D. with the new wording "All proposed public and private roadways will be required to provide adequate street lighting to meet the following criteria." The vote was 5-0-0 U/A.

Agenda Item 4: Update on RPC and MPO

T. Moore noted that the Annual Meeting for RPC was scheduled for the second Wednesday in June at a location to be announced. He noted there were no MPO updates at this time.

Agenda Item 5: Correspondence

- Copy of NOV Staples
- RPC letter Re: 2015 Membership Dues

It was noted that there was a letter from RPC requesting support and membership dues. The Board usually takes a vote whether or not to recommend to the Board of Selectmen to continue membership with RPC.

- C. Lanza questioned if the Town uses RPC services.
- S. Ranlett offered that ROC recently assisted with traffic counts on Sweet Hill Road and Forrest Street.
- T. Moore added that they were assisting with the MasterPlan Survey by setting up the online survey through their Survey Monkey account.
- S. Ranlett moved, second by G. Silva, to recommend to the Board of Selectmen that they continue supporting RPC by payment of membership dues in the amount of \$7,260. There was no additional discussion on the motion. The vote was 4-0-1 (Kellogg abstaining).
 - FYI Abutter Notice City of Haverhill

Agenda Item 6: Other Business

• Request from S. Fitzgerald RE: Lights on Proposed Service Road (see memo)

There was a request from the Town Manager regarding street lighting on the proposed service road that was part last phase of the Route 125 redevelopment project. The Town Manager is looking for support, in the form of a motion that would allow NHDOT to pay for and install street lighting infrastructure as part of the project.

It was noted that the reasons for this request were outlined in the discussion regarding changing the language in the regulations.

Steve Ranlett moved, second by Gennifer Silva, in the interest of public safety and per§237-37 of the Plaistow Code to require street lighting on the proposed service road.

T. Moore offered that his only reluctance was that the Planning Board is not in charge of roads, that is the purview of the Board of Selectmen.

The vote was 4-1-0 (Kellogg dissenting) and the motion passed.

Steve Ranlett moved, second by Gennifer Silva, that they support/require street lighting on the proposed service road in the interest of public safety. There was no discussion on the motion. The vote was 4-1-0 (Kellogg dissenting).

- b. Skateboard Park at YMCA
- M. Fougere noted that there was discussion about relocating the Town's skateboard park to the YMCA (175 Plaistow Rd). The question is whether or not the YMCA would have to amend their 2006 approved site plan in order to locate the skateboard park.
- M. Dorman added that the Town would be asked to pay for any site plan amendments.
- S. Ranlett noted that this matter had not come before the Selectmen this year and the last time it was discussed the Board was not in favor of just donating the skateboard park to a non-profit.
- T. Moore offered that if the YMCA wants to have a skateboard park on their parcel they will need to amend the site plan.
 - c. Abare Westville Homes Site
- M. Dorman noted that he had met with David Abare regarding new sites for his machine shop business. He added that they were looking at two sites, Panniello (214-216 Plaistow Road) and the old Westville Homes site (21 Blossom Road). The Westville Homes site is looking like the more favorable location if the price can be negotiated.

There were no additional matters before the Board and the meeting was adjourned at 7:50 p.m.

| Respectfully Submitted as recorded by Dee Voss. | |
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| Approved by the Planning Board on | |
| Tim Moore, Chair | |