



**Town of Plaistow, New Hampshire**  
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## **PB Minutes 07/16/14**

### **PLANNING BOARD MINUTES July 16, 2014**

**Call to Order:** 6:40 p.m.

**ROLL CALL:** Tim Moore, Chair  
Charles Lanza, Vice Chair  
Genifer Silva - *Excused*  
Shem Kellogg  
Steve Ranlett, Selectman Ex-Officio, *Arrived 7:30 p.m.*

Also present was Leigh Komornick, *Planner*

#### **Minutes of June 18, 2014 Planning Board Meeting**

***S. Kellogg moved, second by C. Lanza, to approve the minutes of the June 18, 2014 meeting. There was no discussion on the motion. The vote was 2-0-1(Lanza abstaining).***

**Agenda Item 3: Continuation of a Public Hearing on a condominium site plan amendment for a 4-unit building currently known as the "Baron's Industrial Park Condominium." The property and building are located at 95A Plaistow Rd, Tax Map 28, Lots 23-1 and 23-2, totaling +/-11.5 acres. The property is located in the Commercial I District and the owners of record are Raymond Baron Trustee (parcel 28-23-1) and Scott Building Twenty, LLC (parcel 28-23-2).**

T. Moore noted that the applicant had submitted a written request for continuance to August 20, 2014.

**Agenda Item 4: Requested discussion with Jace Cucharale regarding his concerns with the CII Sign Ordinance and possible changes**

There was no representation for this agenda item.

**Agenda Item 5: Public Hearing on Subdivision Regulation Amendments for Soil Type Lot Sizing**

*T. Moore opened the Public Hearing at 6:43 p.m.*

T. Moore explained that it was brought to the attention of the Planning Office that there was an inconsistency between the Zoning Ordinances and the Subdivision Regulations when it came to using soil types for calculating lot sizes. The inconsistency is when it is okay to use poorly drained

soils. The Subdivision Regulations allow them to be included where the Zoning Ordinances prohibit the use. T. Moore noted that Subdivision Regulations could be changed at a Public Hearing, but Zoning Ordinances needed to be amended at Town Meeting. He added that the suggestion was to change the Subdivision Regulations at this Public Hearing so that there was consistency with the Zoning. T. Moore added that as part of Zoning Ordinance review in the fall the Board can look at whether it makes more sense to change the Zoning Ordinances. There was discussion on the current reading of both the Zoning Ordinance and the Subdivision Regulations in questions.

T. Moore offered two (2) suggestions for change:

- Change Article III, §235-9.B to add poorly drained soils as part of the calculations and make it consistent with Zoning
- Just amend the section to read “per Wetlands Ordinance, Article IV, §220-20”

There was discussion regarding which wording would be better, with members in favor of either option. It was suggested that amending the Subdivision Regulation to just reference the applicable Zoning Ordinance would automatically take care of any inconsistencies should the Zoning Ordinance be changed in the future.

L. Komornick suggested that if the overriding factor was going to be the Wetlands Ordinance then perhaps it should be taken out of Zoning and moved to the Subdivision Regulations.

There was discussion on the different ways that soils mapping has been documented over the years, and the different tables that were use.

It was noted that wrong Zoning Ordinance was being discussed. It was Article V, §220-34.A(2) that disallows using Type 5 (poorly drained) and Type 6 (very poorly drained) soils when doing lot sizing calculations, not Article IV, §220-20 of the Wetlands Ordinance.

L. Komornick obtained the original email that she had received that started the discussion about lot sizing. She noted that the reference was too all uplands having to be contiguous.

It was noted that when the Wicks subdivision was reviewed and approved on Witch Lane, the minimum lot sizing calculations may have been incorrect based on the soils types. There was discussion on that approval process. It was noted that the error was not in the Zoning Ordinance, but in the review process.

There was discussion that no matter what had happened during the review of the Wicks' project there was still the matter of the inconsistency between the Zoning Ordinance and Subdivision Regulation. The sections that disagree are §235-9(2)(a) of the Subdivision Regulations and §220-34 of the Zoning Ordinances. It was noted that the only change that could be made at this meeting would be to the Subdivision Regulations.

There was discussion about how best to review the lot sizing issue in the future. Suggestions were made such as counting bedrooms, allowing for a certain amount of the lot to be contiguous uplands as opposed to the entire lot having to be so.

*S. Ranlett arrived at 7:30 p.m.*

The Board caught S. Ranlett up on the discussion that had been taking place regarding the proposed Subdivision Regulation amendment.

L. Komornick noted that Plaistow was not the only community struggling with this issue as she had

seen multiple threads on the topic over the past two years.

T. Moore reiterated that the Zoning Ordinance could not be changed until Town Meeting. He suggested that the Subdivision Regulation be amended to be consistent to the Zoning Ordinance. He added that the Board could just leave it as is if they wanted as well.

***C. Lanza moved, second by S. Kellogg, to amend Article III, §235-9(2)(a) to read “Wetland areas as defined by Article V §220-34 of the Zoning Ordinances shall be utilized to fulfill any portion of the minimum lot sizing requirements.” There was no discussion on the motion. The vote was 4-0-0 U/A.***

S. Ranlett questioned if there was anything that needed to be done to correct the error that was made with the Wicks subdivision.

L. Komornick noted that she had spoken with Planning Board Attorney Charles Cleary about the Wicks matter. She added that it was his opinion that while mistakes were made with the Wicks review, it wasn't precedent setting and the error shouldn't be carried forward to other projects.

There was discussion regarding the Wicks subdivision project on Witch Lane and the lot sizing calculation. The Board discussed some potential remedies, such as Zoning Board of Adjustment relief, but no actions will be taken at this time. The Board requested that C. Lanza review the lot sizing calculations for the subdivision and relay the information to the Board Members. The intent was to have the information in the plan file so that should any questions come up in the future about the project the answers would be readily available.

T. Moore closed the Public Hearing at 7:55 p.m.

#### **Agenda Item 6: Reading of Communications Directed to or From the Board.**

There were no communications in the Members folders to be discussed at this meeting.

#### **Agenda Item 7: Report/Update by Tim Moore on RPC and MPO Activities and on the Rail Project.**

T. Moore noted that there would be a Rail Project meeting on July 28, 2014 and a Public Information meeting on September 15, 2014.

#### **Agenda Item 8: Other Business**

##### Master Plan Update

L. Komornick updated the Board on the plans to distribute MasterPlan-related surveys to Plaistow residents. She noted assistance from RPC and information she received from the Town of Atkinson about their recent survey.

There was discussion about distribution of the survey by mail, web-based and information via the Plaistow Cable Station.

L. Komornick noted that she was communicating with Mark Fougere regarding how much his invoices are to date. She noted that since some of the work that would be done in-house and with the assistance of RPC was work that M. Fougere was scheduled to do there may be a costs savings that would allow more MasterPlan Chapters to be updated. L. Komornick added that the Transportation Chapter would be presented at the August 20, 2014 Planning Board meeting.

##### Firestone Special Event Update

L. Komornick noted that she had only received one reply from Board Members about the request from Firestone (29 Garden Rd) to make changes to their special event minor site plan.

The consensus of the Board was that there was no issue with the Firestone proposal.

YMCA Family Carnival Day

L. Komornick reported that the YMCA (175 Plaistow Rd) is planning to do a Family Carnival Day. This will be over a few hours and will take place in the fields in back of their property.

There were no additional matters before the Board and the meeting was adjourned at 8:15 PM.

Respectfully Submitted as recorded by Dee Voss.

Approved by the Planning Board on \_\_\_\_\_

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Timothy E. Moore, Chair