



**Town of Plaistow, NH**  
**Office of the Planning Board**  
**145 Main Street, Plaistow, NH 03865**

**PLANNING BOARD MINUTES**

**August 17, 2016**

**Call to Order:** The meeting was called to order at 6:30 PM

**ROLL CALL:** Tim Moore, *Chair*,  
Gennifer Silva, *Vice Chair*  
Charlie Lanza  
Laurie Milette  
Steve Ranlett, *Selectman Ex-Officio*  
Geoffrey Adams, *Alternate*

Also present: Greg Jones, *Town Planner* and P. Michael Dorman, *Chief Building Official (arrived 6:42 p.m.)*

**Agenda Item 2: Minutes of August 03, 2016 Meeting**

*★S. Ranlett moved, second by G. Silva to approve the minutes of the August 03, 2016 meeting as amended. There was no discussion on the motion. The vote was 4-0-1 (Lanza abstaining).*

**Agenda Item 3: PB16-06: A Public Hearing for a proposed Condominium Conversion application submitted by Mr. Alan Lenz to seek approval to convert an existing 6 bedroom duplex located at 2 Middle Road (Map 17, Lot 44) in the Low Density Residential (LDR) Zoning District into two (2) three (3) bedroom condominium units.**

Charlie Zilch, SEC Associates, was present for the application. He noted that following information for the Board:

- The property is located at 2 Middle Rd, Tax Map 17, Lot 44, in the LDR district
- The property is .71 acres with frontage on both Middle Rd and Auburn St
- The dwelling is six (6) bedrooms
- It is serviced by a public water supply and an its own septic
- There are individual driveways
- There are no waiver requests
- State subdivision approval has been received
- Conforms to all zoning ordinances and Planning Board regulations
- Condominium documents were submitted with the application

There was discussion regarding whether or not an escrow account needed to be established to cover the legal review of the condo documents. It was decided that the documents would be submitted to Planning Board counsel for review and the applicant would reimburse the town for the cost of that review.

T. Moore asked if the Board had any additional questions, there were none. He asked if any abutters had any questions, there were none.

*★S. Ranlett moved, second by C. Lanza to accept the condo conversion plan for 2 Middle Rd as complete. There was no discussion on the motion. The vote was 5-0-0 U/A.*

*★S. Ranlett moved, second by G. Silva to approve the condo conversion plan for 2 Middle Rd with the following conditions:*

- *Favorable review of the condo docs by Planning Board Counsel*
- *Reimbursement of all attorney's fees associated with the review of the condo docs*

*There was no discussion on the motion. The vote was 5-0-0 U/A.*

**Agenda Item 4: PB16-07: A Public Hearing for a proposed Minor Site Plan application submitted by Mr. Mark Lagasse with Pentucket Companies to seek approval for a proposed site plan amendment to a commercial site located at 239 Main Street (Map 31, Lot 18) in the Medium Density Residential Zoning (MDR) District.**

Tim Lavelle, James Lavelle Associates and Mark Lagasse, property owner, were present for the application:

T. Lavelle noted the following information for the Board:

- The parcel is located at 239 Main St, Tax Map 31, Lot 18 in the MDR district.
- The parcel is 3.3 acres
- There is an existing site plan on record for this parcel, showing the use as container storage with an existing apartment building
- There is a new septic system serving the parcel
- The proposed amendment would be to allow vehicle parking for heavy equipment. It was noted that equipment would only be stored on site occasionally as it was not making money when it was sitting idle
- There is a waiver request to be able to use reclaimed asphalt as it is more tolerate and forgiving of the heavy equipment. It was noted that the waiver request had not yet been submitted in writing

*P. Michael Dorman arrived 6:42 p.m.*

There was discussion regarding a concrete pad that was part of the original plan. It was noted that it was deleted at the last minute over issues with drainage.

T. Lavelle noted that there are unique soil conditions on this site as there is concrete buried 6"-8" down, which was done by the previous owners. He added that wetlands that were filled in by the previous owner have been restored.

G. Jones reviewed his staff report on this application for the Board.

M. Dorman requested that the Board set a date for implementation of the site plan. He noted that there were stockpiles of materials on the site and there was no information as to what was in those piles.

There was a discussion regarding guardrails that were not installed so that snow could be push off the site. It was noted that wetland areas could not be used for snow storage. Snow storage areas need to be clearly defined on the Plan.

There was discussion regarding the drainage on the site and how the reclaimed asphalt would affect it, particularly in light of the fact that this parcel is located in the Aquifer Protection District.

It was also noted that a number of checklist items were still incomplete.

T. Moore asked if the Board had any additional questions, there were none. He asked if there were any abutters with questions, there were none.

**★S. Ranlett moved, second by C. Lanza to accept the amended site plan for 239 Main St as complete.**

There was additional discussion regarding the reclaimed asphalt and how it affected drainage. It was noted by the applicant that the reclaimed will hold up better for the parking of heavy equipment and if traditional asphalt is used it would soon look like reclaimed.

Concerns were expressed by the Board that heavy equipment leaking on reclaimed asphalt might lead to contamination.

T. Lavelle noted that reclaimed asphalt is considered to be impervious.

M. Lagasse reiterated that under the surface is a layer of concrete from the previous owner. He added that the reclaimed asphalt is compacted, noted that there is not the dust that is generated by a gravel area and that it is more forgiving of the weight of the equipment.

There was no additional discussion on the motion. The vote was 5-0-0 U/A.

T. Moore noted that this started the 65-day clock for action to be taken on this application by the Planning Board. He added that the public hearing was continued to September 21, 2016.

**Agenda Item 5: PB16-08: A Public Hearing for a Minor Site Plan application submitted by Derek and Lisa B. Arnold to seek approval for a proposed change of use to an existing site located at 16 Danville Road (Map 30, Lot 87) in the Commercial 1 (C1) Zoning District.**

Charlie Zilch, SEC Associates; Derek Arnold; and Lisa Burke-Arnold were present for the application.

C. Zilch noted the following information for the Board:

- The parcel is located at 16 Danville Rd, Tax Map 30, Lot 87 in the C1 district.
- The parcel is 1.41 acres with 150 feet of frontage on Danville Rd
- The Danville Road overlay allows for mixed commercial/residential uses
- The structure originated as a single-family dwelling, which was then converted to office use, then converted to a day care, which is the current approved use
- The property is serviced by its own well and septic
- The applicants would like to live on the property and use a small portion (590 sq ft) for sales of personal care items and consignment crafts
- There were be minimal changes to the exterior of the building
- There is an existing one-way in/out driveway with 9 parking spaces provided
- The sign will be changed for the new business
- The parking spaces will be re-striped
- No state approvals are required

C. Lanza noted a water line on the plan

C. Zilch noted there are two wells on the property and they are using the newer one. He added that there is a State approved septic plan for the daycare use on file and this reverts back to the original four-bedroom use.

It was noted that there is no note on the plan regarding the distance to the next similar use. This will need to be added to the final plan.

*★S. Ranlett moved, second by G. Silva to accept the amended site plan at 16 Danville Rd as complete. There was no discussion on the motion. The vote was 5-0-0 U/A.*

Waivers:

★S. Ranlett moved, second by G. Silva to approve the waiver request for §230-14.1(FF) loading/unloading zone, for the reasons stated in the written waiver request. There was no discussion on the motion. The vote was 5-0-0 U/A.

★S. Ranlett moved, second by G. Silva to approve the waiver request for §230-14.1(HH) separate landscaping plan, for the reasons stated in the written waiver request. There was no discussion on the motion. The vote was 5-0-0 U/A.

★S. Ranlett moved, second by G. Silva to approve the waiver request for §230-14.1(HH) separate landscaping plan, for the reasons stated in the written waiver request.

D. Arnold noted that the abutter's fence is falling down.

M. Dorman replied that he has been told that fence will be repaired.

*There was no additional discussion on the motion. The vote was 5-0-0 U/A.*

★S. Ranlett moved, second by G. Silva to approve the waiver request for §230-14.1(II) separate lighting plan, for the reasons stated in the written waiver request. There was no discussion on the motion. The vote was 5-0-0 U/A.

C. Lanza noted the hours of operation and cautioned that they would be held to the stated hours. He suggested that they increase the hours, adding they could be open less than they stated hours, but not more.

D. Arnold stated that he would like to change the hours on the plan to 9:00am to 9:00pm, seven (7) days a week.

★S. Ranlett moved, second by C. Lanza to approve the amended site plan for 16 Danville Rd with the following conditions:

- Note on the Plan for the next closest use
- Update note on Plan for hours of operation

*There was no discussion on the motion. The vote was 5-0-0 U/A.*

**PB16-03: A Minor Site Plan Application submitted by the owner of record, Cottage Plaza, L.L.C., 23A Wentworth Ave, Plaistow, NH 03865, to consider a proposed change of use from an existing ground floor retail/restaurant space to a 15 unit long-term stay motel facility located at 93 Plaistow Road, Plaistow NH, 03865, Tax Map 27, Lot 26-1 in the Commercial 1 District.**

Brud Weger, Weger Architects, York, ME and Gerald Carbone, property owner, were present for the application.

M. Dorman noted that the Plan being shown at this meeting displays the survey stamp of Dan Johnson (Plaistow Consultants). He noted that his Plan was modified, but still displays the stamp, which Mr. Johnson has not approved. M. Dorman noted that he was just making the Board aware as he was concerned over the legalities of reviewing the Plan with Mr. Johnson's stamp still on it.

B. Weger offered that following information regarding the application:

- The application is for a change of use from retail/residential to a motel/residential use
- The structure is an existing two-floor building with a nail salon and unused restaurant space on the first floor

- The application proposes to convert the first floor to a motel use with fifteen (15) extended stay units
- There would be minimal modifications to the exterior of the property, re-stripped parking, a handicap accessible ramp, and cutting into existing sidewalk to provide a planting strip

There was a discussion of what was meant by “extended stay.” Examples such as when a contractor comes into town for a lengthy job, such as building a new retail store, they would stay at this location, could be 1 month or 6 months. It was noted that the units could not have real cooking facilities beyond a microwave so it was not suitable for long-term residential living.

G. Carbone offered that one (1) stays would be allowed, but multiply nights made it better as there was less cleaning/turnover maintenance. He added that he didn’t want it to turn into long-term leases like apartments as it was more difficult to evict someone under those circumstances if a problem arises. G. Carbone noted that he was having legal counsel draw up the proper rental paperwork. He added that he didn’t plan on running the motel himself, but was looking to get the approvals in order to sell it.

It was noted that new State driveway and septic plan approvals would be needed for the change of use.

B. Weger noted that they were requesting three (3) waivers:

- Submission of a separate lighting plan
- Submission of a separate landscaping plan
- Submission of an elevation plan

B. Weger noted that there would be a reduction in the number of required parking spaces from the former restaurant/retail use.

There was a discussion of the parking requirements based on the six (6) existing residential apartments on the second floor; a (1) manager’s unit; fifteen (15) motel units and parking for three (3) employees. There was a discussion of the layout of the motel units, which would occupy the entire first floor.

S. Ranlett asked why there was no plan submitted for any upgrades to the second floor.

G. Carbone responded that he still needed to have that discussion with the Fire Department.

T. Moore noted that the Board would need written input from the Police Chief, Fire Chief, Health Department and Building Inspector’s office with any suggestions or concerns regarding this project.

G. Jones added that the Plan has been sent to the Department Heads.

There was discussion regarding landscaping. It was noted that waiving the need to a separate landscaping plan was not the same as a waiver of the actual landscaping requirements.

T. Moore noted that this public hearing was continued to September 21, 2016.

## **Agenda Item 7 – Other Business:**

### **Request for Impact Fee Offset – Chandler Place**

*★C. Lanza stepped down from the table at 7:29 pm. G. Adams was appointed as a voting member for C. Lanza.*

Steven Lewis, Chandler Place, was present for the discussion.

S. Lewis explained that he was before the Board to request relief from three (3) Impact Fees being assessed to his senior housing project at 18 Chandler Ave. In support of his request he offered the following for the Board:

School Impact Fee:

- Chandler Place is a federally supported, age-restricted project with a minimum age of 62 years old. The average age of the residents is 78
- Senior Housing is a "protected class" and are legally allowed to discriminate against children
- They are required to place and record a 99 year land use restriction on the property limiting the occupancy to seniors as well a requirement to remain affordable
- Chandler Place will still be required to pay property taxes, 75% of which go to support local schools
- In 36 years of building senior housing projects, including in towns of Atkinson, Derry, Salem and Hampstead, Mr. Lewis has never been required to pay a school impact fee.

*★S. Ranlett moved, second by G. Silva, to 100% offset the School Impact Fee for the project located at 18 Chandler Av, based on the protective class status of the senior residents. There was no discussion on the motion. The vote was 5-0-0 U/A.*

S. Lewis noted for the Board this granting his requests doesn't not set a precedent for future requests as his is a unique project.

Waterline Impact Fee

- This project has been a catalyst for a \$600,000+ waterline extension project that will supply two (2) condo projects on Chandler Ave that have seriously contaminated water. There has been cooperation with the Town on the construction of this waterline
- Water would be provided through the City of Haverhill which will include potable water for the condos at 26 and 28 Chandler Ave as well as supply some hydrants

Kimberly Raymond, 7 Linwood Street, Apt 1 expressed concerns over the offsetting of Impact Fees and the loss of the revenues to the Town. She added that she didn't agree with waiving of fees for a for profit business, despite the protected class status of the residents. She suggested the foregoing revenues that could be used on other projects, was a slippery slope.

There was discussion of what qualifies for an offset and what does not. It was noted that there were no plans at this time to bring the fire suppression line down Chandler Ave. It was also noted that Waterline Impact Fees do not apply to all business expansion. It was noted that there is a well on the property already for potable water. It was also noted that the potable water line was separate from this project and also had nothing to do with the GREE funding request to study the possibility of obtaining potable water in Town. It was noted that once fire hydrants are installed they become the responsibility of the Town to maintain.

S. Lewis stated that he didn't have to negotiate with Haverhill to bring potable water down Main St to Chandler Ave and he would not be making any money off a water franchise; payment for water would be between the users and the City of Haverhill. He added that he could be making way more money if he were constructing open market projects; instead he was providing quality, affordable senior housing.

*★G. Adams moved, second by S. Ranlett to approve a 100% offset of the waterline impact fee for the project at 18 Chandler Av. There was no discussion on the motion. The vote was 5-0-0 U/A.*

#### Recreation Impact Fee:

- It is understood that the Board cannot approve an offset of the Recreation Impact Fee
- The request is for a positive recommendation to the Board of Adjustment for relief from the Recreation Impact Fee
- There is a requirement under Federal support of this project to provide a fully equipped Community Center providing outreach programs for seniors in the area, not limited to residents of the project
- Community gardens, walking trails and a mini business center, manned by a senior services coordinator will be provided and will be open to all seniors, not just residents of the project

K. Raymond reiterated her concerns regarding offsetting or waiving any Recreation Impact Fees, she noted that the Recreation Department does provide a lot of senior programming.

T. Moore explained that Impact Fees were not for day-to-day programming and operations but where developed to offset the Town's expenses for larger capital items that were attributable to growth.

S. Lewis noted that he was not requesting a waiver of the Public Safety Impact Fee. He added that this was the first time that he would be required to pay such a fee in any community that he has worked in.

*★S. Ranlett moved, second by G. Silva to deny a request to offset Recreation Impact Fees. There was no discussion on the motion. The vote was 5-0-0 U/A.*

*By consensus of the Board a letter of support will be provided to Mr. Lewis should he seek relief from the Recreation Impact Fees with the Zoning Board of Adjustment.*

Gail Lafayette, resident at Glenridge in Salem, NH noted that she was a long time resident of Plaistow. She offered as much as she enjoyed living in Mr. Lewis' Salem project she was looking forward to coming back to Plaistow and living at Chandler Place.

*★C. Lanza returned to the table at 8:23 pm. G. Adams no longer voting member.*

#### ZBA Meeting Notice

D. Voss noted the upcoming ZBA meeting on August 25 and that there were two (2) matters on that agenda that will be returning to the Planning Board if approved.

There were no additional matters before the Board and the meeting was adjourned at 8:25 pm.

Respectfully Submitted,

Dee Voss  
Recording Secretary