



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

PLANNING BOARD MINUTES
December 21, 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, *Excused*
Laurie Milette
Steve Ranlett, *Selectman Ex-Officio*
Geoffrey Adams, *Alternate*

Also present: Greg Jones, *Town Planner* and P. Michael Dorman, *Chief Building Official*

★ *G. Adams was appointed as a voting member in place of C. Lanza*

Agenda Item 2: Minutes of December 07, 2016 Meeting

★ *S. Ranlett moved, second by G. Silva to approve the minutes of the December 07, 2016. There was no discussion on the motion. The vote was 4-0-1 (Ranlett abstaining).*

Agenda Item 3: Public Hearing: 2017 Zoning Ordinance Updates

- **Article VIII – Accessory Dwelling Units (ADUs)**
- **Plaistow Code, Article III – Unregistered vehicles and commercial equipment**
- **Article V – Establishment of Districts and District Regulations, Table 220-32B “Commercial 1” Zoning District Table of Permitted Uses, Table 220-32A “Industrial 1” Zoning District Table of Permitted Uses, and Table 220-32K “Industrial II” Zoning District Table of Permitted Uses.**
- **Article IX - Signs**

Article VIII – Accessory Dwelling Units (ADUs)

T. Moore noted that there recent legislative changes on the State level regarding accessory dwelling units (ADU). The changes in the RSAs will go into effect June 01, 2017, which was designed to give communities the opportunity to update their zoning ordinances.

T. Moore read the proposed amendment to Article VIII

Deletions are in ~~green bold~~ **strikeout**

Additions are in *red bold italics*

ARTICLE VIII

~~In-Law/Accessory Apartments~~
Accessory Dwelling Units - ADUs

NOTE: ALL references to “in-law/accessory apartment” in this Article and throughout the Zoning Ordinances shall be changed to “Accessory Dwelling Unit”

§ 220-56. Purpose.

- A. The purpose of the ~~in-law/accessory~~ *accessory dwelling unit* is to provide a housing alternative ~~for a family member(s)~~ while maintaining the health, safety and neighborhood aesthetics and quality.

§ 220-57. General Requirements.

~~In-law/accessory apartments~~ *Accessory dwelling units* are allowed if they comply with the following:

- A. The ~~in-law/accessory apartment~~ *accessory dwelling unit* shall be designed so that the appearance of the building remains that of a single-family dwelling. Any new entrances shall be located on the side or in the rear of the building. *Where accessory dwelling units are attached to the primary dwelling unit there shall be a connecting door.*
- B. The single-family dwelling shall not be a mobile home ~~or a condominium~~. *Accessory Dwelling Units are permitted in condominium units with written authorization from the condominium association. There shall not be more than one accessory dwelling unit per parcel.*
- C. The size of the ~~in-law/accessory apartment~~ *accessory dwelling unit* shall ~~be between 400 and 800 square feet~~. *not be any greater than 1,000 square feet.*
- D. ~~The first occupant of an in-law apartment must be a family member.~~ *At least one of the units, either the primary dwelling or the accessory dwelling unit, must be owner occupied.*
- E. ~~Only one bedroom is~~ *No more than two bedrooms are* permitted in the ~~in-law/accessory apartment~~ *accessory dwelling unit.*
- F. In no case shall there be more than two people residing within an ~~in-law/accessory apartment~~ *accessory dwelling unit.*
- G. The structure and lot shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the existing single-family dwelling.
- H. Prior to granting a building permit for a new ~~in-law/accessory apartment~~ *accessory dwelling unit* or a certificate of occupancy for an existing ~~in-law/accessory apartment~~ *accessory dwelling unit* the property owner shall provide to the Building Inspector the following:
 - a. The applicant for a new ~~in-law/accessory apartment~~ *accessory dwelling unit*, or an existing ~~in-law/accessory apartment~~ *accessory dwelling unit* without a State approved septic design, shall provide the Building Inspector's Office with a State of New Hampshire approved septic design. Any septic design shall specifically call out the number of bedrooms in the primary dwelling ~~in-law/accessory~~ *and the number of bedrooms in the accessory dwelling unit separately*. Prior to submission of any septic design to New Hampshire Department of Environmental Services, a test pit will be done and witnessed by the Town's Health or Deputy Health Officer and the proposed design shall be reviewed for compliance with all Zoning Ordinances.
 - b. A floor plan of one-fourth-inch-to-the-foot scale showing the proposed changes to the building.
 - c. A sketch plan (drawn to scale) of the lot, with existing and proposed structures and parking.

- I. All utilities in the ~~in-law/accessory apartment~~ **accessory dwelling unit** shall use the existing utility meters.
- J. ~~Once the initial family member(s) ceases to occupy the unit and prior to it being occupied as a rental unit,~~ **An accessory dwelling unit may be rented,** the property owner shall apply for a certificate of occupancy in the new tenant's name. Before a certificate of occupancy will be issued the unit shall be inspected for compliance with building and life safety codes. A new certificate of occupancy shall be issued each time there is a change in tenancy.
- K. If a home with an ~~in-law/accessory apartment~~ **accessory dwelling unit** is sold, the new property owner shall make an application to the Department of Building Safety for a certificate of occupancy for the new tenant, under the provisions in letters A through J in this ordinance.
- L. ~~In-law/accessory apartment~~ **Accessory dwelling units** may be added to single-family residence, an attached garage, or a detached garage. The garage ~~apartments units~~ may be added on the same floor as the garage proper or may be built as a second story to the garage.
- M. For lots exceeding 160,000 square feet, an ~~in-law/accessory apartment~~ **accessory dwelling units** may be added as a stand-alone structure provided all other provisions of this ordinance are met.

INTENT: To bring the current In-Law/Accessory Apartment Ordinance into compliance with recent changes in the NHRSAs pertaining to Accessory Dwelling Units.

Discussion:

§220-57.H.a which reads (in part):

- a.a test pit will be done and witnessed by the Town's Health ~~or~~, Deputy Health Officer, **or Building Inspector** and the proposed design shall be reviewed for compliance with all Zoning Ordinances.

S. Ranlett suggested that it be changed to include the ability of the Building Inspector to witness a test pit. It was noted that currently the Building Inspector and Deputy Health Officer are the same person (M. Dorman) but that may not always be the case in the future.

G. Adams asked if there were specific qualifications to be able to witness a test pit. It was noted that all that was required was someone to physically witness that a test pit was performed. It is the septic designer's responsibility to properly record the results of the test pit.

§220-57.B which reads (with proposed amendment):

- B. The single-family dwelling shall not be a mobile home ~~or a condominium.~~ **Accessory Dwelling Units are permitted in condominium units with written authorization from the condominium association. There shall not be more than one accessory dwelling unit per parcel.**

M. Dorman questioned the last line which allows for only one accessory dwelling unit *per parcel*. He noted that if ADUs were going to be allowed in condo units, this would only allow for one ADU in an entire condominium complex. It was decided to strike the line.

The amendment to §220-57 B. would now read:

- B. The single-family dwelling shall not be a mobile home ~~or a condominium~~. *Accessory Dwelling Units are permitted in condominium units with written authorization from the condominium association.*

S. Ranlett noted that the number of ADUs would be governed by the septic design anyway, which would most likely limit the number that could be approved in a condo complex.

There were no additional questions. It was noted that there were no residents present at this public hearing to ask questions or offer comments

★S. Ranlett moved, second by G. Silva to post the changes to Article VIII to the Warrant as read and with the changes to §220-57.H.a and §220-57.B and with the property legal wording for a proposed Warrant Article. There was no discussion on the motion. The vote was 5-0-0 U/A.

Unregistered Vehicles and Commercial Equipment

T. Moore read the proposed amendment to Article III, §220-13.

**PLAISTOW CODE
ARTICLE III**

Additions are in ***bold red italic***

Deletions are in ~~**bold green strikeout**~~

Proposed Plaistow Zoning Amendment Z-17-??

Are you in favor of amending Zoning Ordinance “Article III § 220-13. Unregistered vehicles and commercial equipment” by adding the words “for sale” in Section A. and changing the number of commercial vehicles allowed on a residential lot to one; and by adding a new section B. (1) EXCEPTION to read as noted:

- A. No more than one unregistered or inoperable motor vehicle may be kept on any lot in any zone unless part of an approved site plan. Such vehicles shall not be stored between the principal building and the street line unless adequately buffered from the street and neighbors by a stockade fence or other solid screening. This section shall not apply to the parking of one noncommercial motor vehicle ***for sale*** parked on a driveway, if the same is in operable condition and meets standards as required under New Hampshire Revised Statute Annotated 266:1, IV, for inspection and registration.
- B. No more than ~~two~~ ***one*** commercial motor, one-ton weight limit ~~each~~, vehicles may be kept on any lot in the residential zone. ~~One shall be garaged or fenced in with a stockade fence or other solid screening.~~

(1) EXCEPTION: Employees who bring home vehicles, greater than 1-ton capacity, to provide “on call” 24-hour response service, may keep that vehicle on their property while they are on “on call” status. A letter from the employer, noting the name of the employee, their “on call”

status, and type of response vehicle, must be filed with the Code Enforcement Office and updated annually.

INTENT: Housekeeping changes regarding vehicles for sale on residential lots as well as limit the number of commercial vehicles on residential lots. To also allow those who provide “on call” services, and may need to use a vehicle of greater than one-ton capacity (i.e. oil/propane truck, tow truck) to keep that vehicle on their property while in “on call” status.

Discussion:

G. Adams offered a grammatical change in section B which would relocate the word “vehicle.” The proposed change would now read:

- B. No more than ~~two~~ **one** commercial motor vehicle, one-ton weight limit ~~each~~, may be kept on any lot in the residential zone. ~~One shall be garaged or fenced in with a stockade fence or other solid screening~~

M. Dorman offered that the proposed change was applicable to gas (propane) trucks, tow trucks and the like that are used by those providing an on-call service. Such vehicles are currently not allowed.

★S. Ranlett moved, second by G. Adams to post the changes to Article III §220-13 to the Warrant as read and amended. There was no discussion on the motion. The vote was 5-0-0 U/A.

Article IX §220-61.A. (b)

§ 220-61. Prohibited signs.

A. The following types of signs are expressly prohibited in all districts unless otherwise provided for in this article:

(1) Off-site signs.

(a) Exemption: One (1) real estate sign may be placed in front of a parcel or unit for sale, lease, or rent without a permit. [Added 3-10-2009 ATM by Art. P-09-22]

~~(b) Exemption: Plaistow Non and Not-for Profit Organizations may obtain a permit for temporary signage to advertise for a membership drive and/or special event with the following conditions: [Added 3-8-2016 ATM by Art. Z-16-04]~~

~~(1) Definition: For purposes of this section of the ordinance only, Plaistow Non and Not-for Profit Organization shall be defined as:~~

~~— Churches with a physical location in Plaistow~~

~~— Timberlane Regional School District~~

~~— Civic/Social Organizations/Clubs (i.e. Lions Club, Fish & Game Club, Knights of Columbus, Boy/Girl Scouts and the like) with a recognized chapter in Plaistow~~

- ~~(2) The event must be sponsored by a Plaistow Non or Not-for Profit Organization as defined above~~
- ~~(3) The event for which the sign permit is being sought, must be held in Plaistow~~
- ~~(4) Signs may be put up no earlier than two (2) weeks prior to an event and must be removed within one (1) week after the event.~~
- ~~(5) A permit from the Department of Building Safety is required~~
- ~~(6) No more than twenty (20) signs may be erected under this permit~~
- ~~(7) No more than one (1) permit per event~~
- ~~(8) There is no fee for this permit~~
- ~~(9) This permit is for temporary signage only. All permanent signage must comply with all other sections of Article IX~~

Discussion:

It was noted that this ordinance was enacted in the previous year. Since that time there has been a US Supreme Court decision (Reed vs. Gilbert) that makes such preferences in a ordinance illegal. Therefore it is recommended that this section of the ordinance be repealed to comply with the Court decision.

★S. Ranlett moved, second by G. Silva to post the changes to Article IX §220-61.A. (b) to the Warrant as read and with the proper Warrant language. There was no discussion on the motion. The vote was 5-0-0 U/A.

Article V, Table 220-32B – Commercial I

**Table 220-32B
"CI" - Commercial I**

- A. Objectives and characteristics. With today's reliance on automobile transportation and Plaistow's being the commercial center for an area beyond its boundaries, provisions need to be made within the Town for areas to serve as regional commercial centers. These areas should have good highway access, adequate off-street parking, proper lighting, police and fire protection, and adequate water and sewer services provided.
- B. Uses.
[Amended 3-13-2001 ATM by Art. P-34; 3-12-2002 ATM by Arts. P-39 and P-47; 3-11-2008 ATM by Arts. P-08-26, P-08-33, and P-08-34; 3-10-2009 by Art. P-09-14; 3-8-2016 ATM by Art. Z-16-03].

Permitted Uses

1. Retail business
2. Wholesale business
3. Personal service business²
4. Business office
5. Professional office
6. Bank
7. Restaurant

Allowed by Special Exception

- ~~22.~~ Care and treatment of animals¹
- ~~23.~~ (Reserved)
- ~~24.~~ (Reserved)
- ~~25.~~ Adult-oriented business³

**Table 220-32A
"INDI" - Industrial I**

8. Funeral establishment
9. Private/service club
10. Commercial recreation
11. Motel
12. Vehicular, trailer and recreational vehicles sales and service repair facility
13. Place of Worship
14. Publishing
- 14.1. Vehicular brokerage office
- 14.2. Drive-through restaurants
- 14.3. Drive-in restaurants
- 14.4. Produce stand
15. Public use, limited to public safety and service
16. Accessory use or structure
17. Storage of equipment/vehicles used to service a product
18. Essential service
19. Small industry
20. Multimodal park and ride lots
21. Theaters
- 22. Nursing/Convalescent Homes/Assisted Living Facilities**
- 23. Hospitals/Urgent Care Facilities**

Discussion:

T. Moore noted there were two (2) proposed changes to the Commercial I permitted used table:

- Add "Assisted Living Facilities" as a permitted use (#22)
- Add "Hospitals/Urgent Care Facilities" as a permitted use (#23)

T. Moore added that some of these proposed uses would be unlikely without a public water supply.

It was noted that as numbered the new additions were in conflict with the numbers of the list of uses permitted by special exception. It was decided to re-number the list of uses by special exception to start at #1.

★S. Ranlett moved, second by G. Silva to post the changes to Article V, Table 220-32B to the Warrant as read, re-numbered, and with the proper Warrant language. There was no discussion on the motion. The vote was 5-0-0 U/A.

Article V, Table 220-32A – Industrial I

**Table 220-32A
"INDI" - Industrial I**

- A. Objectives and characteristics. The purpose of this district is to provide locations for the establishment of plants to improve employment opportunities and broaden the tax base in the community. These areas should be selected so that they will not adversely affect developed residential areas, will have good access to transportation facilities, and will have the potential for being served by public water and sewer systems. A variety of types of manufacturing activities, distribution facilities, and offices should be permitted, as well as certain support facilities, especially of a commercial nature.

One of the major characteristics of this zone is its proximity to the rail line that carries both freight and passenger service and should favor those industries that are able to take advantage of the rail connection. The zone is also surrounded by residential uses and in general does not have good access to a major thoroughfare such as Route 125. These areas are extremely traffic sensitive and noise and dust issues will be of paramount importance. Any proposed use must not violate §220-5., Prohibited Uses. [Amended 3-10-2009 ATM by Art. P-09-26]

- B. Uses.
[Amended 3-13-2001 ATM by Art. P-33; 7-7-2005 by STM by Art. SP-1; 3-11-2008 ATM by Art. P-08-24; 3-10-2009 ATM by Art. P-09-26]

Permitted Uses	Allowed by Special Exception
1. Light industry	None
2. Warehouse	
3. (Reserved)	
4. Outdoor storage	
5. Contractor's storage yard	
6. Publishing	
7. Research and testing labs	
8. Office	
9. Essential service	
10. (Reserved) ¹	
11. Public use limited to office, public safety, service and recreation	
12. (Reserved)	
13. Accessory use or structure	
13.1. Mini-storage	
14. (Reserved) ⁶	
15. Bank kiosk	
16. Rail services and rail stations	
17. Manufacturing/Retail combined use²	

¹ Uses (10-Aviation and 14-Bank) removed from Permitted Uses on 3-10-2009 ATM by Art. P-09-26.

² **A retail use may be combined with a manufacturing use provided the retail sales are predominantly for the purpose of selling the items products manufactured in the associated manufacturing facility.**

Discussion:

T. Moore noted that the only proposed change was to add a permitted use of “Manufacturing/Retail combines use” with an associated footnote that defines what that means. He noted that this was triggered by a discussion with someone who was interested in having a microbrewery with a tasting room where their product could be sold.

G. Adams suggested that the word “Items” in the footnote be changed to “products” (change is noted above).

★S. Ranlett moved, second by G. Adams to post the changes to Article V, Table 220-32A to the Warrant as read, including the footnote, the noted change in the footnote, and with the proper Warrant language.

There was discussion on whether or not it would be appropriate to allow this same use in the Commercial I district. Members tried to think of types of manufacturing that would not be appropriate in the district, but would be allowed if the ordinance was applied there as well. It was decided that further consideration was needed before proposing this particular change in the Commercial I district.

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

Article V, Table 220-32K – Industrial II

**Table 220-32K
"INDII" - Industrial II**
[Added 3-10-09 ATM by Art. P-09-26]

A. Objectives and characteristics. The purpose of this district is to provide locations for the establishment of plants to improve employment opportunities and broaden the tax base in the community. These areas should be selected so that they will not adversely affect developed residential areas, will have good access to transportation facilities, and will have the potential for being served by public water and sewer systems. A variety of types of manufacturing activities, distribution facilities, and offices should be permitted, as well as certain support facilities, especially of a commercial nature.

B. Uses.

Permitted Uses	Allowed by Special Exception
1. Light industry	None
2. Warehouse	
3. Recycling facility (construction debris, household waste, and trash facilities are expressly prohibited)	
4. Outdoor storage	
5. Contractor's storage yard	
6. Publishing	
7. Research and testing labs	
8. Office	
9. Essential service	
10. Aviation use	
11. Public use limited to public safety, service and recreation	

12. Accessory use or structure
13. Mini-storage
14. Bank
15. Bank kiosk
16. **Manufacturing/Retail combined use¹**

¹A retail use may be combined with a manufacturing use provided the retail sales are predominantly for the purpose of selling the ~~items~~ products manufactured in the associated manufacturing facility.

Discussion:

It was noted that this was the same change as proposed in the Industrial I district, making it also applicable in the Industrial II district.

G. Adams proposed the same change be made to this footnote as well (change is noted above).

★S. Ranlett moved, second by G. Silva to post the changes to Article V, Table 220-32K to the Warrant as read, including the footnote, the noted change in the footnote, and with the proper Warrant language.

There was additional discussion about proposing a similar change in the Integrated Commercial/Residential district. It was decided that it would be a topic of discussion for future zoning amendments. It was noted that anyone seeking to have the permitted used in another district could always seek relief from the Zoning Board of Adjustment.

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

There were no additional zoning ordinance amendments discussed.

G. Jones offered that he would get the proposed changes off to Attorney Charles Cleary for review.

T. Moore noted that it would be wise to continue the Public Hearing on the ordinance changes in case any suggestions come back from Attorney Cleary.

T. Moore stated that the Public Hearing on Zoning Ordinance Amendments is continued to January 4, 2017 so that any changes suggested by Attorney Cleary may be considered.

★S. Ranlett moved, second by G. Silva that all proposed amendments discussed at this meeting will be reviewed by Planning Board Attorney Charles Cleary prior to being posted to the Warrant. There was no discussion on the motion. The vote was 5-0-0 U/A.

Other Business

G. Jones noted that he was waiting for additional information on some of the pending projects and would have an update for the Board in January.

It was noted that there were no Zoning Board of Adjustment actions at this time that related to Planning Board matters.

There was no additional business before the Board and the meeting was adjourned at 7:10 p.m.

Respectfully Submitted,

Dee Voss
Recording Secretary

draft