

TOWN OF PLAISTOW NEW HAMPSHIRE 2020 TOWN MEETING VOTER'S GUIDE



- **Deliberative Session - Saturday, February 1, 2020 - 9:00 A.M.**
Pollard School, 120 Main Street
Gym (1st Floor)

- **Deliberative Session Snow Date – Determined by Town Moderator**
Pollard School, 120 Main Street
Gym (1st Floor)

- **Ballot Voting - Tuesday, March 10, 2020**
Pollard School, 120 Main Street
Polls open from 7:00 A.M. to 8:00 P.M.

2020 Plaistow Town Warrant

State of New Hampshire

To the inhabitants of the Town of Plaistow, New Hampshire, in the County of Rockingham in said state, qualified to vote in Town affairs.

You are hereby notified to meet for the first session of the annual town meeting at the Pollard School, 120 Main Street in said Plaistow on Saturday, February 1, 2020 at 9:00 AM in the forenoon to explain, discuss and amend each article and to determine the form for the questions on the ballot, except those Warrant Articles where wording is prescribed by law. The snow date will be determined by the Town Moderator if necessary.

The final voting on all Warrant Articles will take place by official ballot at the second session. Therefore, you are hereby notified to meet for this second session of the annual town meeting at Pollard School, 120 Main Street, in said Plaistow on Tuesday, March 10, 2019 from 7:00 AM in the forenoon until 8:00 PM in the afternoon to elect officers and to act on the following Articles by official ballot voting.

The articles begin with “P” to differentiate the Town articles from the School District articles and from the Town Zoning Articles that begin with “Z”.

To Plaistow Citizens

The Plaistow Board of Selectmen is pleased to present this Voter’s Guide to assist all voters who will be voting on Tuesday, March 10, 2019 at the Pollard School from 7 A.M. to 8 P.M.

The purpose of the guide is to help you make informed decisions as you vote. The way the Town operates and how much it spends is determined by your votes. Please note that state’s “No means no” law prohibits the town from spending any funds for the purposes described in the articles you are voting on if the majority vote no. The sole exception is the Warrant Article for the Town budget. See Article P-20-02 for further explanation.

We strongly encourage you to vote on March 10th. Your continued participation is vital.

Sincerely,

Plaistow Board of Selectmen

“Please take time to review these warrants and please contact any of your elected officials or the Town Manager with any questions”

NOTE: When you see a vote by the Board of Selectmen or the Budget Committee in parenthesis, the first digit is a yes vote, the second digit is a no vote and the third digit is an abstention. Therefore, a (3-1-1) means
(3 yes; 1 no; 1 abstain).

Note: The designation “**RSA**” identifies the specific NH State Law that is used to authorize the referenced action.

TOWN ELECTIONS

Article P-20-01: To elect all necessary Town Officers for ensuing year.

OPERATING BUDGET – GENERAL FUND

Article P-20-02: Shall the Town raise and appropriate as an operating budget, not including appropriations by special warrant and other appropriations voted separately, the amount set forth on the budget posted with the warrant, or as amended by vote of the first session, for the purpose set forth therein, totaling \$9,706,991. Should this article be defeated, the operating budget shall be \$9,984,653 with certain adjustments required by previous action of the Town, or by law; or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XI to take up the issue of a revised budget only. (Majority vote required)

(Recommendation by the Board of Selectmen (2-1-1) and the Budget Committee (7-1-0).

Article P-19-02: Explanation: The operating budget presented in this warrant article (\$9,726,991) reflects the Budget Committee approved budget and any modifications that may have been made at the 2020 Deliberative Session. The default budget presented in this warrant article (\$9,984,653) becomes effective if Article P-19-02 fails, that is, does not get a majority of “Yes” votes. The default budget amount is prescribed by state statute.

OPERATING BUDGET – WATER DEPARTMENT

Article P-20-03: Shall the Town raise and appropriate as an operating budget for the water department, not including appropriations by special warrant and other appropriations voted separately, the amount set forth on the budget posted with the warrant, or as amended by vote of the first session, for the purpose set forth therein, totaling \$157,444. Should this article be defeated, the operating budget shall be \$157,444 with certain adjustments required by previous action of the Town, or by law; or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XI to take up the issue of a revised budget only. (Majority vote required)

TOTAL APPROPRIATION:	\$157,444
Withdrawal from the Water Enterprise Fund:	-\$157,444
NO AMOUNT TO BE RAISED BY NEW TAXATION	\$0

Balance in Water Enterprise Fund as of December 31, 2019	(+/-)	\$590,000
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(Recommendation by the Board of Selectmen (4-0-0) and the Budget Committee (9-0-0).

Article P-20-03: Explanation: The operating budget presented in this warrant article (\$157,444) reflects the Budget Committee approved budget and any modifications that may have been made at the 2020 Deliberative Session. The default budget presented in this warrant article (\$157,444) becomes effective if Article P-20-03 fails, that is, does not get a majority of “Yes” votes. The default budget amount is prescribed by state statute. The creation of an operating budget for the water department is in preparation for the implementation of a potable water system in Plaistow. The budget is funded through water usage fees and not property taxes. It will include amounts to not only operate the water system, but also for its expansion.

PUBLIC WORKS FACILITY – PHASE 3

Article P-20-04: Shall the Town vote to raise and appropriate \$350,000 as a non-lapsing appropriation per RSA 32:7 VI that will be used to construct a salt shed with solar panels for storage of sand and salt used to treat the Town’s roads during the winter months with said funds to come from the General Fund, Unassigned Fund Balance?” This shed will be constructed adjacent to the Public Works Facility Garage located at the former Penn Box site Map 41 Lot 11 144 Main Street. (Majority vote required)

TOTAL APPROPRIATION:	\$350,000
Withdrawal from the General Fund, Unassigned Fund Balance:	-\$350,000
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NO AMOUNT TO BE RAISED BY NEW TAXATION	\$0

Balance in General Fund, Unassigned Fund Balance, as of December 31, 2019 (+/-) \$2,650,000

(Recommendation by the Board of Selectmen (4-0-0) and the Budget Committee (4-5-0).

Article P-20-04 Explanation: CIP Reference: MB4.E. This non-lapsing appropriation is being established for the short-term use of collecting and expending funds that will be used to finish construction of the new Public Works Complex on the former Penn Box site adjacent to the Pan Am railroad tracks with access only onto Main Street. A prefabricated metal building was erected for garage and office space was completed in 2019. Phase 3 involves the construction of a new salt shed and solar panels. The appropriation will be placed in an interest-bearing account. This is a proactive approach to complying with future DES regulations covering the storage of road salt; reducing the cost of road salt by being able to store all the salt needed for each winter and by purchasing it at lower costs during non-winter months.

CONTINGENCY FUND

Article P-20-05: Shall the Town vote to raise and appropriate \$80,000 for unanticipated expenses that may arise during the course of the 2020 fiscal year with said funds to come from the General Fund, Unassigned Fund Balance? Any appropriation left in the Contingency Fund at the end of the year will lapse to the General Fund, Unassigned Fund Balance. (Majority vote required)

TOTAL APPROPRIATION:	\$80,000
Withdrawal from the General Fund, Unassigned Fund Balance:	-\$80,000
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NO AMOUNT TO BE RAISED BY NEW TAXATION	\$0

Balance in General Fund, Unassigned Fund Balance, as of December 31, 2019 (+/-) \$2,650,000

(Recommendation by the Board of Selectmen (4-0-0) and the Budget Committee (4-5-0).

Article P-20-05 Explanation: Establishment of a contingency fund gives the Board of Selectmen another tool to manage the Town in an efficient manner. If unanticipated expenses arise, the Board of Selectmen would have a source of funds to pay for the unanticipated expense. The fund must be re-established each year and cannot accumulate funds from year-to-year. The balance of contingency fund at the end of the year is returned to the Unassigned Fund Balance.

POLLARD ROAD CULVERT REPAIR

Article P-20-06: Shall the Town vote to raise and appropriate \$90,000 for the repair of the Pollard Road Culvert? The funds will be withdrawn from the General Fund, Unassigned Fund Balance. (Majority vote required)

TOTAL APPROPRIATION:	\$90,000
Withdrawal from the General Fund, Unassigned Fund Balance:	-\$90,000
NO AMOUNT TO BE RAISED BY NEW TAXATION	\$0

Balance in General Fund, Unassigned Fund Balance, as of December 31, 2019 (+/-) \$2,650,000

(Recommendation by the Board of Selectmen (4-0-0) and the Budget Committee (9-0-0).

Article P-20-06 Explanation: The town received a 47% ARM Grant to fund the repair of the Pollard Road Culvert. The Town has already invested approximately \$47,000 and the balance to complete this project is approximately \$90,000. This non-lapsing fund will be withdrawn from the General Fund/Unassigned Fund Balance.

HIGHWAY DEPARTMENT EQUIPMENT – TRUCK BED

Article P-20-07: To see if the Town shall vote to raise and appropriate the sum of \$50,000 for the replacement of a Highway Department truck bed with said funds to come from the Highway Department Equipment Expendable Trust Fund. (Majority vote required)

TOTAL APPROPRIATION:	\$50,000
Withdrawal from the Expendable Trust Fund Highway Dept. Equipment:	-\$50,000
NO AMOUNT TO BE RAISED BY NEW TAXATION	\$0

Balance in Expendable Trust Fund Highway Dept. Equipment, as of December 31, 2019 (+/-) \$206,988

(Recommendation by the Board of Selectmen (4-0-0) and the Budget Committee (9-0-0).

Article P-20-07 Explanation: Instead of purchasing a new replacement vehicle (approximate cost \$200,000), the article would instead replace the truck bed and put this existing vehicle back into service for the town.

HIGHWAY DEPARTMENT EQUIPMENT – FORKLIFT

Article P-20-08: To see if the Town shall vote to raise and appropriate the sum of \$25,000 for the purchase of a Highway Department forklift. \$15,000 will be withdrawn from the Highway Department Equipment Expendable Trust Fund with the balance coming from the Road Impact fees SRF. (Majority vote required)

TOTAL APPROPRIATION:	\$25,000
Withdrawal from the Expendable Trust Fund Highway Dept. Equipment:	-\$15,000
Withdrawal from the Road Impact Fees:	-\$10,000
NO AMOUNT TO BE RAISED BY NEW TAXATION	\$0

Balance in Expendable Trust Fund Highway Dept. Equipment, as of December 31, 2019 (+/-) \$206,988

(Recommendation by the Board of Selectmen (4-0-0) and the Budget Committee (9-0-0).

Article P-20-08 Explanation: Since the Public Works Building contains a mezzanine floor the cost of leasing a forklift would far outweigh the acquisition of one to be used by both the Highway and Water Departments.

CAPITAL RESERVE FUND DEPOSIT – FIRE DEPARTMENT APPARATUS

Article P-20-09: To see if the Town will raise and appropriate the sum of \$100,000 to be added to the Fire Department Apparatus Capital Reserve Fund previously established. (Majority vote required)

TOTAL APPROPRIATION: **\$100,000**

Balance in Fire Department Apparatus Capital Reserve Fund, as of December 31, 2019 (+/-) \$236,898

(Recommendation by the Board of Selectmen (4-0-0) and the Budget Committee (9-0-0).

Article P-20-09 Explanation: CIP Reference: F1D. Timely deposits into the Fire Department Apparatus Capital Reserve Fund will allow for the orderly replacement of fire department vehicles using only capital reserve money that helps to level the yearly tax impact. This fund is invested in an interest-bearing account and funds can only be withdrawn by a vote at a Town Meeting.

CAPITAL RESERVE FUND DEPOSIT – FIRE DEPARTMENT RADIO FUND

Article P-20-10: To see if the Town will raise and appropriate the sum of \$15,000 to be added to the FD Radio Capital Reserve Fund previously established. (Majority vote required)

TOTAL APPROPRIATION: **\$15,000**

Balance in Fire Department Radio Fund, as of December 31, 2019 (+/-) \$15,809

(Recommendation by the Board of Selectmen (4-0-0) and the Budget Committee (5-4-0).

Article P-20-10 Explanation: CIP Reference: F3D. The portable and mobile radios used by the Fire Department are coming to the end of their useful life, that is, parts are hard to find and the radios are worn out by heavy usage over the past years. The department has 37 portable radios at an approximate cost of \$5,000 apiece and 12 mobile radios (mounted in vehicles) at an approximate cost of \$8,000 apiece. The cost to replace all the radios at one time would be \$281,000. \$15,000 is proposed to be deposited into a capital reserve fund that will be used to fund the radio replacements. This fund will be invested in an interest-bearing account.

CAPITAL RESERVE FUND DEPOSIT – BUILDINGS/BUILDING SYSTEMS

Article P-20-11: To see if the Town will raise and appropriate the sum of \$28,000 to be added to the Buildings/Building Systems Capital Reserve Fund previously established. (Majority vote required)

TOTAL APPROPRIATION: **\$28,000**

Balance in Buildings/Building Systems Fund, as of December 31, 2019 (+/-) \$15,347

(Recommendation by the Board of Selectmen (4-0-0) and the Budget Committee (3-6-0).

Article P-20-11 Explanation: CIP Reference: MB1D.1. This fund was created to have a pool of money available to fix unanticipated or emergency building repairs or building systems repair and maintenance. The Board of Selectmen was named the fiscal agent for this fund. This fund is invested in an interest-bearing account.

CAPITAL RESERVE FUND DEPOSIT – ENERGY

Article P-20-12: To see if the Town will raise and appropriate the sum of \$25,000 to be added to the Energy Capital Reserve Fund previously established. (Majority vote required)

TOTAL APPROPRIATION: **\$25,000**

Balance in Energy Fund, as of December 31, 2019 (+/-) \$59,856

(Recommendation by the Board of Selectmen (4-0-0) and the Budget Committee (1-8-0).

Article P-20-12 Explanation: CIP Reference: MS5D. This fund was established to fund projects that increase energy efficiency and energy projects that reduce the Town’s energy costs. A LED Lighting Audit is proposed for the Public Safety complex. This fund is invested in an interest-bearing account. This fund is in the Capital Improvements Program as approved by the Planning Board.

CITIZEN PETITION – SOROCK DONATION

Article P-20-13: On petition of 25 or more registered voters, shall the Town vote to raise and appropriate the sum of \$7,729, (\$1 per person) based on the population numbers provided in the 2017 Census American Community Survey, to support the substance misuse prevention, suicide prevention and community wellness services of the SoRock Coalition for Healthy Youth. SoRock’s work promotes wellness and nurtures resiliency for the children, youth and families of Plaistow as well as surrounding communities. SoRock works through coordinating community education, programming & resources and collaborating with federal and state agencies to help direct additional resources to the towns they serve.

TOTAL APPROPRIATION: **\$7,729**

(Recommendation by the Board of Selectmen (0-4-0) and the Budget Committee (0-9-0).

Article P-20-13 Explanation: This article is a citizen’s petition of 25 registered voters. It requests \$1 per person living in Plaistow based on 2017 Census American Community Survey numbers be raised from taxes and donated to the SoRock Coalition for Healthy Youth. No data was presented with this petition to determine the number of Plaistow residents that this organization has supported in the recent year.

CAPITAL RESERVE FUND DEPOSIT – TRANSPORTATION

Article P-20-14: To see if the Town will raise and appropriate the sum of \$25,000 to be added to the Transportation Infrastructure Capital Reserve Fund previously established. (Majority vote required)

TOTAL APPROPRIATION: **\$25,000**

Balance in Transportation Infrastructure Fund, as of December 31, 2019 (+/-) \$34,809

(Recommendation by the Board of Selectmen (4-0-0) and the Budget Committee (3-6-0).

Article P-20-14 Explanation: CIP Reference: CIP Reference: T1D. This fund was created so the Town would have a source of funds for various transportation infrastructure projects such as sidewalk improvements, drainage improvements, and hazard mitigation projects as identified in the Hazard Mitigation Plan. The Board of Selectmen are named fiscal agents of the fund. This fund is invested in an interest-bearing account. The fund is in the Capital Improvements Program as approved by the Planning Board.

CREATE AND DEPOSIT TO INFORMATION TECHNOLOGY FUND

Article P-20-15: To see if the Town shall vote to establish an Information Technology Capital Reserve Fund under the provisions of RSA 35:1 for the purpose of funding equipment and software updates for all the Town's computerized systems as needed in the future and to raise and appropriate the sum of \$15,000 to be placed in this fund. Further, to name the Board of Selectmen as agents to expend from said fund. (Majority vote required)

TOTAL APPROPRIATION: **\$15,000**

(Recommendation by the Board of Selectmen (4-0-0) and the Budget Committee (4-5-0).

Article P-20-15 Explanation: This article would create a fund for information technology capital projects such as purchasing new computers servers or other computer hardware and software applications for the Town.

FUNDING FOR PERMITS TO FIX THE CAP OF THE PLAISTOW LANDFILL

Article P-20-16: Shall the town vote to raise and appropriate \$150,000 to fund the permitting design and engineering process for the Plaistow Landfill closure to comply with DES regulations. The funds will be withdrawn from the General Fund, Unassigned Fund Balance. (Majority vote required)

TOTAL APPROPRIATION **\$150,000**
Withdrawal from the General Fund, Unassigned Fund Balance: **-\$150,000**

NO AMOUNT TO BE RAISED BY NEW TAXATION **\$0**

Balance in General Fund, Unassigned Fund Balance, as of December 31, 2019 (+/-) \$2,650,000

(Recommendation by the Board of Selectmen (4-0-0) and the Budget Committee (3-6-0).

Article P-20-16 Explanation: This article would fund required permits for the engineering necessary to fix the cap of the Plaistow Landfill, located off of Old County Road. This is a proactive approach to future higher costs to comply with DES regulations for landfills.

TREASURER:

Article P-20-17: Shall the Town vote, to appoint a Town Treasurer pursuant to RSA 41:26-e upon recommendation of the Town Manager with the approval of the Board of Selectmen? Such appointment is to be made in accordance with RSA 669:17-d. Such appointment shall be made in writing and shall include the compensation to be paid. If approved the person holding the elected office shall continue to hold such office until the next annual town election following the vote. (Majority vote required)

(Recommendation by the Board of Selectmen (4-0-0)

Article P-20-17 Explanation: The position of Town Treasurer requires special knowledge and financial skills needed to properly reconcile the many accounts and required reports for this role. Previous elected individuals without these skills have prematurely resigned from the position leaving the town with no Treasurer. The article would allow the Town to recruit and appoint individuals with the adequate knowledge and experience for this role.

EXPENDABLE TRUST FUND HIGHWAY DEPARTMENT EQUIPMENT

Article P-20-18: Shall the Town vote to name the BOS as agents to the Highway Department Equipment Expendable Trust Fund? This fund was created in 2006 with Warrant P-24. (Majority vote required)

(Recommendation by the Board of Selectmen (4-0-0))

Article P-20-18 Explanation: This fund is the only Trust Fund where the Select Board is not listed as agents of the fund. The amendment to the language of the Highway Department Equipment Expendable Trust Fund allows the Board of Selectman to expend funds during the course of the year without requiring a warrant.

EXPENDABLE TRUST FUND OLD HOME DAY:

Article P-20-19: Shall the Town vote to create an Expendable Trust Fund under the provision of RSA 31:19-a for the express purpose of depositing any donations, or proceeds from the advertising brochure for Old Home Day? Said funds shall be used exclusively for expenses incurred by the Old Home Day activity, and further to appoint the BOS as agents to expend the fund. (Majority vote required)

(Recommendation by the Board of Selectmen (4-0-0))

Article P-20-19 Explanation: This article creates a fund to accept donations and monies collected from fund raising activities to exclusively pay for expenses of the Town's Old Home Day activities. This may eventually reduce budget appropriations for this Town Event.

TOWN ELDERLY AND DISABLED TAX RELIEF TRUST FUND

Article P-20-20: Shall the Town vote to establish a Town Elderly and Disabled Tax Relief Expendable Trust Fund per RSA 31:19-a, for the express purpose of depositing any voluntary donations to the fund; said funds shall be used to defray the real estate taxes of elderly and disabled Plaistow residents of low income; further to name the Board of Selectman as agents to expend from said fund. (Majority vote required)

(Recommendation by the Board of Selectmen (4-0-0))

Article P-20-20 Explanation: This article creates a fund to accept voluntary donations to assist low income elderly and disabled Plaistow residents by defraying their real estate taxes with said donations. This fund is not funded by any taxation.

CONFLICT OF INTEREST:

Article P-20-21: Shall the Town revise the Conflict of Interest Code as set forth below: (Majority vote required)

§ 56-2. Election of Conflict of Interest Committee

A. Membership; terms.

- (1) The Town of Plaistow, at the March 2003 Town election, will elect a Conflict of Interest Committee consisting of five persons. Five at-large members shall be elected to serve with staggered three-year terms, ~~after the following initial terms are completed:~~

~~(a) One member at large (for a one year term): 2003 to 2004.~~

~~(b) Two members at large (for a two year term): 2003 to 2005.~~

~~(c) Two members at large (for a three year term): 2003 to 2006.~~

- (2) ~~Upon completion of the one year and two year terms, Members will be elected to three- year terms. The election of said persons shall be contingent on the adoption of this chapter and take effect after Town election in March 2003, or any special Town election to be held before that date, whichever comes first.~~

B. ~~Members of the Conflict of Interest Committee shall consist of private citizens residing in the town and not in conflict with Town elected or appointed officials or their families; Town Board memberships, commission memberships, committee memberships, or trusteeships, contractors and their employees employed by the town or in a contractual agreement with the town.~~

E. ~~The first Conflict of Interest Committee shall be formed from members of the Conflict of Interest Study Committee and shall serve until the March 2003 Town election, contingent on the adoption of the Conflict of Interest Ordinance at the March 2002 Town election Family members serving on Town Committees or Boards do not preclude a town citizen from being elected and serving on the Conflict of Interest Committee. Members of the Conflict of Interest will recuse themselves when a petition is filed involving a family member.~~

~~§ 56-10. Exemption period.~~

~~Any official of Town government elected, appointed or engaged on or before March 12, 2002, shall be exempt from the provisions of this chapter for a period of 15 days.~~

Revised Wording

§ 56-2. Election of Conflict of Interest Committee

A. Membership; terms.

- (1) The Town of Plaistow, at the March Town election, will elect a Conflict of Interest Committee consisting of five persons. Five at-large members shall be elected to serve with staggered three-year terms:

(2) Members will be elected to three-year terms.

B. Members of the Conflict of Interest Committee shall consist of private citizens residing in the town and not employed by the town or in a contractual agreement with the town.

E. Family members serving on Town Committees or Boards does not preclude a town citizen from being elected and serving on the Conflict of Interest Committee. Members of the Conflict of Interest will recuse themselves when a petition is filed involving a family member.

(Recommendation by the Board of Selectmen (4-0-0))

Article P-20-21 Explanation: This article removes the creation language no longer applicable to this Town Code and can only be amended by warrant. This also allows citizens to more fully participate in their local government.

PROPOSED ZONING AMENDMENTS

Proposed Plaistow Zoning Amendment Z-20-1. Are you in favor of Amendment #1 as proposed by the Plaistow Planning Board to the Plaistow Zoning Ordinance, Article II, Definitions, as follows?

Modify §220-2 Definitions

From: B. RETAIL BUSINESS — A business enterprise where goods and/or services are sold directly to the ultimate consumer.

To: B. RETAIL BUSINESS – A business enterprise where goods and/or services are sold or rented directly to the ultimate consumer

Amendment #1 is recommended by the Planning Board by a 4-0-0 vote

Article Z-20-1 Explanation: This is a housekeeping item, while it has always been assumed that “rental” is a retail function, this change will leave nothing open to interpretation.

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Proposed Plaistow Zoning Amendment Z-20-2. Are you in favor of Amendment #2 as proposed by the Plaistow Planning Board to the Plaistow Zoning Ordinance, Article II, Definitions, as follows?

Add §220-2 Definitions

G. TRADE BUSINESS - A business enterprise which holds the necessary state and local licenses to provide trade services directly to the ultimate consumer. Such examples would be electricians, plumbers, and HVAC contractors. This does not include businesses such as landscaping or construction contractors that typically call for outdoor storage of materials.

Amendment #2 is recommended by the Planning Board by a 4-0-0 vote

Article X-20-2 Explanation: To provide a clear definition of a trade business (electrician, plumber, etc.) that typically does not require any exterior storage, and distinguish it from a contractor business (landscaping, construction) which is a more intense use commonly known to require exterior storage.

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Proposed Plaistow Zoning Amendment Z-20-3. Are you in favor of Amendment #3 as proposed by the Plaistow Planning Board to the Plaistow Zoning Ordinance, Article II, Definitions, as follows?

Modify §220-2 Definitions

From: CHANGE OF USE - Change of use is marked by an alteration, modification, transformation, or substitution to either structural elements or the type of activity in an existing developed property. In the case of commercial and industrial properties, a new site plan must be reviewed and/or approved before a certificate of occupancy can be issued allowing such change of use to take place and signaling its compliance with all applicable Town requirements.

To: CHANGE OF USE - A change of use occurs when an existing permitted use in the Commercial (CI, CII), Industrial (INDI, INDII) or Integrated Commercial Residential (ICR) districts is proposed to be changed to another permitted use. Such use shall be determined as permitted by the Zoning Officer. If the Zoning Officer determines that the proposed change of use is more intense, or significantly different, than the existing use, the proposed use shall require site plan approval by the Planning Board prior to the issuance of any permits.

Amendment #3 is recommended by the Planning Board by a 4-0-0 vote

Article X-20-3 Explanation: To create a clearer, more user-friendly definition of a change of use and define when it is appropriate for the Planning Board to review any proposed changes in a commercial/industrial use.

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Proposed Plaistow Zoning Amendment Z-20-4. Are you in favor of Amendment #4 as proposed by the Plaistow Planning Board to the Plaistow Zoning Ordinance, Article III, General Provisions as follows?

Modify §220.9.1 Location of Residential Driveways

From: All driveways in any residential district must be located within the frontage of the lot and comply with the rear and side setbacks as specified in Table 220-32I.

To: A. All driveways in any residential district must comply with the rear and side setbacks as specified in Table 220-32I.

B. Owners of lots created by subdivision, with frontage on more than one public roadway, may choose either roadway frontage for the location of a driveway, provided that at least one of the roadway frontages meets the minimum frontage requirement. Any new driveway must meet all required setbacks from the side and rear property line as specified in Table 220-32I.

Amendment #4 is recommended by the Planning Board by a 4-0-0 vote

Article X-20-4 Explanation: To allow the property owner of a new lot, that is created by a subdivision, having frontage on more than one roadway, to choose their driveway access point when there is more than one viable location. All other requirements for the placement of a new driveway (i.e. setbacks) are applicable.

Currently the driveway can only be located in the frontage area that allows the lot to be subdivided by meeting minimum frontage requirements, even if another access point would make more sense from a traffic safety or wetlands crossing standpoint. The property owner would be required to apply to the Zoning Board of Adjustment for variance relief to use any other frontage area for their driveway. This adds unnecessary expense and delay to an otherwise routine and compliant subdivision project.

The Planning Board would still review the location of the proposed driveway as part of the subdivision review and approval process to ensure all other criteria meet the regulation and ordinance requirements.

.....
Proposed Plaistow Zoning Amendment Z-20-5. Are you in favor of Amendment #5 as proposed by the Plaistow Planning Board to the Plaistow Zoning Ordinance, Article III – General Provisions and Article VI - Planned Residential Development as follows?

1. Delete §220-49 from Article VI – Planned Residential Development

2. Add the following new paragraphs to Article III – General Provisions §220-10 Roadway Construction:

§220-10.1 Public Roads

A. All new roads shall be public roads and constructed as public roads including all residential/commercial/industrial subdivisions, Planned Residential Subdivisions, and Affordable, Elderly Housing subdivisions.

B. Private roads may be allowed in Affordable, Elderly Housing subdivisions if the proposed road terminates on the Affordable, Elderly Housing lot. Any proposed road in an Affordable, Elderly Housing subdivision that is a through-road, that is both ends of the road connect to existing public rights-of-way, must be a public road.

Amendment #5 is recommended by the Planning Board by a 4-0-0 vote

Article X-20-5 Explanation: Housekeeping - To relocate the requirement for a PRD roadway to be a public road from the PRD section to the general requirements section to have all public roadway criteria in a single location within the ordinances. Doing so lessens the chance that it will be overlooked.

.....
Proposed Plaistow Zoning Amendment Z-20-6. Are you in favor of Amendment #6 as proposed by the Plaistow Planning Board to the Plaistow Zoning Ordinance, Article V, Establishment of Districts and District Regulations as follows?

Delete “Motels” as a permitted use in all districts.

Amendment #6 is recommended by the Planning Board by a 4-0-0 vote

Article X-20-6 Explanation: To remove motel as a permitted use in any zoning district in town. Anyone who would seek to have a motel would still have the option to apply to the Zoning Board of Adjustment for a variance if they can meet that criteria.

.....
Proposed Plaistow Zoning Amendment Z-20-7. Are you in favor of Amendment #7 as proposed by the Plaistow Planning Board to the Plaistow Zoning Ordinance, Article V, Establishment of Districts and District Regulations, as follows?

Adding the use of “Trade Business” as a permitted use in the Commercial I (CI), Industrial (INDI, INDII), and Integrated Commercial Residential (ICR - Commercial and Combined Commercial/Residential only) districts.

Note: This proposed amendment is void if Z-20-2 does not pass.

Amendment #7 is recommended by the Planning Board by a 4-0-0 vote

Article X-20-7 Explanation: Article Z-20-2 defines what is meant by a “Trade Business” this proposed amendment defines where such a business can operate. If passed, Trade Businesses, as defined in Article II, would only be allowed in the Commercial I, Industrial and ICR districts. For the location of these districts please refer to the Zoning Map found on the Town’s website www.plaistow.com.

These businesses would still be allowed in other zoning districts on a small scale as a home occupation, provided the criteria in Article X (Home Occupation) can be met.

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Proposed Plaistow Zoning Amendment Z-20-8. Are you in favor of Amendment #8 as proposed by the Plaistow Planning Board to the Plaistow Zoning Ordinance, Article V, Establishment of Districts and District Regulations, as follows?

Add PERSONAL SERVICES BUSINESS as defined in Article II, as a permitted use in the Commercial II (CII) and Village Center (VC) districts.

Amendment #8 is recommended by the Planning Board by a 4-0-0 vote

Article X-20-8 Explanation: To allow Personal Services Businesses, which are those licensed businesses such as hair/nail salons, cosmetologists/estheticians, barbers, massage/physical therapist, and the like, as a permitted use in the Commercial II and Village Center Districts. For the location of these districts please refer to the Zoning Map found on the Town’s website www.plaistow.com.

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Proposed Plaistow Zoning Amendment Z-20-9. Are you in favor of Amendment #9 as proposed by the Plaistow Planning Board to the Plaistow Zoning Ordinance, Article V, Establishment of Districts and District Regulations, as follows?

Modify all references to structures used to house any farm animals

From: Structures (including, but not limited to, barns, sheds and stables) used to house any farm animals must be at least 100 feet from all property lines.

To: Structures including, but not limited to, barns, sheds and stables, used to house any farm animals must be contained within the corral structure. If there is no corral the housing structure must be at least 100 feet from all property lines.

Amendment #9 is recommended by the Planning Board by a 4-0-0 vote

Article X-20-9 Explanation: The current ordinance requires that any structure that houses farm animals be 100' from all property lines. This means that anyone who might want to have a farm animal (including, but not limited to goats, sheep, cows and horses) to have property that is at least 200' plus the dimensions of the structure wide, in all directions.

There is an associated ordinance in each district that requires the corral for these animals to be at least 50' from all property lines. This proposed amendment doesn't affect that requirement.

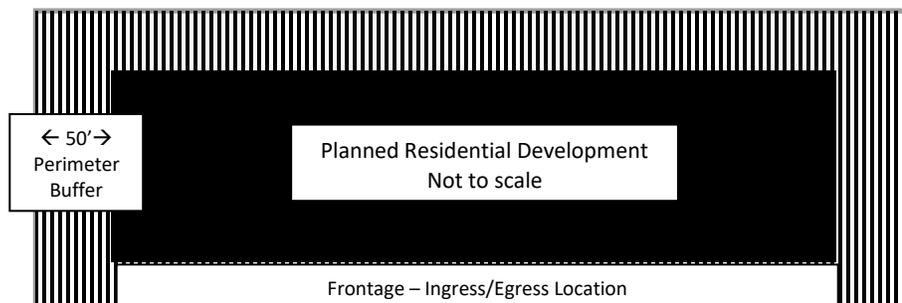
Since the corral/fencing defines how close any farm animal might get to an abutting property, the location of the housing structure is irrelevant to the activities of the farm animal, provided that both the structure and the animal are within the corral.

The setback restriction is maintained at 100' if there is no corral to encourage property owners to have a corral.

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Proposed Plaistow Zoning Amendment Z-20-10. Are you in favor of Amendment #10 as proposed by the Plaistow Planning Board to the Plaistow Zoning Ordinance, Article VI. Planned Residential Development as follows?

1. Delete §220-47 paragraph A. This change will remove the minimum requirement of 10 acres for a PRD.
2. Replace existing paragraph B with the following:
 - B. Frontage requirements
 - 1) Frontage may not be on a Class VI road.
 - 2) 100 feet of frontage shall be required when ingress/egress to a PRD is provided by a single public way with a required 50-foot right-of-way connected to a public right-of-way.
 - 3) 200 feet of frontage shall be required when two (2) rights-of-way provide ingress/egress to the PRD, from the same public way. Each right-of-way may provide both ingress and egress or may provide ingress or egress only. In cases where two (2) rights-of-way are proposed, there must be at least 100 feet of separation between the rights-of-way as measured from the center of each right-of-way. Sight distance requirements may preclude the ability to have more than a single right-of-way.
 - 4) Ingress/egress rights-of-way shall conform to the diagram shown below in Figure 1.

Figure 1 – Perimeter buffer



Note: Drawing not to scale. Striped area represents the 50-foot perimeter buffer. Ingress/egress rights-of-way must be located in the white area of the above diagram. All rights-of-way shall be 50 feet wide. Any area of the frontage that is not a right-of-way shall be part of the perimeter buffer.

3. Add a new section as follows:

§220-47.1 Open space and buffering requirements

A. Move paragraph § 220-48.C to become paragraph § 220-47.1.A

B. A naturally vegetated 50-foot buffer shall be provided and maintained along all external property lines except for external lot lines for rights-of-way ingress/egress to the PRD. Such buffers may be used as part of the open space requirement.

C. A natural buffer is always preferable, but where a natural vegetative buffer does not exist a planted buffer shall be installed.

4. Modify §220-48.B Specific Design Requirements

From: “The number of dwellings permitted ...”

To: “The number of dwelling units permitted ...”

5. Modify §220-48.B.(1)

From: “... wetlands, Class V and VI soils, and fifteen-percent and ...”

To: “... wetlands, High Intensity Soil Standards (HISS) Class V and VI soils, and fifteen-percent or ...”

6. Modify §220-48.B.(1) Specific Design Requirements

From: “The resulting number shall be multiplied by 90% to obtain the maximum number of dwellings permitted in a PRD.”

To: “The resulting number shall determine the maximum number of dwelling units permitted in a PRD.”

7. Modify §220-48.D.(2) Specific Design Requirements

From: “A two-hundred-fifty foot well radius within the parcel shall be limited in development to well construction and an access road to a pump house.”

To: “A well radius shall be provided in accordance with the standards and requirements of the New Hampshire Water Supply and Pollution Control Commission.”

8. Modify §220-48.E Specific Design Requirements

From: “No building or structure in the PRD shall be located closer than 50 feet to the PRD perimeter in an MDR District and 100 feet in an LDR District (or closer than 100 feet to a Town road network in all districts).”

To: “No building or structure in the PRD shall be located in the 50-foot perimeter buffer.”

9. Modify §220-48.G.(1) Specific Design Requirements

From: “No dwellings ...”

To: “No dwelling units ...”

10. Modify §220-48.G.(2) Specific Design Requirements

From: “... 30 feet between the edge of the nearest private right-of-way and/or driveway of any building or structure.”

To: “... 30 feet between the edge of any right-of-way and any building or structure.”

11. Modify §220-48.H Specific Design Requirements

From: “H. Each dwelling must be served by its own driveway.”

To: “H. Driveways

(1). Each single-family dwelling unit must be served by its own driveway.

- (2). Each duplex dwelling unit may be served by a common driveway or separate driveways for each dwelling unit.
- (3). Each multi-family building must be served by its own exclusive, single driveway.

Amendment #10 is recommended by the Planning Board by a 4-0-0 vote

Article X-20-10 Explanation: There are multiple changes proposed to the Planned Residential Development (PRD) ordinance. Some are housekeeping in nature, such as changing the term “dwellings” to “dwelling units” to make clear how density units are counted. A Duplex could be seen as a single “dwelling”, but it has two (2) “dwelling units.” By using the term “dwelling units” it makes clear how the total number of allowed “units” is calculated for density purposes.

The overall intent of the PRD Ordinance has always been to provide a property owner the ability to develop a residentially-zoned parcel to the allowed maximum density while requiring the preservation and protection of open space. The other changes that are proposed with this amendment are to encourage a PRD type of development over a standard subdivision layout. Most standard subdivision layouts result in more roadway and there is no requirement for preserved open space. By reducing some of the PRD requirements, such as the ten (10) acre parcel size minimum and 200’ of frontage requirement, it is hoped that developers will choose to go with the PRD form of development. Nothing in the proposed changes would allow for a greater density in a PRD than what would be allowed in a standard subdivision.

There are also changes to help better define the open space requirements, locations of buffers, and better defines how close structures can be to those buffers.

Yet another change links the community well radius to New Hampshire Department of Environmental Services standards instead of an arbitrary, one-size-fits-all number.

The current full text of the Planned Residential Development Ordinance (Article VI) is available on the Town’s Website www.plaistow.com.

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Proposed Plaistow Zoning Amendment Z-20-11. Are you in favor of Amendment #11 as proposed by the Plaistow Planning Board to the Plaistow Zoning Ordinance, Article VII. Affordable Elderly Housing as follows?

1. Modify all references of “Elderly Housing” to “Housing for Older Persons.”
2. Modify §220-51.A. Objectives and purpose by deleting “...in a cluster development and...”
3. Modify §220-51.E by deleting the words “...Section 230...” and “...Section 235...”
4. Modify §220-51.G Objectives and purpose
From: As with all subdivision proposals submitted, all proposals submitted under this section must align roadways so that connection to existing Class V or better roadways can be made.
To: As with all subdivision proposals submitted, all proposals submitted under this section must align roadways so that connections to an existing roadway can be made. Connections shall not be made to Class VI roads.
5. Deleting §220-52 Definitions as redundant
6. Modify §220-53.A.(1) Building and Site Design Requirements
From: Site must have 150 feet of frontage on an existing or proposed Class V or better road.

To: Site must have 150 feet of frontage.

7. Modify §220-53.A.(6). Building and Site Design requirements

From: (6) The minimum lot size shall be 160,000 square feet. At least 50% open space must be provided and no more than 30% of this open space can be in a wetlands district or have slopes greater than 15%.

To: (6) The minimum lot size shall be 160,000 square feet of which 50%, at minimum, shall comprise open space, having a maximum of 30% in a wetlands district, and having no slope area greater than 25%. Open space cannot be used towards the unit density calculations.

8. Modify §220-54. Density.

From: All plans submitted under this ordinance must show calculations for the maximum number of bedrooms permitted on the site by NHDES septic loading criteria. This is to be used as a theoretical maximum number of bedrooms. Other criteria may significantly lower the number of bedrooms permitted.

To: All plans submitted under this ordinance must show calculations for the maximum number of dwelling units permitted on the site by NHDES septic loading criteria. This is to be used as a theoretical maximum number of dwelling units. Other criteria may significantly lower the number of dwelling units permitted.

9. Modify §220-54. Density

From: (1) A maximum of six (6) Age-Restricted Affordable Elderly Housing Units (Renter Occupied) may be constructed per 40,000 square feet. Note that soil and slope requirements may increase the 40,000 square feet to a larger area.

To: (1) A maximum of six (6) Age-Restricted Affordable Elderly Housing Units (Renter Occupied) shall be allowed for every 40,000 square feet of buildable area as defined by §220-53.A(6). Note: soil requirements may increase the 40,000 square feet to a larger area.

10. Modify §220-54.1 Building Cap

From: The Planning Board shall not accept for consideration any proposal that, if approved, would increase the total number of all elderly housing units, existing and proposed, above the number representing ten percent (10%) of the total number of dwelling units within the Town as determined by the Assessor. The Planning Board shall keep a running total of the number of such units. All units constructed under earlier versions of this ordinance shall be counted towards the cap. This calculation is to be made at the end of each calendar year.

To: §220-54. Building Cap

A. The Planning Board shall not accept for consideration any proposal that, if approved, would increase the total number of all affordable elderly housing units, existing and proposed, above the number representing ten percent (10%) of the total number of dwelling units within the Town as determined by the Assessor. The Planning Board shall keep a running total of the number of such units. All units constructed under any version of a Town of Plaistow affordable elderly housing ordinance shall be counted towards the cap. This calculation is to be made at the end of each calendar year.

B. Applications received by the Planning Office for consideration under this ordinance will be date and time stamped. The date and time stamp will determine the order of consideration by the Planning Board for application completeness. Once the Planning Board has accepted the application as complete, the number of units proposed under that plan will be deducted from the building cap.

C. If the number of units proposed on a plan submitted under this ordinance would exceed the building cap, should the Planning Board accept the application as complete, the developer will be notified of the exceedance prior to consideration by the Planning Board, and directed to lower the number of units to at or be below the building cap.

- D. If a plan proposed under this ordinance and accepted for jurisdiction by the Planning Board is not approved, the number of units proposed by the failed plan will then be considered as available under the building cap

11. And deleting §220-54.2

12. Modify § 220-55. Certification.

From: The Town of Plaistow shall require an annual certification of each development in the Elderly Housing District to ensure compliance with the age, income and rental provisions of this ordinance.

To: The Town of Plaistow shall require an annual certification of each development in the Affordable Elderly Housing District to ensure compliance with the age, income and rental provisions of this ordinance.

Amendment #11 is recommended by the Planning Board by a 4-0-0 vote

Article X-20-11 Explanation: The current Affordable Elderly Housing District Ordinance was approved by the voters in 2018. As developers have met with town staff to discuss the possibility of developing such a project, it was noted that there were some minor areas that were too open to interpretation. There were also changes in some federal government program terminology that was inconsistent with this ordinance for example, the term “Elderly” has been replaced by “Older Person.”

The changes proposed in this amendment are to better define the requirements of the ordinance and relate the ordinance more to federal programs that would financially support such a development, so that when the federal requirements change, our ordinance would automatically change and never be in conflict.

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Proposed Plaistow Zoning Amendment Z-20-12. Are you in favor of Amendment #12 as proposed by the Plaistow Planning Board to the Plaistow Zoning Ordinance, Article X, Home Occupation as follows?

Modify §220-66.B. Permitted Uses

From: B. Artist, craftsman, daycare (caring for not more than six children not living in the home), seamstress, one-chair beauty parlor, teaching not more than four pupils simultaneously in addition to those living in the home, and other similar occupations.

To: B. Artist, craftsman, daycare (caring for not more than six children not living in the home), seamstress, one-chair beauty parlor, teaching not more than six pupils simultaneously in addition to those living in the home, and other similar occupations.

Amendment #12 is recommended by the Planning Board by a 4-0-0 vote

Article X-20-12 Explanation: To make the number of children allowed in an in-home daycare or an in-home teaching situation be the same number, six (6).

This proposed amendment was suggested by the Zoning Board of Adjustment who have jurisdiction over the granting of special exceptions for home occupations. The ZBA did not take a position on whether both should be capped at four (4) or at six (6), but expressed that these permitted uses are similar in character and there didn't seem to be a reason why they should be different in number.

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Proposed Plaistow Zoning Amendment Z-20-13. Are you in favor of Amendment #13 as proposed by the Plaistow Planning Board to the Plaistow Zoning Ordinance, Article XIV – Impact Fees as follows?

Modify § 220-100.B.(2).B. Imposition of school district impact fee.

From: B. Credits for accessory dwelling units that are created entirely within the square footage of an existing primary residential dwelling unit, shall be 100%, that is, no impact fee will be assessed for this type of dwelling unit.

To: B. School District Impact Fees for accessory dwelling units shall be assessed in accordance with the Plaistow Planning Board Fee Schedule.

And modify Letter D to be Letter C

C. No other credits will be given to offset this impact fee.

Modify § 220-100.C.(2).B. Imposition of recreational facility impact fee.

From: B. Credits for accessory dwelling units that are created entirely within the square footage of an existing primary residential dwelling unit, shall be 100%, that is, no impact fee will be assessed for this type of dwelling unit.

To: B. Recreation Facility Impact Fees for accessory dwelling units shall be assessed in accordance with the Plaistow Planning Board Fee Schedule.

C. No other credits will be given to offset this impact fee.

Amendment #13 is recommended by the Planning Board by a 4-0-0 vote

Article X-20-13 Explanation: Housekeeping – with the recent update to the school district and recreational facility impact fee methodology, as well as recent NH Legislative changes in the allowances for accessory dwelling units, these changes are necessary to make everything agree in terminology and how accessory dwelling units are assessed for impact fees.

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Proposed Plaistow Zoning Amendment Z-20-14. Are you in favor of Amendment #14 as proposed by the Plaistow Planning Board to the Plaistow Zoning Ordinance, Article XX. Adjustments as follows?

Add §220-137 Board of Adjustment

D. Variances and special exceptions granted prior to December 31, 2013, but not exercised by March 30, 2022, shall be considered abandoned. Note: abandonment under this section of the ordinance shall not preclude submission of a new application for the same variance or special exception.

Amendment #14 is recommended by the Planning Board by a 4-0-0 vote

Article X-20-14 Explanation: It is said that variances and special exceptions go with the land in perpetuity. That means that a property owner could have received a variance in 1960, never implemented the purpose of the variance, but would still be able to rely on that variance no matter how many other associated zoning changes may have occurred, or how many times that property, or any impacted abutting property may have changed hands, in the interim.

In 2013 the State passed Legislation that put a two-year expiration date on any variance or special exception approved, but not exercised (implemented), from the effective date of the legislative change. The State left it to each municipality to decide whether or not there would also be an expiration date for variances and special exceptions approved prior to the legislative change.

This proposed amendment will place the same two-year expiration on any previously approved variance or special exception that was granted prior to the 2013 legislative change, but not exercised by March 30, 2022. This proposed change will not prohibit any property owner whose variance or special exception expires from re-applying for a variance after March 30, 2022.

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Proposed Plaistow Zoning Amendment Z-20-15. Are you in favor of Amendment #15 as proposed by the Plaistow Planning Board to re-zone parcels as shown on the official Tax Map on Tax Map 24, Lot 42 (1 Main St); Lot 41 (3 Main St); Lot 40 (5 Main St) and Tax Map 37, Lot 65 (7A Main St) from Commercial 1 designation to Commercial 2 designation?



Amendment #15 is recommended by the Planning Board by a 3-1-0 vote

Article X-20-15 Explanation: To re-zone the designated four (4) parcels located at the south end of Main Street from a Commercial I (CI) designation to a Commercial II (CII) designation. The total size of all four parcels combined is approximately 1 ½ acres.

The CI zoning district’s 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.”

The CII zoning district’s objectives and characteristics: “This area encompasses that portion referred to as ‘Town Center’ of the ‘older’ Plaistow. It has all the characteristics of a rural New England Town through much of its area, which is to be preserved. To that extent, exterior changes on properties should be held to a minimum yet allow for uses compatible with the residential character of the area.”

The CI district follows along Route 125 from the Haverhill/Plaistow state line to the nearly the Plaistow/Kingston town line, one property deep on either side. The CII district as originally defined was roughly a 300-foot strip along Main Street from the Haverhill/Plaistow state line to the Little River crossing at Main Street. In 2007 the Village Center (VC) district was defined along Main Street from the intersection of Bittersweet Drive to the Little River crossing at Main Street. The VC was created to maintain a pedestrian-friendly town center. The CII district now starts at the Haverhill/Plaistow state line, follows Route 121A/Main Street, and terminates at the intersection of Main Street and Bittersweet Drive, one property deep on either side, and no longer contains the “Town Center”.

To see what the CI and CII district requirements are and to see where they are located please refer to Article V of the Plaistow Zoning Ordinances on the Town’s website www.plaistow.com.

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