

GOFFSTOWN PLANNING BOARD MINUTES
MEETING OF OCTOBER 24, 2013

In attendance were John Hikel—Chairman, Richard Meaney—Vice Chairman, Barbara Griffin, Phil D’Avanza—Selectmen’s Representative, Chris Nadeau (arrived at 8 pm), Brian Hansen, and Mark Warden. Also in attendance were Brian Rose—Planning & Zoning Administrator, Meghan Theriault—Town Engineer, Darrell Halen—GTV audio/video technician, and Gail Labrecque—Recording Secretary.

John Hikel called the meeting to order at 7 pm. He asked the Board to introduce themselves.

There were about 9 people in the audience.

MINUTES—meeting of October 10, 2013

Richard Meaney made a motion to approve the minutes to the Planning Board meeting of October 10, 2013. Mark Warden seconded the motion. VOTE: 4-0-1. Mark Warden abstained. Motion carries.

OLD BUSINESS:

Map 4 Lots 50, 68 & 69, Subdivision Review Hearing for a Proposed Lot Line Adjustment & Re-subdivision Creating One New Lot, George Dick Perkins, Bog Road, Zoned: R-1 & WSWCD (Continued from the September 26, 2013 Meeting)

Brian Rose said this plan is a subdivision and lot line adjustment. The applicant is asking for approval to subdivide lot 4-69 and to create one new lot. It also adjust the lines between lots 68 and 69 such that parcel “A” becomes part of lot 68 making a total lot size of 20.025 acres when added to the existing 4.28 acres on that lot. The remainder of Map 4 Lot 69 and the existing Map 4 Lot 50 will remain on the same deed tract. He explained the waivers they are requesting—topography, wetland delineation, and drainage study. He still recommends approval of the subdivision but recommends the waiver not be granted for the wetland buffers for Map 4 Lot 68. He has included that as a condition of approval. The Conservation Commission has done a site walk and they didn’t see problems with it and can support the project. There were a few engineering comments last time, and have been incorporated into the recommendation as conditions of approval. The Fire Department comments didn’t necessitate approval conditions. They were comments about the driveway and the address. Assessing asks they provide a new current use map showing the boundaries of the current use and the amount of current use on each lot. He explained his recommendations for this application, including waivers and their findings, and approval conditions, which are mostly standard.

Phil D’Avanza asked Brian Rose about the email from Jean Walker dated October 6, 2013 regarding the site walk. When the Conservation Commission does a site walk, are they aware of the requests for the waivers?

Brian Rose said he doesn’t think they would be. They would have the plan with them and see that the wetland delineations.

Richard Meaney said he was on the Conservation Commission and recalls being out there with knowledge of request of waivers. He’s not sure this is the case with this one.

Brian Hansen asked if Brian Rose had any conversation with the Conservation Commission.

Brian Rose said he didn’t. He’s not sure the request for waivers would concern them. From his own standpoint, it provides a survey plan showing the wetland future requests.

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Richard Meaney said it is for something that may never happen.

Brian Rose said it may never happen, but it's not unheard of. Most people want to add a garage or a deck or a shed.

Richard Meaney said if they came in a few years from now you would require one at that point.

Brian Rose said not necessarily. This makes it easier.

Richard Meaney made a motion to find the application has no regional impact. Brian Hansen seconded the motion. VOTE: 5-0-0. All in favor. Motion carries.

Richard Meaney made a motion to waive Development Regulations section 3.C.30--Wetland Delineation-- on Map 4 Lot 68, finding that strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; or specific circumstances relative to this plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations. He is leaving out "for acceptance purposes only" so the applicant can do what he wants to do now. If he wants to do something later, the survey can be requested later. It's not reasonable to ask them to do a survey for something they need. Mark Warden seconded the motion.

Brian Rose said that is why we require it up front. When a lot is being changed you have correct information for moving forward. It's better to do it now while going through it. It will make it easier on staff and future applicants.

Richard Meaney said it is supposed to be easy on the applicant. If they choose to put in sheds and other outbuildings there would be a different discussion.

John Hikel clarified that it makes it easier for the applicant to do what he wants to do.

Richard Meaney said we have a plan and he has no plans to build these other things that might happen in the future so we are respecting our regulations. In the future, they can have the discussion with the Planning Office if needed.

Brian Hansen said it was also so future applicants don't have to come in and do that work.

Richard Meaney said if someone never wants to put in that shed, they'd not have to spend thousands of dollars for a survey. For the plan before us, there is no need to spend that money now.

John Hikel said if they thought they would do it in the future they could do the survey now.

Phil D'Avanza asked what else would be affected by the wetland delineations.

Brian Rose said if anyone is looking at that property in the future and needs to know where the wetlands are, they won't know. Maybe they've done some draining into a wetland and it is needed information. You aren't even supposed to do land configurations within the wetland buffer without approval. He's confused why. There wouldn't be a problem about mapping those wetlands. Several portions are already developed and have houses.

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Richard Meaney said he has problems telling someone to spend money to make Planning's job easier.

Brian Rose said there is a reason why we ask for this.

Phil D'Avanza said a person can put up a shed of a certain size without a permit.

Brian Rose said he still has to enforce the wetland surface setback. If a shed is put up and he doesn't know where the wetlands are, he has to have them take the shed down and move it. And then he would have to request a wetlands map.

Mark Warden said he agrees with Richard Meaney on this one.

VOTE: 3-3-0. Motion fails.

Barbara Griffin made a motion to waive Development Regulations section 3.C.30--Wetland Delineation—for acceptance purposes only, on Map 4 Lot 68, finding that strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; or specific circumstances relative to this plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations. Phil D'Avanza seconded the motion.

Barbara Griffin said she disagrees that this is for the ease of staff. We require them because the Town has voted on them. When someone does a subdivision they want the benefits of one and they subject themselves to the requirements.

VOTE: 5-0-1. Richard Meaney abstained. Motion carries.

Meghan Theriault said conditions 9-15 were addressed last time. They submitted a plan before the last hearing and she checked them all off.

Brian Rose said that #16 is in our regulations and doesn't have to be a stipulation.

Barbara Griffin said DPW would deal with that with the highway permit.

Barbara Griffin made a motion to waive Development Regulations 3.C.17—Topography, and 2E.2.d(3)(d)—Drainage study, finding that (a) strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; or specific circumstances relative to this plan, or (b) conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations. "B" applies here, especially since she's not waived requirements for wetlands delineation. Brian Hansen seconded the motion. VOTE: 6-0-0. All in favor. Motion carries.

Brian Hansen made a motion to find the lot line adjustment/subdivision plan is complete and ready for review. Barbara Griffin seconded the motion. VOTE: 6-0-0. All in favor. Motion carries.

Robert Todd presented. He is concerned because he wanted to comment about his requests for waivers and he wasn't able to. He is allowed to speak at other Boards in other Towns. He suggests they change their procedures. Mr. Kohler, Wetland Scientist, is with him.

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Rick Kohler said he delineated the wetlands on the property and was with the Conservation Commission. Their concerns were only relative to proposed development and the wetland impact to the driveway. The conversation we had about other development is that a permit would have to be pulled. He makes sure proposed structures are within proposed setbacks. These weren't mapped (in the northern area) because they are going to be annexed to another lot. The wetlands are contiguous with wetlands further up slope. The wetlands on the east are very broad. Wetlands flow on either side of the raised portion in the middle. There is a grass swale in longstanding use where Dick enters the field with his tractor. We propose to upgrade that with a culvert and install a driveway. In the northern area, they flow through a 16 inch metal culvert. They flow across onto lot 68, then northerly and off property all together. There are a couple of isolated pockets of wetlands on either side. There is an agricultural crossing. The topography is quite flat and there is little to no flow through the swale. It inundates the swale and absorbs back in. That is why we requested the drainage study waiver. The sizing of the culvert was determined for a 50 year storm with 24 hour duration and we oversized the culvert by 7%. That is 24 inches. It wouldn't have made sense to go smaller. The culvert has never been overwhelmed, which has to do with topography. The driveway will come off of Bog Road and will decline initially at a -3% grade, preventing water from flowing onto Bog Road. Then it is more or less level to the crossing, where it begins to rise at about a 2% grade through the bend. Between station 400 and 500 we propose a fire apparatus staging area to allow for different apparatus to stage while others come by or come out. That is within 300 feet of the residence. The area in front of the house is substantial for turning and parking and meets NFPA standards for fire equipment. The steepest portion is a maximum grade of 8% heading up the drumlin toward the house. The house site is a ground morang. The soils were mapped to be a fine sandy loam and test pit results show it is course live sand. It is well drained and more than adequate to place a septic. The development area has been delineated. The OSS indicates where the building envelope has been staked and is conscious of the wetland setbacks. It is 1.6 acres of the 12+ total acres. That is the area we concentrated the site walk in with the Conservation Commission.

Brian Rose said we did the waiver at the beginning and they were for acceptance purposes. You still have the opportunity to speak to them. He recommends them as a condition of approval but you can speak to that and make your case.

Mark Warden said if he made a compelling argument we could revisit it.

Brian Rose said it doesn't have to be for reconsideration, but a motion that omits that specific condition.

Robert Todd said there is a brook that runs through this property. The standards for wetland delineation do change and he was once a certified wetland scientist. There were at least two changes in ten years. What is done now may not be valid in ten years. We would also like guidance on how to conform to the process of providing maintenance easements at the bridge.

Meghan Theriault said she has some easements that can be modified and share with him. She will email it to them.

Rick Kohler said the methods he delineated were per the regional supplement to the Army Corps of Engineers for this area. They are current.

Barbara Griffin said that is not what note nine says.

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Rick Kohler said Note 9 will need to be corrected. That is probably the case because a portion of the wetlands were mapped when they took the cottage lot off.

Barbara Griffin said water goes somewhere. To look at this and see not even a previous plan that shows a brook going across Lot 4-68 is annoying. If someone comes in and shows their plan, without those pieces together, you would have no idea there was water on Bog Road. When were these wetlands done?

Rick Kohler said all wetlands were delineated and mapped at the same time to current standards. The note is reflecting that a regional manual wasn't in use at the time.

Brian Hansen asked why this lot isn't an associated wetland to be mapped with the others.

Rick Kohler said there are no proposed additional structures to be developed on their lot.

Brian Hansen said it is noted and is an associated parcel. And it has to be mapped but it's not.

Barbara Griffin said and we know where all the water goes.

John Hikel opened the hearing to the public. There was no public comment and the public hearing was closed. The Board entered deliberations.

Richard Meaney made a motion to approve the lot line adjustment/subdivision plan subject to conditions as follows:

- 1. Note on plan the Board's final written decision, including any outstanding conditions of approval, or conditions subsequent, as required by Chapter 266 (SB 189).**
- 2. Note on plan any waivers granted and the date granted as part of the approval for this subdivision plan.**
- 3. Appropriate professional stamps and signatures.**
- 4. Certification of bounds.**
- 5. Provision of digital files, AutoCAD submission on North American Datum of 1983 (NAD 83) and North American Vertical Datum of 1988 (NAVD1988).**
- 6. Add a property bound between Map 4 Lot 68 and Map 4 Lot 69 at the right-of-way line.**
- 7. Bounds shall be shown on northerly edges of Map 4 Lot 698 and if they cannot be found, they shall be set.**

Mark Warden seconded the motion.

Meghan Theriault suggested execution of the bridge maintenance easement as approved or provided by DPW. They are showing the dimensions we agreed to.

Richard Meaney and Mark Warden amended their motion accordingly to include an additional condition that a bridge maintenance easement, approved by DPW, shall be provided.

Richard Meaney said he is more satisfied after the explanation by Mr. Todd and Mr. Kohler that it's not necessary now. It's not in the spirit and intent of the regulations.

VOTE: 3-3-0. Motion fails.

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Barbara Griffin made a motion to approve the lot line adjustment/subdivision plan subject to conditions as follows:

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2. Note on plan any waivers granted and the date granted as part of the approval for this subdivision plan.
3. Appropriate professional stamps and signatures.
4. Certification of bounds.
5. Provision of digital files, AutoCAD submission on North American Datum of 1983 (NAD 83) and North American Vertical Datum of 1988 (NAVD1988).
6. Applicant submission of wetland delineations and topography for the "existing area" portion of the new proposed Map 4 Lot 68 (in its entirety).
7. Add a property bound between Map 4 Lot 68 and Map 4 Lot 69 at the right-of-way line.
8. Bounds shall be shown on northerly edges of Map 4 Lot 698 and if they cannot be found, they shall be set.
9. A bridge maintenance easement, approved by DPW, shall be provided.

Phil D'Avanza seconded the motion. VOTE: 3-3-0. Motion fails.

Brian Hansen made a motion to approve the lot line adjustment/subdivision plan subject to conditions as follows:

1. Note on plan the Board's final written decision, including any outstanding conditions of approval, or conditions subsequent, as required by Chapter 266 (SB 189).
2. Note on plan any waivers granted and the date granted as part of the approval for this subdivision plan.
3. Appropriate professional stamps and signatures.
4. Certification of bounds.
5. Provision of digital files, AutoCAD submission on North American Datum of 1983 (NAD 83) and North American Vertical Datum of 1988 (NAVD1988).
6. Applicant submission of wetland delineations and topography for the "existing area" portion of the new proposed Map 4 Lot 68 (in its entirety).
7. Add a property bound between Map 4 Lot 68 and Map 4 Lot 69 at the right-of-way line.
8. Bounds shall be shown on northerly edges of Map 4 Lot 698 and if they cannot be found, they shall be set.
9. A bridge maintenance easement, approved by DPW, shall be provided.
10. The new driveway must meet NFPA requirements for long driveways (clearances, weight capacity, width, turnaround, etc.)

Barbara Griffin seconded the motion.

Mark Warden asked if the driveway would have to meet the NFPA requirements whether this is here or not.

Barbara Griffin said he would.

Richard Meaney said he would still vote no because he thinks it is against the spirit and intent of the regulations.

Barbara Griffin said the applicant could still choose not to go forward, or could go forward with a request for reconsideration. The applicant may prefer to go forward rather than have nothing to go forward with.

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Chris Nadeau arrived at 8 pm.

Robert Todd asked if Brian Rose had received the report from the Fire Department about the driveway. Brian Rose said he did not receive it. Either way, that condition only reflects a condition already in the development regulations. It's nothing additional to adhere to.

VOTE: 3-3-0. Motion fails.

Richard Meaney made a motion to approve the lot line adjustment/subdivision plan subject to conditions as follows:

- 1. Note on plan the Board's final written decision, including any outstanding conditions of approval, or conditions subsequent, as required by Chapter 266 (SB 189).**
- 2. Note on plan any waivers granted and the date granted as part of the approval for this subdivision plan.**
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- 7. Bounds shall be shown on northerly edges of Map 4 Lot 698 and if they cannot be found, they shall be set.**
- 8. A bridge maintenance easement, approved by DPW, shall be provided.**
- 9. The new driveway must meet NFPA requirements for long driveways (clearances, weight capacity, width, turnaround, etc.)**

Robert Todd said he can make an offer here to help.

John Hikel declined.

Mark Warden seconded the motion.

John Hikel said Chris Nadeau is eligible to vote because he just arrived and this is after the other vote.

Richard Meaney said the goal is to give the applicant the opportunity to not spend thousands of dollars on wetland delineations that are not necessary at this time. He could have to also spend the money in the future.

Phil D'Avanza said there is one lot that has no wetland delineation with a stream running through it. It is not depicted on the plan. It is a requirement for the applicable lots, and this lot is an applicable lot. The properties that abut it have a stream and it ends because it is not delineated.

Richard Meaney said that is waive-able by this board. And there is nothing planned for that lot.

Brian Hansen said they do have plans for that lot. It is what is abutting it.

VOTE: 3-3-0. Motion fails.

Rick Kohler said they will agree to map the wetlands and they will be delineated on the final plat.

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Robert Todd said it probably won't show any more than what is there now.

Brian Hansen moved to reconsider his motion. Barbara Griffin seconded the motion. VOTE: 6-0-1. Chris Nadeau abstained. Motion carries.

Brian Hansen made a motion to approve the lot line adjustment/subdivision plan subject to conditions as follows:

1. **Note on plan the Board's final written decision, including any outstanding conditions of approval, or conditions subsequent, as required by Chapter 266 (SB 189).**
2. **Note on plan any waivers granted and the date granted as part of the approval for this subdivision plan.**
3. **Appropriate professional stamps and signatures.**
4. **Certification of bounds.**
5. **Provision of digital files, AutoCAD submission on North American Datum of 1983 (NAD 83) and North American Vertical Datum of 1988 (NAVD1988).**
6. **Applicant submission of wetland delineations for the "existing area" portion of the new proposed Map 4 Lot 68 (in its entirety).**
7. **Add a property bound between Map 4 Lot 68 and Map 4 Lot 69 at the right-of-way line.**
8. **Bounds shall be shown on northerly edges of Map 4 Lot 68 and if they cannot be found, they shall be set.**
9. **A bridge maintenance easement, approved by DPW, shall be executed and provided.**

Mark Warden seconded the motion. VOTE: 5-0-2. Mark Warden and Chris Nadeau abstained. Motion carries.

ACTION ITEM:

Donna Pinard volunteering to be appointed as an alternate to the Planning Board.

Donna Pinard said she lives at Riverview Park Road, and has been a lifelong resident. She got involved in Plan Pinardville and when the position opened up she thought she would be interested in the decision making process for citizens to have access to using their property.

Barbara Griffin asked if we have an opening.

Brian Rose said we do. There is some paperwork in the chairman's folder for the Board to sign if they accept the application.

Mark Warden said Donna Pinard has been a client of his in the past. He doesn't think he needs to withdraw. He doesn't think it's a conflict of interest.

OTHER BUSINESS:

Certified Site Program--(Proposed Development Regulations Amendment by Economic Development Council)

Derek Horne presented a power point presentation. He is representing the EDC. Tim Redmond and Charlie Tentas, from the EDC, are with him. In April, David Preece and Jack Munn made a presentation. This builds on that. This program is a marketing program for sites and buildings that are ready for development. They have to actually be on the market. There is a benefit to the property owner and to the business that wants to build.

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It takes 1-2 years normally, and this program will extend it up to five years with Planning Board approval. It markets an entire region. It reduces time to final Planning board approval and reduces risk and upfront costs to interested businesses. It increases the speed to market for these properties. They have already received some level of approval. He showed a US map reflecting several states that are involved in the certified sites program. How does it come to Goffstown? Every spring the Board of Selectmen set their goals. This year it is economic development to lessen the burden on residential tax payers. David Preece and Jack Munn presented this to the EDC the night before they presented it to the Planning Board. There are draft regulations. Zoning is not changed. Tony Marts had been working with a group of lawyers, SNHPC and others to dovetail in with existing regulations. We sent them to the town attorney to ask if they are legal. They are and he made a few changes. This way we can start highlighting industrial and commercial properties in town. He referenced Section 8 in his proposed amendments. The first level is non-binding land design review. It is equated to a conceptual review that has abutter notification and engineering. You need a Planning Board design review. They would continue to participate and provide annual report to the Planning Board. That reflects this is a site that has conceptually gone to the Planning Board. At level II, includes Planning board approval of Coordinated Development Plan and a development agreement with the Planning Board. At level III, the Planning board has approved a site plan for at least 1 phase and the site is ready for construction. These three levels fit in with SNHPC program. The other consideration we worked on was the definition of active and substantial development, referenced on page 52. It requires the written evidence of an investment of a minimum of \$25,000. It can, at the Planning Board's discretion, include soft costs. The feedback from the Town Attorney was that some work needs to be done on the site. For level II and III sites, this could vest a project. There are a lot of words because the EDC wanted to lay out the process from start to finish in the Development Regulations. Why there and not zoning? State statute is hard to change. Zoning changes are once per year. With development regulations, they are more easily changed with the notice of a hearing. We hope the Planning Board can use these regulations as a starting point. If you don't like them, Windham has adopted some and we can get a copy.

Brian Hansen asked if this program is mandatory.

Derek Horne said absolutely not. The property owner can but doesn't have to. It won't affect zoning regulations.

Mark Warden asked about minimum requirements.

Derek Horne said there are some minimal requirements. We have some lots that may be able to do this.

Mark Warden asked the cost to an applicant to do this.

Derek Horne said we've not developed that. It would be another layer. We presume SNHPC would have some costs to help with the marketing because it is on a national scale.

Barbara Griffin said this is being modeled after programs in another part of the country. This is relatively new. She asked what Windham has for a fee structure.

Derek Horne said he doesn't know. He can get that.

Barbara Griffin said this came to NH a few years ago with a speaker who said we were at a deficit in this area. A business has to dig through the regulations.

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Mark Warden said there are 14 towns listed on the website as part of this. Goffstown is listed.

Derek Horne said those are the communities covered by SNHPC and pay dues to SNHPC.

Brian Rose said if you click on Goffstown on that website, there are facts about the town, but nothing about specific sites. Each town has to accept the program.

Mark Warden asked if anyone gave SNHPC approval to include Goffstown.

Derek Horne said no.

Richard Meaney asked why one acre or more.

Derek Horne said they felt it was a good size. It was modeled after other areas.

Richard Meaney asked if we could change that.

Derek Horne said he'd have to check into that. It is usually driven by those overseeing the program.

Brian Rose said if you are trying to go less than one-acre minimum, you will be attracting small businesses, not large users such as the industrial and warehouse type that is a substantial size user.

John Hikel asked if that would affect the weight limit on Goffstown Back Road.

Derek Horne said it won't. We are saying if we can find property owners, instead of sending up one or two, you get everyone in the region to work together. Goffstown doesn't have the traffic counts others do. If we can be next to them marketing on the regional scale, people will realize the quality of life in this community.

Barbara Griffin said there are not a huge number of sites. An example where she could see this playing favorably would be the county property. They are the largest landowner in town. They've expressed no current interest in development. But they have asked for zoning changes. This is pure speculation. If there was a program like this in place, the county, which has no marketing skills--and local people are not advertising nationally--the property owner will get bigger bang for their bucks. That is why Fidelity went to Merrimack. A site was ready with utilities. It allows a specific connection and makes easier to find a site. Larger developers would be more interested in a site.

Mark Warden said he doesn't know that SNHPC has the marketing knowhow and professional expertise to promote sales across the nation. He doesn't know any entity that would be able to do that. Most use tax incentives and we don't do that here. There are a number of nationwide commercial property sellers that are better prepared to do this than a planning commission.

Brian Hansen said the speed of the approvals is something he studied. Speed to market is important to developers. This is to accommodate a broader attitude in zoning. Ready to go is the critical part. They don't want to spend their time building things. They want to sell things. This allows competition with North and South Carolina, for example.

Richard Meaney clarified this doesn't change zoning. He sees the development regulations and the marketing component. Is there any reason we can't address this through our own development regulations without this

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program? People have to get SNHPC to approval. If we just change development regulations, we wouldn't give that power to anyone else.

Derek Horne said you would currently because it is the regional marketing program. You wouldn't want to go to someone who doesn't match that regional marketing. You can make changes to your development regulations to improve speed to market? Yes.

Brian Rose said if you are going to do the regulations without the marketing piece, you may get a step forward, but the towns around us who do the marketing will get another step forward. And those people looking at our region won't be looking at us, they'll be looking at the other towns.

Richard Meaney said there are other forms of marketing, even when the government doesn't do it. Brian Rose said Certified Cites is a national program and is a big ticket to have that type of marketing. Other sites would have to be sought out. A lot of developers wouldn't jump in and do that.

Brian Hansen said the development regulations without the changes are what we have now. And this is a voluntary program. It is something people sign up to do.

Barbara Griffin said extension requests are always granted and the reason is that the applicants are usually looking for businesses.

Donna Pinard asked which states in the country have been doing this the longest.

Chris Nadeau said it's a great idea. It's voluntary and additional if a property owner wants to do it. If other towns are a part of this, and someone is looking to come here, they will see Goffstown. It's not costing the Town money. It could be another avenue to bring in business.

Mark Warden asked if we've had any inquiries for sites.

Brian Rose said there are no sites.

Mark Warden said he thought Manchester already signed up for it.

Barbara Griffin said she doesn't know of a community with a certified site at this time.

Derek Horne said there are none in Goffstown. This is not adopted by the Planning Board.

Brian Hansen asked if there is anything that would preclude someone else from representing these properties across the country.

Derek Horne said there isn't. This is just another avenue.

Brian Hansen asked if SNHPC gains at all if someone else

Donna Pinard asked if there is a way to get feedback from other states.

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Derek Horne said if you do it in the development regulations and you see a site, you don't have to approve a site. And you can also change your development regulations. This allows the Town to get out of it or modify it any way it seems fit.

Richard Meaney says it doesn't say to whom the fees are paid. Is it paid to the Town?

Derek Horne said it would be to the Town, but none have been set. The fees would be on that property owner, not the town. If the property owner chooses not to, he doesn't have to participate.

Alan Yeaton asked if this could be posted online for others to review. It may be useful to several of his clients.

Derek Horne said he would.

Mark Warden said documents have to be recorded. He asked if there is a sample of the plan that would have to be signed.

Derek Horne said there isn't one. He would have to get a sample.

Mark Warden asked if each Town has to be the same.

Derek Horne said each town is different. You craft it as you see fit.

John Hikel asked if there is legislative oversight. Is there funding for this? Is there a legislative committee overseeing this program?

Derek Horne said his guess is that it falls to the Board of Directors of SNHPC. When this first came to NH, SNHPC asked the State if they could do this and they said no.

Richard Meaney asked what Tim Redmond thinks.

Tim Redmond said, even though the certified site program is requesting approval up to 5 years. But we would leave it to the Planning Board—at their discretion. It gives power back to the Board. Consideration would provide much needed commercial and industrial businesses. This puts it out on a national website and creates a one stop shopping type of search. It lessens tax burdens for Goffstown. We have sites on Plummer Road, Cote Ave, Route 114 at the Shell Station, the Back Road property, Route 114 at the Bedford line are potential sites. When SNHPC came to use, they asked what we thought of a light on 114. Goffstown isn't as attractive as other towns. He thinks anyone who would choose to leave the certified sites program would revert back to the development regulations—whatever they may be at the time. We'll take this back to the EDC to work on it more. As a Planning Board and EDC we have a common goal. That is to reduce the tax burden and help people utilize their program.

Phil D'Avanza said the properties mentioned—the one acre site was running through his mind. They may not fall into that requirement. They may be less than one acre. How do we manipulate this to bring those sites into the program?

Tim Redmond said the program is designed so each Town can tailor to their own needs. We can do that. Phil D'Avanza said we would need an inventory of sites available.

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Tim Redmond said we could consider a waiver process.

John Hikel said he thinks the property near Hebert's is 3-5 acre lots.

Phil D'Avanza said one step to going forward would be to check inventory and lot sizes.

Tim Redmond said the idea is to help Goffstown get ahead, to lessen our tax burden. He's been working toward getting the gas line extended to the County farm. The County has switched to high flow gas. There is no reason why, as a community, we couldn't encourage that gas line down to the Shell Station. They would get money out of it.

Barbara Griffin said the reality is that commercial sites want power and sewer. They want utilities available on a gross scale. Because of the recognition that New England and NH are different, we have a hard time doing anything regionally. We have water and sewer managed by different entities. She thinks that what we are talking about is people looking at the area from somewhere else. They won't be opening up a variety store. You do need to do the inventory. Then if we are up there, it will get someone to click on Goffstown and maybe develop interest in other parcels.

Charlie Tentas said he's been in sales his whole career. We need a competitive edge. Goffstown is not a destination town. We need to stand up and make noise to be seen and heard by companies outside of New England. We need to do something different to get that competitive edge for our community. We don't have the highway access Londonderry has. As I-93 is widening, we want to make sure they see us and hear us and don't go by us.

Donna Pinard said, for those properties in Goffstown pre-approved, why do they have to you now and ask for help marketing property.

Charlie Tentas said he's not sure how the EDC could promote.

Barbara Griffin asked what authority a municipal entity would have. They don't have any authority or power to market a property.

Donna Pinard said half of the program is for marketing. And we have some properties that are pre-approved. Why can't they have you stick the property on the website to market it?

Chris Nadeau said they have gone through a process, so by the time a company decides where they are going, they don't have to worry that a "new" Planning Board would change everything.

Tim Redmond said there is that five year deadline, giving them a longer window.

Alan Yeaton said state law is 4 years after approval. Changes in zoning or regulations don't apply. He was once on the EDC and they tried to get this on the town website and were told there is no authority to do it.

Derek Horne said you aren't locking yourself in to 5 years. It's a case by case basis. As soon as you give notice to change your development regulations, you can modify or scrap the program.

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Tim Redmond said he'd like to see Goffstown promoted as a rural setting with industrial properties. New England has the best skilled labor in the nation.

Gaety Benner asked if this could be a Plan Pinardville without pictures. There are a lot of similar buzz words. Mixed use, SNHPC, and sustainable living are terms that concern her. Just because others are going along with this doesn't mean we have to. It may not be good. We should investigate it. This is new. We should find out how others are doing. Do we want to sell land to China? Do we want something bad for the environment? Is there a list of things we can and can't have?

John Hikel said he's looking at the zoning changes—industrial and CIFZ—and he sees decent changes and uses. Industrial doesn't allow dwelling units but CIFZ does.

Derek Horne said he can do a brief presentation on the other reason EDC is here tonight, which is zoning changes.

John Hikel said it's possible that we get dwelling units as part of a mixed used project. That is something we've already been dealing with.

Barbara Griffin said she didn't realize we finished talking about Certified Sites. She recommends we hear from EDC. There have been comments and notes. What are you asking the Planning Board to do at this point? Where do we go from here?

Brian Rose said if the Planning Board has specific feedback on the regulation amendments, we'd like to hear from you on that. Send Derek Horne an email. He's been working with the EDC. At some point, we'd get answers on tonight's questions and come back for either more discussion or a public hearing.

Barbara Griffin said we are talking about development regulations, which the Planning Board can look at on their own. We'll be done with our work on the zoning articles in January. When is a realistic time frame as to when the Planning Board might want to look at this again?

Tim Redmond said we are not here for an answer. We are here, almost as a conceptual. You can forward questions and comments to Derek Horne. We will respond. It may take 6 months. It may never be implemented. We don't know. We thought it had enough merit to provide to you. We can further work on it and find common ground and then request a vote for adoption or not.

Barbara Griffin said it would be sometime next spring before we'd see this again.

John Hikel said if we are looking to get Goffstown's name out nationally, maybe force the issue when elections come to town, emphasizing the fact that they are in Goffstown.

Barbara Griffin said this is really new regulations. What are we changing or replacing? Why is it red lined? It won't be incorporated until it's adopted.

Gaety Benner said it should go on the ballot because it's a big change.

Brian Rose said it's not a zoning change.

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Derek Horne said this doesn't change zoning or what a property owner can do with their property. It changes the process.

Gaety Benner asked if they could build apartments in Shaw's parking lot.

Brian Hansen moved to thank the EDC and invite them back in January/Feb. VOTE: 6-0-1. Mark Warden abstained. Motion carries.

Pondview Park, Goffstown Back Road--Map 6 Lots 1, 6-1-1, 6-1-2, 6-1-3 & 6-1-4--(Proposed Rezoning by Economic Development Council)

Derek Horne said this is across from Educare. It was approved in 2005 and they haven't been able to develop it for non residential use. It has good access to I-293. The big issue is that between the Manchester Goffstown line and Straw road, there is a commercial trucking restriction from 8:30 pm to 7 am. It was enacted after this site plan was approved. EDC is looking to have it rezoned from Industrial to CIFZ. The property owner is in favor of this amendment.

Tim Redmond said we did approve a self storage unit for that site but it wasn't built, possibly because of that no trucking restriction. That site has its own problems. Because of the radio towers, there are underground wires that make development difficult. They built the roads and did the improvements. The land owner is sitting there with nothing. How can we promote the property economically and work within the sign regulations and our own regulations.

Brian Hansen asked if this would include residential development. He asked the difference between the two zoning districts.

Derek Horne CIFZ said residential use is allowed as part of a mixed use permit with a Conditional Use Permit, granted at the discretion of the Planning Board. CIFZ allows a little more commercial use, financial, medical, and professional offices. Most uses are conditional use permits. They have to come to the Planning Board so that would open it up for development.

Tim Redmond said one use by special exception would be a bed and breakfast. CIFZ gives the Planning Board a little more flexibility on what they allow.

Brian Hansen asked if that means the owner has more freedom to do what he wants with his property.

Tim Redmond said that would lie with the Planning Board. If the suggestion is that it is better as a commercially zoned property, would consider it. We don't want to see the property vacant.

John Hikel said it's not all traffic restrictions. Sometimes it's price. There are a lot of factors.

Derek Horne said EDC looks to the ways they can help and a zoning change is one.

Brian Rose said CIFZ could change other uses allowed or disallowed.

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Derek Horne said the recommendation from the EDC is to change the zoning to CIFZ. We didn't talk with the property owner about commercial. If that is a recommendation, he'd like to bring it back to the EDC and property owner.

Tim Redmond said the Planning Board could forward comments to Derek Horne.

Brian Rose said we'd have to make a notice for zoning changes the Planning Board wants on the December public hearing. We'll need to know at the November 14th Planning Board meeting. Between now and then you have the time to think about it and make comments to EDC, but it doesn't give them much time to meet and discuss. So he suggests you get your comments to them quickly.

Richard Meaney suggested bringing the idea of commercial zoning to the EDC.

Alan Yeaton said he doesn't want a potential project to go downhill because of a change in zoning. There is a potential sale in that area.

Derek Horne said they would confirm with the property owner that the lots they want to change are the lots proposed.

Barbara Griffin suggested they might want to compress what is proposed and what is now. It will be easier for people to look at it.

Tim Redmond apologized for showing up late with this. It puts a lot of pressure on the Board to make a decision in a short period of time.

CORRESPONDENCE & ACTION ITEMS:

Conservation Commission Comments in support of the Perkins Subdivision, Map 4 Lot 50, 68 & 69.

Richard Meaney said there is a position for an alternate for 2013 to 2016. He made a motion to approve her application as an applicant for that term. Mark Warden seconded the motion. VOTE: 7-0-0. All in favor. Motion carries.

Discuss Possible 2014 Zoning Ordinance Amendments

Brian Rose said there are 16 items on his list of proposed zoning amendments. He'd like a clarification as to whether or not the Board would like to develop the idea. He's looking for feedback if this should be drafted as a change or left in the trash.

PROPOSED ZONING AMENDMENTS FOR MARCH 2014 VOTER APPROVAL

- 1. Section 6.6.3 – Propose a change that allows signs that are not visible to residences within 250 feet of a residential zone to be allowed to be internally illuminated.**

Brian Rose said now our rule is no internal illumination within 250 feet. There are signs that are not visible to residences, such as at Shaw's Plaza. They wouldn't pose a problem to residences but they have a problem because they'd have to go to Zoning.

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Barbara Griffin asked what “not visible to residences” mean. It leaves it wide open. And that is why we have a standard. She used the Shell Station as an example. The farm house across the street could very clearly see the sign.

Brian Rose said he was trying to be clear about it.

Barbara Griffin said you can’t enact a rule for a specific problem. You draft something that makes sense on a stand-alone basis and then you work with it.

Brian Hansen said “not visible” could change. You could cut down trees.

Barbara Griffin said she understands what he’s trying to do but thinks it would be more problems than not.

Brian Rose said he would nix it.

- 2. Section 6.6.3 – Propose to allow industrial signs to be 10% of the area of the wall to which it is affixed – not to exceed a total of 100 sq. ft. (for walls larger than 1,000 sq. ft. in area).**

Brian Rose said now we don’t allow any walls signs in the industrial district. They should be able to put a sign up as well as any commercial zone.

Richard Meaney said he agrees.

Chris Nadeau asked for clarification as to what this means.

Brian Rose said the 100 square feet is the max.

The Board consensus was to move forward with this.

- 3. Add a separate section number to the Table of max sign dimensions.**

Brian Rose said this is just an addition of a section number.

- 4. Section 6.13 – Propose to change time limits for temporary signs to be allowed up to 30 days and to eliminate the language about 4 occasions for 10 days/calendar year. Grand Openings and other events are usually are advertised for about a month.**

Brian Rose said when people do a grand opening they leave a sign up for about a month.

The Board consensus was to move forward with this change.

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- 5. Section 4.3 – setbacks – less setback or more building footprint indicated by the ***** at the bottom of the table should be changed to not allow Planning Board approval by CUP. Setbacks should be looked at more closely.**

Brian Rose said we just saw this at the Planning Board. Every dimensional regulation is governed by the ZBA and we feel this should be no different.

Barbara Griffin said she agrees to what he just said.

Richard Meaney said this is non-specific and he'd like to see what the zoning proposal would be.

Brian Rose said it would just remove the asterisks.

The Board consensus was to move forward with this.

- 6. Agricultural Incentive Zoning – Do we want to revise our Ordinance or Development Regulations to allow for more flexibility with agricultural farm uses? See Agricultural Incentive Zoning excerpt from Innovative Land Use Planning Techniques – a Handbook for Sustainable Development.**

Barbara Griffin suggested nixing this.

Brian Rose suggested making the agricultural zone less restrictive. We will nix this one for now.

- 7. Ordinance regarding Federal law Section 6409 regarding “approving” certain wireless communications facilities – we should revise our Section 10 of the Zoning Ordinance per the Town Attorney’s recommendation we discussed during the summertime regarding a collocation application that came through. Suggest allowing certain applications to go through an administrative review of staff only and not require Planning Board approval and stating what types of applications could fall under that category – these would be considered the “unsubstantial changes” to the sites or towers.**

Brian Rose said this makes sure our Ordinance has better language as to what should/should not be approved.

Barbara Griffin said she doesn't have a problem working on it. She has concerns about it. This looks like it will be a fair amount of work.

Brian Rose said we only get a few per year so if we miss out on it this year, we can try again. But he'd like to try to work on it.

Brian Hansen asked what his intent was. Does he want to be the one to make the determination if a site plan is needed?

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Brian Rose said the current ordinance says all changes have to come to the Planning Board for a conditional use permit. It's overly restrictive.

The Board consensus was to keep this in for now.

8. Self Storage (or Storage Unit Facility) should be a use in the Table of Principle Uses. Allowances should be for this use to be permitted in the CIFZ and Industrial zones.

Barbara Griffin said you would need to come out with a definition for it.

Brian Rose said they could come up with a name and a definition.

9. The Town's allowance of Tattoo Parlors is so restrictive that there is no place in town that meets the criteria to allow it here. Suggest revised language to allow it in certain zones without the distance requirement.

Barbara Griffin asked if this has been an issue. There is litigation someone on this issue. The ordinances were adopted after that.

Brian Rose said he would dig it up.

Phil D'Avanza said he'd nix it.

Richard Meaney said he'd like to see if it's allowed, and if not, where it would be proposed to be allowed.

Brian Rose said it's allowed in a zone but can't meet the criteria.

Richard Meaney said if you can't build there, it's not allowed.

Barbara Griffin said it is a standard clause that has been held up.

Brian Rose said he would dig up what he can but he suspects this will be nixed.

10. Clarify Section 5.1 – Accessory Buildings – does the 600 sq. ft. rule apply to each accessory building or the sum of all accessory buildings. Also, if something is proposed that is larger than 600 sq. ft., is it ok, but needs to meet the regular setbacks. This is unclear in the language. I think it tries to get there but does a poor job. Also, does the 600 sq. ft. rule apply only to those structures wanting to be in the accessory structure setback (10 ft. from sides and rear)? Say you want to build a detached garage with an office above it – could it be larger than 600 sq. ft. and is that the footprint or do you count both floors? Also, how do you meet the height requirement of 17 feet? Clarify when this rule applies and when it doesn't.

Brian Rose said this section just needs to be reworded to be clearer as to what it is asking for.

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Brian Hansen suggested a compare/contrast with what is there now.

- 11. Section 5.2.1 – there is a maximum size for accessory dwelling units. That is 650 sq. ft. I suggest bumping that to 800 sq. ft. That is the minimum size for apartments or duplex units. There is currently a black hole between 650 and 800 where no one can build. I don't think that's really necessary.**

Brian Rose said if you have a proposed dwelling unit of 750 square feet, you have to get a variance.

Richard Meaney said something talked about at Plan Pinardville was allowing them as permitted activities.

Mark Warden asked why not go higher, like 1000 square feet. Like the space over a garage. Why limit the space.

Brian Rose said they are trying to limit it based on the impact. Accessory dwelling units don't take it out of the status of a single family home. It's almost like making a duplex. A 20 x 25 square feet structure is the standard garage.

Barbara Griffin said there is a clear line.

- 12. Accessory Dwelling Units should be allowed more often. I don't think it's right to require them to go to the ZBA for a Special Exception every time. Suggest some type of trigger (size of parcel or something) that allows them to be built without a Special Exception.**

Brian Rose said it's not right to require them to go to the ZBA for every circumstance. We don't have to determine that tonight. He'll try to draft something up. Are there instances where someone could come in and get a permit without going to the ZBA for a special exception.

Barbara Griffin said where two families would be permitted and where it remains within the standards for development of the size of the lot, to meet the density requirements.

Brian Rose asked if it should meet the standards to duplex and multi-family lots.

Barbara Griffin said that would be her suggestion. Then someone has the option of coming in without needing approvals, or if they want to come in with a plan.

- 13. Chickens/Poultry – suggest allowing chickens more widely, but not allowing roosters. Also suggest limits based on lot size – not based on zones. We have non-conforming lots in all zones, but if you limit it by the size of the lot – and the zoning perhaps then it is less likely to become a nuisance to neighbors. Suggest creating some supplemental standards in Section 5 to address this.**

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Richard Meaney asked if roosters would be allowed by special exception. What size lot would you suggest?

Brian Rose said currently our agricultural lots allow raising and keeping of poultry. If you have a two acre lot, that's pretty easily acceptable to have a rooster.

Phil D'Avanza said he thinks Hanover passed an ordinance on dealing with poultry in a residential zone. Maybe we could take a look at that. Do you allow them to run free? How would we address how they are kept?

Brian Hansen said he agrees.

Phil D'Avanza said geese can be aggressive running around loose.

14. Section 6.2.1 – Awning sign measurement is strange. I suggest getting rid of that language and just having it measure the size of the sign on the awning. The entire awning shouldn't be a factor.

Brian Rose said the awning regulation sometimes counts the awning in the sign square footage. It should count just the panel the words are on.

The Board consensus was to keep this in.

15. Clarify Section 14.7.3 – if people want to tear down a house or building on a property that has already been developed, does this rule apply? Or should it only apply in cases where there has never been any development on the site? Also, in conjunction with this, the sub-criteria for this section – 14.7.3.4 is not something we should have in our ordinance anymore because of the revised statute RSA 674:39a - that says municipalities cannot require lots to be merged if adjacent lots are owned by the same person or entity and if someone wants to “un-merge” them they can apply to the Town to have that done. This actually also pertains to 14.7.3.2 – which asks about if the lot has ever been in the same ownership as abutting parcels...Clarify how the Grandfather clause could apply to Section 14.7.3 regarding lots. It seems like there would never be an instance where something could be grandfathered.

Brian Rose said if people want to tear down a house and rebuild it, is it considered developing a non-conforming lot? He's interpreted it that way because of the language in the Ordinance.

John Hikel said he's seen them leave up a wall to maintain their status.

Barbara Griffin said if the house is considered a major reconstruction, the new regulations—fire, electric—kick in. One of the reasons demolishing has been in effect is that those new regulations come into effect.

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Brian Rose said that section requires a special exception to develop a non conforming lot. If they want to redevelop it in accordance with all or our rules, should they still need a special exception? Part of that is the sub-criteria that references lots next to it that requires merging of lots.

Barbara Griffin said you have to eliminate that section of merging lots.

Phil D'Avanza asked how you knock down a building on a non-conforming lot and make it conforming.

Barbara Griffin said the lot is non-conforming, not the building. You are talking about when the use meets the regulations. It makes sense.

Brian Rose said he would come up with the actual language.

16. Section 6.5.2 only applies in the Ag, R-1, R-2, & CO districts. What about legal residences (or non-conforming residences in the other zones) couldn't they do a home occupation with a sign?

Brian Rose said that regulation gives specific allowances for home occupations to have a sign. Could a house in a commercial zone with a home occupation have a sign?

Richard Meaney said they should have that opportunity.

Brian Rose said they live in a house and should be allowed a sign like anyone else.

Brian Hansen made a motion to adjourn. Phil D'Avanza seconded the motion. VOTE: 7-0-0. All in favor. Motion carries.

The meeting adjourned at 10: 25 pm.

Respectfully submitted,

Gail Labrecque
Recording Secretary

These minutes are subject to approval.