

GOFFSTOWN PLANNING BOARD MINUTES  
MEETING OF JUNE 26, 2014

In attendance were Barbara Griffin—Chairman, Collis Adams—Selectmen’s Representative, Brian Hansen, Tim Redmond, Jim Raymond, and Chris Nadeau. Also in attendance were Brian Rose—Planning & Zoning Administrator, Darrel Halen—GTV audio/video technician, and Gail Labrecque—Recording Secretary.

Barbara Griffin called the meeting to order at 7 pm. She explained the agenda for this evening includes a presentation from the Economic Development Committee prior to the applications. She asked the Board to introduce themselves.

There were about ten people in the audience.

**Presentation from EDC - Ready Set Go Certified Sites Discussion**

Derek Horne, Assistant Town Manager, said in October the EDC came to this Board to present the Certified Sites Program. It is being supported by SNHPC. Certified sites are done at the State level and reduces the wait time for businesses looking to move to a state. They have the necessary approvals, water and sewer. They are looking to gather one acre sites in the area and have asked communities to adopt regulations to allow them to do this. Last summer EDC prepared regulations and they were distributed to the Board. There have been no changes. They are available on the website. The EDC is asking the Planning Board to consider this as a starting point toward adopting this program. The EDC identified five main questions to answer. What are the pros and cons of other states running this program? You are reducing the time of the approval process. Level 2 and 3 certification gives the Planning Board flexibility to approve a plan longer. With agreements in place you could have vesting in place to meet the active and substantial development. The cons is in administering this program. SNHPC is getting interest in others doing it for their communities. But it will be difficult to administer. Another problem is to have consistent standards across the program. Phil D’Avanza had asked identification of viable properties. We suggested commercial, CIFZ, and industrial parcels. They are looking for parcels of at least one acre. Also asked was if there are approved properties that could use this now. Auto Zone is one of those. Lamy Drive and Daniel Plummer Road has a parcel that has come back often. There is the veterinary building on Tatro Drive, and the building on the corner of 114A and Daniel Plummer. This is not SNHPC acting as a realtor. They would provide additional exposure and promote development of these properties. Can individual property owners participate in the program without Planning Board approval? We don’t imagine that SNHPC would allow this. They wouldn’t have development agreements in place nor the shortened approval time.

Barbara Griffin said EDC wants the Planning Board to amend their Development Regulations with a new Section 8, which you provided. One acre sounds small. You are looking for entities big enough that are shopping for a site. It’s not someone local who will drive by the site.

Derek Horne said Manchester is looking at it as a redevelopment idea. On a national level, it is a 20 acre size. This is the minimum requirement that the Planning Board could change. There are properties in our list that are larger than one acre. If one acre is too small for you to consider, you could change it.

Barbara Griffin said it is ultimately the property owner’s choice to participate or not.

Chris Nadeau said the Town isn’t involved in this financially. It is strictly the property owner’s money going into this.

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Derek Horne said the Town would come up with a fee schedule. SNHPC would set up a fee to approve properties to participate in their marketing program.

Barbara Griffin said her concern is when you talk of extended plans for one acre, if they are in the middle of other things not so destined, and there are zoning changes that affect the others, she doesn't know how that would affect things. Has the County been approached with this?

Derek Horne said they are aware of the program. We have identified them as the largest properties with water, gas and access to Route 114.

Tim Redmond said he is a member of the EDC. The one acre sites relates to why the EDC wants to give the Planning Board discretion on the time of approval. SNHPC wanted five years from the beginning. We want the Town to decide on the time of approvals.

Barbara Griffin asked if the Board would have the option of saying a one acre site could be approved for one year, for example, and a 50 acre parcel for five years.

Brian Hansen clarified it is a case by case basis.

Barbara Griffin said we review them to standards that apply to every case.

Tim Redmond said you are giving a level of approval depending on how far a property owner wants to go. The landowner has already obtained all the approvals. A buyer would be buying a lot that is ready to go.

Barbara Griffin asked if SNHPC has reviewed the draft of the regulations.

Derek Horne said they did. These are more in depth than what SNHPC devised. We needed to be more specific to meet Goffstown needs.

Chris Nadeau asked if other towns have adopted this.

Derek Horne said Windham and Pelham have. Derry and other outlying communities have not expressed interest. Bedford is bringing it to their Planning Board in December.

Barbara Griffin asked Derek Horne to identify the other members of the EDC who are present.

Steve Langley, Chairman of the EDC, said there is a lot of competition for development and this will help get us on the map.

Derek Horne said Cheryl Anderson is a member, as is Tim Redmond and Chris Nadeau.

Brian Rose suggested the Board meeting

A straw vote was taken on the members interested in going down the path of the certified sites program. There was a majority in favor.

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Derek Horne distributed a potential timeline for Planning Board consideration of the Program.

Barbara Griffin said she'd rather deal with this sooner than later so it doesn't conflict with zoning amendments and hearings.

Collis Adams said a workshop is a good idea so we can focus on this.

Barbara Griffin said we could post a joint EDC and Planning Board meeting to talk about it.

**MINUTES—meeting of June 12, 2014**

**Brian Hansen made a motion to approve the minutes to the Planning Board meeting of June 12, 2014.**

**Chris Nadeau seconded the motion. VOTE: 5-0-1. Jim Raymond abstained. Motion carries.**

**OLD BUSINESS:**

**Map 3 Lot 53, Completeness Review & Site Plan Amendment Review Hearing for a Proposal to Build a 5,000 Sq. Ft. Warehouse Building and Demolish Another Existing (3,000 Sq. Ft.) Building on the Property, Located on Shirley Hill Road, Owner: Shirley Hill Road, LLC C/O David Vaillancourt (Hebert's Used Auto Parts), Zoned: Industrial/Agricultural (*Continued from the June 12, 2014 Meeting*)**

Brian Rose the report dated June 25<sup>th</sup> is to replace the report dated June 20<sup>th</sup>. This was accepted on June 12<sup>th</sup>. We did go through an extensive discussion and public hearing on the 12<sup>th</sup>. There were a few minor comments to address. A straw poll was taken about granting the waiver on the bounds. The applicant has addressed comments, which have been reviewed. He has confirmed the Fire Department has no comment. He has one comment about Active and Substantial Development and Meghan Theriault has two conditions subsequent. We do recommend waiving the three requested waivers and then approval of the site plan.

Barbara Griffin said we have a letter from Keach Nordstrom responding to Planning comments.

Jim Raymond asked if there is a standard for engineering comment regarding monitoring of drainage flow and erosion.

Chris Nadeau said it almost looks like they are saying to make the land at a 16% slope.

Brian Hansen asked if Brian Rose has made sure these notations are in the plan and he is satisfied.

Brian Rose said he has.

Steve Keach, David Vaillancourt, and Brent Cole presented.

Steve Keach addressed the site plan placed on display. It was the Amended Grading and Erosion Control Plan. He explained how pavement would connect to existing pavement. It currently ends and becomes gravel. It has some erosion. As we grade that during construction, it's a perfect spot for erosion. That is why Meghan Theriault comments about monitoring it.

Barbara Griffin clarified the monitoring is during construction. We could add that to the condition.

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Steve Keach said she is asking us to do it. She can look at it during or after construction.

Collis Adams said it would be a second layer of protection. It is included in a note on the plan.

Brent Cole said we reviewed the staff report and had no issues.

Barbara Griffin opened the hearing to the public. There were no public comments and the public hearing was closed.

Collis Adams said first order of business would be the waiver requests.

**Collis Adams made a motion to approve the requested waivers for topography of the entire site, bounds and bearings/distances on the entire site, and scale of overview plan at 1"=60', finding that strict conformity would pose an unnecessary hardship to the applicant an waiver would not be contrary to the spirit and intent of the regulations; or specific circumstances relative to the site 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. Brian Hansen seconded the motion.**

Jim Raymond said if his vote isn't critical he will abstain because he wasn't here. He read the minutes and he's up to speed if needed.

**VOTE: 5-0-1. Jim Raymond abstained. Motion carries.**

**Collis Adams made a motion to approve the site plan as follows:**

**Conditions Precedent:**

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. Appropriate professional stamps and signatures.
3. Provision of digital files, AutoCAD submission on North American Datum of 1983 (NAD 83) and North American Vertical Datum of 1988 (NAVD 1988).
4. Note on the plan that "Active and Substantial Development as it pertains to RSA 674:39 for this project shall be defined as having Building Inspector's approval of foundation installation. Substantial Completion shall be Building Inspector's approval of framing/windows & doors/plumbing & HVAC/ and electrical (as applicable)."

**Conditions Subsequent:**

1. Monitor drainage flow and erosion during construction on backside of proposed building at 16% slope (area between building and proposed pavement).
2. Shop drawings for proposed retaining wall to be submitting to the Town for review and paid for by applicant.

Chris Nadeau seconded the motion. **VOTE: 5-0-1. Jim Raymond abstained. Motion carries.**

**NEW BUSINESS:**

**Map 15 Lots 157 & 160, Completeness Review/Time Extension Request for the Approved Subdivision Plan for Proposed Lot Line Adjustment Between the Two Lots. Owners: North Garden Realty Trust and 715 Mast Road, LLC, Properties Located on 717 Mast Road and 25 Laurier Street, Zoned: *Commercial* (The applicant/owner has one year from the date of approval (March 2013) to have the plan signed and recorded at the Hillsborough County Registry of Deeds, and since that time has expired, the**

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***applicant/owner is seeking to have a time extension granted to allow for more time to meet the conditions of approval and have the plan signed and recorded.)***

Barbara Griffin explained the issue with the signing of the application. This has come back as a new application.

Brian Rose said basically this just slipped through the cracks in his workload. He didn't get the plan to Barbara Griffin to be signed. There is one issue hanging out there. That is acceptance by the Selectmen on the easement. Then it will be ready to be signed.

Barbara Griffin clarified the applicant understands one more step needs to happen.

Brian Rose said this is a lot line adjustment between the North Garden property and the lot behind them that they own. It has a house on it but the back portion looks like it is included in the North Garden property. They are looking to be sure this is finalized. Part of this project had also been a site plan that was laying out that land.

**Tim Redmond made a motion to find the application has no regional impact and is complete and ready for review. Brian Hansen seconded the motion. VOTE: 6-0-0. All in favor. Motion carries.**

**Tim Redmond made a motion to waive fees due to staff delay. Brian Hansen seconded the motion. VOTE: 6-0-0. All in favor. Motion carries.**

The applicant said they have nothing to add to the presentation.

Barbara Griffin opened the hearing to the public. There was no public comment.

Jim Raymond said Condition #8 is a question, not a statement. Item #9 is question and item #10 is a suggestion. It's not clear.

Tim Redmond asked if these were the same as the original approval.

Brian Rose said they are. It might be worth it to reword these to make sense.

Ray Shea said regarding #8, there is an easement all the way across.

Brian Rose said we may be able to remove these if the sidewalk easement has been labeled.

Ray Shea said it is labeled twice and across the frontage in two separate easements.

Barbara Griffin said #8 is taken care of. #9 is about the fence at the property line.

Ray Shea said the neighbors did like the fence and we prefer to leave the fence where it is.

Brian Rose said he doesn't know it's necessary for a lot line adjustment.

Jim Redmond said #10—is it a swing gate or doors?

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Ray Shea said the drain manhole which is at the southerly corner of Estelle and Hill Revocable Trust lot, you would have to tear the fence down and put a gate up. It's difficult to access it but we do. We prefer not to rebuild a fence.

Barbara Griffin asked who is doing the drainage easement review.

Ray Shea said DPW.

Barbara Griffin said when DPW comes in and has to get to that point to do work, are you considering the Town is then responsible for taking down the fence and putting it back up.

Ray Shea said he's not saying that. You can access the manhole. If you have to access it you would have to dig the fence up.

Tim Redmond said for cleaning and maintenance you have to access it.

Barbara Griffin said a condition of approval is Board of Selectmen approval of the easement.

Ray Shea said that easement actually exists. The one across from Mast Road is the new easement.

Jim Raymond said we can say we won't approve it without a gate.

Tim Redmond asked if they can access the drain manhole without removing the fence.

Ray Shea said they can't walk around it but the fence doesn't go over the edge of the manhole. They can pull the manhole cover off.

Brian Hansen asked if Tim Redmond has experience with this.

Tim Redmond said if they can lift the cover off of the manhole, they can access it. They can put the arm down and operate the Vaccon.

Jim Raymond asked if we need an easement into the parking area.

Ray Shea said it includes that.

Tim Redmond said if the manhole were elsewhere, he could understand.

Brian Hansen suggested a condition subsequent that a gate be installed if the fence is less than 12" from the manhole cover.

Ray Shea said he'd prefer not to put a distance to it.

Collis Adams suggested a condition that the fence not interfere with access to the drain cover maintenance.

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Barbara Griffin said we don't need conditions 8, 9 or 10 as presented but we have a condition about the fence.

Brian Hansen asked if the appropriate stamps and signatures are on the documents.

Brian Rose said when we get the mylars it will have them. That is why it is a condition of approval.

Collis Adams asked about the term "as applicable."

Brian Rose said to remove those words.

Barbara Griffin closed the public hearing.

**Brian Hansen made a motion to approve the lot line adjustment plan with the following conditions:**

- 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. Appropriate professional stamps and signatures.**
- 3. Provision of digital files, AutoCAD submission on North American Datum of 1983 (NAD 83) and North American Vertical Datum of 1988 (NAVD 1988).**
- 4. As applicable: (a) development and maintenance agreements, (b) drainage easement (c) maintenance agreement.**
- 5. Certification of bounds**
- 6. Goffstown Sewer Commission approval.**
- 7. Manchester Water Works approval.**
- 8. Fence shall not restrict access to the manhole cover.**

**Chris Nadeau seconded the motion. VOTE: 6-0-0. All in favor. Motion carries.**

**Map 17, Lot 237-1, Completeness Review/Time Extension Request Hearing for an Approved Site Plan for a Proposed Four (4) Unit Multi-family Building, Owner: Donald Levasseur, Property Located on Laurier Street, Zoned: Industrial (*This Application was previously approved back in May 2008, with the plan begin signed in June 2013. The applicant has one year from the date of the plan being signed to begin construction of the project and since that time is expiring the applicant is coming back in to ask for more time to begin construction of the project.*)**

Brian Rose said this has been in the works since 2008 and hasn't gotten off the ground due to the economy and financing. They are here to keep the project alive. They have building plans that need to be updated to current codes. It's been a while since they were submitted. That's a building issue, though. They submitted their application on June 5<sup>th</sup>, which was their expiration date. The Board should consider whether or not to grant a waiver for the 30 day requirement for submission for a time extension. Notes talk of how the project was approved. It got several variances and a special exception, which have expired. They will have to be re-approved by the ZBA. In his report, #5 recommends it be continued, however, in thinking about it more he is looking at other alternatives than having him come back. If the Board approves, it would be conditioned upon obtaining the variances and special exception.

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Tim Redmond said page 6 says the site plan was previously approved and he remembers the plan. The plan was allowed to lapse. Four years later the Board waived the 30 day requirement. And now we are back to another situation where the applicant didn't file a timely application before expiration. We grant a lot of extensions on a regular basis. If this were the first time the applicant missed a deadline, he'd be sympathetic but it's not. We are setting dangerous precedence by waiving these requirements.

Brian Rose said he doesn't know that the only time this came in was 2008, and then they went for four years without doing anything. They had come in for time extensions, but it lapsed toward the end.

Barbara Griffin said she read the ZBA decision of 2012, which had lapsed.

Brian Rose said it was a re-approval at that point in time.

Jim Raymond said this was approved in 2008. Have there been zoning and regulation changes since then that would affect this project?

Brian Rose said he doesn't know of any that would affect how this is done.

Tim Redmond said there are development regulation requirements about drainage. If you recharge storm water onsite, you reduce your offsite flow with onsite drainage.

Brian Rose said Meghan Theriault wasn't concerned about drainage. There is a huge swale on the adjacent property and it will go to that system.

Collis Adams said this shows a closed drainage system, not onsite detention. It is just discharged to a big drainage easement on the back side. Maybe it's a brook or a large swale.

Brian Rose said it's a man-made thing.

Jim Raymond said comment #13 is about lighting and there is no lighting plan. How do you do it without a lighting plan?

Brian Rose said a lighting plan is generally required when we have 20 foot candles or more on the ground. When they aren't proposing pole lights in the yard, there's not much chance that lighting could get to that level.

Jim Raymond said he's not willing to accept that.

Barbara Griffin said she's not inclined to deal with it subject to the ZBA meeting. It's mind boggling that they got it. We have other bigger issues with this plan. She's not predisposed to deal with it subject to a July 1 decision of the ZBA. The lighting is a condition getting slipped by. There are unique characteristics of this site.

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Collis Adams said his biggest concern is storm water management and he doesn't see how it meets it. This is in the MS4 section of town. If we contribute to impaired waters we aren't doing the town any favors.

Barbara Griffin asked if this is an extension or new approval.

Brian Rose said it came in before the expiration but after the 30 day notice. He listed it as an extension.

Barbara Griffin asked if there are waivers needed. Would we need one for the lighting plan?

Brian Rose said only if for 20 foot candles on the ground.

Jim Raymond said you can condition the extension on certain things. But he still wants to look at the substance before granting an extension.

**Jim Raymond made a motion to continue this hearing until after the ZBA acts on the variance, suggesting that the Board wants to see a lighting plan, and evidence that this complies with new storm water management requirements, and confirm there are no zoning or development regulation changes. Tim Redmond seconded the motion.**

Barbara Griffin asked the applicant if July 10 July 24 or August 24 are acceptable.

Ray Shea said July 24<sup>th</sup> is acceptable.

**Jim Raymond and Tim Redmond amended their motion to include the date of the continuation to July 24, 2014.**

**VOTE: 6-0-0. All in favor. Motion carries.**

Ray Shea said in 2012 we got re-approval from the ZBA. It is a weird piece of land. There is a note on one of the sheets with a detail of cut off lights. The drainage goes to another piece of property that Mr. Levasseur owns. He granted the Town drainage easements. And he extended the sewer. We did work with DPW when we designed this.

Collis Adams said that is before the new EPA requirements. That is a concern and could be a significant issue. He asked where the swale discharges to.

Ray Shea said it goes along the base of the landfill. It has a long way.

Collis Adams said it is close proximity.

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Jim Raymond asked if we waived the thirty days.

**Jim Raymond made a motion that they waive the thirty day submission requirement. Chris Nadeau seconded the motion. VOTE: 6-0-0. All in favor. Motion carries.**

Barbara Griffin said she sees proposed lights. We've had issues with wall mounted lights. We'll want specifications on the lights.

**OTHER**

Brian Rose said the Board hasn't reviewed Rules & Procedure. The other item to discuss is what was brought up at CIP regarding the Master Plan and trying to determine what direction to go in the Master Plan update. He would like direction from the Board.

Barbara Griffin said the time for statutory review of the Master Plan is upon us. We just heard from administration in regards to that and there is a request for \$140,000. That is Brian Rose's best estimate for a comprehensive re-write done outside of house.

Brian Rose said if it is just updating what is written it might be half that. He got the figure from talking to other communities. It was middle ground.

Tim Redmond asked if Goffstown has changed so much in ten years that we need a whole re-write.

Chris Nadeau said he agrees.

Brian Rose said we've been doing updates for 20-30 years. The last full comprehensive, re-write was in the 1980's. The one in 2006 is an appendix to the Master Plan itself. It includes the corridor study. You have a fat book of appendices to the Master Plan. They are background data.

Collis Adams said if we don't do a comprehensive re-write we will need a comprehensive review to determine what needs to be re-written.

Brian Rose said before that in 2006, it was down by Town residents.

Jim Raymond said if things haven't changed, the text portion is a small part. A Master Plan is just a guide.

Brian Rose said our country has experienced recession since the last Master Plan so some visions and goals may have changed.

Jim Raymond said he's not sure it would have changed.

Barbara Griffin said it may have changed some of the data.

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Brian Rose asked if a review of what needs to be reviewed would be hired out.

Collis Adams suggested SNHPC for input and assistance.

Barbara Griffin said she'd be willing to meet with Brian and herself at SNHPC to go through the Master Plan to do a review. Then they would review the results here. It would be more efficient than having SNHPC coming here. They will have Master Plans to compare.

The Board consensus was in agreement for that.

Tim Redmond asked if this Board would give guidance for a lesser figure.

Barbara Griffin said we don't have another CIP meeting until July 19<sup>th</sup> and we're still hearing presentations.

Jim Raymond said he doesn't want to set a number now.

Brian Hansen offered to help.

Tim Redmond said on the Langley project, we approved third party inspections. We should take a look at those conditions for the future. The fees were extremely high as opposed to the Town Engineer inspecting. And there is additional fee for the Town Engineer to review the approval. We want to be careful not to cost applicants significant amount of money.

Barbara Griffin said we charge much less than other towns. An applicant's use our Town Engineer for their own engineering needs. Maybe we need to review our Town Engineer fees. As a taxpayer she doesn't want to subsidize engineering for an applicant.

Tim Redmond clarified it was third party inspectors.

Chris Nadeau said he wouldn't want to compare to other towns who have more going on than our town.

Barbara Griffin clarified that we are getting plans that are minimal and deficient in engineering and leave it to our staff to create the plan.

Brian Rose suggested a condition of setting a fee. It's an open ended condition of approval subject to Meghan Theriault's determination. Perhaps that could be figured out prior to making a determination.

Tim Redmond suggested a condition of approval be that the applicant provide certified, as-built plans. No engineer will sign a plan that's deficient.

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Collis Adams said we are trying to assure a project is built properly. That is through inspections. Are the fees customary and reasonable? Is it what the marketplace dictates?

Tim Redmond asked if the Board could learn from the Selectmen if the fees were reasonable. We don't want to overcharge for inspections.

Barbara Griffin said we need to consider that in changes to our regulations.

**CORRESPONDENCE & ACTION ITEMS:**

**Copy of two emails to Brian Rose from Janice Chalifoux and David Coutermarsh stating their opposition to the Proposed Z1 Xpress Gas Station, Map 6 Lot 1-3 being built on Tower Lane/Goffstown Back Road.**

**Collis Adams made a motion to adjourn. Tim Redmond seconded the motion. VOTE: 6-0-0. All in favor. Motion carries.**

The meeting adjourned at 9:50 pm.

Respectfully submitted,  
Gail Labrecque  
Recording Secretary

These minutes are subject to approval.