

GOFFSTOWN PLANNING BOARD  
MINUTES TO MEETING OF JANUARY 14, 2016

In attendance were Barbara Griffin—Chairman, Phil D’Avanza—Vice Chairman, Jim Raymond, Tim Redmond, Collis Adams—Selectmen’s Representative, and Michael Conlon—alternate. Also in attendance were Patty Gale—Planning & Zoning Assistant, Darrell Halen—GTV audio/video technician, and Gail Labrecque—Recording Secretary.

Barbara Griffin called the meeting to order at 7 pm. She said we have a public hearing in regards to a proposed zoning change. She asked the Board to introduce themselves. She said Michael Conlon would be a voting member tonight.

There were three people in the audience.

**ACTION ITEMS:**

**Public Hearing on the petitions from registered voters for proposed zoning changes 2016:**

Barbara Griffin said we have held the public hearing on articles brought forth by the board. We have one petitioned article. There was public notice placed as is required. The appropriate number of signatures was obtained.

**Are you in favor of the adoption of Amendment No. 12 as proposed by petition by registered voters of the Town of Goffstown to amend the Zoning Ordinance as follows: “Shall the Town amend the Goffstown Zoning Ordinance, which currently reads as follows:**

***6.6.4 In the Commercial (C) and Commercial Industrial Flex Zone (CIFZ) districts, one portable A-frame sign per business, not to exceed six (6) square feet of sign area per side, may be placed outside the business, within 10 feet of the building’s entry, while the business is open. [Note: Any use of public property requires permission of the Board of Selectmen.] by deleting the words “within 10 feet of the building’s entry” and replacing them with the words “and shall not be placed closer than 10 feet to any property line”?***

Barbara Griffin said this was signed by at least 25 registered voters, but there are several pages of signatures.

Barbara Griffin opened the hearing to the public.

Thao Truong, owner of Crystal Nails Salon in Goffstown Plaza, answered questions regarding the petitioned article.

Barbara Griffin said the petition asks that signs be allowed to be ten feet from the property line. She asked if it were within ten feet of the door would it be visible from the road. This asks it be 10 feet to any property line. It would let you put the sign closer to the road.

Thao Truong said it would be by the street on the lawn. The reason is because if it is ten feet from the business door, it would only go to the cars where they park. The building is shaped like a U, and our business is in the back. People don’t know we are there. If we don’t have a sign it hurts our business.

Collis Adams clarified it would be ten feet from the right-of-way for Mast Road.

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Barbara Griffin said she assumes the property line means the property line of the business location that the sign is for; the property line for Goffstown Square.

Tim Redmond asked if there is a sign for Goffstown Square where they can have their signs.

Thao Truong said there is, but it's very small. With this they could also advertise specials. She compared with Pizza Hut and their sign on the street. Her business changes things every week.

Tim Redmond said his concern is that we are requested to put it within ten feet of the property line. Is that something that will be easily identifiable?

Barbara Griffin asked if someone came up with the suggestion of the property line.

Thao Truong said yes. She hopes it's approved.

Barbara Griffin closed the public hearing.

Tim Redmond said he understands the reasoning and supports businesses in town. He is concerned that, with a blanket statement of 10 feet within any property line, it could be in dispute down the road. Where is the property line in front of the plaza? It's possible it could be on the pavement.

Michael Conlon said the intent is there but he doesn't want it to be violated by someone who would put it across the street. It may not technically violate the language of it.

Barbara Griffin said we are talking about A-frame signs. If a business puts an A-frame sign in the middle of a parking lot, they'll have to deal with the consequences. --. It says within ten feet of the building's entry while the business is open. That doesn't necessarily mean it's on the businesses property. The language we have could be tweaked to meet another purpose. This goes on the ballot in March whether we recommend it or not.

Collis Adams said he's disappointed that the Village Commercial District wasn't included. But we have to take it as it is. We can't change it.

Patty Gale said it may already be allowed.

Barbara Griffin said we had an issue with a store in the village district. She thinks it may not be allowed based on those issues.

Jim Raymond asked if there is a limitation as to a number of these if there are multiple businesses.

Collis Adams said it is one per business. There are 6 or 8 businesses in Goffstown Square. We could see 8 A-frames along the road.

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Barbara Griffin said given the area we are talking about, being Pinardville mainly, there are other plaza's where if you put a sign within ten feet of the entrance it would not be close where anyone coming by would see. Given the language of the current one that can be tweaked, she's not sure she sees much issue with the proposed language.

Tim Redmond said he thinks the language of 10 feet from the property line is way to ambiguous. It could take a lot of time from staff to deal with them. They aren't permanent and could be moved. He doesn't like the ambiguity of the statement.

Barbara Griffin asked if Patty Gale was aware of any issues that have come through the Planning Department with signs like this.

Patty Gale said we sometimes get a lot of clutter of signs along Route 114. Some have been cited for violation. We've had banners strung across traffic lights across the street from Goffstown Plaza. In the Village Commercial there hasn't been much, but some have had a sandwich sign approved in the Village Commercial. There use to be a boutique shop near the barber shop that had a sign along the sidewalk. In Pinardville there is a problem with businesses putting a sign in places that aren't located on their business property.

Tim Redmond said Section 6.7.6 allows portable A-frame signs in the Village Commercial District within 10 feet of the building's entry. Including the property line in the Commercial District may be problematic. They may not even have ten feet. Sometimes their lots are only the width of the building. They should be stand-alone districts when they come in for a sign amendment because of the difference in lot sizes.

Collis Adams said the benefits to the businesses outweighs the uncertainty of the language regarding the placement of the sign relative to the property line.

**Collis Adams made a motion to recommend this proposed zoning change on the ballot. Phil D'Avanza seconded the motion.**

Barbara Griffin said this would also apply on Daniel Plummer Road.

**VOTE: 5-1-0. Tim Redmond against. Motion carries.**

**NEW BUSINESS:**

**Map 5 Lot 62, Conceptual Review Hearing for proposed parking lot for the Goffstown Junior Baseball Villa Augustina Fields, Goffstown Junior Baseball, applicant & RJM Real Estate Trust, Owner, Mast Road, Zoned: CIFZ (Commercial Industrial Flex Zone) Continued from the December 17, 2015 Meeting**

Erik Strand and Joey Cote, from Goffstown Junior Baseball, presented.

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Erik Strand said he is also a civil engineer. He put together the plans. We met with Brian Rose prior to his departure. He recommended a conceptual review. They have received comments from staff and from the Rail Trail. He placed a copy of the plan he has on the easel for people to see. They are in the process of purchasing the property from RJM. As part of their transaction they are losing rights to the parking lot adjacent to the Villa Augustina. We have a small parking lot (he pointed it out on the plan), which technically isn't ours. We will spot locate the new lights that just went in.

Barbara Griffin said the ballfield being shown on the plan is the one that is currently there. When you talk about parking there, it's the dirt area that fits a few cars. What you are showing as the Rail Trail is the new crossing. We have some significant comments on this application. When you said you have parking now, where is the new rail trail crossing with the light? The ballfield that is shown on the plan is currently there. When you talk of parking, it's the dirt area that fits a few cars. What you are showing as the Rail Trail is the new Rail Trail crossing.

Erik Strand showed on his plan where the Rail Trail comes in. We've had it surveyed. He pointed out the Rail Trail and the gravel parking lot adjacent to it.

Barbara Griffin said the only opening on Route 114 big enough for a car is the one to the left, where cars are parking now.

Erik Strand said there are two. He said they have received the comments. They aren't major and we can accommodate all of them.

Barbara Griffin said the comments were significant, not insignificant. We want to give you as much feedback as possible.

Erik Strand said he didn't mean they were insignificant, but that they can address them.

Barbara Griffin said Planning & DPW commented on the drain study. There needs to be more definition to the plan. There was a question about the spaces. How many spaces is this for?

Erik Strand said per Town ordinance it requires 135 but he thinks that's high. He can't imagine more than 100 cars in there. We have four fields and one day per year when all players are there. That is opening day. There are roughly 162 spots we have had before and not all were used.

Barbara Griffin asked if they are working on arrangements to use the fields as they exist to the east of Normand Road. That would be where the T-Ball field is on the corner.

Joey Cote said they have the rights to use all fields.

Erik Strand said that's all part of the parcel 5-62.

Barbara Griffin asked how many are mapped out on their plan.

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Erik Strand said there are about 120 there. We could probably squeeze in about 15 more. At the end of the day, assuming 100% capacity at all times, there might be 135 people. There are overhead wires. We coordinated with Eversource. They don't have a problem with it as long as we don't have anything overhead or structures. They want us to protect the poles that are there.

Barbara Griffin said there is an issue with the Rail Trail but she will leave that. This will require, under any scenario, a new opening on Route 114. How would that be handled? Would it be considered a new opening?

Jim Raymond we are trying to restrict these wide openings so he's concerned about the hazard that would create to those on bicycles.

Tim Redmond said if existing openings are not being closed, we would ask the applicant to go to NH DOT for an answer to that. We can't answer whether it is a bonafide opening or not.

Jim Raymond said as a matter of site plan approval, he'd be looking at that to define the entrance, separate from DOT.

Collis Adams said this will greatly improve the access and egress. The openings now are very wide. He's concerned about taking steps, with signage or something, to make sure the Rail Trail parking spaces are not taken up for baseball. It will be attractive for people coming in for baseball.

Erik Strand said the old parking lot used to hold about 50 cars. We'd be doubling in size if we go to 100 spots.

Barbara Griffin asked if there is a plan that shows that was approved parking.

Joey Cote said over the last 20 years people have just used it.

Erik Strand said it's there absent approvals, but they are drastically improving the means of egress and cleaning up the entrance. They'd be happy to put up signage and the Board would gladly tell people not to park there.

Joey Cote said people using the Rail Trail could use our parking.

Tim Redmond said he was going to concur with Collis Adams. If the existing area was going to be restricted, it is an improvement. People will flow in and out more easily. It was a free for all up there for parking.

Collis Adams said he questions the need for a drainage study. They will clearly have to address the increased run off. There is plenty of space under the power lines to get out into the landscape and disperse.

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Tim Redmond said that lower field fills up with water. They tried to trench the water, chasing it all the way down to the pipes that go under the Rail Trail. There are drainage concerns because that is where the water fills up. Those who build this will build a parking lot that doesn't fill up with water.

Barbara Griffin said it needs to sheet the other way.

Tim Redmond said the only way that water can go is south, toward the Shell Station.

Barbara Griffin said that would be an issue given the work done on the Rail Trail recently.

Tim Redmond said the comments about striping—he doesn't know how long it would last on the gravel.

Erik Strand said they could put down some kind of barriers to delineate them. There could be some sort of curb stops. It would give some semblance of lines. We don't want a free for all or to have people parking in the fields.

David Pierce distributed a drawing that shows the power lines, the Rail Trail, and boundary lines of two abutters and superimposed them. You were talking about the existing gravel area on the south side of Mast Road. Everything you see that is gravel is Town owned. It does not belong to the Villa. There is a 30 foot wide parcel owned by Eversource. Where the Rail Trail and Public Service are on the property is a drill hole and rock. Markers were put in by a surveyor for the town. The triangle where the bar sale is, it is assessed under RJM. If it ever comes up for official comment, he's prepared to present some information that RJM doesn't own that. It was subdivided in 1940+. The owner was lost in history. He's been asked to come here on behalf of the Board of Directors of the Friends of the Rail Trail. The proposed development for Map 5 Lot 62 is very near to the Rail Trail crossing. He has concerns he'd like passed on as part of the Planning Board's guidance. He is going to address the driveway and the parking lot. You can see from the drawing the conceptual layout puts the stem of the driveway at the Rail Trail crossing. That driveway, conceptually, is shown as ending at the open gravel area abutting Mast Road. Will it be a defined driveway all the way to Mast Road? Wherever the parking lot is, it is going to require a Public Service easement and from the Town for a private driveway over town property. He recommends the driveway be properly curved or otherwise some features that would keep vehicles from Mast Road all the way to the parking lot. They will have to address the easements for the two abutters. You also touched on whether a road cut permission is necessary from NH DOT. There was a homeowner ¼ mile down the road who had to get a permit from the State to put in a driveway cut. He knows that DOT will be concerned about how close a driveway will be to the crossing site. There are standards to adhere to. The idea is not to put a driveway adjacent to a cross walk. Should the Planning Board want a defined driveway from the parking lot to Mast Road, he recommends a condition be that the existing gravel area be closed off from any other entrances to define the entrances to the parking lot. Regarding the parking lot, it's shown as being on the land of an abutter. They will have to seek permission from the abutter to use that land. It would go more in depth than just putting a driveway across the land. We tried to put a bicycle path from a Town parking lot, and the path came close to several towers supporting high tension lines. Eversource refused because we were in close proximity to the towers. The point being that it took the Town over a year to negotiate the easements for the Rail Trail. Any discussion with Eversource may not be very quick. He urges the Board to put

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recommendations on maximum size to service the needs of the complex. The reason the Town has parking requirements is so the overflow parking doesn't become a burden on the abutters. Nor would it be a risk to public safety. He urges the Board stay at the maximum limit to accommodate the entire complex. The plan should show formal sidewalks between the parking lot and the facility. How do people get out of their cars to go to the location they are visiting? It would have to be constrained to where they own land unless they have to seek permission from abutters. He supports the efforts of Goffstown Junior Baseball to develop the parking lot. He wants to lay out the fact that there are constraints. There are issues to address with the land cut and land ownership.

Collis Adams asked how the number of spaces needed for the Rail Trail was determined.

David Pierce said they determined it by the land available. He did a conceptual in 2009. Two of the 10 spaces are handicapped parking.

Barbara Griffin said keep in mind the Rail Trail has multiple access points and multiple parking places. She asked the applicant what is currently where the proposed parking is.

Erik Strand said off the gravel access road is the opening or the powerlines. There is a wooded area behind the ball field. Eversource maintains the area under the powerlines.

Barbara Griffin asked if blasting is anticipated.

Erik Strand said they don't anticipate any. We plan to bring the material in to build the parking lot.

Collis Adams said he's been to the site and it's his understanding the contractors would probably hammer it rather than blast.

Joey Cote said he met with the contractor, who said if they had to, they would hammer it rather than blast. The area is big enough before it turns into ledge or hillside.

Barbara Griffin said the Rail Trail people should listen carefully. The use of the parking area for the Rail Trail would be a benefit. It's obvious they are hooking up to the Rail Trail from that side. Those easements do not happen quickly, even with people advocating for quick results. Everyone wants to see this happen, but David Pierce's last point is a little scary. Within the last few years, it was advocated that the Town can't give a right-of-way without a ballot vote. And it's too late for this year. She's wondering if there is a temporary solution for this year. She sees an advantage for everyone having parking at that location. Opening day is the end of April or beginning of May.

Tim Redmond said it's not the permit. It's the easements.

Joey Cote said we have the bank willing to loan us the money, depending on permits and the estimates. We have ninety days. They are limited on time, otherwise the property will go away. Opening day is coming up and there will be parking on Normand Road.

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Jim Raymond said there is a State law limiting what the Town can do. This Planning Board cannot solve that for you. We're telling you of an issue that you may have to decide.

Tim Redmond asked if there was possibility of a short term lease for the paved parking lot. It looks like it will sit there empty because they're not doing anything with the property yet. The Town has no authority to give you access and a right-of-way. If the easement is denied, you have a parking lot with no way to get to it.

Joey Cote said we tried that. When they bought the property from the Sister's, we had to sign a paper saying at the end of last baseball season, we would no longer use it. So we worked with them. The people were going to shut it down and put a fence up. They aren't working with us.

Barbara Griffin said she heard a couple of members were that we don't need a drainage study. But there is water on the field. There are things we would have to deal with. The entrance, as proposed, makes no sense given the new rail trail. She's not opposed to making it perpendicular off of Mast Road to the west of this where the gravel opening already is. If you take the position there is already an opening there, you don't have to deal with DOT about being close to the signal. Once your email ends in someone's box at the State you have to deal with it. The entrance is going to have to move west. We have zoning ordinances that have to be complied with for you to get permits for certain work. She's trying to figure out what could be done.

Erik Strand asked if the Board could issue a conditional permit based on them getting the easements.

Jim Raymond said yes.

Erik Strand said we'd have our paper for the bank and be able to work out the details.

Barbara Griffin said we will work with you. She would even schedule a special meeting. This is an important thing in this community.

Collis Adams said from his experience, it won't be an issue for Eversource. They like parking lots in their right-of-ways because there is no vegetative maintenance.

Erik Strand said the recommendations have been well received. They will work with Eversource.

Tim Redmond asked if they have to deal with the Selectmen about the crossing.

Barbara Griffin said they Selectman can't allow the crossing without a Town vote.

Erik Strand said if there is an existing crossing or access that is existing or known, you could theoretically use that. We could try that method.

Jim Raymond said you can't get adverse possession against the Town to establish some right.

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Barbara Griffin asked the Board has a problem with more parking at this location if the applicant can work out the access and avoid the Rail Trail.

Collis Adams said there are a lot of places for that access.

Tim Redmond said whatever driveway there is should be a defined driveway so people don't pull in and just park anywhere. It needs to be an actual service driveway to your lot. It could be dirt embankments or any type of physical impediment to prevent parking.

Erik Strand said they want defined parking rather than free-for-all.

Barbara Griffin said she doesn't know where the request for a waiver for a drainage study will go because they have different needs. She senses that drainage will be an issue. She doesn't see how that can be built up for parking in an area that's already wet without figuring out where stuff is going to go.

Collis Adams said a contractor can find a place for a detention basin.

Barbara Griffin said she needs 24 hours to call a meeting. It has to be posted and she needs to get a quorum together.

Patty Gale said she needs 12 clear days to notify abutters.

Barbara Griffin suggested they look at the dates to see if they'd meet the first meeting in February—on February 11<sup>th</sup>.

Collis Adams said he'd go back to the owners of the Villa with a \$1M insurance policy to try to get use of that parking lot.

**MINUTES—meeting of December 10, 2015**

**Collis Adams made a motion to approve the minutes to the Planning Board meeting of December 10, 2015. Phil D'Avanza seconded the motion. VOTE: 5-0-1. Tim Redmond abstained. Motion carries.**

**MINUTES—meeting of December 17, 2015**

Barbara Griffin said the minutes reflect Michael Conlon was in attendance but he was not at that meeting.

Tim Redmond asked to strike his unfinished sentence in the third paragraph from the bottom of line 12, where it reads "School impacts from."

**Collis Adams made a motion to approve the minutes to the Planning Board meeting of December 17, 2015 as amended. Phil D'Avanza seconded the motion. VOTE: 5-0-1. Michael Conlon abstained. Motion carries.**

Jim Raymond asked if the town authorizes the Selectmen to give powerlines easements.

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Barbara Griffin said the Town had, and it was driven by an application before this Planning Board, regarding whether the Selectmen could convey grant rights-of-way of real estate without town approval.

Jim Raymond said that was a case where they chose to put it on the warrant.

Barbara Griffin said it was put on by petition and it passed.

Collis Adams said it was for the Mill property.

Jim Raymond said he's not giving up on it. He suggested speaking to the Town lawyer.

**Release of existing two year Maintenance Bond held in a cash account for Blackbriar Woods, LLC, for Fieldstone Drive, Map 9 Lots 33-7, 46 & 60.**

Barbara Griffin said this is for the entire amount.

Tim Redmond said he read where there is question about a detention pond and its non-functionality. Someone has to go back and work on it. He doesn't think we should release the bond until the detention pond is functional. It shouldn't fall on the Town.

Patty Gale said this is the maintenance bonds for the road.

Tim Redmond said part of the drainage system is because of the road. He'd like to talk to the Town Engineer before releasing it.

**Jim Raymond made a motion to defer the vote on releasing of the bond pending comments from the Town Engineer. Tim Redmond seconded the motion.**

Barbara Griffin read a memo from Town Engineer Meghan Theriault. They inspected the site on Monday and found issue with an infiltration pond. It was determined it can still hold the required amount of run off so there are no new impacts to downstream abutters. They recommend the Town monitor the pond for a year and pump out and clean out leaves, which is considered typical maintenance. Why would we release a bond when their engineer is saying we should do maintenance in a year?

Patty Gale said this time of year made it hard for Meghan Theriault to assess the issue.

Jim Raymond said he'd like to find out from Meghan Theriault about the normal maintenance cycle for the Town. He thinks it's more than a year.

Tim Redmond asked if Meghan Theriault needs to come in or if she would send written comments.

Barbara Griffin said she'd follow up with her.

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

Patty Gale said another issue with this subdivision, but is not tied to the maintenance bond; there was an agreement between the gentleman who owns the original house on the main lot that was subdivided and the developer. It wasn't shown on the approved subdivision plan, but the original home that was there prior to the subdivision, now their leach field is on the newly created abutting lot. The leach field was supposed to be moved to be located back on his lot. Now they aren't agreeing to the conditions they agreed to with regard to moving it onto the house lot.

Jim Raymond said that is a material omission to the plan. The subdivision plan could be revoked.

Patty Gale said a lot was created with this gentleman's leach field on it. It's not on the subdivision plan. If revoked, it would be combined with the original lot that has the original home on it but is also a different ownership. There are also back taxes on the new lot.

Jim Raymond asked if we still have copies of the plan to see it is.

Barbara Griffin said we can take a look at it at the next meeting.

Patty Gale said what she has been told is the developer wants to give him a 3 bedroom leach field and the owner wants a 4 bedroom like he currently has.

Jim Raymond asked about the search for a Town Planning & Zoning Administrator.

Barbara Griffin said she, JoAnn Duffy, and Collis Adams and Sue Desruisseaux have done some interviews. They are hoping to move to 2<sup>nd</sup> interviews on Monday night. The process is ongoing.

Tim Redmond said the next two meetings have nothing on the schedule.

Patty Gale said there is nothing on the January 28<sup>th</sup> meeting. Tomorrow is the last day to give notice. Last Friday was the applicant due date.

Patty Gale said the issue with release of the bond would be held off if they don't meet.

Barbara Griffin said there are issues and it won't be solved quickly this time of year.

Patty Gale said the deadline has passed. Tomorrow is the last day to send out notice.

Barbara Griffin said unless something comes in tomorrow the meeting on January 28<sup>th</sup> will be cancelled. The next meeting would be February 11<sup>th</sup>. The 2<sup>nd</sup> meeting in February is school vacation week. She won't be here.

Jim Raymond said he won't be here either.

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Barbara Griffin said they may consider switching that meeting if there were timing issues.

**CORRESPONDENCE**

**Memo from Derek Horne, Assistant Town Administrator, confirming notifying Commercial and Commercial Industrial Flex Zone property owners is not required as it exceeds 100 properties (RSA 675:7). This is in regards to the petition proposed zoning change.**

**Copy of letter to NHDES stating allowing more time for Conservation Commission to comment on requested Revised Alteration of Terrain Permit for Woodland Village Development off Bog Road/Mountain Road, Map 4 Lot 87-6.**

**Intent to Cut Permit for Ricketts, Map 10 Lot 30-3, Snook Road/Gorham Pond**

**No Site Plan Required for Goodtimes/Capital Tobacco at 571 Mast Road, Map 18 Lot 59**

**Intent to Cut Permit for Burnes, Snook Road, Map 7 Lot 91 & 91A.**

**Intent to Cut Permit for Tamzarian, Serenitas Lane, Map 9 Lot 52.**

**Collis Adams made a motion to adjourn. Phil D'Avanza seconded the motion. VOTE: 6-0-0. All in favor. Motion carries.**

The meeting adjourned at 8:30 pm.

Respectfully submitted,

Gail Labrecque  
Recording Secretary

These minutes are subject to approval by the Planning Board.