

GOFFSTOWN PLANNING BOARD
MINUTES TO MEETING OF FEBRUARY 11, 2016

In attendance were Barbara Griffin—Chairman, Jim Raymond, Tim Redmond, Kimberly Peace, Collis Adams—Selectmen’s Representative, and Michael Conlon—alternate. Also in attendance were Patty Gale—Planning Assistant, Meghan Theriault—Town Engineer, Darrell Halen—GTV audio/video technician, and Gail Labrecque—Recording Secretary.

Barbara Griffin called the meeting to order at 7:05 pm. She asked the Board to introduce themselves. She said we have a quorum and Michael Conlon will be a voting alternate tonight.

There were four people in the audience.

MINUTES—meeting of January 14, 2016

Tim Redmond made a motion to approve the minutes to the Planning Board meeting of January 21, 2016. Collis Adams seconded the motion. VOTE: 4-0-1. Kimberly Peace abstained. Motion carries.

MINUTES—meeting of January 21, 2016

Tim Redmond made a motion to approve the public and non-public minutes to the Planning Board meeting of January 21, 2016. Kimberly Peace seconded the motion. VOTE: 5-0-0. All in favor. Motion carries.

NEW BUSINESS

Map 38, Lots 72 & 73, Completeness Review and Subdivision Review/Conditional Use Permit Hearing, for a proposed lot line adjustment to adjust the lot lines between the two properties and to subdivide one new lot off of Lot 72, creating lot 72-1. Also being requested is relief from the 100 ft. (WSWC) Wetlands Surface Water Conservation Overlay District Buffer, where a 100 ft. building setback is required from any defined surface water/wetlands. The owner of the new proposed lot 72-1, would like to build a (2) two-family home within the outer 50’ of the WSWC District. The property owners are: Christopher Tartsa (Lot 72) & Norton Phelps, III, (Lot 73), and are located on 26 & 12 Summer Street, Zoned: Residential-1 & within the WSWC Overlay District.

Barbara Griffin said we have been given a revised report. This has gone to Conservation and we have those comments.

Patty Gale said she didn’t revise staff comments. She did revise the recommendations for approval. They have requested a waiver for the drainage to make the process clear. At first they didn’t think it was necessary but the development regulations require it. The lots are serviced by sewer and water. Meghan Theriault didn’t feel a drainage study is necessary.

Barbara Griffin said the checklist has been completed and signed. There is a proposed plan, the WSWC delineation, and topography. The Erosion Control Solution is outstanding. You are recommending the drainage study waiver is granted for acceptance purposes.

Patty Gale said the applicant has since addressed most of the comments and has revised the plans. They are creating a new lot. Lot 72 is going to subdivide and create a new lot #72-1. The buildable area of the new lot is within the outer 50 feet of the WSWC and they are asking relief for the buffer as well.

GOFFSTOWN PLANNING BOARD
MINUTES TO MEETING OF FEBRUARY 11, 2016

They are proposing a two family. The wetlands functions valuations report had some recommendations from the wetland scientist to have certain language included and shrubs planted along the stream. The Conservation Commission suggested that also. He has shown the metal signs to mark the wetland buffer on the plan. He has added note #13. He addressed almost all of our comments on page 9. Meghan Theriault has also revised her comments. Her email is attached. Recommendation #4 about the iron pins being set can be taken out. It is taken care of. She has reviewed the revised plan.

Barbara Griffin said it doesn't look like the department comments will prohibit this from this going forward.

Tim Redmond made a motion to waive for acceptance purposes only Section 2.E.2.D(3)(d) for the drainage study and Section 2.E.D(3)e, the Sediment & Erosion Control Solution, with findings 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 b) 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; and to accept the application as complete and ready for review. Kimberly Peace seconded the motion. VOTE: 6-0-0. All in favor. Motion carries.

Joe Wichert is representing the applicants. He had a plan on display and pointed out where the lots in question are. They are adjusting the lot line between Phelps and Tartsa by adding 27 feet of frontage to the Phelps' lot. The second part of the application is to take part of lot 72 and create a new building lot. The current house is serviced by municipal sewer and water. They have approximately 161 feet of frontage. It will be reduced in size to 1.34 acres to .934 acres. Other than changing the lot lines, it stays as is with the existing residence. The new lot will have 120 feet of frontage and .57 acres of land. It was brought up that Mr. Tartsa has met with the Conservation Commission. The wetlands that runs through the property is an intermittent brook. It has been flagged and a Wetlands Values and Functions Report was prepared. The Conservation Commission was in favor of a recommendation to waive the outer feet of the wetland buffer. He reviewed the changes he's made to the plan. They have indicated the 50' wetland buffer boundary. They have the note about the approval conditions. That is note 10. The "Active and substantial development or building" is note 11. Sediment & Erosion Control should be added to the plan on the wetlands buffer line. We've called for a silt fence or buffer sock so there is no run off into the brook. State approval isn't required on this project. Planning Board's decision will be noted on the plan. There will be the appropriate professional stamps and signatures. It will have certification of bounds will be after approval, and there will be a provision of digital files. The only thing applicable to #5 is that there is a drain line that runs there. Meghan Theriault has asked for an easement. We've not prepared a deed yet but we could as a condition of approval. He reviewed the DPW comments. Meghan Theriault wants the addition of the removal of the invasive species and the addition of some new plants. That's fine. We were asked to label the car port and to show the sewer service line. There was a note to add the "Intent to Cut." It's a ½ acre lot and too small to require that, but we can add it if we need it. The 5th is the easement for the drain line. The 6th is the erosion control fencing has been added. The temporary benchmark has been show. It has been specified that the granite bound on lot 72 will be there, as well as on lot 73. #10 is more a comment than a recommendation. #11 is to show contours around the unit and the driveway. We haven't finalized the house plans or connections for walkways. Rather than to grade around something that may change, we

GOFFSTOWN PLANNING BOARD
MINUTES TO MEETING OF FEBRUARY 11, 2016

showed the direction of the flow. We're not directing the flow to the brook. There was no comment from the Police Dept. The fire Department had no fire/life safety issues. The driveway lacks the description of the driveway material. We will follow the Conservation Commission recommendations also.

Jim Raymond said the proposal had conditions subsequent because they are during the construction phase. How do we monitor those?

Meghan Theriault said we don't go out specifically for erosion control. We pay attention when we are out there for our own inspections. If Marc has an issue, he will call her. If there are things that need to be followed up on, she would go check it. She doesn't know if Marc Tessier will go to Planning before issuing a Certificate of Occupancy.

Patty Gale said they look at the permits before they are issued and they will verify things have been done.

Michael Conlon asked, addressing the plan, where the 50 foot wetland buffer is.

Tim Redmond asked about the active and substantial completion. What is your explanation of "substantial completion" is.

Joe Wichert said he would assume substantial completion for a subdivision means when the mylar is signed it is vested. For others it is the Certificate of Occupancy. The placards are there for the first buyer of the house, so that's not a problem. The only item we are looking at would be timing of the Conservation Commission improvements—the invasive species and the planting. He doesn't know what that should be done.

Tim Redmond said the Statute reads that "active and substantial completion" has begun within 24 months. There is a 5 year statement and then there is 24 months. Is it our job as a Board to define it to determine vesting?

Jim Raymond said that vesting statute applies more rigorously when the applicant has to make on and off site improvements in connection with the approval. It doesn't make as much sense on this type of project where there is no change other than lot lines. We're just talking about subdivision approval. You want substantial completion of developments that are large, include roads, etc.

Barbara Griffin asked what substantial completion would be. We've talked of roadway improvements or certain phases vesting the development. The reality is, if we create these three lots, there is nothing unique.

Tim Redmond said the standard on Miller's Landing was the installation of the foundation.

Jim Raymond asked if that was subdivision or site plan.

GOFFSTOWN PLANNING BOARD
MINUTES TO MEETING OF FEBRUARY 11, 2016

Patty Gale said it was both. It was a condominium which is both a site plan and a form of subdivision approval.

Joe Wichert said once you approve the mylar, it can't be revoked.

Patty Gale said she agrees with Joe Wichert that once the plan is recorded it is substantially complete. It's not a condominium. It's basically creating one lot. They could build a single family home if they choose.

Tim Redmond said we don't typically hear for a time extension for a subdivision. Do we need to define active and substantial completion for this project?

Barbara Griffin asked if note 11 on the plan regarding active and substantial development is necessary since it is just recitation of the rule.

Tim Redmond said if it's not relevant and not going to hurt the project, we don't have to have him change the plan.

Jim Raymond said he doesn't like the idea of not having it.

Michael Conlon asked if the last line on #11 should read differently. It is confusing to him.

Jim Raymond said it's nothing until it's signed.

Barbara Griffin said that's why Jim Raymond commented on the statute in general.

Jim Raymond said this statute was intended to create safe harbor and still have firm guidelines in certain circumstances.

Meghan Theriault said the proposed water and sewer connections aren't on there. Should that be on the plan? On the approval conditions, she asked for #6 & 7, and should there be a note regarding #11?

Patty Gale said it is condition #11.

Jim Raymond said we should err on the side of over marking rather than under marking to keep people from putting lawn clippings in the stream, etc.

Meghan Theriault asked if it should be on the plan. If the person building the site doesn't have it in front of them, it may not get done. Include all of condition #11 and remove conditions 6 & 7.

Barbara Griffin said the new #7 would be to add sewer and water connections.

Meghan Theriault said condition #5 regarding the easement could be a condition subsequent.

GOFFSTOWN PLANNING BOARD
MINUTES TO MEETING OF FEBRUARY 11, 2016

Patty Gale said she will record the plan and the easement after the mylar is submitted. They will pay for the recording of it.

Barbara Griffin opened the hearing to the public. The two individuals in the audience said they were just here for information and were provided a copy of the plan.

Joe Wichert explained to them what they were proposing.

Kathryn Layne, 27 High Street, asked about the trees being removed.

Chris Tartsa said he will clear as much as could fall and hit the building because it gets steep and some have been windblown. He will keep whatever hardwoods he can, but the pines that will impact the building or looks susceptible to the winds, would come down for safety concerns.

The public hearing was closed.

Barbara Griffin said it sounds like we've moved the comments around and the applicant is agreeable to the comments that remain. Does anyone think we need the drainage study and the sediment erosion control? We've waived it for acceptance purposes only.

Collis Adams said he doesn't think we need a Drainage Study or the Sediment & Erosion Control.

Kimberly Peace agreed.

Tim Redmond made a motion to grant the waivers as requested from Section 2.E.2.D(3)(d) for the drainage study and Section 2.E.D(3)e, the Sediment & Erosion Control Solution, with findings 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 b) 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. Collis Adams seconded the motion. VOTE: 6-0-0. All in favor.

Patty Gale clarified this includes relief from the outer 50 feet of the wetland buffer.

Jim Raymond said we have to make a motion finding the functions and values will not be compromised.

Jim Raymond made a motion they find granting the relief of the outer 50 feet of the wetland as shown on the plan will not compromise the functions and values of the wetlands resources based on the wetland study submitted by the applicant. Kimberly Peace seconded the motion. VOTE: 6-0-0. All in favor. Motion carries.

Collis Adams made a motion to approve the Subdivision Plan subject to the following conditions precedent:

GOFFSTOWN PLANNING BOARD
MINUTES TO MEETING OF FEBRUARY 11, 2016

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. **Certification of bounds.**
4. **Provision of digital files, AutoCAD submission on North American Datum of 1983 (NAD 83) and North American Vertical Datum of 1988 (NAVD 1988).**
5. **Provide a roadway maintenance and drainage easement to be written by the Department of Public Works that will be signed by the applicant and recorded at the registry of deeds. The easement will need a boundary description from surveyor to incorporate into the easement language.**
6. **Add as a note on the plan that once the construction of the two- family home commences, provide the protective stream bank improvements that include the removal of invasive plant species, the grading of lawn & parking areas away from directing storm water discharges into the stream, and the added planting of wetland shrubs & herbaceous species to help stabilize the stream banks and to provide the necessary shade to keep the stream cool during the summer months. Install proper erosion control measures (silt fence, hay bales, and/or silt filter socks) prior to the commencement of site earth moving activities.**
7. **Proposed sewer and water connections shall be shown on the plan.**

Tim Redmond seconded the motion. VOTE: 6-0-0. All in favor. Motion carries.

Tim Redmond made a motion to approve with the following conditions subsequent:

1. **State Subdivision Approval**
2. **New deeds be written for the new lot created as well as for the lot line adjustment for the existing lots, and be recorded at the Hillsborough County Registry of Deeds.**
3. **Identify the 50' WSWC District Buffer in the language of the deed for the new lot.**
4. **Payment of Sewer accessibility fee = \$5,000/unit will be required to be paid prior to the issuance of the Certificate of Occupancy.**
5. **Payment of impact fees prior to Certificate of Occupancy for each new dwelling unit.**

Kimberly Peace seconded the motion. VOTE: 6-0-0. All in favor. Motion carries.

Barbara Griffin said there is a conceptual hearing on February 25th. The Selectmen have dealt with the deed issue. And there is an application for March 10th.

Tim Redmond said he was appointed to serve on EDC the last three years. He is not going to do that after elections. He won't be able to double up with the Planning Board and the EDC. We should get someone there from the Planning Board.

Barbara Griffin said next year we need to do a more formal timeline regarding the development regulations and zoning ordinance. There are some things that need to be dealt with. There was a bill passed at the legislature that will take effect in 2017 to give Towns a chance to address it next year. It

GOFFSTOWN PLANNING BOARD
MINUTES TO MEETING OF FEBRUARY 11, 2016

relates to a mandate on two unit dwellings on a property. She argued from the floor and got a few people to change their minds, but not enough. It came out of the Senate. It was heavily lobbied. There is much to do about a reported housing crisis. She was questioned about whether or not her objections were related to home rule. The statute as passed will require the Town follow policies propounded by HUD.

Jim Raymond asked if the state legislature was deferring to a federal agency in how to do land use.

Barbara Griffin said she pointed that in the bill. Everyone in Goffstown voted against it. But we will have to deal with it appropriately. She thought the language as adopted will create problems from enforcement in the local community. Jeb Bradley and a couple of others sponsored it.

Jim Raymond asked if we could change our minimum lot size to 3 or 4 acres and then have a waiver for a single family.

Barbara Griffin said you would be shocked with the language of the Senate Bill.

Tim Redmond said from the EDC, an EDSAT review was done. They have to drive from Boston and are balking at doing an evening meeting. WE are paying for a presentation and strongly suggest they do an evening meeting because they want to invite Planning & Zoning to attend. It is suggested to be a Monday night or a Saturday. We commissioned this and paid for it as a Town. Something will come down from Assistant Town Administrator Derek Horne. It's been done and they will make a presentation to the town.

Barbara Griffin said they've not contacted the Planning Commission.

Tim Redmond said at a spring fair it was said people want the process to be faster for economic development. The council had some one on one with developers and now they are going to try to do something with realtors. Planning officials will be invited to participate.

Barbara Griffin said she hopes committee members aren't allowed to draft surveys to do with the public.

Collis Adams said we should direct Derek Horne.

Tim Redmond said the surveys and EDSAT are two topics to address with Derek Horne.

Barbara Griffin said she'd like the copies of the surveys of other towns and their EDC process. We do have a new Planner. He's accepted the offer and starts February 22nd. His name is John O'Rourke.

CORRESPONDENCE

Copy of Letter from Derek Horne, Assistant Town Administrator, stating no site plan is required for Alpha's Barber Shop locating to 4 Main Street, Map 34 Lot105 as previous use was a beauty shop/hair salon.

GOFFSTOWN PLANNING BOARD
MINUTES TO MEETING OF FEBRUARY 11, 2016

Copy of Letter from Patricia Gale, Planning & Zoning Assistant, to Hannaford Bros. Co., LLC., stating no site plan is required for façade changes to existing Hannaford's Supermarket, 605 Mast Road, Map 18 Lot 63.

Letter of support from Peter Stanhope for the lot line adjustment/subdivision on Map 38, Lots 72 & 73, Summer Street.

Chamber Report from Greater Manchester Chamber of Commerce.

Town & City Magazine.

Jim Raymond made a motion to adjourn. Tim Seconded the motion. VOTE: 6-0-0. All in favor. Motion carries.

The meeting adjourned at 8:13 pm.

Respectfully submitted,

Gail Labrecque
Recording Secretary

These minutes are subject to approval by the Planning Board.