

GOFFSTOWN PLANNING BOARD  
MINUTES TO MEETING OF FEBRUARY 25, 2016

In attendance were Phil D'Avanza—Vice Chairman, Tim Redmond, Kimberly Peace, Mark Lemay Selectmen's Representative, and Michael Conlon—alternate. Also in attendance were Patty Gale—Planning Assistant, Jonathan O'Rourke—Planning & Zoning Administrator, Darrell Halen—GTV audio/video technician, and Gail Labrecque—Recording Secretary.

Phil D'Avanza called the meeting to order at 7 pm. He asked the Board to introduce themselves. He said we have a quorum and are short a member or two. Michael Conlon will be a voting alternate this evening.

**MINUTES—meeting of February 11, 2016**

**Tim Redmond made a motion to approve the minutes as submitted to the Planning Board meeting of February 11, 2016. Kimberly Peace seconded the motion. VOTE: 5-0-0. Motion carries.**

**NEW BUSINESS:**

**Map 4 Lot 20, Conceptual Hearing for a Proposed Five (5) Lot Open Space Subdivision, Creating Four (4) New Lots and One (1) Open Space Lot, Brookfield Investment Group, Owner, Lesynk Road, Zoned: Residential-1 & Conservation & Open Space (Conservancy)**

Jon O'Rourke said the TRC meeting resulted in some comments.

Patty Gale, Planning Assistant, said the plans and comments are the same as before when they submitted for subdivision review. It is before you tonight as a conceptual. When it was before you previously the board didn't accept it because of concerns regarding the lots shown as separate lots and the Town having it as one lot. They went to the Selectmen and the lots were unmerged into two separate lots.

Phil D'Avanza said the lots had to have numbers and when they were, so it is now squared away and it's no longer an issue. Being a conceptual we don't have to address the issue of whether or not the application is complete.

Patty Gale said you don't have to determine regional impact.

Mike Dahlberg, land surveyor, presented on behalf of the applicant. You have a comprehensive review in front of you. Most issues could be easily addressed. He doesn't understand the issue with Brian Rose before he left. It took him 37 days to get back to us with a review after we submitted the application. We wanted to have, but never had the opportunity to sit down for a TRC and he thinks the Board had a poor impression of this application because of the review. Those issues would have been addressed in a TRC. Brian Rose never shared a letter from 2013 acknowledging the fact that we had three separate lots. If you had seen that it would have been looked at differently. We will call it Map 4 Lot 20 because numbers have not yet been assigned. His client wants to do an open space development of four lots. We have a split zone in the R-1 and the Conservancy. We have three lots that would come off Lesnyk Road and one back lot, which would be in the conservancy. It has the requisite area for the yield plan. Sheet 2 is the open space concept we came up with that would address onsite septic systems and well locations that would conform to your standards and standards of DES. It shows the buildable rectangle.

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There would be four separate driveways and two flag lots. There is really no other way without the flag lots to be able to preserve privacy for the abutter to the east. We don't want to run a 400 foot driveway up against an abutter's property. The open space regulations say the lot has to be 10 acres. We feel under Section 13.5.5 in the overlay district the Board has discretion to allow an open space development with less than 10 acres. We know there are drainage issues because we are at the foot of the mountain. Lesnyk Road was rebuilt and we don't want to damage that. There are ways to direct the increase in drainage toward the existing wetlands, but we want some input as to what the Town Engineer would like to see. He doesn't think a four lot road front subdivision triggers a full traffic study. A letter from a traffic professional should suffice and he would like input as to the level of information you would like to see. We'd like input as to the layout. What else would you like to see, or what would you like to not see? We'd like to get this application moving.

Phil D'Avanza asked if he's had discussions with Meghan Theriault regarding the drainage.

Mike Dahlberg said we never had the opportunity.

Phil D'Avanza said we had some comments from DPW and she doesn't seem to address those comments.

Jon O'Rourke said it states the drainage study was missing from the submittal. You (Mike Dahlberg) said you had one you could provide.

Mike Dahlberg said we have the ability to get that done. He had wanted to sit down with Brian Rose and Meghan Theriault to determine the scope so they could properly address that. The grades are very shallow. You can treat most of this water and keep 90% of it on site with swales to slow it down, without having a detention basin that has to be maintained. There is a 500 foot long stone lined swale that's been there about 150 years that is functioning well today, preventing Lesnyk Road from washing out. We'd like to work with Meghan Theriault to work out the scope, and would like the input of the Board.

Tim Redmond asked about the 10 acres needed for open space. This lot does not meet the 10 acre minimum right now. Will you be asking for waivers?

Mike Dahlberg said under Section 13.5.5 a waiver would not be necessary if the Board would allow it. We have 9.2 acres. In a conventional subdivision we would have to run a driveway through the wetlands.

Tim Redmond said that is if you should convince DES to give you a dredge and fill permit to get there.

Mike Dahlberg said if the town doesn't want open space, we would be forced to go that route to maximize our yield. This conventional subdivision would have much more environmental impact than the open space.

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Tim Redmond said feasibility plays a big factor in validating your open space request. You can't call it a four lot subdivision unless you can justify you will have the means to get through the wetlands to lot 4.

Mike Dahlberg said it's feasible to put a driveway along that, but they don't want to do it.

Tim Redmond asked if it's feasible to obtain work with DES to obtain a dredge and fill permit.

Mike Dahlberg said the temperature of DES changes from time to time. In his experience he's got driveways through wetlands with higher value than this. This is the type of wetlands that if we did a functions and values assessment to reduce the wetland buffer, you wouldn't have any problem whatsoever.

Tim Redmond addressed the flag lots. Are you confident you can meet the standards of the flag lot requirements?

Mike Dahlberg said we may need a waiver of some of the buffer. We can provide buffers to map 4 lot 17-A. This is an open field so there is no buffer now. We'd either have to plant something or let it grow back.

Tim Redmond addressed the vegetative buffer—60 feet deep on the town roads. Will that need a waiver?

Mike Dahlberg said we probably won't get the full 60 feet. We can probably accomplish most of that buffer. We may have to move the houses back a little. We would be granting an easement to the town for maintenance of the swale.

Tim Redmond said we normally look for continuity in open space property. Is there a possibility that could happen with the other lot? We don't want a little block of open space that no one can do anything with except the people who live there.

Mike Dahlberg said they want to talk to the Conservation Commission about buying it. There is no other lot that this is connected to. It has a mortgage on it that won't go away by itself. Where there is a will there is a way. They are open to discussion. Maybe they could use part of that lot to fulfill open space requirements and pick up another lot or two. This is a layout that's consistent with the neighborhood. It's not unreasonable in terms of density and layout. He knows flag lots are discouraged, but they don't want to build one that people fight over. We'd like direction from this Board to move forward.

Tim Redmond said this lot has been the topic of discussion regarding the drainage that comes under Lesnyk Road to another large development. There are concerns about the run-off. You'll have to come up with a plan to address this run-off because now it is a field. A lot of the field will drink the water and slow it down. When you put in driveways and roofs and things, you are going to have a bigger problem with post development run-off.

Mike Dahlberg said if you let the five acres grow back, it would probably dry up what is there.

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Tim Redmond said this Board would want to know this isn't going to create more post development drainage and cause problems to neighbors.

Mike Dahlberg said it is easy to quantify what will come off the site. We can't fix the downstream problems. We just can't exacerbate them.

Tim Redmond said he brought up points from the Development Regulations because he has questions and doubts about the driveway being feasible.

Kimberly Peace said over ten acres they are required to do open space. With it under 10 acres, are they asking if they can do open space? Do we prefer this as proposed to the yield?

Mike Dahlberg said it would be easier and cheaper for his client to construct a conventional subdivision because we only have one driveway over 300 feet long. But we don't want to have to get the wetland permits and create ill will. And we want four lots.

Jon O'Rourke read from Zoning Ordinances Section 13.5.3 reads that "open space development may only be approved on land located within the Residential-1, Residential-2, Agricultural or Conservation zoning districts and having a parent lot of 10 acres or larger."

Patty Gale said she doesn't know if they need a waiver or Conditional Use Permit from the Planning Board, or if they need a variance from the ZBA.

Kimberly Peace asked if they are too small to meet the lot sizes. Is that why we are calling it an open space?

Mike Dahlberg said Section 13.5.5 gives this Board flexibility to waive the requirement if we can demonstrate we can do it with no impacts to the wetlands. The density is four lots on nine acres. In the Agricultural zone we could do four lots. These lots do meet the Town standards—we have the 4K, the well radii fit. They meet DES standards. There should be no issue in obtaining the DES subdivision approval. Other than the waiver for the open space lot we are not asking for any other exceptions, other than maybe, we may need a certain percent of the buffers. It's feasible and it's doable.

Tim Redmond said it says clearly you must have a parent lot of 10 acres or larger. If you want to call this an open space development with a parent lot of less than 10 acres, we will have to find the legal means to address that whether it's by Conditional Use Permit, variance, or waiver. It doesn't say you can waive the parent lot size. Frontage, lot size, and density standards are what can be waived.

Mike Dahlberg said you have that in Section 13.5.5.

Tim Redmond said it says you can waive frontage, lot size, yard size and density.

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Mike Dahlberg said it goes back to Section 13.1. It describes the intent and purpose in creating the open space ordinance.

Michael Conlon said he thinks it allows the 10 acre requirement to be waived.

Tim Redmond said he doesn't agree. He thinks they are talking about the lot sizes within the cluster development. That is a big question to be answered.

Phil D'Avanza said lot size is different than the parent size.

Tim Redmond said we would need to have a really solid opinion as to whether or not we have authority to reduce the size of the parent lot.

Mike Dahlberg said 13.5.5 goes back to Section 13.1. Section 13.1 describes the intent and purpose of what it would be.

Tim Redmond said he would rather have seen the parent lot addressed in Section 13.5.5 rather than to make an assumption. Would you consider a lot line adjustment to make 10 acres?

Mike Dahlberg said that's a distinct possibility.

Tim Redmond said you would be right within the standards of the law.

Tim Redmond said you are tight on the corner. There is a choke point to get in and out of that lot. You could take about 8/10 of an acre from Lot 4-20

Mike Dahlberg said he'd really like to get a decision on Section 13.5.5. Now that we have these lots truly separated. This goes back to 1748. This configuration with this leg to Mountain Road started in 1836.

Kimberly Peace asked what we are violating if you came in with this four lot development and we don't call it open space. Does it meet lot size?

Mike Dahlberg said the lot isn't big enough. Under the open space ordinance it allows lot sizes and frontages to be reduced.

Michael Conlon asked about the concerns of two driveways facing the intersection and Checkerberry Lane.

Mike Dahlberg said the driveways have to be 40 feet apart and ours are 48 feet. There will be very few conflicts. There is adequate site distance. He's not sure how the ordinance reads on driveways. They aren't looked at the same as roadways.

Michael Conlon asked if there were other configurations of the flag lots being flipped so the driveways were hitting Lesnyk Road in a different spot.

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Mike Dahlberg said we thought of that driveway being 350 feet long next to the abutter and the buffer required. It's a possibility that we could reconfigure this.

Tim Redmond said Appendix A, Roadway Standards, Section 8.C.3 reads that "driveways, as measured from the nearest edge, shall not intersect a public road within 50 feet of the nearest sideline of another public road." They can't be within 50 feet of Checkerberry Lane.

Mike Dahlberg said that is a waivable item.

Kimberly Peace said, from the Conservation Commission perspective, they've shifted everything out of the wetlands as much as they could. The wetlands aren't super high functioning. But they do provide a water storage area and a detention area. We don't want to cross them. It would be a challenge to get the wetland permit. She thinks this configuration seems to fit. Giving them a waiver for the low traffic on Checkerberry would be her preference. Checkerberry dead ends on Evergreen and on Checkerberry.

Phil D'Avanza asked the chance of Checkerberry ever being extended. If there is low traffic on Checkerberry Lane and it gets opened up years from now, we wouldn't have done our job. When you look at the driveway configuration, at least the traffic is facing the driveways. There are several issues.

Mike Dahlberg said the lot 87-2 comes off of Checkerberry and there is quite a bit of woods there. The proposed driveways of lots 20-1, 2, and 3 would probably not impact them.

Tim Redmond said he's looking at the grades of the driveways and they may want to do a grade feasibility to make sure they meet the requirements. You'll want to do a representation in our application. With NFPA requirements they will have to be 16 feet wide. Will you have to install a cistern?

Mike Dahlberg said there is a cistern not too far away.

Tim Redmond said it's required with three lots. You'll have to show that. If you go with the conventional layout you may not have to do one. We'll have to figure out what the standards are.

Patty Gale said she thought the threshold was 5 lots unless it has changed.

Phil D'Avanza said it might be under fire codes.

Patty Gale said it might be a fire code by the fire department as a recommendation.

Phil D'Avanza said it reads that a water supply for firefighting must be provided. If there is anyway of addressing the parent lot and the 10 acres, he'd prefer to see that made more palatable.

Mark Lemay said he texted Lt. Connor to ask how many houses can be built to avoid needing a cistern. Lieutenant Connor responded via text that it is three.

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Phil D'Avanza asked if he needs a cistern with three houses.

Patty Gale said she agrees that the driveways should be on their own lots. Shared driveways become a problem. We do have developments where the homeowner association owns the open space. It isn't always Conservation land to the town. It may lend itself to be owned by the home owners association rather than the Town own the easement but should be a question for the Conservation Commission.

Mark Lemay said Lt. Connor clarified that a cistern is required for 3 lots and up.

Kimberly Peace said she doesn't know why it would be rejected because the open space is landlocked. We have a lot of little ones that pop up like this.

Tim Redmond asked if this is going to be a restricted open space that will require markers. Someone might go into the open space and cut firewood or build a shed. You can make a suggestion as to how it would be handled and it will be decided.

Mike Dahlberg said it was an ongoing problem in Weare. It became a requirement to mark the open space.

Tim Redmond discourages the homeowners association from having ownership. He encourages the town ownership.

Mike Dahlberg said a forest has to be managed and logged. You can't just leave it alone.

Tim Redmond said the issue of stewardship will need to be addressed.

Phil D'Avanza suggested going to Meghan Theriault regarding the drainage and traffic study.

Tim Redmond said he doesn't think a traffic study is necessary for these few lots.

Kimberly Peace and Mark Lemay both said they agree.

Kimberly Peace said we do need some type of drainage study to make a determination.

Mike Dahlberg said he will speak to Meghan Theriault to see what she wants to see.

Tim Redmond asked if an AOT permit is required.

Mike Dahlberg said he doesn't think so. 100,000 square feet of disturbance is required and we will have less than that. He'd really like to see the Town Attorney's opinion on Section 13.5.5 and how it applies to Section 13.1.

Tim Redmond asked for copies of the letters from 2013.

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Mike Dahlberg passed out copies to the Board.

Patty Gale suggested they meet with Jon O'Rourke, Meghan Theriault and Bill Connor of the Fire Department.

Mike Dahlberg said the NFP standards don't set forth the driveway width. They are suggested guidelines. The Fire Department sets that.

**CORRESPONDENCE & ACTION ITEMS:**

**Letter from DES regarding AOT permit application, Woodland Village, Map 4 Lot 87 asking for more information.**

Tim Redmond said if you look at the upcoming meetings, we have a single meeting on March 10<sup>th</sup>. If nothing comes in for the 24<sup>th</sup>, we could suspend that meeting.

**Tim Redmond made a motion to adjourn. Michael Conlon seconded the motion. VOTE: 5-0-0. All in favor. Motion carries.**

The meeting adjourned at 8:10 pm.

Respectfully submitted,

Gail Labrecque  
Recording Secretary

These are the official minutes of the Planning Board.