

GOFFSTOWN PLANNING BOARD  
MINUTES TO MEETING OF AUGUST 11, 2016

In attendance were Chairman Barbara Griffin, Vice Chairman Phil D'Avanza, Tim Redmond, Jim Raymond, Michael Conlon, Kimberly Peace, and David Pierce—Selectmen's Representative. Also in attendance were Jon O'Rourke—Planning & Zoning Administrator, Darrell Halen—GTV, and Gail Labrecque—Recording Secretary.

Barbara Griffin called the meeting to order at 7:05 pm. She asked the Board to introduce themselves.

There were about nine people in the audience.

**MINUTES—meeting of July 28, 2016**

Tim Redmond said page 6, in the fourth line down, the word "revealed" should be replaced with "reviewed."

**Jim Raymond made a motion to approve the minutes as amended to the Planning Board meeting of July 28, 2016. Kimberly Peace seconded the motion. VOTE: 6-0-1. Phil D'Avanza abstained. Motion carries.**

**OLD BUSINESS**

**Map 5 Lot 62, Completeness Review/Site Plan Review Hearing for a proposal to add a parking lot to the Villa Augustina Baseball Fields; Owner: RJM Real Estate Trust & Margaret Perron; Applicant: Goffstown Junior Baseball, located on Route 114/Mast Road & Normand Road, Zoned: Commercial Industrial Flex Zone (Continued from the July 28, 2016 meeting.)**

Barbara Griffin said there is some updated information to include an updated plan and there are two memo's from Goffstown Junior Baseball. We have had discussion on waiver requests. In our revised packet the Fire Department has provided some additional information.

David Pierce recused himself. He said as an officer of the Friends of the Rail Trail he has previously made public comments regarding Goffstown Junior Baseball.

Jon O'Rourke said at the last meeting we found there was no regional impact and that there were a few waivers to be added. In this plan set they have addressed the waiver issues, comments from DPW, and we've accepted the waivers requested last time for acceptance purposes only.

Barbara Griffin asked if we got the waiver request on the drainage study.

Jon O'Rourke said we got that last time. There was also the waiver request for Boundary Section 4.C.7 for Site Plan Specifications for Plans and Documents, Site plan contents—boundaries of the tract with their true bearings and distances and references to Town Property Maps by page and parcel numbers. The other waiver request is from Section 6.L for Site Specific Soil Mapping. He reviewed other considerations the Board had from the last meeting. He said the Board of Selectmen affirmed their commitment that if this is successful, they will grant the easement. There are generic considerations about wetlands. We've had discussions about Eversource, and when the purchase is finalized Eversource will work with Goffstown Junior Baseball on a Joint Use Agreement.

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Jim Raymond said Meghan Theriault had comments based on a preliminary plan. Has she updated them?

Jon O'Rourke said they received new plans today, and Meghan Theriault probably hasn't had a chance to review them, given her schedule.

Eric Strand, Goffstown Junior Baseball, addressed the waivers for the soil survey and site specific mapping, as well as for the land surveyor and metes and sounds. They did a drainage analysis but not site specific mapping because of the cost associated with it. They would have to hire a geologist or a geotech engineer. It is a cost we can't bear. He is an engineer by trade and is comfortable the drainage meets the site. As for metes and bounds, all information is from the Town's GIS data base. There have been questions from the Rail Trail about the location. If it's not accurate, we will be sure to put it on our property. We have talked with Eversource and we can put our parking lot on their property and they are willing to go into the Joint Use Agreement with us for that. He submitted a revised set of plans. The changes were minimal.

Barbara Griffin said this is Revision 188, received August 11, 2016.

Eric Strand said the revisions to the plan were to address the comments of staff and DPW. He reviewed the list received on August 11, 2016. There is no response necessary to the proposed site plan review. A driveway permit has been filed with the NHDOT. We have coordinated with Scott Looney. Scott Looney is running about 8 weeks behind. We are comfortable based on conversations with NHDOT that we will get the permit. Eversource is willing to go into a Joint Use Agreement with us once we acquire the property. The biggest concern was line of sight. They wanted us to move the driveway closer to the Rail Trail, but we propose to leave it where it is. As long as we get the line of site, we should be fine. The biggest concern we had was relocation of the chain link fence for safety purposes. We are still working that out. We should be able to achieve the required line of site. We will be using timbers with delineators in the top to demarcate the parking spaces. It is a gravel parking lot so we can't paint them. We won't be plowing it in the winter. Eversource wants to be sure we don't cut off their access to their parcels.

Barbara Griffin asked him to add a note to Sheet 1 regarding timbers for parking.

Eric Strand agreed.

Michael Conlon asked if they talked with the Friends of the Rail Trail about others using the parking lot.

Eric Strand said they will offer the use of the parking lot for Rail Trail use. It's a good joint use. We have no need of the parking lot in the winter. Regarding the abandoned utility pole stubs, Eversource has requested we remove them and will do that. We have removed all references to pavement for the parking lot. Comments 7, 8, 9, and 10 have been taken care of. Regarding lighting in Comment 11, the parking area is intended for daytime use. No lighting will be installed at this time. If safety becomes an issue we will address it. If additional signage is necessary it will be properly permitted. We are comfortable we meet the requirements for comments 13, 14, and 15. Conservation Commission has no

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comments. Regarding DPW comments, they have attached waiver letters for the signature and stamp of a licensed land surveyor, for labeling boundary lines with distances, bearings and angles, and for soil mapping. For sheet D1, the existing 27 inch sewer main has been added to the plan. The existing utility pole being used to block vehicles on the existing parking area have been observed on the site. They will be removed at Eversource's request. The temporary benchmarks have been added. All existing and proposed signage has been added to the plans. Contours labels have been added to the plans. We showed 1/10<sup>th</sup> contours because it is so flat. The existing grade contours have been added. We addressed the pond issue and did an analysis. It meets the requirements for a 50 year storm. General Comments: NHDOT approval. Site distance plan includes removing large boulders, the clothing drop box, and a portion of the chain link fence, to create that site distance. It's achievable and we will make sure we have the 400 foot of required line of site. We are going to clean up both entrances and make one gravel driveway off of Route 114. Signage deemed necessary will meet MUTCD standards. Regarding the warrant article, the Selectmen are going to draft an easement to give them access through the property. It seems they don't need to do a warrant. Regarding Fire Department comments, the surface of the roadway does accommodate the fire engine. All utilities will be protected from vehicle impact/collision. He said it is on page 4 of the plan set. The area in question is in the middle of the page. Boulders outline that entire area. It was derived with help of Eversource. There are more than enough rocks to protect the utilities, to keep vehicles from accessing the area.

Barbara Griffin said the comments Eric Strand responded to were comments of Meghan Theriault of July 7<sup>th</sup>. At that point you'd not been to the site.

Meghan Theriault said she didn't get out there to see the site, but has looked at the plans. It's going from a woody area to a compacted gravel area parking lot. She considers that quite a change. She'd like to see some sort of drainage information. She wants to make sure there is sufficient drainage to handle it. The soil is a good soil and should be able to infiltrate water either in a perimeter drain or a shallow swale. She'd like to see their numbers and some spot shots. Everything is so flat it's hard to tell where everything would be going. There wasn't a lot of detail beyond the edges of the parking lot.

Jim Raymond asked, looking ahead, if the Board approves this, is it an issue we can make conditioned upon Meghan Theriault's review and satisfaction.

Meghan Theriault said she doesn't think it will be complicated drainage and will be easily resolvable. She believes it is resolvable on a staff level.

Eric Strand said their drainage solution does include channels around the parking lot. They will include the existing one. It will funnel into a detention pond.

Barbara Griffin apologized to the Board. She thought this would have been discussed prior to tonight. Before we go on talking about this application, and given Meghan Theriault's representation that she can resolve the drainage issue, should we go on?

Jim Raymond said that was the basis of his question. If they can't address it, it can come back to us. But if they can, it can be a condition of approval.

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Michael Conlon said he would agree with Jim Raymond's perspective knowing that it would come back before us if needed.

Phil D'Avanza said he doesn't have an issue with that.

Tim Redmond and Kimberly Peace each agreed it can be a staff issue.

Phil D'Avanza said he has a question regarding the easement required. He isn't sure they have the authority. He recalls a petitioned warrant article that took away that authority.

Jim Raymond said he recalls it being related to a specific property several years ago, and the political nature of the project. But, as a general rule, by statute, the Selectmen have the authority. The procedure is to have a public hearing. In that situation, the Selectmen decided to put it to a warrant article but they weren't compelled to.

Barbara Griffin said we have dealt with easements needed on applications before. On the most recent one, we made statements that there was no finding as to whether or not there was compliance with the electrical utility easement and restrictions. She would view that as the applicant's burden to get the appropriate easement approvals. They need to do it with the Town and in the Joint Use Agreement with Eversource. She said the applicant has represented they are working with the State regarding the entrance on Route 114. She addressed the waivers requested for boundaries and soil mapping.

Jon O'Rourke said the applicant is requesting in the request for a waiver from Section 4.C.7, not to hire an independent contractor and are moving forward with the information from the GIS in the Town's database.

Jim Raymond said he would prefer hearing the applicant state that this lot is entirely within the existing property and is not affected by any of the boundaries. Therefore, it's really an upgrade of an existing infrastructure on that property. For that reason, a survey is not necessary. He doesn't think we can waive it because they can't afford it. It's not a precedent we can set.

Barbara Griffin said the boundaries lines with existing bearings and angles would be waived as to the drawing A1 because the plan is not affected by the existing boundaries of the lot, and it is an upgrade of the current use. The only boundary impact is on Route 114 and the State is in control of that in regards to entrance and exit.

Eric Strand said he agrees with Jim Raymond's statement. Additionally, the only areas impacted are the Eversource piece and they will coordinate with the DOT for the driveway permit.

Kimberly Peace asked if there was concern that the boundaries shown are correct. We aren't changing boundaries, but how do we resolve the issue that it may not be correct? They are going off the town's GIS system and are we comfortable that it is right.

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Barbara Griffin said they recently had an application where an abutter didn't agree with a boundary line someone drew. We didn't address it. This is what the applicant says is right. She's not sure they resolve the dilemma.

Jim Raymond said it would be wise to put in our approval that we are making no finding as to the accuracies of the lot boundaries. Relying on the Town's GIS is their risk.

Tim Redmond asked if this would set a future precedent for future applicants to use the Town GIS to avoid costs. Has an applicant come in with a GIS standard in the past?

Jon O'Rourke said typically GIS information is not recommended for that purpose but is for reference only. When you look at it online, you acknowledge that it may not be 100% accurate.

Tim Redmond said we may have to require the applicant, at the very least, locate the front boundary by a licensed surveyor and present it as a condition of approval.

Barbara Griffin asked the Town's interest in that.

Tim Redmond said the sewer manhole has been disputed as being in the Town's right-of-way.

Barbara Griffin said, knowing the danger of precedent, is more willing to waive them for this applicant. This is not even the YMCA. This is a community organization in town for many, many years. There is no change of use proposed on the site. We are already headed to the applicant working on the easement issues.

Jim Raymond asked if we are dealing with a Town easement. If it is, the Selectmen can include it in their easement.

Jon O'Rourke said it is Eversource.

Jim Raymond said if Eversource, they can resolve it with their easement.

Meghan Theriault said this 19-47-5-1 is potentially 30 feet below where it is shown. It would go into PSNH's property.

Barbara Griffin asked if that is the applicant's issue.

Jon O'Rourke said it was discussed that, if it is an issue, it would be addressed with Eversource.

Eric Strand said the information we've presented to them is that it is not on their property, but if it is, they will grant us permission required.

Barbara Griffin asked if the Board is inclined to grant the waiver for the Licensed Land Surveyor on this plan.

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Jim Raymond moved condition that if either the Town or Eversource exert any rights, it's up to the applicant to obtain an easement from the town or joint use agreement from Eversource, and that we are making no finding otherwise. Tim Redmond seconded the motion. VOTE: 7-0-0. All in favor. Motion carries.

Meghan Theriault said, regarding soil map issues, there are some online soil mapping data they could use to get some information to provide. That would be sufficient.

Eric Strand said he knows what she is referring to. It was used for our drainage analysis and we can provide it in her review process. The waiver request stills stands because it requires a licensed surveyors to stamp it.

**Jim Raymond made a motion that, based on the level of concern expressed by Meghan Theriault, that we waive the site specific soil mapping standards subject to DPW approval of the drainage. Kimberly Peace seconded the motion.**

Phil D'Avanza asked if that addresses the Conservation Commission issues.

Kimberly Peace said yes.

Jim Raymond said when done this, he'd like to ask Meghan Theriault if she is accepting of these conditions.

Meghan Theriault said either way, she'll be reviewing it and doing the same amount of work. She is confident they can resolve the issues listed. It is up to the Board if you feel you need to see it again.

**VOTE: 7-0-0. All in favor. Motion carries.**

Barbara Griffin said regarding the Waiver for application fee, there was a payment for abutter's fees. But there is a \$410 application fee and other expenses. We've received a memo from Patty Gale regarding other applications. There has been some consideration for some, but she doesn't think anyone has gotten the entire consideration.

Jim Raymond said he doesn't think we can start picking and choosing.

**Jim Raymond made a motion to deny the request for waiver of fees. Tim Redmond seconded the motion. VOTE: 6-1-0. Barbara Griffin against. Motion carries.**

**Barbara Griffin said we waived for acceptance purposes only the drainage study in lieu of a proposed drainage solution.**

Jon O'Rourke said basically they would be finding a solution rather than doing a study.

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Tim Redmond asked if the waiver of a drainage study in lieu of a proposed drainage solution is acceptable to DPW.

Meghan Theriault said she doesn't quite understand that. They are going to give her some form of study.

Eric Strand said they went through the modeling based on the information they had. This is included with the drainage and soils mapping and the requirements for that. We did online soil mapping to determine what the soils were and the infiltration rates. We ran it through a rudimentary hydro cad analysis to determine the amount of run off and to size the pond adequately for the 50 year storm. We made the pond bigger because of it.

Meghan Theriault said they need a waiver for not meeting the specific drainage requirements. You need 1 foot of freeboard for a 50 year storm and she doesn't think they will meet that. Their solution won't meet on the criteria in the development regulations for the freeboard required. That is what they would need a waiver for. It's a factor of safety for the 50 year storm. They are coming up with a solution but won't meet all the regulations.

Tim Redmond asked why they can't meet that criteria.

Eric Strand said he's confident they meet the criteria, but he doesn't have the information with him tonight. We saw it as a requirement and designed it as such. He will resolve the issue with Meghan Theriault.

Barbara Griffin asked if we need this waiver if he is going to resolve this with DPW.

Eric Strand said, if we can't meet it, we'd have to come back. There are other solutions we could propose and the waiver is the cleanest method to work with them for an adequate solution to meet the requirements.

Jim Raymond said that is the applicant's risk in making a request for a waiver of studies.

Michael Conlon asked if anyone can drive into the pond.

Eric Strand said no. They will have barriers around it.

Barbara Griffin re-opened the public hearing. There was no public comment and the public hearing was closed.

Barbara Griffin asked about demarcation. Sheet S1 will have timbers for marking of parking and loading. There is no night time lighting. The drainage maintenance agreement with the Town will be done in accordance with the review with DPW.

Jim Raymond asked if we are getting all the digital files in condition #5.

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Eric Strand said yes.

Phil D'Avanza asked about the Rail Trail area and impact.

Eric Strand said there is no impact to the Rail Trail whatsoever.

Meghan Theriault asked about the handicapped parking and signs. Also, with the Rail Trail project, signage was just installed. If they are going to be taken down, that they could be returned to the DPW.

Michael Conlon asked if it is an issue that topography is done by .1 foot.

Meghan Theriault said that is because it is so very flat. Her comment would be that an application would normally include spot shots. We can work it out when we figure out the drainage.

**Jim Raymond made a motion to approve the site plan with the following condition precedent:**

- 1. Note on plan the Board's final written decision, including any waivers, conditional use permits, and 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. Correct any typographical error(s).**
- 5. Provision of digital files, AutoCAD submission on North American Datum of 1983 (NAD 83) and North American Vertical Datum of 1988 (NAVD 1988).**
- 6. Signage for handicapped parking as required.**
- 7. Drainage solution approved by DPW.**
- 8. Drainage maintenance agreement required.**
- 9. Detail for lighting is not required since there has been a representation there will be no lights.**
- 10. Demarcation will be required in accordance with Parking and Loading Requirements, Section 7.1.2 and 7.1.4 of the Zoning Ordinance.**
- 11. Review and determination(s) of plan(s) does not exempt applicant from obligation to meet all applicable required codes, including but not limited to Building, Electrical, Health, Safety, Fire, etc.**
- 12. Review and determination(s) of plan(s) does not exempt applicant from the obligation to meet all applicable required approvals and permitting, including but not limited to Wetlands, Shoreland, Stormwater, NHDES, US EPA, US Army Corps of Engineers, etc.**
- 13. Payment of \$410.00 for application fees and any fees associated with recording any documents.**

**Kimberly Peace seconded the motion.**

Jim Raymond said the joint use agreement and Town's easement are conditions precedent—before we sign the plan.

Barbara Griffin said the plan would be conditioned on getting the easements, and you allow the applicant to have an approved plan subject to obtaining them.

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Jim Raymond said his concern in general is how we would know.

Barbara Griffin said we aren't making any representations.

**VOTE: 7-0-0. All in favor. Motion carries.**

**Jim Raymond made a motion to approve the site plan with the following conditions subsequent:**

- 1. The Planning Board is making no findings as to the boundaries, and to the extent there are issues with either the Town or Eversource, the applicant must obtain agreements with the property owners to allow any use of the property they encroach onto;**
- 2. That they obtain the driveway permit from NHDOT.**
- 3. The applicant will obtain an access easement from the Town.**
- 4. The applicant will obtain the Joint Use Agreement from Eversource.**

**Tim Redmond seconded the motion. VOTE: 7-0-0. All in favor. Motion carries.**

David Pierce returned to the Board.

**Map 35 lots 35 & 35-1, Subdivision/Site Plan Review Hearing for a proposed 18 unit age restricted condominium development (Miller's Landing Condominiums). Owner: Elmer Pease Family, LLC, and Applicant: Chicoine Construction Corporation. Property is located on Elm Street, Zoned: Residential-1. (Continued from the June 23, 2016 meeting.)**

Barbara Griffin said this was found complete and ready for review. There were waivers given for acceptance for review including site specific soil mapping, drainage study, and the traffic study. You have an email with the comments and recommendations from the Conservation Commission.

Doug McGuire, of the Dubay Group, said they had no issue with the comments from the Conservation Commission. They addressed a good portion of engineering and staff comments.

Barbara Griffin said there is a memo from the applicant with their responses.

Jim Raymond asked what a tip-down is.

Doug McGuire said it is for handicapped access. The only real changes made were drainage updates, including updating the AOT permit. The closed system remains the same. It is directed to an infiltration pond in the middle of the cul-de-sac, which went to a treatment swale and then to Glen Lake. We've eliminated the treatment swale and added a second infiltration pond. It is an improvement over what we were getting before. We aren't encroaching any further or disturbing additional land. The Conservation Commission was happy with the improvements made and you have their recommendations in their comments. There weren't concerns about drainage, as they had before.

Tim Redmond asked the classification of the road as it comes into this.

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Doug McGuire said it is a private development. We can name it in coordination with EMS and Fire. It can be a private road.

Tim Redmond said we have approved private roads, and when it needed maintenance, they petition the Town to take it over. He's hesitant to do that.

Doug McGuire said this is a full-blown age restricted development. It is a no lot lie project. They are responsible for maintenance, snow removal, plowing, trash, etc. That will have to be included with the permit from the Attorney General and will be in the Condo documents.

Jim Raymond said the Fire Department had a question that there is an issue on the separation.

Doug McGuire said they fully intend to meet the rating required. As Lt. Connor mentioned, a 20 foot separation can be met, but certain things must be done. We are looking at ceramic windows that can make up the difference.

Barbara Griffin asked the code. The Buildings appear to be 20 feet apart in many cases. In housing clusters such as this, the norm is 30 feet or more between structures. Is there some requirement out there? That might be a building permit issue and not something for us.

Doug McGuire said there isn't anything in the NFPA codes specific to that. Lt. Connor is interpreting that differently.

Elmer Pease said the NFPA code allows the local jurisdiction to be more stringent or take the code and interpret it in any way they want. In most municipalities, 20 and 30 foot separations are standard.

Chief O'Brien said they enforce the state fire code, which recognizes NFPA 1 and NFPA 101. They are good at matching language between codes. As far as building distances go, the 30 foot distance is the state fire code. Unless the NFPA says, it is constructed with non-combustible materials or they are sprinkled with fire sprinklers.

Jim Raymond said the difference is the placement of the structures is shown on the plan. We may want to make any approval of the site plan that it is subject to this.

Barbara Griffin said it seems to affect the plan.

Chief O'Brien said Manchester has a fire station on many corners. In Goffstown it's not. Manchester interprets them different than Goffstown.

Elmer Pease said other communities interpret them differently as well. It's not impossible but is a little more expensive. You have greater problems if you can't get a response before a building 20 feet away catches fire.

Doug McGuire said they can make note of it on the site plan.

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Elmer Pease said he'd like it to be clear in the note on the plan.

Jim Raymond said this Board doesn't have the expertise to interpret the Fire Codes. If we say they have to meet the applicable codes, they can appeal.

Barbara Griffin said her issue is the 20 or 30 feet.

Jim Raymond said if they can't get their building permit, they can come back to us.

Chief O'Brien said they have worked with developers before.

Barbara Griffin re-opened the public hearing. There was no public comment and the public hearing was closed.

Jim Raymond asked Meghan Theriault to address the changes—that they are made and are appropriate that she can review them for compliance.

Meghan Theriault said the comments in her August 8 memo were minimal. The one requiring a little work is the outlet structure. They may need to access the outlet structure. Her memo had 17 items and they were minimal. She is fine with approval subject to the issues of her August 8<sup>th</sup> email being addressed.

Doug McGuire said he has seen that memo and has no issues.

Kimberly Peace asked about the retaining wall with a 4 foot chain link fence.

Doug McGuire said that pond is sitting lower off the wall. So there will be a guard rail and fence for safety.

Tim Redmond asked how they propose to access the pond for maintenance.

Doug McGuire said the area of the pond is 3:1. The slope leading to it is 2:1. Because we have guardrail there, his thought is to leave an opening on the back side of the cul-de-sac for access. He can work with Meghan Theriault on what she thinks is best for access to the lower pond.

Jon O'Rourke said the comments in the revised packet are the most current.

Tim Redmond asked about the comment from the Conservation Commission.

Doug McGuire said they agree to their recommendations. Access needs to be maintained. There may be a point that snow needs to be removed.

Meghan Theriault asked to specifically include her comments 15-17.

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Tim Redmond said the Fire Department comments are covered by condition #9.

Jim Raymond said asked about the Fire Department comments that are not code related.

Doug McGuire said his June 28<sup>th</sup> memo addressed them.

Doug McGuire said all of the Fire Department comments were addressed in his memo, except for the combustible materials.

**Tim Redmond made a motion to approve the site plan with the following conditions:**

**Conditions precedent to final approval:**

1. **Note on plan the Board's final written decision, including any waivers, conditional use permits, and 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. **Correct any typographical error(s)**
5. **Provision of digital files, AutoCAD submission on North American Datum of 1983 (NAD 83) and North American Vertical Datum of 1988 (NAVD 1988).**
6. **Drainage maintenance agreement required**
7. **Detail for lighting shall be shown on the plan. All new lighting shall conform to Standards in Section 8.3 of the Zoning Ordinance.**
8. **Demarcation will be required in accordance with Parking and Loading Requirements, Sections 7.1.2 and 7.1.4 of the Zoning Ordinance**
9. **Review and determination(s) of plan(s) does not exempt applicant from the obligation to meet all applicable required codes, including but not limited to Building, Electrical, Health, Safety, Fire, etc.**
10. **Review and determination(s) of plan(s) does not exempt applicant from the obligation to meet all applicable required approvals and permitting, including but not limited to Wetlands, Shoreland, Stormwater, NH DES, US EPA, US Army Corps of Engineers, etc.**
11. **The followings should be noted in the Condominium Documents and on the site plan:**
  - a. **Snow to be stored along unit 18 and in a significant snow storm the snow must be removed from the site;**
  - b. **Must have a Drainage Maintenance Plan in place and must follow the NHDES Storm Water Pollution Control Plan and Best Management Practices.**
  - c. **As already noted on Sheet 5, Note #14, this should be added to the Condominium Documents: *"All grass and landscaped area maintenance shall be performed with judicious use of pesticides, herbicides, and fertilizers, all of which shall be applied by a licensed applicator."***
12. **Shop drawings for retaining wall to be reviewed by DPW or DPW representative and paid for by applicant.**
13. **Provide a recordable Drainage and Maintenance Agreement that gives the Town right to enter site and clean if impacting Town drainage system or if impacting the river.**
14. **Resolve Fire Department comments with the Fire Department.**
15. **Plan edits #1-14 listed in the August 8, 2016 DPW memo to be addressed to the satisfaction of DPW.**

**Conditions subsequent to final approval:**

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- 1. As-builts of site after completion of construction AND engineers certification that site was built to approved plan.**

Kimberly Peace seconded the motion. **VOTE: 7-0-0. All in favor. Motion carries.**

**NEW BUSINESS**

**Map 38 Lot 13, Map 34 Lots 96 & 99, As permitted under State Statutes, RSA 674:54, to consider the development proposal of the Town of Goffstown, Goffstown Fire Department, 18 Church Street, to construct a 6, 850 sq. ft. addition along with renovations to the current fire station building, as well as onsite improvements, and to merge Map 34 Lots 96 & 99 into Map 38 Lot 13, increasing the size of the fire station property. Zoned: Village Commercial District.**

Chief O'Brien presented. He said when he presented this to the Board of Selectmen, their comment was to take the opportunity while there to merge the three lots the fire station would be on. That is before you tonight. Sue Desruisseaux worked with staff upstairs and feel comfortable they can be merged without issue. We called a surveyor and hope to get it done in a week or two.

Barbara Griffin said the Conservation Commission had no concerns.

Chief O'Brien said a number of comments were to clean up the site plan. The driveway configuration doesn't meet the Development Regulations. We will have pavement parking and signage where appropriate. The number of parking spaces may be inadequate. We are taking over the skate board park for parking. The plan contains no stamps or signatures. They are using Meghan Theriault and Dahlberg for the survey. They are using LED lighting. They addressed the majority of DPW's concerns. One of the questions was about square footage. The plan will add almost 6,900 square feet. We are taking the existing structure and adding two bays with a second floor, as well as elevator access for the ADA. There will be floor drains for the existing and new area. The Taggart shed will be removed soon and will be open for parking. Roof drains will drain downward to the structure in the street. The erosion control plan is a typical silt sock around the building. The existing station isn't energy efficient. - The flat roof design will tie in with the old building. They maintain a cellar access at the rear of the building. The hose drying tower will now be the elevator access. The general public can go into the front door into a secure vestibule where they will be escorted into the building.

Jim Raymond asked if roof drains normally drain into the storm drains. We typically want run-off on site.

Chief O'Brien said it is just clear run-off.

Tim Redmond said it will either run into the parking lot or directly to the brook.

**Jim Raymond made a motion to accept the application as complete and to waive anything not provided. Tim Redmond seconded the motion. VOTE: 7-0-0. All in favor. Motion carries.**

Tim Redmond said DPW has many questions.

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Meghan Theriault said Mike Yergeau has a standard checklist when he reviews plans.

Michael Conlon asked if the skate park gets a lot of use.

Chief O'Brien said they rarely see anyone there. It is getting run down and discussion with Parks & Recreation and the Selectmen was that it should be moved to a location where it might be used more.

Phil D'Avanza asked where the old pumper would be going.

Chief O'Brien said it would be in the northwest corner and will be protected and there will be sprinklers.

Barbara Griffin opened the hearing to the public.

Malcolm Jennings, of 19 Church Street and 22 Church Street, said he has no problem with the expansion of the Fire Department, except at 22 Church Street, they park vehicles at the property line and diesel fuels go into the property and their lights shine into the living room. His wife has asked them not to park the vehicles there and to shut the lights off. He wants a fence back to front to remedy the lights and the diesel. He understands why they keep them running.

Chief O'Brien addressed on the map where these two properties are. #19 is across the street from the Fire Station.

Eric Fletcher said he owns 10 Church Street. It abuts the town property from down in the brook area. Citizens Bank parking area is on the other side. He proposes the town put as much parking back there as they can. People park all over his parking area for town events. His tenants sometimes can't even park.

Cathy Przekaza encouraged the Board to include landscaping on the plan so the municipal buildings are pretty and have greenery throughout the year.

Barbara Griffin closed the public hearing.

Barbara Griffin asked what is proposed regarding landscaping.

Chief O'Brien said we are very limited with what can be done. We have a space where we will have a flag pole and some greenery as people approach. The area where the old skate park was can be cleaned up with landscaping. He's not sure what they will do in the back. That is area for the crews to train. They hope to do what they can out front for curb appeal.

Tim Redmond said the Chief will address the issue with idling vehicles.

Chief O'Brien said they can't stop it entirely. The systems would be too hot. It is the pros and cons of being next to a fire station. If we are working on an ambulance it has to be running according to state rule. They can look at a fence.

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Tim Redmond said more parking behind #10 Church Street is between you and the Selectmen.

Barbara Griffin said the skate park being removed for future parking was done in cooperation with the church and a couple of other entities. Whose property is that on?

Chief O'Brien said it is Town land.

Tim Redmond asked if the skate park is going to be removed or relocated.

David Pierce said it was to be removed and relocated at another date.

Tim Redmond asked if a decision on a fence is up to this Board or the Fire Department and Selectmen.

Barbara Griffin said we are vastly expanding the use of this site. There are more trucks and a bigger building. They are busier. It's a much higher use than it used to be. She hopes the Selectmen will keep that in mind. Fences make good neighbors. 19 parking spaces are being proposed at this spot.

Chief O'Brien said they tend to park in the gravel lot in the back. And we park in the area where the addition will be located. But we are losing that and it will be included out back.

Barbara Griffin said because it is increased in use, she hopes it will be available to the public.

Chief O'Brien said it will be municipal parking. It's town property.

**Map 4 Lot 87-6, Public Meeting/Hearing for Time Extension Request for the approved subdivision/site plan application of Woodland Trust, applicant, an Placid Woods, Owner, for a proposal to into subdivide into two lots, and to build seventy-six (76) townhouse style condominium units, totaling 13 (13) buildings on lot 87-6. The Property is located off of Bog Road & Mountain Road, Zoned: Residential-1.**

Barbara Griffin said this is due to expire on September 10, 2016. This is the 6<sup>th</sup> extension request submitted. The AOT permit has been obtained and will expire on July 18, 2021. We determined last time that the change in the sewer line was non-material. The Conservation Commission has no issues or concerns. DPW has no new comments. The Fire Department comments are that fire and life safety codes have changed and the applicant should be aware of that.

**Jim Raymond made a motion to find the application is complete and has no regional impact. Phil D'Avanza seconded the motion. VOTE: 7-0-0. All in favor. Motion carries.**

Jon O'Rourke asked how many extensions we would normally grant.

Jim Raymond said they aren't exempt from changes in building, and fire safety codes. They are exempt from zoning and planning if vested. Have there been changes in Planning and Zoning regulations since the last extensions? There have been none, so we could make the same decision now as we did then. If

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our standards changed, we might want to impose them. And we've never had a specific number but we're not compelled to grant it.

Tim Redmond said the number of extensions is a discretionary thing of the Board.

Jim Raymond said we are not compelled to. We approved the site plan based on a drainage system with certain technology that was new at the time and you had no experience with it. He asked Meghan Theriault if she has any knowledge if this is an appropriate solution to the drainage.

Meghan Theriault said she doesn't know if it's considered innovative. If AOT allowed it, they would consider it appropriate.

Kimberly Peace said she wasn't at last night's Conservation Commission meeting. She feels like there have been lots of comments over the years. But the applicant has worked on the comments over the years and minimized the wetland impacts. They will have to continue to update their permits. She doesn't know if the wetland permit was applied for. You apply for the wetlands permit close to the final design. The wetland resources were a concern. AOT is alteration of terrain, and that is a review of storm water and potential sedimentation and water quality issues. Wetlands permit has to do with fill and alteration of wetlands, streams, and those types of resources. Wetland delineations were for 5 years and may have to be re-delineated again. The wetlands may have changed in shape and the applicant may have to make plan changes. She remembers that it was very close. If they apply for a wetland permit, it will come to the Conservation Commission.

Jim Raymond said to the extent that affects the Zoning compliance, is that something we want to look at. The delineation of wetlands impacts our domain.

Kimberly Peace said they may have been grandfathered.

Barbara Griffin said she recalls that they were looked at again at one point.

Jim Coughlin, Trustee of Assured Realty Trust, said he has a wetland permit. It expires in October 2017. The AOT permit is new, and is under the new rules. It was all sent to Meghan Theriault when he applied to DES. We did go to the Conservation Commission in January when submitting the Alteration of Terrain Permit. They thought it was a better system. We're not using the Hancor System. The only question they had was who would own the conservation easement. All the documents were approved—easement, sewer, water, conservation, drainage. He doesn't recall the last date of the wetland delineation. He thinks it was about 4 years ago. The latest copy should be in your file. But he's not sure of the date. Residential properties in Hillsborough County have increased this year, but condos have not. He talked to Lt. Connor about the changes and he was too busy to meet. But he remembers the access to the site. Lt. Connor's concerns were if parking was right in front of the unit. The answer is no. They have the parking lot, a sidewalk, a green space, and a curb. And our buildings are 30 feet apart with sprinklers. All conditions have been met except for the contributions to the road improvements. The economy is getting better but banks are getting stricter on mortgage requirements.

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Jim Raymond asked, if the applicant is putting in a different drainage system because of AOT requirements, do we have to review that. Meghan Theriault has not reviewed that. Also, how old is the wetland delineation? It's material to our consideration.

Jim Coughlin said it's been re-done three or four times.

Barbara Griffin said she recalls that it was re-done. She asked Meghan Theriault about the AOT approval of July 18, 2016. Do the plans and application that went in a different drainage system than we have on our plan?

Meghan Theriault said a big packet came in during the winter. She's not reviewed it. It wasn't on the Planning Board agenda at the time and she was working on other stuff. It's been approved by AOT and Conservation Commission is in favor of it.

Jeff Kevan, of TF Moran, said AOT regulations have changed since the previous one, using higher rainfall intensities. We updated the drainage analysis using the current, higher rainfall intensities. We utilized a Storm-Tech system. It does pretreatment and infiltration. It has been reviewed and approved by AOT. It is very similar to the previous system. They perform similar functions.

Barbara Griffin asked if that means the plan set approved at this time, which includes drainage, does not have the drainage system that AOT expects to be installed.

Jeff Kevan said the buildings and everything else haven't changed. There are some slight modifications to the drainage system.

Jim Raymond said it's a change to the plan and has to come before us.

Jeff Kevan said tonight you have left things to Meghan Theriault to review. If she had a problem with it we could come back. You could grant the extension with the condition that Meghan Theriault reviews the drainage.

Barbara Griffin said that would normally be part of our approvals. We start to have many links to drainage plans submitted after, and no one has the actual plans.

Jim Raymond asked Meghan Theriault how much time she would need to review this. Also, is this a simple extension or a modification of the plan?

Tim Redmond addressed the financial contribution for road improvements. Does that go into an escrow account?

Meghan Theriault said when this was initially before the Board, there was consideration of a roundabout there. Now there are plans waiting for CMAQ approval and they will go forward next year. If it is already built, can it be applied?

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Barbara Griffin this was for a specific improvement. If this is going to be continued for review of drainage, that should also be looked at to see if it is valid as to ability to use it and the amount.

Tim Redmond said questions have been asked as to when that money is due to the town.

Jim Coughlin said the conditions of approval doesn't say when it is to be paid to the Town.

Jim Raymond said what he envisions, is we grant a temporary extension, then set up procedure to apply for a modification based on the new drainage.

Barbara Griffin said if we are going to give an extension to get information on the AOT, she wants to figure it out now. She asked how long Meghan Theriault might need to review the drainage.

Meghan Theriault asked if there is a final packet she should be getting. She'd like the final AOT packet to review. Timewise, she would need maybe two meetings out.

Jim Raymond said he'd like the applicant to come in with a formal request to modify the plan. If it is a material change, it's a plan revision. It's a different process. Meghan Theriault can look at it and tell us.

Barbara Griffin said when the sewer change/issue came in, along with an extension request, a determination was made that it wasn't a material change, and was an improvement to the plan. We granted it as an extension. She didn't understand, in reading the July 18, 2016 letter, there was a change in the drainage system. She needs to know if it is material or not before considering an extension. If the people she would depend upon to tell her if it's a material change or not—DPW and Planning—tell her it is a material change, the applicant would probably realize that is what we will think too.

Tim Redmond said he's curious about the terminology of material change. The new system will meet or exceed the design criteria. DES won't reduce the criteria.

Barbara Griffin said she suspects it's not a big deal but is concerned about approving a plan where the drainage isn't what is being put in.

Jim Coughlin said they sent it in to DPW, the Town, etc. in January.

Barbara Griffin said the reality is no one had any idea there was a change in drainage until now.

Jim Raymond said knowing there is a change, they can't construct the plan if the new drainage system doesn't comply with the plan. AOT requires the new system. We can continue to whatever date we want. Construction isn't imminent.

Barbara Griffin said she understands the applicant would like things taken care of the first night. We will probably schedule to October with the condition of no construction pending Planning Board action.

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Barbara Griffin opened the application to the public.

Cathy Przekaza, abutter and licensed architect, said the Board is correct in understanding this is a new project with AOT. The first application was under the old rules. It expired on 2/19/2016. The applicant knew it would sunset. He said if he had to apply for a new AOT permit there would be a system change. Because the applicant let his permit expire, he had to get a new DES permit. He got that less than a month ago. The Board was concerned with storm water drainage. The drainage solutions were and remain sensitive details to the Board's consideration and approval. The Planning Board, Conservation Commission, and abutters need to know what changes have been proposed. They need time to be reviewed. Abutters were notified of a request for a time extension, not of a design change under new AOT rules. This triggers additional review if zoning and setbacks are adjusted. This is not the time for a rubber stamp extension. Also pertinent is that traffic and impact fees remain unpaid yet the Town has expended monies on road improvements. The cost of road construction has increased since the original conditions were established and the contribution should be adjusted to the benefit of the taxpayers of Goffstown. The traffic study is dated 2005. Since 2005 almost 11 years ago, other properties and the roundabout at Wallace Road have been built. These factors have affected the delay times at the intersection. The traffic study is outdated and needs to be revised based on current conditions. The additional drainage concerns are that in the original drainage study the applicant relies on for his drainage calculations were based on tributary areas. There have significant changes to Map 4 Lot 20. It drains off the top of Mt. Uncanoonuc into the proposed site and the proposed wetlands they are on. There has been clearcutting done in the northwest portion of the parcel. The southerly portion was significantly logged. She showed pictures for the Board to see. It's significant enough to be seen by satellite. A foundation has been built. The historic stonewall boundary along the length of Lesnyk Road was dismantled and crushed into stone. The northeast portion is used to stock pile stone and sand from other locations. The parcel along Lesnyk has a vista referenced in the Master Plan. In bringing this to your attention, this gets into the merits of the case. It shows it's a material change. She asks the Board because it has a new AOT number and a new drainage system, to deny the extension request. Other studies go back to 2002. Let's stop and look at it and see what that AOT number is. Allow the residents, abutters, and Conservation Commission to look at it. Structures haven't changed, but the wetlands have. The right thing to do is to deny the time extension and resubmit new documents instead of relying on things that are decades old.

Cathy Whooten said she is concerned about what is going on because of the drainage issue. They went through years and years of this application. They came up with the Hancor System, tested in parking lot areas. Half of that is in wetland boundaries—between the area of the condominiums and the parcel here. Part of that drainage system goes down around the condominiums, towards Bog Road, and veers off to the right. At the time of approval, it was ¼ inch off the boundary that the system was a part of. This application was accepted under the old rules and regulations and didn't regulate wetland boundaries. Under the new rules and regulations, DES regulates wetland boundaries. The Hancor System wouldn't be allowed today. Now there is an entirely new drainage system. That is not fair to every abutter and neighbor who has come in here to speak about this application. This is a material change and needs to be denied, not extended. She's never seen an application extended for this amount of years, or when DES has changed their rules and regulations and we don't take them into consideration. We have proven the wetland is expanding at the bottom of the development on the Bog

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Road side. After 15-16 years of us being here, at this junction of time, when you have a material change such as a drainage system you've not seen, you will still be facing a plan that has a substantial material change that needs to be denied. We need a new, clean application and to stop band-aiding this. The reason this first development ever got started was because they were going to bring the sewer line to Hermsdorf through that property. Since that was going to happen, the Town said we can build a multi-family. What has happened is that the premise for the development has disappeared. The sewer line is no longer going to Hermsdorf. They have told the Sewer Commission no. The reason we were originally there no longer exists. We need to be there for the people who live there. We need to be sure to dot our "i's" and cross our "t's." This application is old. You need to consider denying it and not amend it. You need to make sure that which we have fits into the current rules and regulations of our town and state.

Jim Raymond said the substantive comments addressed in our discussion are the drainage system-- which hasn't been reviewed, the wetlands delineation, and traffic study. Those are what we rely on. As a condition of modification, it's fair to review them. We want to give Meghan Theriault and Jon O'Rourke a chance to review it to see what is material.

**Jim Raymond made motion to extend this approval to October 13, 2016, with a condition of no construction in the interim. Tim Redmond seconded the motion.**

Kimberly Peace asked if he has to notify the abutters.

Barbara Griffin said abutter notification is determined by if we will be looking at a materially revised plan.

**VOTE: 7-0-0. All in favor. Motion carries.**

**Michael Conlon made a motion to continue this application to October 13, 2016. Phil D'Avanza seconded the motion.**

Meghan Theriault asked what information they need from her.

Barbara Griffin said they would like to know how the current drainage plan is different from the current plan. It should get to Jon O'Rourke a week ahead of time. Staff can look at the file for the wetland delineation date. The \$150,000 is a staff issue. We want to make sure Meghan Theriault has the final plans.

Meghan Theriault said TF Moran will forward them. She will track her time for the applicant.

**VOTE: 7-0-0. All in favor. Motion carries.**

**Map 3 Lots 41 & 41-1, Completeness Review/Final Site Plan Review Hearing for proposed 20,830 sq. ft. additions to the Student Center Building Located at St. Anselm College, along with renovations to**

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**the college site, and also to allow four (4) temporary trailers to be used during construction. Property owner is St. Anselm College, 100 St. Anselm Drive, Zoned: Residential-2.**

Jon O'Rourke said this site plan is considered complete and ready for review and has no impact.

**Jim Raymond made a motion to find the application is complete and has no regional impact. Tim Redmond seconded the motion. VOTE: 7-0-0. All in favor. Motion carries.**

Jeff Kevin, from TF Moran, said he is with Bill Furlong from St. Anselm College. He addressed the plan and explained the proposal. It is a renovation/expansion to improve services. They are still at their targeted enrollment. That is where they have been for years and where they want to stay. The building is 865 feet from the nearest abutter. There will be trailers up for a year while this is built and then the trailers will be removed. It is – feet from St. Anselm Drive. The proposal is to put two additions on either side of the Cushing Building. He passed around architectural renderings for the Board to see. There are many activities in there now and they are just enhancing them. Now there is about 35,700 square feet. They are adding 7,000 square feet at the ground level and expanding the second floor for a total of 20,800 square feet. The footprint of the addition is 7,300 square feet. They will be creating a loading area and a sidewalk area. They have built a retaining wall for the upper and lower levels. The second phase would be a large patio area and an amphitheater area. There would also be additional lighting and sidewalks. The alternative is to put the trailers up in the adjacent parking lot. The building would be complete about a year from now and the temporary trailers housing office personnel would be removed. It won't create additional traffic.

Jim Raymond asked about the term "alternate" phase 2.

Jeff Kevin said we will do it when funding is available and are asking that you approve it.

Jim Raymond asked what the amphitheater would be used for.

Bill Furlong said it would be for student seating and gathering.

Jim Raymond asked if it is the applicant's statement that any use will not cause a disturbance to abutters.

Bill Furlong said yes. This is so far into our campus he can't see how it could cause disturbance.

Jeff Kevan pointed out on the plan where the amphitheater is. We are talking more than 850 feet.

Barbara Griffin asked if the comments received on this were forwarded to him.

Jeff Kevan said yes. He talked to Meghan Theriault about the DPW comments. He took a simplistic approach to the drainage. There is plenty of capacity of this system. He'll work with her and look at the capacity of the pipes in the area.

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Jim Raymond asked if they were going to approve this tonight or have the applicant come back.

Jeff Kevan said the comments are minor. He'd like a conditional approval.

Meghan Theriault said they are mostly minimal comments. Her bigger concern is getting the conditions nailed down in general area of the project site so we know where all the pipes are going, and to also check the capacity of the proposed system. He has agreed to get the drainage study on that. The concerns can be handled administratively.

Barbara Griffin said there were no comments from the Fire Department and no issues or concerns from the Police Department. She asked what an illicit connection as noted on page 23 sheet C-101.

Meghan Theriault said it is connected to the wrong system. There is nothing specific she is aware of. She just wants to be sure pipes are connected to where they are supposed to be.

Jeff Kevan said St. Anselm's had done smoke tests to be sure if any pipes were connected to the sewer system that should have been connected to the drainage system. He will forward that to Meghan.

Jim Raymond said he's concerned about rushing to a judgement.

Barbara Griffin said the Planning comments have been received.

Jon O'Rourke said it's not something they've not looked at along the way. They've had previous discussion and these issues will be taken care of.

Barbara Griffin asked if there is concern about the trailer location in regards to traffic flow. The Fire Department didn't comment.

Phil D'Avanza said they've had them there in the past.

Barbara Griffin asked if there is additional signage. She's not heard anything and the applicant is aware of the process. She reviewed staff comments and DPW comments. She asked Meghan Theriault if she was satisfied with the smoke test.

Meghan Theriault said if they need to resolve issues, Jeff Kevan has said the college would be willing to do that.

Bill Furlong confirmed that. He said they will want to know where it goes.

Barbara Griffin asked about moving the proposed lighting off of utility lines.

Jeff Kevan said his landscaper put a tree on a utility line.

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

Michael Conlon said there is a comment about lighting. What are the plans for night lighting?

Jeff Kevan said they are leaving the existing lights in place. They have additional lights in the second phase. It is the same fixtures they already have on campus. They are a decorative style and relatively low in height.

**Jim Raymond made a motion to approve with the following conditions precedent:**

- 1. Note on plan the Board's final written decision, including any waivers, conditional use permits, and 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. Correct any typographical error(s).**
- 5. Drainage maintenance agreement required.**
- 6. Detail for lighting shall be shown on the plan. All new lighting shall conform to Standards in Section 8.3 of the Zoning Ordinance.**
- 7. Demarcation will be required in accordance with the Parking and Loading Requirements, Section 7.1.2 and &.1.4 of the Zoning Ordinance.**
- 8. Provision of digital files, AutoCAD submission on North American Datum of 1983 (NAD 83) and North American Vertical Datum of 1988 (NAVD 1988).**
- 9. Review and determination(s) of plan(s) does not exempt applicant from obligation to meet all applicable required codes, including but not limited to Building, Electrical, Health, Safety, Fire, etc.**
- 10. Review and determination(s) of plan(s) does not exempt applicant from the obligation to meet all applicable required approvals and permitting, including but not limited to Wetlands, Shoreland, Stormwater, NHDES, US EPA, US Army Corps of Engineers, etc.**
- 11. The applicant address all DPW issues to the satisfaction of DPW.**
- 12. The applicant address all outstanding Planning issues to the satisfaction of the Planning Administrator.**

**Tim Redmond seconded the motion. VOTE: 7-0-0. All in favor. Motion carries.**

Barbara Griffin said we have no meeting for the 2<sup>nd</sup> meeting of August. The CIP report will be the first meeting in September and David Pierce will address the meeting regarding the I-293 exit 6 & 7.

**CORRESPONDENCE**

**Memo from Economic Development Council regarding 2006 Master Plan Update**

**NH Timber Harvesting Law Seminar August 23, 2016**

**Email regarding Planner's Roundtable Discussion on Accessory dwelling Units Seminar on September 19, 2016.**

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

The meeting adjourned at 10:55 pm.

Respectfully submitted,

Gail Labrecque  
Recording Secretary

These minutes are subject to approval by the Planning Board.