

GOFFSTOWN PLANNING BOARD
MINUTES TO MEETING OF SEPTEMBER 8, 2016

In attendance were Barbara Griffin—Chairman, Phil D’Avanza—Vice Chairman, Jim Raymond, Tim Redmond, Michael Conlon (at 7:08 pm) 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 7:02 pm.

There were about 14 people in the audience.

MINUTES—meeting of August 11, 2016

Jim Raymond said the only correction he noticed is that Jeff Kevan’s name is sometimes spelled incorrectly.

Tim Redmond made a motion to approve the minutes to the Planning Board meeting of August 11, 2016 as corrected. Phil D’Avanza seconded the motion. VOTE: 5-0-0. Motion carries.

ACTION ITEMS:

Recommendation requested to be given to the Board of Selectmen regarding granting a building permit to build an addition to an existing home on 83 Sarette Road, Map 24 Lot 71A, Owner: Memic. (Action needed.)

Attorney Lombardi said he was here to represent the Memic’s.

Jon O’Rourke said the Memic’s have worked on their property and it is a class VI road. They are looking for comments from the Planning Board as they go before the Board of Selectmen. They have completed the waiver of municipal liability. At this point they are waiting for the building permit to be accepted.

Barbara Griffin said to allow a building permit on a class VI road the Selectmen’s permission is necessary. This isn’t a new structure. They are putting on a second floor.

Jon O’Rourke said that is correct. Also, it is an after-the-fact permit. The work is almost completed.

Attorney Lombardi said the shell is up but the internal parts have not been done.

James Lombardi, attorney for the Memic’s, said this is an application to add an addition on to the home that is located at 83 Sarette Road. The Memic’s began some building in September 2014. They were notified by Mr. Tessier they needed a permit. They thought the variance allowed them to build and move forward. They were advised to cease construction and he (Attorney Lombardi) came into the picture to advise them. All construction stopped at that time. To get a building permit they needed to address the septic issues that were never addressed from before his clients owned the property. The Memic’s hired the land survey engineer who had prepared the plans for the property in 2004-05. That was Joseph Wichert—also a septic design engineer. Because of the amount of time that had passed, they needed to go through a process for the septic system approvals, which they needed to get the building permit. A problem is that it was formed as a condominium but was never completed. They never got the subdivision approval because of the septic system issue. The neighbors needed to tie into the system before anything could be done. It took a while to do all these things but we eventually

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succeeded. DES has signed off and given their approval. They are working on the final paperwork for the building permit.

Jim Raymond in the past, where we haven't taken a Board position on building on Class VI roads unless there is some planning issue, such as an unusual expansion. We can say "no comment." He's hesitant to go beyond that without knowing what is going on on Sarette Road.

Tim Redmond asked, when a property becomes a condominium and it's divided, who determines that at the Town level. Did they need to come before the Planning Board?

Jim Raymond said it's defined in statute and our regulations.

Jon O'Rourke said they have condo documents that have been recorded.

Attorney Lombardi said he knows they were recorded, but doesn't know if they were official given the issues with the septic system.

Tim Redmond asked if it was in the minutes that the Planning Board approved the change of use from a single family to a condo association. He'd like to know what's going on with the condo documents.

Jim Raymond said we can vote to submit "no comment," but make it subject to verification of subdivision approval.

Attorney Lombardi said it is his understanding approval was given subject to the septic issue and subdivision approval.

Barbara Griffin asked if a subdivision plan was signed. Without a septic design, would it have been?

Phil D'Avanza said he likes to see the property card when there is an expansion.

Attorney Lombardi said everything was included with the building permit application.

Jon O'Rourke passed around the application for the building permit for the Board to review.

Barbara Griffin asked if the clients are living there now.

Attorney Lombardi said they are. They have been living there with a certificate of occupancy for at least 10 years. They are just looking to put a second floor on.

Jon O'Rourke said he has a copy of a portion of the subdivision plan. It notes approval is subject to DES approval.

Phil D'Avanza said this expansion is basically putting a second floor on. Are we doubling the square footage? What was the square footage before, and what is it after the addition?

Jim Raymond made a motion to submit "no comment" subject to Jon O'Rourke's confirmation there was a signed condominium plan. Tim Redmond seconded the motion.

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Barbara Griffin said she understands Phil D'Avanza's issue as more appropriate for the Selectmen. They ultimately make a decision on road upgrades and services. This seems to be on the same footprint and they can address it.

Jon O'Rourke said he found a subdivision site and floor plan that it is dated 12/2/04. It states it is approved and is within the Goffstown Development Regulations. It is signed by Richard Georgantas.

Jim Raymond amended his motion to simply submit "no comment." Tim Redmond amended his second to the motion.

Phil D'Avanza said he has significant concerns about this. You have a major expansion. By adding a second story, you've doubled the square footage. You are on a class VI road with no septic system approval. You've built a structure—framed it in. You've gone to DES and gotten approval. You are telling everyone to just do it and ask for forgiveness. What can they do? You've already done it.

Attorney Lombardi said the current first floor is about 1160 square feet. With the addition it would be about 2300 square feet. The property owners went ahead because they misunderstood the approval of the variance. They had no idea regarding the septic issues. It turned out it wasn't an approved system. The plans don't call for extra bedrooms. It's a family room with storage areas. They aren't burdening the street or town any further. They have done all they've been asked to do at considerable expense. They are trying to rectify the problem, and a lot of that wasn't their fault.

Barbara Griffin said she thinks Phil D'Avanza has a valid concern.

VOTE: 3-2-1. Phil D'Avanza and Barbara Griffin against. David Pierce abstained. Motion carries.

ACTION ITEMS:

Public Hearing on the Draft 2017-2022 Capital Improvements Program (CIP) Matrix

Barbara Griffin said Tim Redmond was Chairman of the CIP Committee, for which she thanked him.

Tim Redmond read his written report into the record as follows: *"The Goffstown Capital Improvement Committee began meeting on May 19, 2016 to prepare the 2017-2022 Capital Improvement Plan for the Town of Goffstown. The members of the 2016 Committee are Tim Redmond, Chairman and Planning Board member, Earl Carrel Vice-Chairman and Community-at-Large member, Peter Georgantas, Board of Selectmen representative, Michael Smith, Budget Committee representative, Kristie Curtis, School Board representative, Raymond Labore, Community-at-Large representative and Gail Labrecque, Community-at-Large representative. Planning Board alternates were Barbara Griffin and James Raymond. Jonathan O'Rourke attended all meetings as the Town of Goffstown Planning Coordinator. At this time, I would like to sincerely thank all members who volunteered and/or attended meetings for their time and effort serving the Town of Goffstown. Five meetings were conducted, ending July 7, 2016. I wish to also thank the Town of Goffstown Department Heads and other members of the community who made presentations to the Committee.*

The Capital Improvement Program is authorized by the State of New Hampshire RSA Section 674:5; and is guided by Sections 674:6, 674:7 and 674:8. The role of the C.I.P. Committee is an advisory one directed by Capital Improvements Program Committee Handbook that was most recently revised and adopted on January 22, 2009. The Committee accepts requests from Department Heads, Town Utility Commissions,

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Water Precincts and the School Board. All requests are submitted on official Capital Project Worksheets and Submission Forms that have information about Project Costs, Funding Sources and Justification sections. These requests are evaluated by the Committee to ensure Master Plan priorities are considered and that the health, safety and welfare needs of the Town of Goffstown residents and businesses are considered and addressed. After considering requests, the Committee attempts to prioritize proposed improvements by evenly spreading associated costs over the next six years in an effort to prevent large tax fluctuations. All presenters identify offsetting revenues that can be used or applied for to reduce cost amounts."

Tim Redmond said he wouldn't review the year 2015 because it was in last year's report. He continued with his report: *"The Committee reviewed, carefully studied and discussed vehicle and capital projects requests from Department Heads, Citizen Committees and the School Board listed. For the Police Department, Chief Robert Browne presented requests for three (3) new police SUV patrol vehicles, a new replacement generator for communications at the Mt. Uncanoonuc tower site and for a parking lot expansion at the Police Station. DPW will provide assistance with engineering and planning. All Police requests were left in the matrix. For the Fire Department, Chief Richard O'Brien presented requests for one (1) new replacement Rescue Fire Boat and trailer, a new Engine 1 to replace Engine 1 and Squad 1, and a Capital Reserve Fund request for future apparatus purchases. Additionally, the Chief made requests for four (4) replacement thermal imaging cameras and one (1) replacement Cardiac Monitor/Defibrillator. All Fire requests were left in the matrix. For Public Works, DPW Director Adam Jacobs presented requests two (2) new replacement 6-wheel plow trucks, one (1) new replacement 1-Ton plow truck and one (1) new replacement skid steer Bobcat machine. In addition, the Director made requests for the annual Road Plan, Uncanoonuc Dam repairs and design fund requests for two (2) bridge deck repairs and one (1) bridge replacement. All DPW requests were left in the matrix. For the Cemetery Trustees, DPW Director Adam Jacobs presented requests on behalf of the Cemetery Trustees. A request to continue the phased work at Westlawn Cemetery was presented. This was left in the matrix. For Parks & Recreation, Director Rick Wilhelmi presented a request for one (1) new field tractor, work at Barnard/Pare Sports Complex and Roy Park Revitalization Phase II. All Parks & Recreation requests were left in the matrix. For Administration, Town Administrator Sue Desruisseaux made requests for Town Hall Fire Alarm/Building Security System and Exterior Entrance Doors replacement as well as funds for the Master Plan revision documents project. Both requests were left in the matrix. For the Library, Dianne Hathaway, Library Director and Library Trustees Mike Lawlor and Carl Foley made a request for Architectural services and Engineering Services for the Library Expansion Project. This was left in the matrix. Mike Yergeau, presented a request from the Sewer Commission for the Planned Sewer Rehabilitation Program and associated costs to the Committee. As an Enterprise Fund, the presentation is customary as all sewer projects are funded by users, not general taxation funds. There were no presentations from the Village and Grasmere Water Precincts. Both are Enterprise Fund Operations. There were no request from Planning, Economic Development, GTV, Economic Development Commission, Conservation Commission, or Historic District Commission.*

For the School Department Brian Balke, School Superintendent presented requests for Maple Avenue Elementary School, Mountain View Middle School and Goffstown High School. District-wide, a request for Phase II Building Performance Upgrades was presented. All requests were left in the matrix.

In conclusion, on the Town side, the C.I.P. Committee began and ended with requests totaling \$4,121,054.00. On the School side, the C.I.P. Committee began and ended with requests totaling \$990,000.00." We felt as a committee the requests were properly presented, meeting requirements to be

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left in as required by statute. The amounts were less than in the past. As they go forward they will be worked on.

Earl Carrel said he's been a Community-at-Large representative since 1999. You will note that there are some projects that are subject to grant funding. If there is no grant, there is no project and it will come off the matrix for the time being. The committee is looking to meet with the Planning Board. We would like the CIP handbook to be revised so the priorities are better defined. They are currently sketchy at best. We'd also like input as to how to treat off-setting revenues and recurring bond payments for bonds that pass. There is nothing we can do about them. The payments are what they are. They ought to be in the --. Tim Redmond said if it is included, it keeps it in our minds so we know what is before us. There is also the business of the off-setting revenues. Some listed they don't have.

Earl Carrel said they would be impact fees, capital reserve funds, etc.

Tim Redmond said when we are going for a grant to cover this or that, we don't know if it will happen. Bond payments are passed along to let the taxpayers make that decision.

Earl Carrel said we have no meetings schedule, but the plan is to get the committee together in the next month to come up with a coherent request for the Planning Board so it's not all over the plans.

Tim Redmond said it would be a formal revision of the handbook.

Earl Carrel said the Department Heads and Commission Chairs did a very good job this year and it made our job a lot easier. He thanked them.

Ray Labore said the presentations were very thoughtful and we had quality data to work with. We are hoping it continues in future years.

Phil D'Avanza asked about the 3 new SUV patrol vehicles. Are we looking at three SUV's?

Earl Carrel said Chief Browne wants to move some of the Crown Victoria's into SUV's. The police carry more equipment. The cabin space in the Taurus is a tight fit. He wants to move into the SUV's. We questioned him about gas mileage and cost differential. They are minimal.

Tim Redmond said they are looking to replace three Crown Victoria's.

Barbara Griffin said he was just clarifying that they are being replaced with SUV, but you don't see that it's an SUV in the description of replacement vehicle.

Tim Redmond said the School Board reduced a lot of their requests in the last two years. They've used surplus money they've retained for repairs and replacements handled internally. We appreciate their use of that funding.

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Barbara Griffin said the Selectmen and the Budget Committee will be reviewing this. Our typical action would be to accept the 2017-2022 matrix.

Phil D'Avanza made a motion to forward the CIP matrix to the Board of Selectmen. Jim Raymond seconded the motion. VOTE: 5-0-1. David Pierce abstained. Motion carries.

David Pierce asked if Tim Redmond presents at the Selectmen's meeting.

Tim Redmond said he doesn't usually, but would upon request.

Jim Raymond said we aren't approving a budget but the capital expenses.

OLD BUSINESS:

Map 20, Lot 16, Completeness Review/Site Plan Review Hearing for a proposal to convert the 1,404 sq. ft existing garage/barn into an auto repair shop. The property currently has a real estate office (Century 21), along with a single family home on the lot, making this a mixed use property. JEM 443 Mast LLC, Applicant & Owners, 443 Mast Road & Route 114A, Map 20 Lot 16, Zoned: Residential Small Business Office-2 (RSBO-2) (Continued from the July 28, 2016 Meeting)

Jon O'Rourke said the applicant is unable to attend due to a death in the family. He called and authorized Ray Shea to speak on his behalf. Since our last review, we requested the applicant go before the ZBA. We received no correspondence for that, but did receive communication that he would potentially remove the lift. Your packet includes letters from various abutters, the notice of decision of the ZBA, and the pages from the minutes reflecting the approval from the ZBA.

Tim Redmond asked if we have a new site plan, or is there anything new to be presented tonight.

Jon O'Rourke said there is no new information except that the applicant was talking about potentially removing the lift and he was discussing the landscaping issues.

Barbara Griffin recalls there were a number of questions—the outdoor lift, the number of doors on the garage, and building permit issues. There was an issue with the Fire Department now that it's been dramatically changed.

Jon O'Rourke said the issues the Fire Department had regarding drainage and hazardous materials would be eliminated if the outdoor lift were eliminated. As for the interior, the fire inspector's not been there since it was converted from storage to an auto service/repair shop. Building Inspector Marc Tessier has not been contacted by the applicant yet to complete the open permit.

Barbara Griffin asked if that was for the exterior of the building.

Jon O'Rourke said that is correct.

Barbara Griffin asked if there is anything in writing regarding the outdoor lift.

Jon O'Rourke said he doesn't have anything in writing about that. Comments in your packets are

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consistent with what we have previously reviewed.

Barbara Griffin said, in comparing comments from past meetings, Conservation Commission comments were addressed a bit further in regards to the use of the property. They were to have adequate drainage to avoid water across the Rail Trail. DPW/Engineering had the same comments. The Fire Department had comments because the renovation causes substantial changes in the building. The Police Department has no comment. There are notes as to whether the lift was permitted by zoning, but there was to be discussion with the ZBA to resolve that. There were issues with landscaping in regards to an abutter. Conditions we see from staff are substantially the same as they were previously because we've had nothing new.

Michael Conlon said auto repair is not permitted in this zone by special exception or conditional use. Does the granting of the variance compel that use for us?

Barbara Griffin said we don't have to approve the use, but have to consider it a valid use. We consider if it is consistent with our zoning issues.

Jon O'Rourke said he has a print-out from the voice mail from the applicant, John Hikel. It states he will take down the outdoor lift and has addressed the landscaping.

Ray Shea said after the last meeting the lift and landscaping were the major issues. They submitted a landscaping plan. And Mr. Hikel agreed to remove the exterior lift from the property. With that information we thought there would be no outstanding issues. The extra overhead door is to get materials and supplies, as well as the dumpster inside. It's not intended to be two bays. It will be just one bay. Some issues are building issues to be taken care of after the plan is approved and before the certificate of occupancy is granted. We looked at the landscaping and are asking for a reduction in requirements. They are based on the size of the lot. This is a 4 acre lot and we are developing approximately 1-1/4 acre. Our proposal is based on the developed area. We are also proposing, along the driveway to the abutters to the east, 6 arborvitaes to act as a buffer. And as you come in the easterly access to the site we propose 6 rhododendron by the center and another 6 by the barn to soften the back parking lot. The lift issue takes a lot of concerns of the Board and abutters away. He'd like to go from there.

Michael Conlon asked if there are changes to the landscaping.

Ray Shea said we didn't get into discussion of the landscaping at the last meeting. So it's not changed.

Michael Conlon asked about the plan at the ZBA having two bays.

Ray Shea said he wasn't involved at that point. His understanding is that it was reduced in the course of the ZBA presentation.

Tim Redmond said when the applicant applied for a two bay garage, and the ZBA approved only one bay, the applicant should have had a single door, as shown on the building permit application. We need to stick strictly to what the ZBA approved. He thinks the second door should come out and walled in so it is as the ZBA approved. They did a good job on the landscaping plan. He would like to see a plan come back with the concrete pad not shown on the plan. He doesn't think it should be a condition of

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approval. It needs to be seen by the Board.

Barbara Griffin said we are looking at an application with a concrete plan and car lift that, on a new plan, would say “to be removed.” Staying consistent with Tim Redmond’s comments, the ZBA approval showed minimal parking on the plan. She’s not excited about four additional spaces because of what might become because the building and abutters would have to deal with. If the concrete pad is going to be removed she’d like the extra spaces to come up, with the parking up against the building. It would be a preference for her.

Tim Redmond said he went by the property several times to view the property. The tenant has a truck with a big trailer that he parks in the main driveway in front. That will have to be dealt with because that will be a driving lane.

Ray Shea said that would be parked out back.

Barbara Griffin said she noted there are some written comments on this application from Allen Brown of Meadow Lane indicating he was concerned about the use of property that he didn’t feel was appropriate next to residences and the outside lift isn’t consistent with the original application. There is a letter from Robert Harris regarding auto body work being done and stating their opposition. Their impression of the ZBA approval was parking for 6 cars. There is a written comment from Andrew and Mary Philippy of Meadow Lane stating the use should be strictly what is approved in the variance—with the outdoor lift and second door removed, as well as parking limited. He submitted a picture that the dumpster is outside.

Tim Redmond said the picture submitted is from the (applicant’s) other business on Mast Road.

Barbara Griffin said there is an email from Mr. Hartford in opposition to the proposal. She asked about the parking calculations. Four spaces are for one bay. The total of 12 spaces are for two for the resident and 6 for the real estate office.

Ray Shea said the ZBA plan doesn’t show parking. In his experience, the plans that go to the ZBA are an exhibit and they don’t reflect parking. It’s very general and not reasonable to be held to the plan shown the ZBA.

Barbara Griffin asked the depth of the bay of the garage. It seems big for one bay.

Ray Shea said he’s never been in it.

Tim Redmond said he takes issue with Ray Shea’s comments, that the plan sent to the ZBA is a representation and not something that will come to the Planning Board. He contests that statement. If the ZBA approves a plan showing something, that is what the applicant represented they wanted to do on the site. To show something to the ZBA and something different to the Planning Board, because it’s not really what you wanted but thought the ZBA wouldn’t like it, is absurd. When this Board considers a plan that has been to the ZBA, they had better match or he won’t vote for them.

Ray Shea said apologized he meant it was for a change of use variance. In his experience the layout isn’t as important as the layout of the existing building. It wasn’t meant to totally disregard the plan. If you

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compare the two, they are the same in general. We can pull back on some of the pavement if it looks like it's too much.

Barbara Griffin said the parking being proposed is huge.

Ray Shea said you want to be able to get a fire truck around it.

Tim Redmond said the ZBA plan shows more parking than the site plan does.

Ray Shea said he was referring more to the use. He meant no disrespect.

Barbara Griffin re-opened the public hearing.

Jason Spencer, 444 Mast Road, lives directly across the street. He was originally approached about three weeks ago and he'd had no idea what was going on. He was told about the lift in the back. It is now going to be removed. He wants to make it known that they are very concerned about it. He says he will remove it but when. He was asking for relief on trees and doesn't see where he should get help with that. You can't allow this lift to be there. He'd like a timeline. Would there be fines or penalties? Parking spots are in the air. There is already a bread truck back there. His red truck hasn't moved, along with the truck that sits in front with the box trailer. It's being seen and it's changed. The scope of what's going on and how to control it—when you drive by an auto repair shop, it's never good looking. What is in the back will be in Mr. Jones' back yard. We can't control it. Where does it end? What do we consider a junk car? The mechanic shop could be turned to a junk yard. He's following rules he's already broken. His other property has cars on top of cars and a dumpster outside. How do we control that happening here? He can see three tires from his front step. What if it becomes 12 tires? You are trying to control something that you can't really control. There is no timeline as to when the lift would be removed. He'd like to see it removed before other things continued. The other bay will be required to be removed. Nothing stops him from doing what he wants to do. His other business could shut down and his whole business could be here. Once it starts, how do we stop it from snowballing larger than what it is? He appreciates that the lift will be removed. He saw a big industrial piece that is new there. It looks like the controls. Neither he nor Mr. Jones had seen that before. Once it's approved, he could do what he wants. We had concerns about business hours and noise, especially with the bay doors.

Mary Philippy, 28 Meadow Lane, which is in the neighborhood, but also owns property at 456 Mast Road, across from Mr. Jones. We have a family member living there. She wants to reiterate what was discussed at the last meeting. A strict variance was given and she'd like to see nothing but what the variance was given for, such as the lift, second door, and additional parking spaces. She is concerned that it was indicated it should go back to the ZBA but it hasn't. But Mr. Hikel said he will remove it. She hopes the lift and concrete pad are included as one together. Regarding the parking, she read there was originally 12 spaces needed when the variance was asked for with the two bays. There was a comment they'd probably need less with one bay. And there was reference tonight to a ZBA application with 21 spaces. It was sold and approved as a low key, low volume, quite business for overflow from his business down the road. We'd like to keep it that way. The point of her picture with the dumpster at his business further down the road, he'd probably need something smaller than that. It doesn't justify a second door to roll something in and out. She can't speak much to landscaping. She can't visualize what extra trees and bushes would do. It was said he'd not met the formula for trees and shrubs. She'd like it to be strictly the way it should be.

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Andrew Philippy, said he's worried about the fact that the outside lift was to be for his plow truck. Now he's worried about where he'd put it with the lift gone. The landscaping thing—trees, bushes, and shrubs—he's not sure the noise and smell will bother them. Where is the last body shop that was landscaped?

Dave Raymond, abutter, said there are no auto repair places that need landscaping because they aren't put in residential areas. He thinks the ZBA made a mistake in approving it. This will require an arbiter because the concerns of the abutters are greater than the needs of the applicant. He suggests not granting a waiver on the landscaping. He doesn't think a voice mail is sufficient to say he will remove the outside lift. He thinks it's bad precedent and the town is setting itself up. Can the Planning Board or the Town require him to remove the lift? Can the Zoning Board reverse itself or change the variance back to what it was? This shouldn't have been allowed in the first place, based on what the applicant has done in the past year. It's obvious he's going to do what he wants to do regardless of concerns of abutters.

George Jones, abutter, said there is a contrast between what the other abutters see and what he sees. He has to look down on the property. It's important to him that, in talking shrubbery, it's important to put in some trees to block the view and minimize what we will face in the future. He was hoping someone on the applicant's behalf would have approached him since last meeting. It's important to address that issue before long. The leaves will be gone soon and it will look poor. A specification of the ZBA is that abutting properties not face devaluation. With noise, pollution, and visual pollution, no one can question the property has been devalued. He asks that be considered. Another issue already put into play, is that we the abutters now become a police force. He's seen no clarity given here by anyone. He's seen questions put forth and he doesn't understand the response. He'd like to see if the Planning Board would come up with something specific and clear that all residents can live with. We have to look at intent. Are we going to have one bay in a barn with closed doors? That's how the ZBA set it up. The neighbors have to live with, and deal with, whatever you people present. He thanked the people who went up to the property and his. They came up his driveway and looked. He'd like to keep it as clean and neat as possible.

Barbara Griffin closed the public hearing.

Tim Redmond said at least one of the public speakers stated what he stated—we should stick strictly to the variance that was granted. It states to allow an auto repair facility within the barn. He heard about a limited number of cars related to the repair business that could be on the lot at any given time. Whatever business needs to stay within the barn, not outside the barn. We should state there is no outside storage of any materials and supplies. We need to address the business days and hours.

Ray Shea said it is Monday through Friday, 8 am – 5 pm.

Tim Redmond explained the Board needs to discuss the landscaping regulations. They couldn't plant as many trees and shrubs as the total lot would require. He's not looking to have a business sealed off from the public. The buildings need to look presentable and the business needs to look more residential than commercial. Strict conformance is why they asked for the waiver.

Barbara Griffin said her read of the ZBA minutes is that they did intend to seal it off from the neighbors.

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It was intended only for overflow. There is to be one bay, not facing the street.

Tim Redmond said we go back to whatever the ZBA reflects.

Michael Conlon said the ZBA minutes reflect there would be no front facing bay door. You wouldn't see any parking from the road. It would never be used as a primary business and won't be used as a junk yard. This was to be used for overflow from the primary business, and this should be contingent on the primary business still being in operation.

David Pierce said on our drawing, justified required parking spaces is 12.1. He'd like the Board to hold firm to 12. He had asked for justification for the extra spaces and didn't get a satisfactory answer. If 12 spaces are approved, he'd like to see the plan revised. Once something is paved, it becomes parking space. He agrees it become contingent upon that primary business being there and operating.

Phil D'Avanza said the minutes to the ZBA meeting reflect that the barn would be used as an overflow from his business. It is an overflow—period. It is to be at the volume and capacity presented at and granted by the ZBA. The applicant's attorney, Karen Forbes, represented there would be no sales of vehicles on the property. She represented that "The applicant has modified his plan to be only one bay instead of two." The plan presented as two bays was modified to be one bay. The door would be on the rear facing undeveloped area. Parking was stated to be a Planning Board issue. The applicant doesn't think he needs what would be required because he'd have only one employee. It would never be a primary business. If you go through the minutes, it talks about 12 parking spaces based on two bays. He only needs four per bay. Brian Rose asked if two cars would be worked on at one time. John Hikel said no. The drive-through isn't clear in the minutes, but it states the applicant would have space to drive through. But he interprets it that if you had a modified plan, you no longer have a drive-through. Lighting and noise are to be addressed by the Planning Board. This is all consistent with what was presented at the public hearing by the abutters. He took notes of many comments from the abutters that were here. He found them consistent.

Jim Raymond said we are unclear on what the ZBA approved. Was it a drive-through? We can approve it then it's up to the Building Inspector to decide if it's consistent. He's struggling with saying that what is presented to us is consistent with what the ZBA approved.

Barbara Griffin said she thinks it is an issue. She doesn't think she could approve these plans based on the ZBA approval. There is too much to be changed, including removal of the concrete pad, a new parking layout, and parking spaces. There needs to be a note regarding the bay door, as to what and where that is. There have been issues raised as to what is on the property. At the ZBA representations were made that nothing would be seen from the street, and we do know you can see the back of the property from the street. And we, as a Planning Board, needs to be aware of the abutters. It seems this plan would require a whole number of notes if we were to approve it. There would be an issue with paving if we approve it. What's paved becomes parking. She doesn't think we should set up situations where abutters have to be enforcers.

Tim Redmond said we need to go back to the ZBA minutes for statements made for Ray Shea to talk with the applicant about. It reflects that there should be one door on the back of the building. There would be insulation from the noise. If he only needs four parking spaces per bay, and for a mechanic, then he only needs 4 or 5 spaces.

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Barbara Griffin questioned the number of parking spaces. Required parking includes customers and employees.

Tim Redmond said if we limit parking then pavement would be removed. The pad and lift has to be removed. Some of these statements made to the ZBA need to be included in the plan.

Ray Shea said they'd like landscaping to stay as submitted. We'd like that waiver. We feel we addressed the spirit of the ordinance. Our waiver request was for less than required, but not specific. Over the course of the meetings we've put our proposal on the plan.

Tim Redmond said page 4 has a comment from Jon O'Rourke. It states there are no waivers requested at this time. There was a previously requested landscape waiver and they have submitted an updated plan set.

Jim Raymond made a motion to continue the application.

Ray Shea said they need to remove the parking, remove the pavement, and remove the lift. You can park on a concrete pad and to jackhammer it away seems like a waste.

Tim Redmond said he could screen it and use it for a dumpster pad.

Barbara Griffin said there needs to be a note about outside storage on the plan.

David Pierce said the number of doors has to be addressed.

Ray Shea said two doors in the rear isn't excessive. If the ZBA says there isn't supposed to be a door in the front, we'll have to look at it.

Barbara Griffin said all this work went on before anyone saw a plan. The building was jacked up. She can't remember the door on the front. He didn't own the property when he went to the ZBA. She thinks it was an old style, sliding type door. When they talked about the door on the back, they were talking about the garage.

Tim Redmond said Ray Shea and the applicant need to review the minutes to the ZBA minutes. It is a statement from the applicant's attorney that the door would be in the back.

Barbara Griffin said we are bordering on whether or not this is the plan that was noticed.

Jim Raymond made a motion to continue this application for one month—to October 13, 2016, giving abutter's opportunity to come see the revised plans.

Phil D'Avanza said he understands the position on the landscaping. But you have one significant abutter with a significant concern.

Ray Shea said Mr. Jones property is high above and he's looking through substantial vegetation. He doesn't have trees on his own property. The driveway is on the property line.

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Barbara Griffin said her understanding is that trees were removed that Mr. Jones thought were his.

Tim Redmond said if the property can be kept clean by condition, with restricted parking and storage, then maybe Mr. Jones's fears would be alleviated.

Barbara Griffin suggested no unregistered vehicles on the property.

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

NEW BUSINESS:

Map 15 Lot 166-1, Conditional Use Permit Hearing/Completeness Review to allow two (2) separate driveways to be constructed that will not meet the 40 ft. driveway separation requirement as per Section 7.4.2 of the Goffstown Zoning Ordinance, on an existing lot that will have a two-family home built on the property. A Conditional Use Permit must be granted in order to allow the construction of two driveways that do not meet the 40 ft. separation requirement. Daniel Lapointe, Applicant & Owner, located on Laurier Street, Zoned: Residential-2

Jon O'Rourke said the applicant has been working with DPW but it wasn't feasible to have two separate driveways and meet the separation distance. There is topography to deal with. They do have the approved building permit and have been trying to resolve this issue. Instead of a common driveway, they prefer two separate driveways.

Barbara Griffin said the overview talks of a house that will be built, but the plan talks of a house that has been built.

Jon O'Rourke said it's being built. The ownership has changed. The original owner was going to have a joint driveway. The current owners prefer separate driveways. It would have had one common entrance and fan out to separate driveways.

Barbara Griffin said it wouldn't be possible. Is this the same building this was given a permit for?

Jon O'Rourke said it is, as far as he knows.

David Pierce said there isn't room for it to fan out.

Jim Raymond made a motion to accept the application as complete, and find there is no regional impact. Tim Redmond seconded the motion. VOTE: 6-0-0. All in favor. Motion carries.

Dan Lapointe said when they applied for their permit, there was a mistake in reading what statute they were on. The building wasn't constructed at the time, and they went back three feet. As we were doing the work to create the driveway, we used paint to draw what we had on the plan. There wasn't enough room. We had to draw up new plans. The road drain adds a little relief. We realized we did qualify for two driveways. The hardest part is keeping it cosmetically appealing and functional. The 40 foot distance wasn't kept. He likes the green space in the middle to separate the two units. He doesn't want them to start driving over the lawn when no one is watching. This was the best option to keep curb

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appeal and separate the two units. This site was basically a little dumping ground for quite some time. Every foot in length is so much money for the drainage. So they are asking for help.

Barbara Griffin clarified that the original building permit was granted for that design.

Chris Lapointe displayed a sketch of what was originally approved. Eric had told them they couldn't have two driveways.

Barbara Griffin said you didn't have two garages in the center and move them to the outside.

Tim Redmond asked if the units would be sold or rented. It goes to maintenance down the road.

Dan Lapointe said he's undecided. They own the lot next door.

Tim Redmond said if it is sold as two separate units, two driveways won't argue over maintenance. This is a much better plan.

Jim Raymond made a motion to find as follows:

- 1. The use is specifically authorized in the Ordinance as a conditional use;**
- 2. If completed as proposed by the applicant, the development in its proposed location will comply with all requirements of this Section, and with the specific conditions or standards established in this Ordinance for the particular use;**
- 3. The use will be compatible with the neighborhood and with adjoining or abutting uses in the area in which it is to be located;**
- 4. the use will not have a substantial adverse impact on vehicular or pedestrian safety;**
- 5. The use will not have a substantial adverse impact on the appearance and visual quality of the surrounding neighborhood. In evaluating visual impact, the Planning Board may consider architectural and design elements;**
- 6. The use will be adequately serviced by necessary public utilities and by community facilities and services of a sufficient capacity to ensure the proper operation of the proposed use.**

And to approve the conditional use permit, finding that the proposed application is the most minimal reduction which will still allow the access to be established to the lot while minimizing to the greatest extent possible the potential conflicts of turning movements into and out of the driveway with other turning and through traffic movements on the adjacent street. Tim Redmond seconded the motion. VOTE: 6-0-0. All in favor. Motion carries.

Barbara Griffin asked if we have anything for the month of September. If nothing comes in tomorrow, we will have nothing.

Jim Raymond asked about a workshop on zoning amendments.

Barbara Griffin said we could start on September 22. It would be noticed as a workshop. We would get out of here no later than 8:30. Come with things you want to address.

PUBLIC INFORMATION MEETING RE: AMOSKEAG BRIDGE INTERSECTION

David Pierce said Mark Lemay, Jon O'Rourke, Adam Jacobs and he attended this meeting. He addressed the proposed changes to the interchange as shown in his handout.

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Tim Redmond said this looks like the intersection design for Manchester Street in Concord.

David Pierce said he's right. This interchange would be over I-293, and similar to Granite Street. Exit 7 is more pertinent to Goffstown. Going north it would feed into Dunbarton Road and has a left hand turn with a realignment of Dunbarton Road. One proposal shows a spur going over to the intersection of Goffstown Road and Straw Road. They want to address the poor connectivity with these intersections. The design would facilitate access to the Hackett Hill Master Plan and Goffstown's Industrial Zone.

Tim Redmond asked if the DOT would remove their no trucking signs. He hopes they would come down.

David Pierce said that would be several years in the future. He was encouraged that DOT wants to build exit 7 first. It would be a relief valve. They predict 32% of the traffic from Goffstown would divert to the alignment to exit 7 and relieve the traffic when the Amoskeag Circle is being rebuilt. It would be 8 years for exit 7, and another 2 years for exit 6.

Phil D'Avanza asked if Manchester is supportive of this.

David Pierce said the woman whose house would be removed was excited about it.

Phil D'Avanza said in the past there was little to no support, or negative support.

David Pierce said a decision will be made by April of next year.

CORRESPONDENCE & FYI

Letter from SNHPC regarding information and activities.

Copy of the 2012 Environmental Services (Wetlands Mapping) For Woodland Trust, Mountain Road, Bog Road & Evergreen Drive, (Map 4 Lot 87-6).

Letter from Alan Brown of Meadow Lane stating concerns with the Auto Body Site Plan on Map 20 Lot 16.

Letter from Robert & Elisabeth Harris stating concerns with the Auto Body Site Plan on Map 20 Lot 16.

Letter from Andrew & Mary Philippy stating concerns with the Auto Body Site Plan on Map 20 Lot 16.

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

The meeting adjourned at 9:30 pm.

Respectfully submitted,

Gail Labrecque, Recording Secretary

Official Planning Board Minutes approved by the Planning Board September 22, 2016.