

**Town of Goshen
Planning Board
Minutes of August 20, 2020
FINAL**

Planning Board members present (*quorum = 3*): Alicea Bursey (Chair), George Hebert (Vice-Chair), Fred Smith, and Dianne Craig (Ex-officio from the Select Board)

Guest (s): Alan Greehalgh, John Hooper

Meeting called to order at 7:00 p.m.

Select Board Representative (Fill-In)

Chair Bursey informed the board that Bruce Nadeau, ex-officio from the Select Board will be unavailable for several weeks. The Select Board voted in Dianne Craig as Chair of Select Board and she will serve as the ex-officio during Mr. Nadeau's absence.

Edina Subdivision (Wayne McCutcheon)

The Edina Subdivision had been in continuance due to two (2) issues with the application that required additional research. First, was the issue of the stone wall that was moved. This issue has been corrected with guidance from the state through the driveway permitting process. Second, was the issue of a septic receiving area not appearing on the plat for the new lot that will be created on map 207, lot 3 (current number). The board reviewed the final plat which included the addition of a receiving area near the test pit. It was noted that Mr. Fred Smith was correct in his original statement saying that the applicant did not have to include the receiving area in the plat, however, it was included due to the Health Officer's request.

Chair Bursey states that Mr. Greehalgh has the right to a full five member board for this vote. She asked if he would like to wait for a vote until all members of the board could be present or if he would like to go forward with the current panel of members. Mr. Greehalgh requested that the vote be taken during this meeting.

The board noticed Dianne Craig's role as a direct abutter to Mr. Greehalgh's subdivision and asked if she would like to recuse herself from the discussion and vote. Chair Bursey stated the rules and process around recusal. Ms. Craig had no concerns and felt bias would not be an issue. Chair Bursey noted that Ms. Craig had been present at meetings regarding the Edina subdivision and would be able to offer an informed vote. Ms. Craig chose to participate in the discussion and voting process.

Chair Bursey opened the floor to board members and the public for further discussion. No comments or concerns were made.

George Hebert motioned to accept the subdivision application as complete. Fred Smith seconded the motion. All were in favor.

Fred Smith motioned to approve Mr. Greehalgh's subdivision request 'as is'. George Hebert seconded the motion. All were in favor.

The board had no further comments or concerns. Chair Bursey reminded Alan Greehalgh that there is a thirty (30) day appeal period where abutters may voice their concern. After the 30 day period, the subdivision will be

complete.

The board signed the mylars. All payments have been received prior to this meeting and have been submitted to the town office. No further actions were made.

Annexation/Merger (John Hooper)

Mr. John Hooper, 190 Rand Pond Road (tax map 209, lot 63), is looking to complete a multiple step project resulting in an annexation and lot line adjustment. Mr. Hooper would like to purchase and annex a portion of tax map 209, lot 64 to his existing lot (63). This would add road frontage and address most setback requirements for building a garage. It was noted that the annexation application lists lot 64, this should be shown as lot 63 annexing a portion of lot 64. Chair Bursey corrected the application at the meeting with Mr. Hooper's approval. Mr. Hooper has been working with both the ZBA and the Planning board on this project.

The board reviewed the plat and discussed the several items as follows:

- A) There currently exists a right-of-way on 190 Rand Pond Road (tax map 209, lot 63) that Mr. Hooper is working to resolve. Building should not occur in right-of-ways.
- B) Mr. Hooper would like to annex map 209, lot 64 (Anderson property) to tax map 209, lot 63 (Hooper property) for the purpose of building a garage and adding road frontage which the property does not currently have. If this request does go to a vote, the board would need to make it conditional that approval is contingent on the right-of-way being removed from the deed before building of the garage can begin. The garage is not slated to have a septic need. Fred Smith asked if the septic would still be accessible with the addition of the garage and Mr. Hooper stated that, "yes, it would be."
- C) Does the proposed project come too close to setbacks as defined in the Zoning and Building Ordinances in section VI.D as follows: *Any lots that existed at the time that this ordinance was originally adopted on March 10, 1970 and that were rendered undersized by this ordinance for building purposes are exempt from the lot size requirement and the length of frontage requirement for residential or commercial use provided that setback requirements are met, and provided that the lot has access and some frontage satisfying RSA 674:41. The Zoning Board of Adjustment may grant special exceptions to setback requirements on non-conforming lots; however, no building may be constructed within thirty-five feet (35') of an abutter's building, or within fifty feet (50') of a highway right-of-way. In no case shall the Zoning Board of Adjustment grant special exceptions to reduce side and rear setbacks to less than twenty feet (20') from any lot line. The Zoning Board of Adjustment may grant a special exception to reduce the setback between the right-of-way and a parking lot to less than seventy-five feet (75'), but not less than fifty feet (50'), following presentation of satisfactory evidence that public safety, noise, and visual impact will be adequately addressed.*

The board agreed that a special exception to the setbacks would be needed (town right-of-way, etc). A joint meeting with the Zoning Board was proposed so that both boards could vote on completeness of the application, special exception and could vote to approve or disapprove. Mr. Hooper has been added to a Public Hearing with the Planning Board and Zoning Board on Thursday, September 17, 2020 at 7 P.M.

The Recording Secretary will post the hearing notifications in town-designated public locations and an advertisement will be included in the Eagle Times before September 1, 2020. Abutters will be notified through registered mail.

Review of Minutes

The board reviewed the minutes of July 16, 2020.

Fred Smith motioned to accept the minutes of July 16, 2020 "as is"; George Hebert seconded the motion.

Three were in favor, one abstained.

Review of Minutes

The board reviewed the Joint Zoning Board/Planning Board Meeting Minutes of August 6, 2020.

Fred Smith *motioned to accept the minutes of August 6, 2020 “as is”*; **Alicea Bursey** *seconded the motion*. *Three were in favor, one abstained.*

The Hersey Property/Pit

Chair Bursey updated the board regarding the Hersey Pit. The Hersey Pit (tax map 402, lot 12) was granted an Excavation Permit on February 19, 2015 for three years, expiring on February 19, 2018; the permit was not renewed with the Planning Board. Chair Bursey spoke with Mr. Thomas Hersey on July 20, 2020 regarding the status of the Excavation Permit and whether work continues to be performed in the 1.8 acres portion of the pit in Goshen. On July 21, 2020 Mr. Hersey provided Chair Bursey with state documents (list below). Mr. Hersey stated that no excavation is being performed on the Goshen side of the pit and that it has not been reclaimed as they may wish to further excavate in the future. The documents provided show excavation is expected in 2020/2021.

There was a discussion on whether or not there should be an active permit when given the situation. Per section III.5.A which states: *Reclamation of all areas that have been disturbed by the operation must occur within one (1) year of the permit expiration date, unless the permit is renewed by the board. If reclamation of the site is not completed within one (1) year, the board shall declare the applicant’s bond forfeited and shall use these funds to reclaim the site, in addition to ensuring compliance with any conditions of the permit approval by the board.* The board agreed that an email should be sent to Mr. Hersey, instructing him to begin the process for a new application if he continues to want to utilize the pit or that it should be reclaimed if excavations are complete.

Mr. Hersey provided the board with the following documents which will be added to the Planning Board files:

- A) Report of Excavated Material for tax year April 1, 2019 to March 31, 2020 - Zero yards excavated.
- B) Notice of Intent to Excavate for tax year April 1, 2019 to March 31, 2021 - 500 yards expected to be excavated; notice was signed by Goshen Selectman on 3/9/2020.
- C) Report of Excavated material for tax year April 1, 2020 to March 31, 2021 - Numbers not yet available.
- D) Excavation Tax Certificate expiring March 31, 2021.

Chair Bursey will send the email. No further actions were made at this time.

Subdivision (Bevilacqua)

The thirty (30) day appeal period has ended for the Bevilacqua subdivision on July 16, 2020. The board received no objections. The board has received checks for the subdivision application amount of \$150.00 (#297) and the driveway permit fee for \$35.00 (#298). The board considers this matter now complete.

Library Project

Chair Bursey researched the ADA requirements for the natural area that the library would like to install behind the current town offices and library location. Based on guidelines published by the United States Access Board (USAB) the natural area appears to be subject to ADA requirements. Chair Bursey followed up with a call to the USAB which agreed that ADA requirements would apply under the current design. The USAB was grateful that contact was made during the planning stages of the project and provided contact information to their Developed Areas Expert - Bill Botten. Ahead of this meeting Chair Bursey provided the contact information and the link to the USAB's guidance on outdoor area development to Bonnie Belden and suggested that the library, along with

their designer, follow up with Mr. Botten. Chair Bursey also reminded Ms. Belden that the library still needs to obtain permission from the Select Board to use the property as described. Ms. Belden will follow up with the Select Board and the natural area designer. No votes were required and this discussion is now closed.

Member Discussion (ongoing)

Additional alternate members are still needed for the Planning Board, this topic will remain a standing agenda item until filled. Anyone interested in becoming an alternate member of the Planning Board should stop by any of the Planning Board meetings at the first or third Thursday of the month at 7pm in the Goshen Town Hall.

Other Business

- The next meeting will be the first Thursday of the month – September 3, 2020.
- A joint meeting with the Zoning Board will be scheduled for September 17, 2020 (Hooper).
- **Newport Sand & Gravel Bond Renewal:** The Planning Board has received the renewal bond (#52050929273) dated August 3, 2020 for Newport Sand and Gravel with an effective date of August 20, 2020 and an expiration date of August 5, 2021. A copy of the bond was provided to the Select Board secretary and the original is with the Planning Board files. No votes or further action are required.
- **Complaint Received:** Chair Bursey informed the board of a complaint that was received regarding the use of jake brakes by one particular truck entering the Anderson Pit. Chair Bursey responded to the complaint noting there were no town ordinances regarding the use of jake brakes. Additionally, Chair Bursey advised the complainant that these concerns need to come to a meeting so that the board can work with them to resolve issues and offered to add this to the Planning Board agenda. The complainant did not come to the meeting. The board discussed the complaint and agreed there was no issue to be addressed by the Planning Board and further agreed with Chair Bursey that the complainant could follow-up with the Select Board but there are no town ordinances regarding jake brake use. The board determined no action was necessary.
- **Capital Improvement Plan:** No discussion was had on the Capital Improvement Plan. The discussion will continue at a future meeting.

Standing items

- Capital Improvement Plan
- Edina Subdivision (Wayne McCutcheon) - In the 30-day appeal period
- Annexation (John Hooper)
- The Hersey Pit
- Regulation Discussion (Based on Housing Crisis Article) - Pending
- Member Discussion - Standing Item

George Hebert motioned to adjourn the meeting; Fred Smith seconded the motion, all were in favor.

Meeting adjourned at 7:51p.m.

Respectfully Submitted,

Melissa Salinardi
Recording Secretary