

**Zoning Board
Goshen, NH
Minutes of April 11, 2018
FINAL**

Attendance (*quorum* = 3): Alicea Bursey (Chair), Ray Porter (Vice-Chair), Judy Dunn, Dan Scott, and Keith Hall (alternate)

Guests: Deborah Fife, Robert Bell, Bruce Nadeau, Tom Dombrowski, Kathy Gagnon, Lydia Hawkes, Robin Brigham, Peter Brigham and George Grant

Meeting called to order at 7:01pm

Pheasant Run Farm Project

Chair Bursey opened the floor to Deborah Fife to share the plans for the Pheasant Run Farm Project. Ms. Fife shared proposed site plans for the project with those in attendance and explained the goal of the project.

Chair Bursey read from her prepared notes. *“The purpose of tonight’s meeting is simply to review the Pheasant Run Farm application for completeness, tonight’s vote does not indicate approval for variances or exceptions and does not allow the applicant to move to the planning phase. If the application received tonight is voted to be complete, the application moves to the second stage of the process, which is the abutter notification for a public hearing. During this phase all property abutters are notified of the meeting date, time, and location via certified mail. Abutters are invited and encouraged to attend the public hearing to give their testimony on why or why not the application should be considered. At the end of the public meeting the ZBA may choose to render a decision immediately or may defer making a decision.*

If the application received tonight is not voted on as complete, the application does not move forward and the applicants may resubmit with corrections at a later time.

The applicant is here tonight to present on the application and the goals of the project. After a brief presentation, I will go over a list of questions that I received from various community members. For questions that have established answers through Goshen ordinances, regulations, or plans, I will provide a response. For those that require input from the applicant, I will first read the question and then instruct the applicant to respond. To maintain order after the applicant has presented their response, I will open the discussion to the board, close the discussion with the board, and then open the discussion to Goshen residents who are members of the public tonight. After each period of discussion we will not revisit a topic, this is to keep the meeting on point, as there are several questions to go over. As a reminder the only vote that may occur tonight in relation to this application is for completeness, not for approval.”

Chair Bursey proceeded with reading the questions that had been previously submitted by residents. Some questions have already been answered by herself, however, if any further concerns were made, the board or members of the public were offered the opportunity to have them addressed during the meeting.

Questions presented to the Board:

What does constitute an abutter? Is an abutter just adjacent to said property or does it include those who live across the street from said property?

RSA 672:3 - "Abutter" means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration.

Are there any light and sound ordinances in place in the town already, and if not how does one start that process?

Goshen has ordinances in place already and they can be found in detail in the Zoning and Building Ordinances.

What was the timeline for how we reached this meeting today?

The property was sold in 1991 to Bob Bell with an already approved sub-division for the property (the current lots). The applicant approached the Planning Board for preliminary guidance and presentation on the plan during the regularly scheduled March 1, 2018 meeting. At that time Planning Board briefly discussed the presentation, variances, and special exceptions that would be needed. The Planning Board did not vote on completeness of the application or give any sort of approval for the work to be done. The Planning Board stated that zoning exceptions and variances would first need to be granted by the Zoning Board of Adjustment in order for the application to move to the Planning Board phase of the process.

The applicant met with Zoning Board of Adjustment at regularly scheduled meeting on March 14, 2018 to present their plan and confirm the necessary items needed by the ZBA to move forward. Again, the ZBA did NOT vote at that meeting to consider the application complete or to provide approval to move forward with the project.

Who currently owns the 5-acre lot on the application and who owns the rest of the plots?

Deborah Fife: Robert and Jeanine Bell jointly own the 5-acre plot.

Peter Brigham: Asked if in the future, the lot will be sold.

Deborah Fife: Yes, the lot would be sold eventually to the Fife's.

Is this application going to be an official open space development?

Chair Bursey stated that she does not want to force an answer to this question at the moment due to the fact that there are several different options for building that can be made.

Discussion on this topic included questions from Peter Brigham regarding the density and the increase housing developments and how these new proposed houses would affect the already in place guidelines. Lydia Hawkes wondered if this would set a precedent for other future developments.

Ms. Fife stated that the open space has been calculated and that exactly 26% of the land mass would be used and the rest would be considered open space but the exact method of how the open space will be handled has not been established.

Peter Brigham asked if the property would be further sub-divided. Ms. Fife stated that it would not be further sub-divided.

Ray Porter addressed the precedent issue by stating that it does not necessarily apply to all future developments, because the board would still need to make a decision by looking at all the different factors of each individual development. He stated that no two situations are identical and every application would have to be looked at as a separate set apart development.

Is the road going up to the development a town-approved road?

Bruce Nadeau: Yes

Is the road going up to the development a town maintained road?

Bruce Nadeau: Yes. The town does not plow it right now, but it is excepted as a maintained road.

How many variances are required by the abutter?

Chair Bursey stated that there is one variance being requested, the density variance and three (3) exceptions that would need to be approved. She also explained that the abutters can offer input during the public hearing and the board will take the abutters comments into consideration.

Is there any precedent that you are aware of as to the number of variances being requested?

There is only one variance being requested and in my experience to date that is quite usual.

Twelve units on 5 acres is very dense development for Goshen (at least as far as current ordinances and guidelines and the Master Plan go); are there any other cases (particularly for "new" development, within the past 20-30 years) within Goshen that approach, meet or exceed that density?

In the last 20-30 years, yes, there has been at least one development that I know of, that would be the Mountain Reach Development that would have allowed 26 dwellings on 19.62 acres (one dwelling per 0.75 acres, the average smallest lot size in NH is on average is 0.88 acres per dwelling in a 55+ community). Also of note, per the Zoning and Building Ordinances (page 22), "Commercial Subdivisions of less than three acres land area may be approved by the Planning Board upon submission of evidence satisfactory to the Planning Board that all regulations established for Commercial Subdivisions have been met."

Where can I find the soils and elevations maps as referenced in the Master plan?

They are in appendix B of the Master Plan. The Master Plan can be found online on the Planning Board section of the Goshen website.

Chair Bursey read from the following notes taken from the Master Plan:

OPEN SPACE:

Per the Master Plan (page 8) the Planning Board should use existing regulations to promote open space preservation by encouraging and planning for permanent open space in the design and layout of all new development projects.

LAND USE PLANNING (Pg 15)

Goal Statement: To continue to support existing as well as future land use planning practices that preserve steep slopes, important soils, and other natural and built features and to ensure that growth occurs in an orderly manner that will maintain the rural and scenic character of the community.

Chair Bursey: The Master Plan supports growth within Goshen that preserves natural resources while growth occurs in “an orderly manner that will maintain the rural and scenic character of the community”.

ECONOMIC DEVELOPMENT (page 37)

Workshop participants felt that future business development should be concentrated in the downtown village area. However they would like new businesses and services to blend in and reinforce the existing core Goshen village character. Concentrated development is difficult at present, without a developed infrastructure including water and sewer utilities, as well as data infrastructure like high-speed internet service. Goshen Village is the town’s only practical option to accommodate future village-style development within the existing settlement pattern. One idea for future village development is to focus diverse housing options (apartments, condos, etc.) in the village area. This will help meet the needs of an aging and diverse population by placing a higher density of housing close to needed services. Providing for a balance of housing types was cited as a way to support the character and fiscal health of the community because it could offer more affordable housing options for a younger, working-age population.

Chair Bursey: Presently, utilities and other infrastructure restrict the development of the Village District per the 2013 Master Plan and at the current moment put a hardship on those wishing to place a development in the Village District.

LONG-TERM LAND USE (page 37)

Workshop participants gave high priority to the need for planned development, including planning for future housing and commercial enterprises. Compared to other towns, development pressure within Goshen has been minimal from a regional standpoint over the past decade. Long-term regional employment growth in the Upper Valley and emerging growth in the Precision Valley (Claremont & Newport) should, however, make Goshen increasingly attractive for new housing development. Balancing any such growth against the protection of important natural resources will be an important consideration for future land use goals and decisions.

Chair Bursey: Master Plan workshop participants stated and I quote from the Master Plan, “gave high priority to the need for planned development, including planning for future housing and commercial enterprises”

SUMMARY (page 47)

Housing is the predominant land use in Goshen and principal tax revenue source for the Town. Wise land use practices should ensure preservation of the tax base by maintaining the rural setting that attracts people to Goshen.

Chair Bursey opened the floor for discussion from the board. No comments were made.

Chair Bursey opened the floor for discussion from the public.

Peter Brigham spoke about the state requirements for septic, fire protection, etc. Chair Bursey stated that these will be addressed at the owners expense and they will need further approval by the State, Town, and Town law enforcement as well. Bruce Nadeau mentioned that he did not foresee a problem with acquiring fire safety permission due to the large pond that is located on the property, however, he understands that many requirements will need to be met before any further actions can be made.

Lydia Hawkes asked how an age mandate can be made for the community. Deborah Fife stated that due to very strict policies that the community would have to follow under state and other regulations they will have strict contracts in place that monitor the age restriction.

Ray Porter clarified the role of the Zoning Board stating that their responsibility is to look at variances, special exceptions, impact on town services, and roads. The Planning Board on the other hand will look into more of the “nitty-gritty” details of the project.

Peter Brigham asked about hilltop protection and how the “charm” of the property will be considered. Chair Bursey stated that part of the “charm” is that you are not able to see the property from the road, which will be something that will be required to be kept per Town regulations.

Peter Brigham expressed his concerns as an abutter. He also asked if there would be any impact on the town utilities. Chair Bursey answered that there would be zero impact. Bruce Nadeau mentioned that there would also be zero impact on the school systems.

Peter Brigham expressed his concern for the character of the town and character of the area stating that with something like this being added to the area, it will certainly change things. He mentioned increase traffic and parking. Chair Bursey and the applicant mentioned that there will be a limit to two vehicles per unit. Lydia Hawkes mentioned the possible use of street lights and their impact on the night sky. Dan Scott stated that he believes street lights would never be an issue especially considering that they are not currently being used on any other town roads in Goshen.

Peter Brigham asked if the sub-division would ever revert back to the whole. Chair Bursey stated that this is a tricky question but that no, it stays a sub-division until the owners decide to sell the lots or merge the lots back together. Ray Porter defined a sub-division as simple taking one piece of land and making it into a few different things, however, the lot lines of the land do not change. Chair Bursey stated that the land has already been sub-divided and approved and the goal of this meeting is not to discuss the already sub-divided land. No actual sub-divisions of this land is occurring and therefore no discussion of sub-divisions should be made.

No other comments or concerns were made. Discussion was closed.

The board discussed the application, but had no comments or concerns.

Ray Porter motioned to consider the Pheasant Run Farm Project Application complete. Judy Dunn seconded the motion. All were in favor. The application is considered complete and the public notification process will begin. A public hearing will be scheduled for the May 9, 2018 meeting.

Chair Bursey closed this portion of the meeting. Attendees were invited to stay. The board continued with the remaining agenda.

Boat Storage (George Grant)

George Grant addressed the board regarding a possible business endeavor starting out of his home on Messer Road (Williamson Farm). His intent is to have storage area for boats both inside a building and outside on his property. Although no building is presently on the property for indoor storage, this is something that he does intend to build in the future.

The board stated that this would be considered a Home-based Commercial Use. They discussed the possibly problems he may encounter. One in particular being the outside storage and visibility of the business to traffic. They agreed that a special exception would be needed with a possible condition phrase added into the permit stating the need for a vegetation fence along the road to ensure no regulations are broken.

The board will review the application and during the June meeting, they will vote for completeness of the application. No further actions were made.

Review of Minutes from March 14, 2018

Judy Dunn motioned to accept the minutes from March 14, 2018. Dan Scott seconded the motion. All in favor, minutes approved "as is."

Land Use Training

During the Land Use Training on March 17, 2018, State regulations regarding proper procedure of all Goshen Boards was discussed along with other various topics. The state is requiring all boards to be consistent with agenda postings, and other meeting details. The individual boards will meet to discuss the actions that will take place to allow for these changes.

The Zoning Board reviewed some of the necessary changes that will need to be made. They agreed to wait for the Board of Selectman to make the final decision on how to proceed with complying to the new state regulations, however, they will continue to review the new changes individually.

Clarifications on Small Detached Buildings

Ray Porter presented the board with his proposed changes to the small detached building regulations under section D.2 in the Zoning Building and Ordinances.

Old and Proposed Changes

D.2. Side and Rear Setback

Side and Rear Setback: Minimum distance from the lot side lines and lot rear lines to any buildings shall be forty feet (40'), providing, however, ~~that small detached buildings may be approved to within twenty feet (20') of a lot line.~~ **the minimum distance from lot side lines and lot rear lines to any small detached building (any building not larger than 100 square feet) shall be ten feet (10').**

The board agreed with the changes and will present the new proposed changes to the Planning Board for further review.

Other Business:

- The next meeting will be held on the second Wednesday of May - May 9, 2018.

Standing items:

- Pheasant Run Farm Project
- Sending Small Detached Building clarifications to the Planning Board

Motion to adjourn made by Ray Porter and seconded by Dan Scott; meeting adjourned at 8:50pm.

Respectfully Submitted,

Melissa Salinardi
Recording Secretary