

**Zoning Board
Goshen, NH
Minutes of May 9, 2018
FINAL**

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

Guests: Peta Brennan, Jan Parmalee, Jane Galpin, Sandy Sonnichsen, Gigi Schendler, Bea Jillette, Jean Barrett, Lydia Hawkes, Peter Brigham, Neil Rutter, Suzanne Rutter, Michelle Buck, Ronald Whitney, David Driscoll, Steve Belden, John Scranton, Dianne Craig, Dennis Giannotti, Cindy Williams, Rich Moen, Marianne Dennis, Gary Dennis, Bonnylee Hooper, John Hooper, Joan Hoffman, Cynthia Phillips, Richard Locke, Michael Sullivan, Robert Bell, Judie Locke, and Ernie Dennis

Meeting called to order at 7:01pm

Pheasant Run Farm Project

Chair Bursey addressed all those in attendance and stated that the application for the Pheasant Run Farm project had been withdrawn and that there will be no vote or consideration during this meeting.

Peter Brigham: asked why the application was withdrawn, and asked whether it can be resubmitted again.

Chair Bursey: stated that no explanation for withdrawal was given at this time and that if the project was ever resubmitted, it would have to start at the beginning and follow proper procedures per the town regulations, such as application completeness, public notification of the hearing, abutter notifications, public meetings, etc.

Mike Sullivan: understands it has been withdrawn, however, he had a question regarding whether the application mentioned specifics regarding the density and number that was being requested. He also mentioned that some details in the minutes were lacking and that if more details were added to the minutes, residents would feel more informed about potential projects in the community.

Chair Bursey: recapped what is now, not happening with the Pheasant Run Farm project. Chair Bursey stated that the project was for a development of a 55-year-old and up senior living community with the goal to offer affordable, stand alone, senior living houses in a cluster living environment as had been described in previous board meetings. In reference to the minutes, Chair Bursey stated that the minutes go beyond what is actually required to be recorded. The board also has a draft period for edits and always welcomes edits from attendees of the meetings. The board is always willing to amend the minutes if needed, however, verbatim minutes are not taken.

John Scranton: asked if a list of meetings, especially regarding projects that would affect the town in such a great capacity, to be posted in the Eagle Times. He was unsure of where the notices were posted and wanted clarification on this matter.

Chair Bursey: stated that the board posts notices in compliance to all state RSA and town regulations. Public hearing notices are always posted on the bulletin boards at the Town Hall, Post Office, and General Store, as well as on the town's website, and in the Eagle Times.

John Scranton: stated that he reads the Eagle Times every day and did not see any ad referencing this project.

Chair Bursey assured Mr. Scranton that the ad was indeed posted as well as notices that were posted in all areas listed above. Recording Secretary shared the classified ad information with the group. Judy Dunn walked around to allow residents to see the invoice for the posting of the ad which ran on April 21, 2018.

Several residents expressed their frustrations about not knowing enough information about the project. Chair Bursey apologized for any inconvenience that may have occurred, however, she reminded the residents that the Zoning Board did meet all requirements for posting and reminded residents on where information could be found. She also mentioned that her number is publicly listed on the town website and that email is always available to anyone who had questions about any of the meetings. Discussion was then had regarding additional postings of minutes and public hearings so that more residents can be informed. The board heard the suggestions, which included posting minutes at the town dump, at the town library and on the Goshen neighborhood Facebook watch page, however, the board decided to discuss this during the later portion of the meeting.

Peta Brennan: wanted to know whether the withdrawn proposal had any mention of subsidized housing.

Chair Bursey: stated that no, there was never any intent for subsidized housing.

Neil Rutter: asked whether the proposal "is totally gone, like it never happened?"

Chair Bursey: stated that yes, as of right now, it is gone and will not be continued unless the applicant decides to bring it before the board again, which would require the process to start from the beginning with a new application.

Peter Brigham: shared what he (and other abutters) initially wanted to do during this meeting. His plan was to discuss the specifics of the project and address his concerns as well as address details that he felt were not included on the application resulting in vague answers given by the applicants. They (abutters) were prepared to "push back" at this project on issues they felt were not being addressed properly.

Lydia Hawkes: asked if there was a way to stop something like this from happening in the future.

Chair Bursey and Ray Porter: reminded everyone that any applicant has the right to present a project before the board. If something of this nature were to be presented in the future to the board, then the applicant would need to begin the process from the beginning. Chair Bursey also stated that if in the future extra time was needed to allow for abutters to be notified and residents to be made fully aware of the situation, the board would work towards making this happen.

Peter Brigham: believed that some of the concerns were rooted in the precedent that this project might set.

Neil Rutter: believes that cluster housing is not a bad idea, however, the area that was being presented was clearly the wrong place. He asked the board how they could have voted the application complete when it was missing information.

Chair Bursey: acknowledged his question by stating that the reason the board voted on the application's completeness was because the board had received all the proper paperwork that was required of the applicant. It did not mean that the application itself was without flaw and that more information was not needed. At this time, Chair Bursey closed discussion regarding the Pheasant Farm Run Project because the application was withdrawn and no actions can be made.

Mike Sullivan: stated that the board should be glad that the community comes together and stays informed in the manner that they do. The board should welcome residents input and be grateful that so many people care about the welfare of their town.

Chair Bursey: apologized to Mr. Sullivan if he felt that this issue and his opinion were not being properly regarded. Chair Bursey also reminded the residents that there were many moving parts to this project that were not yet addressed and that she had been fielding emails and phone calls about this project.

Peter Brigham: acknowledged Chair Bursey's timely response to emails and thanked her for being diligent and as open as possible to making people aware of the situation.

Chair Bursey ended this portion of the meeting and invited guests to stay for the remainder of the meeting. She stated that the board will discuss possible solutions of making the minutes and other public notices more accessible to Goshen residents.

Chair Bursey called the meeting back to order at 7:30pm.

Review of Minutes from April 11, 2018

The board asked Peter Brigham to state any edits that he might have from the minutes of April 11, 2018 as he had previously stated in his emails.

He did not have specific details to present to the board, however, he mentioned a statement made by himself regarding fire regulations that would have to be enforced on the Pheasant Run Farm development was not specifically noted. He then mentioned that Bruce Nadeau's response was not indicated in the minutes, which would have mentioned the use of a pond and that the location of the pond was further away than regulations would require. However, due to the fact that Bruce Nadeau was not present to respond to this statement, the board decided not to make any changes in the draft minutes regarding this discussion.

Ray Porter stated that according to regulations, the minutes go way beyond what is actually required. Verbatim minutes are not required, and although the minutes are the official public record, it is not necessary to include every detail in them. However, the board does have the authority to make changes if suggestions are made by other attendees as well as changes that may be suggested by board members. The board may decide to not accept the minutes until changes have been made if necessary. He also mentioned that other items such as applications, maps, etc. are also public records and will be retained for public viewing when needed.

Lydia Hawkes stated an edit she had to the April 11, 2018 minutes. Ms. Hawkes wanted to include a question that she proposed to Ms. Fife and Mr. Nadeau during the beginning of the meeting when a proposed map was presented to the residents for review. She asked Ms. Fife and Mr. Nadeau, "Where is my property line located on this map?" As Mr. Nadeau and Ms. Fife were not present and since the minutes do not need to be verbatim, this change will not be made in the minutes.

Ray Porter motioned to table the acceptance of the minutes from April 11, 2018. Dan Scott seconded the motion. All in favor, minutes from April 11, 2018 will be reviewed and potential edits will be discussed during the next meeting.

Additional Conversation with Residents regarding the Pheasant Run Farm Project

Several Goshen residents continued to stay and discuss aspects of the project that they had concerns with.

One concern was regarding the completeness of the application and the lack of details that were stated in the application. The board suggested that some of the confusion was because initially the applicants did not know if the application should be made for commercial or residential use and they had filled out the application for both until they knew how this should be reviewed. Ray Porter stated that the application is not requiring specifics, but rather general answers so that during the process of reviewing the application the board has a chance to meet with the applicants and discuss more details regarding the project in which they are applying for. Once a meeting has been placed and the board has had a chance to review the applicants request, public notification begins and then the board has a chance to hear questions, or concerns from all parties.

Neil Rutter: suggested that having more details to review in the minutes would allow for residents to be more aware of what is happening in the meetings.

Ray Porter: stated that the focus of the board is narrowly defined and that what the ZBA reviews and considers is based on regulations.

Chair Bursey: stated that there is a process and abutters and residents are always welcome to contact any of the board members to discuss any concerns they might have.

Ray Porter: encouraged abutters that if something like this was to present itself in the future and once the application is made public, the abutters have the right to review the application and suggest changes or concerns they may have.

There was a brief discussion regarding the current withdrawn application and it's availability to abutters, several abutters felt that they were not given proper access to the application. The board addressed there concern stating that other than paying attention to meeting minutes, the abutters will receive notifications through certified mail and that the file on the application is public information and available by request. Chair Bursey noted that she had provided the application to all who had requested it from her. no requests were made by the town office on behalf of individuals looking for the records.

Mike Sullivan: asked the board if in the future something like this is presented to the board again, will they automatically vote yes to accept it, especially if it passes the five criteria that it must meet?

Ray Porter: stated that the board's obligation is to look at the criteria and only the criteria, not whether it is a good idea or bad idea. The board is like a jury, and they must listen to all sides of the proposed plan. They must approve if they feel that all the criteria has been met or they will deny the request if the criteria has not been met. The board will hear complaints, concerns, and allow for issues to be addressed from all parties, they will not just take one person's side.

Ron Witney: asked for clarification on Mr. Nadeau's act of recusing himself from previous meetings.

Chair Bursey: stated that proper procedure was followed during a Planning Board meeting and he withdrew himself from board member duties and was seated in the audience as per protocol, however, because he is still a resident of Goshen, that does not mean he had to recuse himself from answering or asking questions as a resident. During the ZBA meeting, Mr. Nadeau also sat in the audience.

Mike Sullivan: asked whether Mr. Nadeau was an actual applicant on the application or was he a silent partner of the project?

Chair Bursey: stated that Mr. Nadeau's name was not on the application.

Mike Sullivan: stated that having information available regarding the background of the property would help in keeping people informed.

Ray Porter: stated that information regarding the background of the property is not necessarily something that the board can require from the applicant.

Chair Bursey ended this portion of the meeting and invited guests to stay for the remainder of the meeting.

Pheasant Run Farm Project (wrap-up)

The board discussed complaints regarding insufficient access to public records such as maps and applications. Some residents, upon requesting specific information were say they were told that the information was not available. The board was unaware until this meeting, that this was happening and will continue to look into this matter. The board understands and complies to the Right-to-Know laws and have tried to work towards making any information available to residents whenever the request was presented to them. Chair Bursey noted that she had provided the application to all who had requested it from her via email and no requests were made by the town office on behalf of individuals looking for the records.

The board reviewed the invoice that would have been presented to Ms. Fife and the Pheasant Run Farm Project. They agreed that due to the work that has already been done regarding notifications and public hearings, that the bill must be made in full (\$227.02).

The board reviewed the Right-to-Know email correspondence that had occurred between Chair Bursey and several abutters. Per Right-to-Know laws this information has been included in the paper file and also digitally to the Secretary.

Posting Minutes

After several complaints and concerns regarding the seemingly lack of access to the public minutes from residents, the board discussed various ways of displaying the minutes for public review.

Currently, copies of the minutes are posted on the bulletin board of the Town Hall, the Post Office and on the Town website. Public Hearing notifications are always posted in the same three areas with the addition of a classified ad in the Eagle Times and also a posted copy on the bulletin board located outside of the General Store for hearings.

It was also brought to the attention of the board that in one instance, the minutes had been removed from the Post Office bulletin board. Although the issue was addressed in a timely manner, the board will continue to investigate why they were removed from a public display.

The board felt that proper procedures were being followed with the current postings and access to the minutes was sufficient. However, they did agree to send a courtesy printed copy sent to the library.

Small Detached Buildings (Update)

Ray Porter had presented the board with his proposed changes to the small detached building regulations under section D.2 in the Zoning Building and Ordinances (see below). The board had agreed with the changes and presented the changes to the Planning Board. The Planning Board reviewed the suggested changes and agreed with the suggested edits. The proposed changes will move to a public hearing that will be scheduled for sometime in November.

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').**

Other Business:

- The next meeting will be held on the second Wednesday of June - June 13, 2018.

Standing items:

- Boat Storage (George Grant) - pending application submission.

Items to be voted on during end of year public hearing

- Small detached building regulations (revised)

Motion to adjourn made by Dan Scott and seconded by Ray Porter meeting adjourned at 8:15pm.

Respectfully Submitted,

Melissa Salinardi
Recording Secretary