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3 **Town of Goshen**
4 **Planning Board**
5 **Minutes of January 20, 2015**

6 Members Present: Doug O'Clair, Chair; Alicea Bursey, Vice-Chair; Chip Ball; Rich Moen;
7 Bruce Nadeau

8 Chair O'Clair called the meeting to order at 7:00 p.m.

9
10 Chair O'Clair appointed Mr. Moen as a voting member in the absence of George Hebert for this
11 meeting.

12
13 **MINUTES**

14
15 The Board reviewed the minutes of December 12, 2014 and made corrections.

16
17 **Ms. Bursey made a motion to accept the minutes of December 12, 2014 as corrected. Mr.**
18 **Nadeau seconded the motion. All in favor.**

19
20
21 **PUBLIC HEARINGS**

22
23 **Subdivision Regulations**

24
25 No members of the public were present. The Board reviewed proposed changes to the
26 Subdivision Regulations. Chair O'Clair informed the Board that when it comes to subdivision
27 regulations, it is the Planning Board that decides on any changes or amendments, the
28 amendments do not go to ballot vote. The Board reviewed the changes as follows.

29
30 *Amendment #1. Page 3 Section 2.4 Change requirement for a minor subdivision from*
31 *two lots to three lots. Minor Subdivision shall mean the subdivision of land into no more than*
32 *three(3) lots or sites, and requiring no new roads, utilities or other municipal improvements.*
33 *This shall include a subdivision for the purposes of annexation in which there is merely a sale,*
34 *conveyance, or exchange of adjacent land among two or more owners and which does not*
35 *increase the number of owners or parcels of land.*

36
37 Chair O'Clair explained that Amendment #1 is an effort to avoid unnecessary major
38 subdivisions. If a property has enough land to subdivide, they are more likely to be satisfied
39 with three lots than two. The old regulations require a three lot subdivision to meet the major
40 subdivision criteria, which may likely make the property owner choose to create more lots in
41 order to make the major subdivision cost effective.

42
43 **Ms. Bursey made a motion to approve Amendment #1 as written. Mr. Nadeau seconded**
44 **the motion. All in favor.**

1 Amendment #2. Page 14 Section 4.15 Sewage system design. Delete paragraphs
2 5,6,7,8,9,10,11,12,13.

3
4 Chair O'Clair explained that Amendment #2 will keep the Town of Goshen's regulations in
5 compliance with State regulations without having to amend the town regulations every year.

6
7 Mr. Nadeau commented that there are more changes being made on the State level for this year.

8
9 **Mr. Nadeau made a motion to approve Amendment #2 as written. Mr. Ball seconded the**
10 **motion. All in favor.**

11
12 Amendment #3. Page 14 Section 4.15 Sewage system design. Paragraph 14 to read No
13 septic system leaching bed or trench, or leaching cesspool or leaching pit shall be allowed on
14 soils subject to flooding unless the individual or parties responsible for the system can provide
15 the system will, during periods of flooding from adjacent streams and rivers, comply with current
16 State of NH and DES regulations.

17
18 Chair O'Clair explained that this amendment will protect areas of flooding.

19
20 **Ms. Bursey made a motion to approve Amendment #3 as written. Mr. Moen seconded the**
21 **motion. All in favor.**

22
23 Amendment #4. Page 23 Section 5.06 add including but not limited to before the fine.
24 5.06 Penalties, as provided in RSA 676:15 and 676:17, any owner, or agent of the owner, of any
25 land located within subdivision, who transfers or sells any land before a plat of the subdivision
26 has been approved by the Planning Board and recorded or filed in the Office of the Register of
27 Deeds shall, including but not limited to, forfeit and pay a penalty of one thousand dollars
28 (\$1,000.00) for each lot or parcel so transferred or sold etc.

29
30 Chair O'Clair explained that Amendment #4 was recommended by Town Counsel.

31
32 The Board discussed the process for reporting violations of the zoning ordinances and how the
33 Town can enforce the regulations.

34
35 Ms. Bursey read from RSA 676:15 - 676:18, which covers the Town's authority to impose cease
36 and desist orders, fines and penalties.

37
38 **Mr. Moen made a motion to approve Amendment #4 as written. Mr. Nadeau seconded the**
39 **motion. All in favor.**

40
41 Amendment #5. Page 1 Section 2. Change the definition of abutter to match RSA 672:3.
42 Abutter shall mean any person whose property adjoins or is directly across the street or stream
43 from land under consideration for the subdivision.

44
45 Chair O'Clair explained that Amendment #5 was recommend by Town Counsel. This
46 amendment will bring the subdivision regulations into compliance with the RSA's.

1
2 **Mr. Nadeau made a motion to approve Amendment #5 as written. Mr. Moen seconded the**
3 **motion. All in favor.**

4
5
6 **Driveway Regulations**

7
8 No members of the public were present. The Board reviewed proposed changes to the Driveway
9 Regulations. Chair O'Clair informed the Board that when it comes to driveway regulations, it is
10 the Planning Board that decides on any changes or amendments, the amendments do not go to
11 ballot vote. The Board reviewed the changes as follows.

12
13 *Amendment #1. Page 1, No. 3 change Road Agent to Highway Department.*

14
15 Chair O'Clair explained that Road Agents are elected, and since the Board of Selectmen appoint
16 the Highway Administrator in Goshen, it is appropriate to change Road Agent to Highway
17 Department throughout the regulations.

18
19 **Mr. Moen made a motion to approve Amendment #1 as written. Mr. Nadeau seconded the**
20 **motion. All in favor.**

21
22 *Amendment #2. Page 2 Letter G add unless approved by Highway Department.*

23
24 **Mr. Moen made a motion to approve Amendment #2 as written. Mr. Nadeau seconded the**
25 **motion. All in favor.**

26
27 *Amendment #3. Page 3 Letter C change Road Agent to Highway Department.*

28
29 **Mr. Nadeau made a motion to approved Amendment #3 as written. Mr. Moen seconded**
30 **the motion. All in favor.**

31
32 *Amendment #4. Page 3 Letter C change 60 days to 30 calendar days.*

33
34 Chair O'Clair explained that driveway installation is often affected by weather conditions, and a
35 prompt response is important for construction.

36
37 **Mr. Moen made a motion to approve Amendment #4 as written. Mr. Ball seconded the**
38 **motion. All in favor.**

39
40 *Amendment #5. Page 3 Letter E change Road Agent to Highway Department.*

41
42 **Mr. Moen made a motion to approve Amendment #5 as written. Mr. Ball seconded the**
43 **motion. All in favor.**

44
45 *Amendment #6. Page 3 Letter E change 120 calendar days to 30 calendar days.*

1 Chair O'Clair explained this amendment is for the same reason as Amendment 4.

2
3 **Ms. Bursey made a motion to approve Amendment #6 as written. Mr. Moen seconded the**
4 **motion. All in favor.**

5
6 *Amendment #7 Page 7 Letter J delete.*

7
8 Chair O'Clair explained that this regulation creates an unnecessary expense on the property
9 owner, especially for those on gravel roads.

10
11 **Ms. Bursey made a motion to approve Amendment #7 as written. Mr. Nadeau seconded**
12 **the motion. All in favor.**

13
14 *Amendment #8 Page 9 No. 20 All owners of property served by a driveway shall have a*
15 *continuing duty, including financial responsibility for keeping and maintaining that driveway,*
16 *and any grades or other structures appurtenant to it, on an on-going basis, in such condition that*
17 *the adequate and safe function of the public highway, and of the driveway, are not adversely*
18 *affected. It is the Town Highway Department's responsibility to keep culverts free of soil and*
19 *debris. If it is determined by the Highway Department that the culvert needs to be replaced, the*
20 *cost of such action will be the responsibility of the owner of the driveway whether the work is*
21 *done by the highway department, owner or owner's agent. The Highway Department will*
22 *approve the design and final installation of the culvert. This provision applies whether or not*
23 *the driveway was constructed or installed or installed pursuant to a permit under these*
24 *regulations.*

25
26 Chair O'Clair explained that this Amendment puts the responsibility of driveway culvert
27 maintenance on the Highway Department since driveway culverts are within the Town right of
28 way.

29
30 **Mr. Nadeau made a motion to approve Amendment #8 as written. Ms. Bursey seconded**
31 **the motion. All in favor.**

32
33
34 **Subdivision and Driveway Fee Schedule**

35
36 The Board reviewed changes in the fee schedule for land use and driveway applications and
37 permits. Some fees were increased, and some fees were decreased based upon practicality of the
38 activity and to be more in line with surrounding towns.

39
40 Mr. Moen explained that major subdivisions were previously higher on the fee schedule because
41 they typically require multiple hearings and more research which incurs more expense to the
42 Town.

43
44 Chair O'Clair explained that the Voluntary Merger of Lots was added, which is allowed per RSA
45 674:39-a.

1 **Mr. Nadeau made a motion to approve the Schedule of Subdivision and Driveway Fees as**
2 **presented. Mr. Ball seconded the motion. All in favor.**

3
4
5 **NEW BUSINESS**

6
7 **Hersey Acres, LLC - Application for Excavation Permit**

8
9 Chair O'Clair informed the Board that an application has been received by Hersey Acres, LLC
10 for a permit to excavate in an area of approximately 1 and 1/2 acres in Goshen, Tax Map 402 Lot
11 Number 012 in the light commercial district; property formally owned by Peck. Due to the small
12 area of activity proposed in Goshen, Chair O'Clair proposed that a joint hearing of the Zoning
13 Board of Adjustment for special exception and the Planning Board for the permit approval be
14 held on February 17, 2015. The Board members agreed.

15
16 **OLD BUSINESS**

17
18 **Newport Sand and Gravel Co. Inc.**

19
20 The Board signed a Permit for Excavation for Newport Sand and Gravel. The permit issue date
21 is January 6, 2015, renewal date January 6, 2018. Conditions of approval are as follows:

22
23 Hours of Operation: 7:00 am to 5:00 pm on weekdays only

24 The permit is valid for three years

25 Receipt of a bond for reclamation of site in amount approved by Planning Board

26 Planning Board will visit site ever year of operation in the fall of each year to verify
27 compliance with the permit

28 This permit is issued and accepted on condition that all regulations of the Town of
29 Goshen's Excavation Regulations dated April 2004, and Newport Sand and Gravel's
30 excavation Permit Application approved December 2, 2014 are in compliance.

31 Any change in scope or design must be proceeded by a new application and permit.

32
33 **Budget**

34
35 The Board reviewed and approved the 2015 Planning Board budget.

36
37 Mr. Moen offered to bring the old Planning Board lap top to Best Buy for cleanup.

38
39
40 **OTHER BUSINESS**

41
42 The Planning Board regretfully accepted Mr. Moen's letter of resignation from the Planning
43 Board, effective at the end of the scheduled March 3, 2015 Planning Board meeting. The Board
44 thanked Mr. Moen for his valued participation on the Board.

1 **Mr. Nadeau made a motion to adjourn. Mr. Moen seconded the motion. All in favor.**

2 Meeting adjourned at 8:15 p.m.

3

4

5 Next meeting: February 3, 2015

6

7 Respectfully submitted,

8

9

10

11 Linda Plunkett

12 Recording Secretary