

Town of Goshen
Joint Meeting of the Planning Board and Zoning Board of Adjustment
Minutes of March 4, 2021
FINAL APPROVED

Planning Board members present (quorum = 3): Alicea Bursey (Chair), George Hebert (Vice-Chair), Fred Smith, and Steve Bursey

Zoning Board members present (quorum = 3): Alicea Bursey (Chair), Ron Parenteau, and Judy Dunn

Guest (s): Shaun Carroll, Jr., Jeff Stocker, Shaun Carroll, III, Steven Johnson, Tim Britain, Alan Greenhalgh, Dianne Craig (Board of Selectman Representative), George Grant (arrived at 7:35pm) and Dick Fraser-joining through Zoom

Meeting called to order at 7:01 p.m.

Review of Minutes (ZBA)

The Zoning Board reviewed the Joint Meeting Minutes from February 18, 2021.

Judy Dunn motioned to accept the PB/ZBA Joint Minutes of February 18, 2021 “as is”; Ron Parenteau seconded the motion. All were in favor.

Public Hearing for Newport Sand & Gravel

Chair Bursey welcomed everyone to the meeting and stated that during this Public Hearing portion of the meeting the Board’s will be discussing Newport Sand & Gravel’s application for Special Exception (Zoning Board), their Planning Board application for an excavation permit (phase three), and a waiver request for the Seal of Engineer or Surveyor.

A check for the abutter notifications, Eagle Times classified ad, and Town fees in the amount of \$268.26 was received in full (ck #209024).

Chair Bursey explained that the Zoning Board would be reviewing the Special Exception Request, and she noted the Zoning and Building Ordinances.

Section V.F: Commercial Use - Removal of Earth Materials (page 25 of the Zoning and Building Ordinances): F. REMOVAL OF EARTH MATERIALS

Before removal of earth (soil, rock, sand, or gravel or similar material), a special exception must be received from the Zoning Board of Adjustment, as provided in paragraph V.I. Once any such special exception is granted, a permit must be obtained from the Planning Board, according to the provisions of NH state statute RSA 155-E. No crushing equipment shall be allowed except as provided in Section III.K. When the removal of materials is completed, sufficient grading must take place to allow covering with two inches of topsoil and seeding with a suitable cover crop, except where ledge rock is exposed. All permits terminate upon change of ownership. The Planning Board may require the posting of a bond with the Town Treasurer to insure compliance.

Section VI: Commercial Uses that Require Special Exceptions (page 25 of the Zoning and Building Ordinances)

Commercial uses located outside the applicable districts indicated in V.H are allowed only by special exception granted by the Zoning Board of Adjustment as set forth in Section IX of this Ordinance, including removal of earth materials in any district, Light Commercial Uses in the Tourist Related or Residential-Agricultural districts, or a Tourist Related Business in the Residential-Agricultural district. Such special exception may be granted only if all standards contained in A through F above are followed, and all other applicable standards in this Ordinance are met. Commercial uses other than those referred to in this section are prohibited in the absence of circumstances justifying a variance.

The ZBA will be asked to consider three (3) criteria in their determination of the Special Exception:

1. No adverse effect upon the character of the area in which the proposed use will be located.
2. No adverse effect upon the highways and sidewalks or use thereof located in the area.
3. No adverse effect upon the town services or facilities.

Chair Bursey opened the floor for Newport Sand & Gravel to discuss the Special Exception request and Excavation Permit Application.

Mr. Tim Britain (Attorney for Newport Sand & Gravel) gave a brief introduction and explained that the project (Phase III) is a continuation of Phase I & II. Mr. Britain provided a brief review of the history of the excavation site and reviewed the historical changes to this project and where the project stands today. Additionally, Mr. Britain discussed the procedure for Phase III and stated that the project will mirror what has taken place in the past, especially concerning traffic patterns, access points, traffic volume, noise, and dust control of haul roads, etc.

Mr. Dick Fraser reviewed the applications for the Special Exception and the Excavation Permit (Phase III). He reviewed what Phase III will look like, its location, length of viability, criteria for the special exception, waiver request, the process of preparing and excavating the site, impact to roadways, reclamation practices, test pit data, aquifer policies, entrance points, and so forth. It was noted that trucks will continue exiting and entering the site on the state road, Route 10 and that traffic patterns and entry to the Phase III excavation site would not be changing. Also, trucks will continue to exit and travel North towards Newport.

Mr. Britain mentioned that Newport Sand & Gravel has carefully planned out the sequence for this new site. The town should not experience anything different than what has been already experienced with Phase I and Phase II. He also noted that Newport Sand & Gravel will be using new, updated equipment that should be even quieter and better for the environment.

Continuing his review, Mr. Fraser discussed the length of time for phase III, stating that the entire operation, which the terrain permit that has been acquired and stated that Newport Sand & Gravel will be required to update the permit in July 2024. He spoke about the minimum seventy-five feet (75ft) that must be maintained in a wooded buffer. He mentioned that hauling roads will continue to be treated with liquid calcium chloride to control dust. He reviewed the state environmental fact sheet which covers a wide range of topics, including, brush and tree management, fueling and management, and groundwater protection.

The Boards had no questions or concerns on the above presented material.

The public had no questions or concerns on the above presented material.

Mr. Fraser continued and reviewed the plats presented where the new excavation site will be located. He explained that the color-coded map shows Phase I, Phase II, the entry road, and other elements of the excavation area. He explained that one of the maps shows the topographical expectation of what the site will look like when excavation is completed. He also pointed out the final grading plan of the excavation site.

The Boards had no questions or concerns on the above presented plats.

The public had no questions or concerns on the above presented plats.

The Boards took a brief recess at 8:25pm.

Recording Secretary, Melissa Salinardi left the meeting at 8:25pm; Chair Bursey continued to record minutes and the meeting resumed at 8:30pm

Votes - Zoning Board of Adjustment:

- *Ron Parenteau motioned to accept the application for Special Exception as materially different and complete. Judy Dunn seconded the motion. All were in favor. Motion passes.*
- *Judy Dunn motioned to approve the Special Exception as required in Section V.F. (Commercial Use – Removal of Earth Materials, page 25 of the Zoning and Building Ordinances) and as permitted in Section V.I. (Commercial Uses that Require Special Exceptions, page 25 of the Zoning and Building Ordinances). Ron Parenteau seconded the motion. All were in favor. Motion passes.*
- *Ron Parenteau made a motion to adjourn the ZBA portion of the meeting. Judy Dunn seconded the motion. All were in favor. Motion passes.*

Chair Bursey signed the Notice of Decision approving the Special Exception. Copies were provided to the applicant and included in the applicant's file with the town.

Chair Bursey reminded the applicant of the 30-day appeal period following the approval and noted that the board would keep the applicant informed of next steps.

ZBA portion of the meeting adjourned at 8:37pm, Planning Board meeting continued.

Votes – Planning Board

- *George Hebert made a motion approve the waiver request seeking to waive the requirements of III.3.A.4: Seal of a professional engineer or licensed land surveyor registered in the State of New Hampshire. (for the Excavation Plan) and III.3.C.3: Seal of a professional engineer or licensed land surveyor registered in the State of New Hampshire. (for the Reclamation Plan). Steve Bursey seconded the motion. All were in favor. Motion passes.*
- *Fred Smith made a motion to accept the Application for Excavation as complete. Steve Bursey seconded the motion. All were in favor. Motion passes.*

- ***Fred Smith made a motion to approve the approve the excavation permit with the application as accepted and in accordance with Goshen’s Excavation Regulations. Steve Bursey seconded the motion. All were in favor. Motion passes.***

The board discussed the current standing of the bond on file with the town. The bond on file with the town is in good standing and in the amount of \$84,456. The Planning Board did not feel an additional bond was required. There was no further action on this item.

Chair Bursey read the excavation permit aloud and there were no concerns from either the board or the applicant.

Copies of the excavation permit were signed by the board, were provided to the applicant, and included in the applicant’s file with the town.

Chair Bursey reminded the applicant of the 30-day appeal period following the approval and noted that the board would keep the applicant informed of next steps.

Review of Minutes

The board discussed the draft minutes of November 19, 2020.

The following motion was taken during the December 3, 2020 meeting; Bruce Nadeau motioned to accept the Minutes of November 19, 2020 “as is”; Steve Bursey seconded the motion. Alicea Bursey and Fred Smith abstained from voting as they were not present at the last meeting. The motion does not pass, draft minutes will remain posted.

The minutes will remain in draft form until the three members of the board who attended the meeting are available for vote or the board determines otherwise.

Review of Minutes

The Planning Board reviewed the joint PB/ZBA minutes of February 18, 2021.

Fred Smith motioned to accept the PB/ZBA Joint Minutes of February 18, 2021 “as is”; George Hebert seconded the motion. All were in favor.

Lot Line Adjustment (George Grant, Messer Road)

George Grant approached the board for a preliminary review of a lot line adjustment for his property at 288 Messer Road (tax map 412, lot 001 and tax map 412, lot 001-001). Mr. Grant would like to adjust his lot line allowing for lot 001 which is currently 3.14 acres to become 19.24 acres and lot 001-001 which is currently 21.10 acres to become 5.01 acres. After reviewing the plats, the board felt the lot line adjustment was straight forward and confirmed no new lots were being created. The proposed lot line adjustment also maintains the road frontage requirements for both lots. The board will hold a public hearing for consideration of this application on Wednesday, March 24 at 7pm.

Project Review - Heselton (Province Rd)

Mark Bannon from Bannon Engineering submitted a preliminary layout (no application) to the Planning Board for guidance on Sheldon Heselton's property located on Province Road (no house number). Mr. Heselton is looking to do a two-phase project starting with a garage and accessory dwelling unit located above the garage. At a later date (not yet determined), Mr. Heselton would like to build a home on the property. Mr. Bannon's layout addresses the wetland setbacks and need for a septic and well.

Section H of the Zoning and Building Ordinance allows for wetland development by special exception from the Zoning Board of Adjustment. Chair Bursey will follow up with Mr. Bannon and the findings of the Planning Board.

Member Discussion (ongoing)

There was a discussion on membership going forward. Mr. Smith volunteered to sign up as an alternate after the end of his elected term (ending March 2021).

Steve Bursey made a motion to accept Fred Smith as an alternate beginning after the end of his term in March 2021. George Hebert seconded the motion. All were in favor. Motion passes.

Mr. Smith will report to the town offices for swearing in the week of 3/15/2021.

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. Applications for the alternate position can be found on the Planning Board webpage.

Other Business

- The next meeting will be the third Thursday of the month – March 18, 2021.
- **Solar/alternative energy:** The board will discuss this topic after the March vote.
- **Capital Improvement Plan - Update:** The board will discuss updates to the CIP during a future meeting.
- **Bell Property Inquiry** – Chair Bursey received phone calls from Lydia Hawkes and Sue Rutters as well as an email from Peter Brigham, all abutters to the Bell Property on Brook Road. Concerns were voiced that a recent pending sale would be for a previously withdrawn high density dwelling proposal (Pheasant Run). Currently, there are no applications for variances, exceptions, or exemptions, nor are there any considerations for updating regulations and ordinances that would impact this property or current regulations and ordinances surrounding high density dwellings. While the Planning Board does not know who purchased the property nor the intended use of the property; it is also not required that this information be shared with any board when an application is not present. Property owners have rights to build and use their property so long as those uses are in accordance with requisite, federal, state, and local regulation. This also means that not all projects will necessarily need to come before a town board. Chair Bursey will follow up.

Standing items

- Solar/alternative energy RSA and town regulation discussion
- Capital Improvement Plan - Update
- Member Discussion - Standing Item

Fred Smith made a motioned to adjourn the meeting. Steve Bursey seconded the motion. All were in favor. Motion passes.

Meeting adjourned at 8:59p.m.

Respectfully Submitted,

Melissa Salinardi
Recording Secretary
&
Alicea Bursey
Chair