

GOFFSTOWN PLANNING BOARD  
MINUTES TO MEETING OF JANUARY 25, 2024

In attendance were Chair Tim Redmond, Vice Chair Kimberly Peace, Barbara Griffin, Collis Adams—Select Board Representative, Phil D’Avanza, Colleen Mailloux, David Pierce—Alternate, Scott Ozana—Town Engineer, JoAnn Duffy—Planning Director, and Gail Labrecque—Recording Secretary

Tim Redmond called the meeting to order at 7 pm. He asked the Board to introduce themselves.

**APPROVAL OF MINUTES**

**Phil D’Avanza made a motion to approve the minutes to the Planning Board meeting of January 11, 2024. Barbara Griffin seconded the motion. VOTE: 5-0-2. Kimberly Peace and Collis Adams abstained. Motion carries.**

**CORRESPONDENCE**

**Email from Mike Dahlberg requesting a continuance for Map 10, Lot 8-1, Tenney Road, to the February 22, 2024 meeting.**

JoAnn Duffy said they were waiting for additional information they don’t have yet. She discussed the date with the applicant and they agreed to it.

**Barbara Griffin made a motion to continue the application for Map 10, Lot 8-1 on 66 Tenney Road to the Planning Board meeting of February 22, 2024 at the request of the applicant. Collis Adams seconded the motion. VOTE: 7-0-0. All in favor. Motion carries.**

**Copy of the Benner Request for Reconsideration**

**Copy of the proposed warrant Zoning Articles**

**Resignation Letter**

Tim Redmond said he has regrettably received a resignation letter from Gail Labrecque as an alternate member of the Planning Board. She will still be doing the minutes to the meetings. He thanked her for all her assistance over her time as an alternate member. She’ll be greatly missed.

Tim Redmond appointed David Pierce as a voting member for this meeting.

**OLD BUSINESS:**

**Map 10 Lot 8-1, Completeness Review/Subdivision Review Hearing for a proposed two (2) lot subdivision creating one new lot. The property is located at 66 Tenney Road, owned by Jonathan & Judith Richardson, Zoned: Agricultural (Continued from the December 14, 2023 Meeting. The applicant is requesting another Continuance to the February 22, 2024 Meeting.)**

This application was continued to the Planning Board meeting of February 22, 2024.

**NEW BUSINESS:**

**Map 34 Lot 18, Completeness Review/Site Plan Review Hearing for a proposal to convert an existing five (5) unit multi-family property into a seven (7) unit multi-family property. The proposal is to build a 1,516 sq. ft. two (2) unit apartment building that will not be attached to the existing five (5) unit multi-family building that is currently located on the lot. The proposed two (2) unit building will be built in the approximate location where previously a barn was located. The property is owned by Brian Nawoj, located at 10 East Union Street, Zoned: Residential-1.**

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JoAnn Duffy said this application is for Sargeant Apartments located at 10 East Union Street, close to St. Lawrence Church. This is a currently a multifamily project. The owner torn down an old barn. He came in a few months ago asking for a waiver for site plan. The Board said they would like to see a site plan with a waiver for various items. The new building would contain 2 apartments and a 1-car garage. In her report she recommended they are not complete. Since the report was issued, they have provided a landscaping plan and a waiver for the bio-retention system Scott Ozana had requested, as well as the lighting plan.

Barbara Griffin asked if they had a copy of the landscaping plan.

JoAnn Duffy said it's one sheet of paper and they should have it.

Tim Redmond asked about the 2 documents from Meridien regarding the waiver request. Is this a letter stating they're going to ask for one, or is this a completed waiver request form?

JoAnn Duffy said this is the form they chose to use. They received a request on January 25<sup>th</sup> for the stormwater management and for the exterior lighting plan. f

Tim Redmond asked if this is a proper application for a waiver. Do they have a proper waiver form that's done on a town document?

JoAnn Duffy said the town does have a waiver form. She doesn't see it here. This was received today. That's what they have for now. They can take care of it if the Board wants them to put it on a proper form. They did explain why they're requesting the waivers in their letter.

Barbara Griffin asked if the substance of the letter addresses all the things that are required on the wavier form.

Tim Redmond said if this is going to be a new and accepted practice for a waiver request, they're going down a slippery slope. There are requests that have to be filed formally through the office. If we do it with this applicant tonight, and accept this as a formal waiver application, they're going to have to do it to all other applicants going forward. They can accept it for discussion this evening, but a formal waiver form would need to be filed prior to any decision being made.

Barbara Griffin said she's trying to verify if this is similar to the information on a waiver request form.

Collis Adams said if they developed a waiver request for specifically for that purpose, it should be filed with that form.

Tim Redmond said this is for discussion purposes only tonight.

JoAnn Duffy said, now that they have this material, she recommends it be heard tonight. There is no regional impact.

**Barbara Griffin made a motion to find the application has no regional impact, is complete, ready for review, with waivers for discussion purposes only. David Pierce seconded the motion. VOTE: 7-0-0. All in favor. Motion carries.**

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JoAnn Duffy said the regulations state that, in a case where the strict application of these regulations would cause practical difficulty, the Board may waive specific plan requirements where the Board has determined that such a waiver will not affect the purpose and intent of these regulations. The applicant shall submit, in writing to the Board, a request for the waiver, citing the specific regulation and the reason the waiver cannot be met. Any waiver granted shall be shown on the final plan." It doesn't specifically say to use a specific format.

Tim Redmond said they will go with it anyway because that's how they've done it ever since he can remember being on the Board. He doesn't want to create a new law here. They would accept it for discussion purposes only and move forward.

Barbara Griffin said she wants the waiver signed because there is a provision on that waiver that was read that isn't in the letter.

JoAnn Duffy said they did do a traffic letter, which is required for the amount of traffic they'll be creating. They expect the entire site to be between 36.6 and 51.25 trips per day. They were granted approval by the ZBA in 2021 to exceed the maximum density allowed on the lot by razing the detached barn and constructing 2 additional dwellings. The proposed building will be 20 feet from the property line where 30 feet is required. A special exception was approved for the expansion of the multifamily use. They have provided 14 parking spaces, which is required.

Scott Ozana said he did have some concerns with the drainage report. There is information missing from the hydro cad output. They didn't include the output from the 50-year storm, and they required the output for the 100-year to ensure the stormwater pond has the capacity for it. He has a similar comment for the retention pond. It needs to be designed with one foot of free board for the 50 year and provide for the 100-year with the appropriate overflow. They didn't include the inspection and maintenance schedule per the regulations. He was confused by the way they did the pre and post. In the stormwater report, there were maps of the pre-watershed and post-watershed. The pre was just one large area. In the post, they have the lot somewhat split in two. But there is no change that should have split it in two. So, there is a point where leaving the site that he doesn't think is being accounted for. He concurs with the conclusion that the addition of a 2-family along that corridor won't impose any impact. It doesn't have the trip generation that would require additional reporting. He's satisfied with the traffic report. There is no dumpster shown on site. They do have a curb side recycling bin located on the site, but he doesn't see trash barrels. He did review the traffic letter and he concurs with the conclusion that the addition of a two family along that corridor wouldn't impose any major impacts. It doesn't have the trip generation that would require any further reporting on it. He is satisfied with the traffic report.

JoAnn Duffy said the dumpster is shown on the landscaping plan.

Scott Ozana said they don't show snow storage on the plan.

Tim Redmond asked, because of the moratorium on the road, if they will be excavating in East Union.

Scott Ozana said to connect the water line the way they show it they will have to because the water line on East Union Street may be under the sidewalk, from what he was told, on the opposite side of the

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road.

Tim Redmond asked if the applicant is aware of the moratorium and the guidelines. He'll ask them when they come to the table.

Brian Nawoj, applicant, and Trevor Yandow, Engineer with Meridien Land Services, presented.

Trevor Yandow said they are looking to add 2 units and they have the appropriate zoning approvals. The building is just under 1500 sq ft and will be situated where the old barn/garage used to be. They've included additional parking—2 spaces per unit and 1 ADA accessible space. They include the garage as one of those spaces. Regarding stormwater, they propose a shallow infiltration/surface pond that would capture runoff. They also propose the new building will be guttered and the downspouts will be directed to that practice. The grading will include a couple of dry wells to make sure there is no standing water. There is an existing birch tree on the west side of the property, and another tree on the east side. They have 2 maple trees along the driveway. They meet the landscaping requirements. The remainder of the site has lilac bushes and trees along the east side, and there are trees where it abuts the church. They feel it is adequately screened and vegetated for the use. The lot has 170 ft of frontage, and they are at 40 ft per tree, and meet the landscaping requirements.

Tim Redmond asked if they reviewed and met the standard for the required trees and shrubs.

Trevor Yandow said he believes so. There is a lot of existing shrubbery and evergreens around the existing building. They don't have any shown around the proposed building because it's towards the rear of the lot and there is already a decent number of trees. The southern border has a grade that slopes up and is forested, so there is nothing to screen there. As to the minimum requirements, according to the way he reads Appendix F, Section 2.A they are for commercial and industrial development. Given what's on site, he feels it's sufficient. On the landscaping sheet they show the approximate location where the services tie into the sewer. The water is more towards the narrow point of the building. Regarding the moratorium on the road, they're trying to work with water and sewer to utilize the existing service connection and "T" off of them to avoid having to cut into the road by using the existing services.

Brian Nawoj said he talked to Lee Minnick, who said for access they only need to add a "T" piece. It would go back to the new building and there would be a separate meter for the new construction. Corey Wike also said it wouldn't be a big issue. It would be 6 ft down to determine the pitch.

Scott Ozana said he checked with Corey Wike and he was okay with that connection they show. He'd prefer they don't have to mill in the road.

David Pierce asked if the stone walls are present walls or future walls. With all the excavation that's necessary for the structure to be built, will the stone walls disappear?

Trevor Yandow said they are existing walls. They are just a couple of feet high.

Brian Nawoj said he doesn't think they'd have to disturb the existing stone walls at all. They're 20 feet off the lot line in the stones that exist are on the lot line.

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Trevor Yandow explained the storm water flow related to the stone walls. He said E Union Street is pretty flat and has well-drained soil. On this parcel everything sheets in a north or northeasterly direction.

Collis Adams asked if they have done test pits?

Trevor Yandow said they have not. There haven't been issues of draining or ponding and doesn't impact any.

Tim Redmond said he thinks they need to have test pits. There is no test pit data to know if the soil is suitable. In the interest of the application and moving forward, can they get someone out there in the next couple of weeks, so they don't get held up.

Trevor Yandow said yes. They have spoken to their contractor.

Tim Redmond said they have to be at least below the bottom of the dry wells they're promoting. Box with LSA.

Brian Nawoj said it's just a garden spot.

Tim Redmond said there is no screening on the property lines between the 2 parcels. The applicant owns both properties so there are no complaints now. But what if it's sold?

Brian Nawoj said there is a 2-level meadow in the back yard. He planted blueberries along the western edge. He can add some plantings.

Collis Adams said if the soils are as sandy as they claim, the blueberry bushes should do well.

Tim Redmond asked where the spillway goes if it overtops.

Scott Ozana said it goes slowly across that lawn toward the street. He doesn't have enough contour information to know if it will go towards the other building or cross the property line. He thinks it would meander towards the road.

Tim Redmond said if the lots weren't the same owner, we'd look for some sort of certification to make sure this lot doesn't impact the other lot. Should we do the same here?

Scott Ozana said they meet pre and post. He doesn't have info regarding the 100-year storm. The way the regulations are written, they just need to provide adequate overflow. It would only be the 100-year storm or beyond that it would affect the neighbor. He doesn't know that they want it directed toward the road. It can't go back because then it goes up.

Kimberly Peace said there's no drainage swale along the road.

Tim Redmond said the sidewalk is on the other side. The road slopes toward Prospect Street and that's where the drainage collects the stormwater.

David Pierce said there's closed drainage on both sides of East Union at Prospect.

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Scott Ozana said there are 2 catch basins, and it looks like it dumps out behind the Rail Trail after going through a manhole.

Kimberly Peace asked if the issues are administrative or are they coming back.

Barbara Griffin said she's not comfortable with this. She wants to see the waiver forms completed. Test pits need to be done and the meeting won't be held up. She'd be more comfortable with a list of conditions after DPW has narrowed down their list.

Colleen Mailloux suggested discussing the waivers. They aren't proposing any lighting, and she's okay with it.

Scott Ozana said he's okay with the bioretention plan. The way it's defined in the regulations isn't a true bioretention system. They've always required it to be done or they've granted waivers since he's been here. They're all infiltration practices and all recharge groundwater and remove pollutants. He has no issue with it. They're working on the new regulations, and they don't require them. They are requiring stricter pollutant removal, so they'd want other options for BMPs.

Tim Redmond said this system appears to meet the spirit and intent of bioretention. This system recharges groundwater.

Scott Ozana said bioretention is a rain garden. This is a grass infiltration pond. It has vegetation and infiltration. He has no issues with an approval of the waiver.

Barbara Griffin said she'd like to see documentation about the drainage going to Prospect Street.

Trevor Yandow said he can provide that. It's very apparent.

Tim Redmond said if you rely on that data, there is a 4 ft +/- error factor for topography that's generated on those programs. For something as flat as this, he won't trust it. He asked for grade shots that show it will go where they say it will. He won't trust the air generated data. He explained the night sky regulations. All fixtures on the building have to have down shades so the light isn't directed upwards. It's night sky compliance and everything on the building has to meet that compliance if they are going to ask for a waiver for lighting.

Phil D'Avanza asked if there are existing lights on the plan.

Trevor Yandow said the only existing lights are on the existing building. They aren't shown on the plan.

Tim Redmond said the items that are important for their next meeting are the soil data, the determination that the overflow grassy spill way will run in the correct direction to get away from the site.

Scott Ozana said all his comments on the stormwater report need to be addressed. Regarding the pre and post, he said there is a weird area that's not shown as a separate area in the pre, but in the post it magically becomes its own. He doesn't know where the water is going, and the pavement is almost

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doubled there.

Trevor Yandow said his assumption, based on the topo, was that everything would make its way one way. Then he had to break out a sub catchment for the pond, which split and captured the proposed building and half of the existing.

Tim Redmond asked if that water would find its way around to the drainage or would it go directly to the street.

Scott Ozana said it looks like the water is being sent to the neighbor's house. That water isn't going as they said it was.

Trevor Yandow said the site is flat and he could include 1 ft contours. There is a low spot and a saddle where water will make its way to.

Tim Redmond said once they modify the parking area and attach it to the paved driveway, they come under scrutiny. If they can address the comments that are substantive, require discussion and proof, they can give conditional approval and let staff address the remainder.

Collis Adams said if they are putting in an additional dry well, they should show it on the plan.

Tim Redmond said they have to appear before the Sewer Commission to make sure they have adequate capacity in the existing line. Corey Wike will give you the information you need. There are accessibility fees for the Sewer Department, driveway modification permit, as built digital files prior to a certificate of occupancy and PDF plans.

Trevor Yandow said the comments he's noted are the lighting—existing and proposed, a dry well, the waiver forms, drainage and maintenance agreements, and a maintenance schedule for stormwater infrastructure on site.

Scott Ozana said if it's on the plan someone will see it. It's about keeping vegetation trimmed.

Tim Redmond asked about a continuance to the Planning Board meetings of Feb 8<sup>th</sup> or 22<sup>nd</sup>.

Trevor Yandow said February 22<sup>nd</sup> would work out better.

David Pierce said they could go before the Sewer Commission on February 13<sup>th</sup>.

Collis Adams said he won't be here on the 22<sup>nd</sup> but would look for a Select Board member to replace him.

Tim Redmond opened the hearing to the public. There was no public comment, and the public hearing was closed.

**Colleen Mailloux made a motion to continue this application to the Planning Board meeting of February 22, 2024. Phil D'Avanza seconded the motion. VOTE: 7-0-0. All in favor. Motion carries.**

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**OTHER BUSINESS**

**Factory Street Development**

JoAnn Duffy said the building inspector has gone out to the Factory Street Development to look at a few things. The stack is in bad shape. It's shown on the plan and Mr. Simons wants to remove it. We gave him the option to come here to find out if it's a non-material change or if he has to come back for a hearing.

Bob Simons, SMC Management, said on the site plan package submitted to the Town, the existing conditions plan showed 3 structures to remain, including hydro building, the mill building, and the smokestack. When they first purchased it, the engineer said the stack appears to be stable and safe. The general contractor expressed concern and had an inspection done. They suggest the whole stack be repointed before they can say it's structurally sound. They love the look of it but doesn't add \$150,000 in value to it. On the site plan, it's identified as an existing structure, but not a significant structure. The buildings are not determined to be historic in nature. It didn't appear to be an obligation, but they didn't want to tear it down for safety then have the Board upset with them.

Collis Adams said they were only going to take down a portion of the stack and agreed to only remove a portion of the top of it. It's historical.

David Pierce said the vertical cracks along the lower portion of the chimney are very visible, even to a layperson.

Phil D'Avanza asked the reason it was left there. Was there any importance of the structure other than the visual? Was there any purpose on the site plan for it, or any historic applications it had to go through for that?

Bob Simons said he's not aware of any historic registration of the buildings on site. It was left because it's cool to look at. It's nice to have the element, but he can see the engineer's concern. It would cost about \$150,000 to make it sound.

Collis Adams said that's not a lot of money for a project this size.

Kimberly Pierce said she agrees with Collis Adams. She doesn't have concerns about the cost in relation to keeping that structure in the town. She'd be disappointed. At the very least it should be deemed a material change for the public to have time to comment.

Barbara Griffin said she is of a contrary view as to the stack; to go by the site now and say we should go for historic remembrance. With what's happened to the site over the years, we should be grateful the site is being developed the way it is. She thinks, as far as the visual, when was the last time you went over the bridge and even saw the chimney in your mind. Unless someone brings something very unique, she doesn't have an issue with it. But it is a material change, and it should be noticed if the applicant wants to go forward with it.



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Collis Adams said they've talked about the aesthetics of the community and how a project fits in and adds to the historic Goffstown landscape.

Scott Ozana read an email from Town Administrator Horne dated January 17, 2024

JoAnn Duffy said it has to do with his concerns about the 79-E.

Scott Ozana read the email: "The smokestack remaining was also presented to the HDC as part of the development's 79-E tax incentive that was approved by the Select Board. If they need to remove the stack, we will need to revisit the terms of their 79-E tax incentive."

Colleen Mailloux said she thinks it's a material change. If they are going to consider it, it should be a publicly noticed meeting, and the public should have a chance to comment.

Phil D'Avanza said there's more to it because it impacts a funding source for the project.

Tim Redmond said when they decided to build this project, they didn't want the expense of tearing it down. The stack is on the edge of the river.

**Colleen Mailloux made a motion to find that it is a material change, and they need to file an application with the Planning Department and have a public hearing with notification of abutters. Phil D'Avanza seconded the motion. VOTE: 7-0-0. All in favor.**

**Other Business**

Kimberly Peace said she proposed changes to the CIP handbook, and it was not approved. They fell through the cracks. We looked at the minutes and it wasn't there. It got forgotten. She asked that it be on the next meeting agenda.

Tim Redmond said they would also address the approval of the amendment to their Rules of Procedure for the Pledge of Allegiance at a future meeting.

**Phil D'Avanza made a motion to adjourn. Kimberly Peace seconded the motion. VOTE: 7-0-0. All in favor. Motion carries.**

The meeting adjourned at 8:07 pm.

Respectfully submitted,  
Gail Labrecque  
Recording Secretary

*These minutes are subject to approval by the Planning Board.*