

Official
As of 4/7/08

HOOKSETT PLANNING BOARD MEETING
MINUTES
HOOKSETT MUNICIPAL BUILDING
Monday, March 17, 2008

CALLED TO ORDER

Chairman D. Marshall called the meeting to order at 7:03 pm

ATTENDANCE

Chairman D. Marshall, Vice-Chair R. Guay, D. Hemeon, R. Duhaime, R. Sullivan, B. Ehlers, J. McHugh, Town Council Rep. P. Rueppel and Town Administrator D. Jodoin
Excused: J. Gryval, D. Dreffs, Y. Nahikian
D. Tatem, Stantec Engineer, representing the Town of Hooksett

APPROVAL OF MINUTES OF 2/11/08 and 3/03/08

J McHugh motioned to approve the minutes of February 11, 2008 as submitted.

Seconded by P Rueppel

Vote unanimously in favor. R Guay abstained.

J McHugh motioned to approve the minutes of March 3, 2008 as submitted. Seconded by P Rueppel

Vote unanimously in favor. D. Jodoin abstained.

2nd PUBLIC HEARING FOR PROPOSED ZONING CHANGES 2008hearing zoning changes

D. Marshall stated hearing on agenda for tonight after the next item of business.

Waiver

1. MANCHESTER SAND & GRAVEL

Hooksett Road, Map 3, Lots 1 through 11, 17, 19 through 24, 26
Map 14, Lots 2, 3, 4, 5

Waiver requests for design speed limit, intersection sight distance for driveways, driveway grading, driveway radii and width, and minimum buildable area requirements.

Continued to April 7, 2008 Planning Board Meeting.

DESIGN REVIEW HEARINGS

2. PLUS FIFTY FIVE (08-05)

Thames Road & Avon Road, Map 14, Lot 14-3
Site Plan for two (2) Elderly, Older Person, and/or Handicapped Housing
Buildings consisting of 71 units total

P. Rueppel has noted she is stepping down from vote; lives at Granite Hill.

3. HOOKSETT DEVELOPMENT – GRANITE HEIGHTS (08-06)

Thames Road, Map 14, Lot 58
Site Plan for three (3) Elderly, Older Person Housing Buildings consisting of
160 units total.

P. Rueppel has noted she is stepping down from vote; lives at Granite Hill.

D. Marshall: The comments below are for items above 2 & 3 for design hearing review. I am granting Attorney Michael Donovan to represent the Granite Hill Condo Association and speak on the member's behalf. I invite abutters from Granite Hill to enter the Chambers.

Attorney Mark Derby, Cleveland, Waters and Bass, P.A., is representing the applicant: I am requesting a continuance, with a date and time certain and to be announced this evening. The State of NH does provide for a design review and zoning regulations are based on when applicant submits not at time of review. Project should be grandfathered for zoning regulations. I spoke with Attorney Michael Donovan on 3-14-08 regarding the request for a continuance. I also obtained approval by the Town attorney and the Town Planner that project could go on this agenda.

D. Marshall: This is the first time the Planning Board has placed a design review on their agenda. I believe the applicant has requested a design review on this agenda to avoid conforming to the zoning amendments presented to the applicant.

D. Marshall: There will be no hearing tonight. Attorney Michael Donovan will get letter and minutes to state such. If applicant reapplies in the future and comes before the Planning Board, a larger facility will be provided for a public hearing.

Attorney Mark Derby: Let the record state that Michael Leo and John DiBitetto are here to present for the design review.

Attorney Michael Donovan: I agree with Chairman Marshall that the applicant is trying to get around the zoning amendments. I request the board deny not continue the application. The applicant does not have any design or criteria to meet tonight's review.

J. Duffy: Projects completed the TRC (Technical Review Committee) process. TRC comments that there is no water or sewer that could be brought to this site. The applicant needs a special exception for zoning. I spoke with the Town attorney regarding design review. As a staff person, at recommendation by the Town attorney, project was placed on tonight's agenda. The RSA states the Town may complete a design review and it is not a requirement.

D. Tatem: There is no water or sewer that could be brought to this site.

R. Duhaime: I do not support this type of design review forum in the future.

D. Jodoin: Water to this site would not be available until 2015.

J. Duffy: I note that # 2 & #3 design reviews above are by two separate applicants.

D. Gibbons: I am a member of the Granite Hill Condo Association and oppose both #2 & #3 design reviews.

Attorney Mark Derby: Let the records state again, that the applicant was ready to present the design review for tonight's agenda.

J. McHugh motioned to approve applicants' requests for a continuance. Seconded by D. Jodoin.

Vote unanimously opposed; no continuance.

2nd PUBLIC HEARING FOR PROPOSED ZONING CHANGES 2008

Article #2

Amendment#5

Are you in favor of Amendment No. 5, as proposed by the Hooksett Planning Board?

This would amend the Hooksett Zoning Ordinance as follows:

Change the Zoning of Map 1, Lots 4, 6, 8, 9 and Map 5, Lot 7 from Industrial to Medium Density Residential, and Map 5, Lots 49,53 and 54 from Industrial to Commercial.

These parcels are located on Edgewater Drive.

D. Marshall read the amendment into the record.

J. Duffy: The abutter that owned the canoe shop had some initial objections, however at this time objections have been removed.

R. Duhaime has noted he is stepping down from vote.

J. McHugh: Is this property on Edgewater Drive?

J. Duffy: Yes, property is on Edgewater Drive.

D. Hemeon: I have an issue with spot zoning. Zoning should stay the same.

J. Duffy: The property is currently zoned with some Industrial and Residential. This zoning amendment would zone the canoe place and R. Duhaime property as Commercial.

D. Marshall: Once land is owned and vacant, there is no grandfather clause and property owner/applicant must comply with current zoning regulations.

R. Guay: Since the amendments are posted, we must accept public input.

Open Public Hearing.

No public comments.

Close Public Hearing.

J. McHugh motioned to place amendment #5 on the ballot. Seconded by R. Guay. Vote unanimously in favor.

Article #2

Amendment#9

Are you in favor of Amendment No. 9, as proposed by the Hooksett Planning Board?

This would amend the Hooksett Zoning Ordinance, by omitting Article 8, Cluster Housing Ordinance, and replacing the entire text with new text, adopted under RSA 674:21, innovative Land Use Controls, entitled Conservation Subdivision.

The purpose of this amendment is to replace the current outdated Cluster Housing Ordinance.

D. Marshall read the amendment into the record.

Open Public Hearing.

No public comments.

Close Public Hearing.

D. Jodoin motioned to place amendment #9 on the ballot. Seconded by R. Duhaime. Vote unanimously in favor.

Article #2

Amendment#11

Are you in favor of Amendment No. 11, as proposed by the Hooksett Planning Board?

This would amend the Hooksett Zoning Ordinance by eliminating Article 18, Wetlands Conservation Overlay District, Section G.2.a) a twenty-five (25) foot setback from the wetland boundary is to remain in its natural, undisturbed state, and eliminating b) A forty

(40) foot setback shall be required from the wetland boundary to any structure or any paved area 2,400 square feet or larger in size and inserting a new a) to read: A forty (40) foot setback shall be required from the wetland boundary to any structure of any paved area and shall remain in its natural, undisturbed state.

The purpose of this amendment is to eliminate the 25' undisturbed wetland setback and maintain an undisturbed 40' setback from the wetlands.

Open Public Hearing.

No public comments.

Close Public Hearing.

J. McHugh motioned to place amendment #11 on the ballot. Seconded by R. Ehlers. Vote unanimously in favor.

COMPLETENESS AND PUBLIC HEARING

- 4. NANCY LANE (08-07)**
15, 17, & 19 Nancy Lane, Map 25, Lots 21-1, 21-2, and 21-3
Lot line adjustment

J. Duffy: I notified Don Duval that an existing conditions plan is needed, however D. Duval did not agree. D. Duval may ask for a continuance.

D. Marshall: Waiver submitted.

R. Sullivan motioned to find the plan complete. Seconded by R Duhaime. Vote unanimously opposed; plan incomplete.

- 5. BOUCHARD/COREY (08-08)**
115 & 117 Mammoth Road, Map 39, Lot 24 & 25
Lot line adjustment

J. Duffy: I notified Don Duval that an existing conditions plan is needed, however D. Duval did not agree. D. Duval may ask for a continuance.

D. Marshall: Waiver submitted.

R. Sullivan motioned to find the plan complete. Seconded by R Duhaime. Vote unanimously opposed; plan incomplete.

- 6. 4 JOHNS DRIVE (08-09)**
4A & 4B Johns Drive, Map 48, Lot 16
2 Unit Condo Conversion

J. Duffy: I notified Don Duval that a checklist and an existing conditions plan is needed, however D. Duval did not agree. D. Duval may ask for a continuance.

D. Marshall: Waiver submitted.

***R. Sullivan motioned to find the plan complete. Seconded by R Duhaime.
Vote unanimously opposed; plan incomplete.***

CONTINUED PUBLIC HEARING

7. **BEAVER BROOK DEVELOPMENT (06-18)**
Bypass 28 and Jacob Avenue, Map 49, Lots 49 and 58 and Map 48, Lot 26
87 Lot Residential Cluster Housing Subdivision

J. McHugh has noted she is stepping down from vote.

J. Duffy: I spoke with James Janis, Keach-Nordstrom, regarding the following outstanding issues:

- DOT permit
- Conservation in agreement for 8.12 acres to be added to the original easement and that easement language be reviewed and approved by the Town attorney.
- \$5,000 to be paid for maintenance of conservation easement.
- Note added to the plan that a street sweeper will be donated to the Town Highway Dept. when plan is approved.
- 4 phases for board to approve, Discussion with Town attorney for bonding to second phase (bond for each phase). Beaver brook road built in 2 stages. ROAD combine phase 1 & 2 as one phase, 3 becomes 2, 4 becomes 3
- Homeowner's Association documents to be reviewed and approved by the Town attorney
- Sophie Road, bulb of the cul-de-sac, will be reviewed for another design "profile" to better meet J. Duffy's request to the edge of the wetland to reconfigure the 2 lots
- Waiver for cul-de-sac because it would be over 1,200 ft.
- Waivers – (1) driveway and (2) storm drainage
- Maintenance Bond – to assure first phase of the road will not get destroyed by the second phase
- applicant will provide for a recreational area for another site in Hooksett
- Bond posted within 6 months after the road is complete for another traffic study

J. Duffy: Abutter, Mr. Pinard, is not in favor of the clubhouse. Also, The Fire & Police Departments require a 20-25 ft gravel way to the clubhouse for safety vehicle access.

D. Marshall: There needs to be a "maintenance bond" to assure first phase of the road will not get destroyed by the second phase.

D. Tatem: I need the map defined for the wetlands/uplands.

D. Jodoin: The Town accepted a prior conservation easement.

J. Duffy: 8.12 acres conservation land is in addition to the existing conservation easement. This land is part of open space.

D. Jodoin: It is the Town Council's understanding that the homeowners are responsible for easements and maintenance funds.

Attorney Greg Michael, representing the applicant - The original area deeded is controlled and managed by the Town via the Conservation Commission. The mitigation by the State of NH is mostly uplands. The amended conservation easement is to be reviewed and approved by the Conservation Commission via the Town attorney. The \$5,000 maintenance fee for the conservation easement is at the "oversight" by the Conservation Commission. The easement is mostly dedicated to open space.

J. Duffy: The Homeowner's Association documents have not submitted to date.

Attorney Greg Michael: We need a consensus of who will maintain the conservation easement; the Conservation Commission or the homeowners.

D. Jodoin: The easement is written, end of 2005-January 2006, that it is the homeowner's responsible for upkeep.

D. Marshall: Is this is plan ready for approval?

J. Duffy: No, the plan is not ready for approval (see conditions bulleted on pg 6 of these minutes). If this plan is not approved tonight it is past the deadline, the applicant would have to start the application process all over.

D. Marshall: The road design must be from one end to the other (Smyth Road to Bypass 28) and the cul-de-sac must be within the required footage criteria.

D. Jodoin: What is the recommended parking area for the homeowners.

J. Duffy: The abutters on the southern end of the recreational park area are in opposition.

D. Jodoin: The Police & Fire Departments will have cost issues monitoring the recreational park area, potential "gathering location".

R. Duhaime: Do we have any letter from the Conservation Commission that they are in approval of this plan as presented?

J. Duffy: Yes, there was a vote by the Conservation Commission (see attached).

R. Duhaime: Was the right-of-way mentioned to the Conservation Commission for the other property?

J. Duffy: The Town does not own the other property. It is owned by another developer. The Conservation Commission is aware of the property ownership for a right-of-way. The recreational park area needs a 20 ft strip graveled. This area may be too isolated. The developer will grade, loam, and seed the recreational park area and maintenance to access road for current location.

Attorney Greg Michael: The applicant is willing to build the road as requested by the Planning Board as one phase. Therefore, the 4 phases of this project will be amended to 3 total phases. Phases 1& 2 will be amended as "Phase 1" for the road to be completed from one end to the other (Smyth Road to Bypass 28). Sophie Road, bulb of the cul-de-sac, will be reviewed for another design "profile" to better meet J. Duffy's request to the edge of the wetland to reconfigure the 2 lots (note 13 in plan).

James Danis, Keach-Nordstrom: Presented the preliminary profiling and grading for the wetlands (see sheet 82 in plan).

D. Hemeon: A note needs to be added to the plan that a street sweeper will be donated to the Town Highway Dept. when plan is approved.

J. Duffy: The Phase 2 language to address Mr. Pinard's concerns. Mr. Pinard, prior to permanent easement, wants the ball field, lighting, sanitary, and noise issues addressed.

S. Keach: The DOT permit is being drawn.

R. Duhaime: I need more open space for this property and have given many opportunities for Mr. Keach to redesign. This plan defeats the ordinance. The board does not have to allow smaller lots frontage with these cul-de-sacs.

S. Keach: The plan meets regulations. Many property owners of these lots can walk to open space from their property line. We have State of NH subdivision approval for the septic design.

J. Danis: There are 800 ft breaks between the buildings.

P. Rueppel: There are too many conditional items. I do not support approving this plan with so many conditions.

S. Keach: Yes, there are some administrative conditional items that are not met, however the plan design is complete.

D. Jodoin: The street sweeper maintenance fee for the first Certificate of Occupancy/building permit is \$30,178 (see sheet 6 note 12). I still have concerns on the recreational park area.

S. Keach: The recreational park area will have an “unlined” field that will be loamed and seeded.

D. Marshall: What is the purpose of tonight’s meeting?

J. Duffy: The applicant has a 2 yr extension deadline that expires tonight. The applicant would like approval tonight.

D. Marshall: The requested extension is subject to the conditions bulleted on page 6 of these minutes.

D. Marshall: I do not believe the board is ready to make an approval tonight and would not consider an extension. The Board makes the final decision.

S. Keach: I will support phase 1&2 as one phase for construction of roadway.

P. Rueppel: If the Board decides to extend this project, how long can the Board provide?

D. Marshall: The Board can provide a 90-day extension.

JR Ouellette: The cottontail rabbits held-up this project over 1 year.

J. Duffy: We need the receipt of the homeowner’s association documents along with the other conditions per bullets on page 6 of these minutes.

S. Keach: Sophie Circle and the extension to the Gallagher heir’s space is land locked. Shortly after the Town took the land for taxes, I heard a developer had interest in the property. If we provide a right a way at the end of Sophie Circle, this could be built into the Gallagher land access as a drive not a street. I walked this site 1990 & 1991 with Conrad Choteau and this area is a significant wetland.

S. Keach: I would be providing an opportunity that does not exist today for an access way to the Gallagher land.

D. Marshall: This access way is in a significant wetland area. How can the Board justify a road into a wetland area.

D. Tatem: The road cannot be moved East (this is an open space easement by the Town). When it was Town land, this would have been a good option.

S. Keach: We were prior compelled to provide access by the Board, however today the access road should be reconsidered as not part of plan. North of the property, the line is conceptual based on $\frac{3}{4}$ acre; more of a wetland impact. A 20 ft wide easement could be used for forestry, conservation access, and/or foot traffic. The intention is not to provide a “road”, merely an access to the Gallagher land.

D. Marshall: Who owns the land to the left of the Gallagher property.

J. Duffy: Dorothy Cote is the property owner to the left of the Gallagher property.

D. Tatem: A less than 50 ft right a way is not a bad idea.

S.Keach: Lot 15 & 16 are enveloped with a 50 ft strip; now an easement only and not a right a way .

D. Marshall: There must be a condition that a 20 ft walking path could not be expanded in the future.

S. Keach: Per RSA 674 21:A, an easement should be made as part of the open space for all abutters and the Town. For landlocked property, someone should be able to access his or her property without trespassing.

D. Hemeon: Who is the current owner of the Gallagher land?

Dennis Demers, owner of Gallagher land abutting land to this project: I need access from Sophie drive to my property. My property was zoned Commercial under different ownership. I need to have the possibility of a future road.

Attorney Greg Michael: The modified language to the conservation easement needs to be reviewed by the Town attorney at the request of the Conservation Commission.

R. Sullivan: What are the boundaries going to be in the conservation easement?

D. Marshall: The Conservation Commission agreed to a road through the wetlands?

Dennis Demers: At a March 2008 meeting, a lot of his land will be abutted by conservation land to add to the existing conservation area to make one large wetlands.

D. Marshall: The Board must contact the Conservation Commission for their input into this project.

S. Keach: What is the request of the Board for the access to Mr. Demers' property?

R. Sullivan: This project has been in process for 2 yrs. with many extensions. There are many lots within a small area. I recommend the board reject the current project and have the applicant reapply. The Demers' property is landlocked.

S. Keach: We are trying to accommodate the Board. What does the Town want for access to the Demers' property?

R. Sullivan: The conditions bulleted on page 6 of these minutes need to be reviewed in more detail. Again, I recommend the Board take a vote to reject this plan and have the applicant reapply.

Attorney Greg Michael: A lot of time and effort has been spent on this plan in the last 2 yrs. and we want to move forward with this project.

R. Sullivan: The Board has been providing one extension after another.

R. Duhaime: I have been consistent that I would have wanted to see a better design for this plan without a roadway into a wetland area.

JR Ouellette: When I presented before the TRC meeting in July and October 2005, there were no major problems.

Attorney Greg Michael: We request a 60-day delay to complete the conditions bulleted on page 6 of these minutes and to address the access issue to Mr. Demers' property.

R. Guay: I support the applicant's request for a 60-day delay.

R. Sullivan: My question to R. Guay as a developer, is this a good plan?

R. Guay: The plan meets regulations.

D. Hemeon: The recreational park area and Sophie Road access should be taken-out of the plan to make open space.

R. Sullivan: I do not believe the cul-de-sac can be reconfigured enough to provide access to Mr. Demers' property.

D. Tatem: The Conservation Commission will need to review revisions to the wetland area grades.

J. Danis: Sheet 34 on the plans provides the grades with a maximum off Sophie; bending further to the right is more challenging and not a feasible design for access to the Demers' property.

J. Duffy: Another option for the recreational park area is to give up one lot. Per the regulations, there must be a recreational park area.

S. Keach: Another option is for the applicant to make a dollar donation for another site recreational park area vs. creating one on this site.

J. Duffy: The impact fee is already a requirement of the plan.

R. Sullivan: Is S. Keach proposing to eliminate the park and thruway to get a continuance tonight?

S. Keach: Again, what is the Board's request for access to the Demers' property?

J. Duffy: The plans will need to be amended for the change in phasing consideration.
The phases:

- combine phase 1 & 2 - proposed phase 1, for road from Bypass 28 to Smyth Road
53 lots
- phase 3 – proposed phase 2, 10 lots
- phase 4 – proposed phase 3, 24 lots

R. Sullivan: In reply to J. Duffy suggestion for a new recreational park area location, the new location has a steep grade.

S. Keach: There are 2 treatment swales (no pond) on the site.

D. Marshall: Recreational park area to be removed from plan and become open space; S. Keach and Stantec to determine an agreed amount of money that applicant will provide for a recreational area for another site in Hooksett (this is not in lieu of the impact fee).

D. Jodoin motioned for recreational park area to be removed from plan and become open space; S. Keach and Stantec to determine an agreed amount of money that applicant will provide for a recreational area for another site in Hooksett (this is not in lieu of the impact fee). Seconded by R. Guay.

Voted in favor by Chairman D. Marshall, D. Hemeon, R. Sullivan, B. Ehlers, and J. McHugh. Opposed by P. Rueppel and R Duhaime.

D. Marshall: Do we have a motion for waiver #1 - driveway for a curved section of the road as recommended by Stantec?

R. Guay motioned for waiver #1 - driveway for a curved section of the road as recommended by Stantec. Seconded D. Jodoin.

Voted in favor by Chairman D. Marshall, D. Hemeon, R. Sullivan, B. Ehlers, and J. McHugh. Opposed by P. Rueppel and R Duhaime.

D. Marshall: Do we have a motion for waiver #2 - upgrade storm drainage to class 5 concrete for one crossing at Bypass 28 as recommended by Stantec?

D. Jodoin motioned for waiver #2 - upgrade storm drainage to class 5 concrete for one crossing at Bypass 28 as recommended by Stantec. Seconded by R. Guay.

Voted in favor by Chairman D. Marshall, D. Hemeon, B. Ehlers, and J. McHugh. Opposed by R. Sullivan, P. Rueppel and R Duhaime.

D. Tatem: The left hand turn traffic count is inconclusive until road is built and study completed at that time. A bond should be posted 6 months after the road is complete for another traffic study (see bond language in Stantec letter 3/6/08).

D. Marshall: Do we have a motion to consolidate phases 1 & 2 of plan as phase 1 (then phase 3 becomes phase 2 and phase 4 becomes phase 3).

**R. Sullivan motioned to consolidate phases 1 & 2 of plan as phase 1 (then phase 3 becomes phase 2 and phase 4 becomes phase 3). Seconded by D. Jodoin.
Voted in favor by Chairman D. Marshall, D. Hemeon, R. Sullivan, B. Ehlers, and J. McHugh. Opposed by P. Rueppel and R Duhaime.**

D. Marshall: Do we have a motion for a 60-day extension to this application deadline for the date certain of April 21, 2008?

**R. Duhaime motioned for a 60-day extension to this application deadline for the date certain of April 21, 2008. Seconded by D. Jodoin.
Voted in favor by Chairman D. Marshall, D. Hemeon, R. Sullivan, B. Ehlers, and J. McHugh. Opposed by R. Sullivan and R Duhaime.**

8. **BROOKVIEW SR. HOUSING (06-24)**
1631 Hooksett Road, Map 14, Lot 32
Non-residential Site Plan for 60 unit 55+ Housing Development

Continued to April 21, 2008 Planning Board Meeting.

OTHER BUSINESS

D. Marshall: Planning Board session @ Radisson Hotel on Saturday April 26, 2008.

J. Duffy: Planners Round Table @ PSNH on Thursday, March 27, 2008.

J. Duffy: Distributed UNH Impervious Surface/Storm Watch booklets.

ADJOURNMENT

Chairman D. Marshall declared the meeting adjourned at 9:35 PM.

Respectfully submitted,

Donna J. Fitzpatrick
Planning Coordinator