

Unofficial
As of 5/20/08

**HOOKSETT PLANNING BOARD MEETING
MINUTES
HOOKSETT MUNICIPAL BUILDING
Monday, May 19, 2008**

CALLED TO ORDER

Chairman D. Marshall called the meeting to order at 7:08 pm

ATTENDANCE

Chairman D. Marshall, Town Administrator D. Jodoin, D. Hemeon, Y. Nahikian, R. Sullivan, D. Hemeon, R. Duhaime, D. Dreffs, B. Ehlers, J. McHugh, and Town Council Rep. P. Rueppel

Absent: Vice-Chair R. Guay

D. Tatem, Stantec Engineer, and Town Planner, Jo Ann Duffy representing the Town of Hooksett

APPROVAL OF MINUTES OF 5/05/08

D. Dreffs motioned to approve the minutes of 5/05/08 with the following edit: pg 2 motion to item #1 “D. Dreffs motioned to revoke the subdivision approval. Seconded by P. Rueppel.”. Seconded by P. Rueppel.

Vote unanimously in favor.

EXTENSION REQUEST

- 1. AMBROSE REALTY, LLC**
1399 Hooksett Road, Map 18, Lot 13
Non-Residential Site Plan Amendment for the layout and site improvements associated with the creation of a display area and a gravel equipment storage area
EXTENSION REQUEST

R. Sullivan motioned to grant an extension to June 2, 2008 conditional that if Gary Avenue is not resolved by this date, the applicant will withdraw the application.

Seconded by B. Ehlers.

Vote unanimously in favor.

Continued to June 2, 2008.

DISCUSSION

2. WEBSTER WOODS PHASE II

Hooksett Road, Map 6, Lot 114

Site Plan for 46 Duplex units and 7 single units, 55 & older person housing – left-turn layout

Michael Gospodarek, Edward N. Herbert Associates, Inc.: Provided an overview of the left-turn layout and distributed photos of the site. Option #1 for a Bypass shoulders and option #2 for a left-turn lane.

D. Marshall: Is all of option #2 State property and not affecting private property owners?

M. Gospodarek: I cannot confirm at this point if any private property will be affected.

J. Duffy: In addition to the abutters being notified of this project, we should notify other residents who will be affected by this project.

M. Gospodarek: The Bypass shoulder option #1 will not affect the abutters as much. The shoulder would be similar to the one in front of the ice cream place. We may have to drain the wetland for the other option. For the Bypass shoulder, we can move the telephone poles on our side and reroute on the other side.

D. Marshall: For the Bypass lanes, the driver must move quicker to go around turning cars. This is not a safe situation. The State may like them, however I do not like them. The safer situation is option #2.

R. Duhaime: Would a left-hand turn lane be safer for Burt Street?

J. McHugh: Why wouldn't the State opt for the design that is safer?

D. Marshall: We need to air on the side of safety.

R. Sullivan: Option #2 is the safest. I can understand why DOT prefers Bypass shoulders to include future maintenance.

D. Dreffs: If the majority of the traffic is going North and not turning left, then why not put in a left-turn lane to keep traffic flow going?

D. Marshall: With a Bypass shoulder, the driver behind the turning vehicle must slow down and go around.

R. Sullivan: A left-turn lane can stack cars, however a Bypass shoulder could result in a driver not paying attention and an accident happening.

D. Tatem: The traffic engineer suggested option #2 is a better solution. A left-turn lane is a better solution for the future of the Town.

***R. Sullivan motioned to accept option #2, left-turn lane, pending a Technical Review by Stantec. Seconded by J. Gryval.
Vote unanimously in favor.***

COMPLETENESS AND PUBLIC HEARING

- 3. 1134 HOOKSETT ROAD LLC (08-18)**
1134 Hooksett Road, Map 39, Lot 33-1
Non-Residential Site Plan for Clock Tower and Walkway

Continued to June 2, 2008.

CONTINUED PUBLIC HEARINGS

- 4. BEAVER BROOK DEVELOPMENT (07-28)**
Bypass 28 and Jacob Avenue, Map 49, lots 49 and 58 and Map 48, lot 26
87 Lot Residential Cluster Housing Subdivision

D. Tatem: No further comments; I recommend approval with the following conditions:

- All review fees are paid-in-full
- 2 Mylars, 11 paper copies, and 1 digital
- All required easements are submitted to the Town for legal review and approval
- All outstanding Federal, State, and local permits are obtained and submitted to the Town and Stantec
- Applicant agrees to provide surety for a future traffic study (6 months after Beaver Brook Road and Jacob Avenue are completed) at the intersection of Route 28 Bypass and Beaver Brook Road at the intersection of Smyth Road and Route 28 Bypass. This surety will also include the cost of a pavement overlay and striping of the noted intersection. A note, on the recorded plans, must reference these requirements
- The applicant agrees to attend the required preconstruction meeting, after providing the required project surety and escrow funds for construction monitoring and administration, and prior to the commencement of any construction activities.
- The applicant agrees to complete all proposed driveway work for the residents on Jacob Avenue with Phase I of the project and no Building Permits will be issued until this work is complete.

J. Duffy: One change is needed to the Conservation Easement Deed, Section 8-I, to eliminate this section per Town Attorney. After this Board approval, this Deed must go to the Town Council for approval.

***R. Sullivan motioned to approve the 87-lot subdivision plan including phasing to include D. Tatem conditions noted above. Seconded by D. Hemeon.
Vote unanimously in favor. R. Duhaime opposed.***

5. BROOKVIEW SR. HOUSING (07-29)
1631 Hooksett Road, Map 14, lot 32
Non-Residential Site Plan for 60 Unit 55+ Housing Development

D. Tatem: The technical outstanding items were issued today. I recommend a conditional approve. The water precinct requires a pump station, therefore don't sign the final plans until there is a pump station.

J. Duffy: There is a 40 ft buffer issue with the abutter Mr. Yee. The applicant has asked for an extension of this plan review to June 16, 2008. In February 2008, there was no agreement made with Mr. Yee. Mr. Yee is upset that this project is such a large structure. The applicant cannot meet the waiver of the North side of Mr. Yee's property. Mr. Yee met with the applicant a week after the applicant appeared before the Board in February. Mr. Yee did not agree to fencing and/or landscaping as a buffer. I asked Mr. Yee if he would consider an offer from the applicant to purchase his property. The Board already denied the 40 ft buffer. The applicant has not been in touch with Mr. Yee in the past month. I recommend denying this application.

Alexander Buchanan, Attorney: I represent the developer. The request for a waiver for the buffer requirement is per the State statute due to hardship.

George Chadwick, Keach-Nordstrom: Distributed 11x17 exhibiting the intersection of this project and Mr. Yee's house. The plan shows 4 ft tall berms, 6 ft vinyl stockade fence and 12 ft evergreen trees to buffer the abutter site. This proposed buffer would be the same as 40 ft buffer required.

D. Dreffs: What is the buffer for the driveway?

G. Chadwick: I am requesting a 30 ft buffer.

D. Marshall: We are not stating that the applicant cannot use the land at all. This is not a hardship reason to grant a waiver to a 40 ft buffer requirement.

R. Sullivan: The applicant should not provide a plan showing trees at a 10 yr growth vs. now at the trees are only at 12 ft growth.

A. Buchanan: Per the State statute, the Board can grant the waiver because we believe we meet the criteria. The recognized conditions are: (1) cannot move the project entrance (Town and State want the roads to line-up with Pleasant View Road across the street and there are wetland issues), (2) we could reduce to 24 units with a 40 ft buffer, however the hardship is that we can make a buffer of 30 ft with proposed fencing/trees, and (3) this project has been going on since 200; Zoning Board of Adjustment (ZBA) granted for this

size project and lots. With all the time and money involved, this is what causes the hardship. We were denied completeness of the application due to the water precinct warrant article. Now, the new regulations have to be followed. We have accommodated issues with the buffer and we believe a waiver should be approved for a 30 ft buffer. I am submitting a written statement to the Board at this time.

D. Dreffs: At what point in the process was the waiver needed?

A. Buchanan: The DOT request was in November 2007. We should not have to negotiate with the abutter. The Board should grant the waiver request; it is a minimal waiver.

D. Marshall: I see nothing in our regulations to grant the waiver.

A. Buchanan: Waiver should be granted when hardship is established.

D. Marshall: Are we denying reasonable use of this land?

A. Buchanan: No, however it is not a zoning hardship it is a planning hardship.

R. Duhaime: In 2005 after the ZBA approval, I assumed the ranch would be torn down and another house raised. Mr. Yee showed up several meetings ago. Mr. Yee lives in Hooksett and I am on this Board for the residents and the applicants.

A. Buchanan: The abutter has rights, however it appears that this abutter now runs the Board. Mr. Yee's concern is the size of the project. It won't be better if there are 24 units or 50 units for a buffer.

D. Marshall: On February 4, 2008, the extension expired. The Board has not received a written request for this waiver. The Board needs to make a decision on the 40 ft waiver.

A. Buchanan: We have continuously requested hearings to be continued.

J. Duffy: The last time the applicant was before the Board was February 4, 2008; the 65-day clock has expired. There is no further action required by the Board due to the request for continuance. This plan was continued in February to give the applicant time to work with the abutter Mr. Yee.

A. Buchanan: We just got curb-cut approval from the State last week.

R. Sullivan: In your letter Mr. Buchanan, why is it assumed that things before the Board should go so quickly?

A. Buchanan: The hardship occurs because all along the project should have been multi-level with 54 units. Now a small piece of land has to be buffered away, when in fact we have a proposed buffer.

R. Sullivan: We do have regulations and Mr. Yee has the same rights as the applicant. Why are you in front of us?

A. Buchanan: Engineers state the 30 ft waiver is the same or better than the 40 ft buffer.

D. Marshall: I would want Mr. Yee to agree to the proposed buffer.

R. Sullivan: The subdivision regulations work not only for the abutter but also for the applicant.

J. Duffy: The 40 ft buffer requirements was in the Development Regulations last year for projects with more than 24 units. If the Board waived this requirement, than this defeats the purpose of the regulation. The DOT and State would make you line up your driveway.

D. Hemeon: Would it benefit Mr. Yee if the driveway was moved? I would not oppose not lining up.

J. Duffy: The applicant just got the DOT permit. The applicant should have known that the DOT would require the roads to line-up.

A. Buchanan: I am not opposed to Mr. Yee attending a Board meeting.

R. Sullivan motioned to grant an extension of this application to June 16, 2008. Seconded by J. Gryval.

R. Sullivan withdraws previous motion to grant extension. Seconded by J. Gryval.

R. Duhaime motioned to grant extension of this application to June 16, 2008 as a last extension. Seconded by D. Hemeon.

Vote unanimously in favor. J. Gryval and R. Sullivan abstained. D. Dreffs opposed.

Continued to June 2, 2008.

PUBLIC HEARINGS

6. WAL-MART (08-16)

Rte 3-A & Bemis Road, Map 37, Lot 43

Revised Site Plan – reduce store size from 224,140 sq ft to 162,639 sq ft

J. Duffy: The Aesthetic Committee Meeting was completed.

Peter Imse, Attorney: Presented the amended site plan to the Wal-Mart site. The plans were accepted by the Board on April 21, 2008. On May 12, 2008 a subcommittee meeting was completed for the design of the building. The reduction in store size has no change in wetlands, mitigation, Town impact fee, and no change to the Lowe's side of the

project. The plan for tonight is for Stephen DeCoursey, Bohler Engineering, to present the site plan changes, followed by Emi Gwin, WP2DC, Inc., to present changes to the previous design, and Michael Blinn, BRR Architecture, to present a new design of the store. This is construction season and we are anxious to move forward and looking for Board approval tonight.

S. DeCoursey: The site plan changes from a 224,140 sq ft store to a 162,639 sq ft building. It has much of same infrastructure and parking (821 spaces). The solid red line on the plan was the previous edge of the pavement. The dashed red line is the previous footprint of the building. As a result of the Board wanting more landscaping, we have included 800 sq ft end islands with trees, 8-10 areas for climbing vines, and 4 locations with terracotta planters. The plan has the same storm drainage, septic, and water systems.

D. Marshall: The landscaping and the engineering are fine.

E. Gwin: At the April 21, 2008 hearing, the comments I received was that the front elevation lacked balance and symmetry. We made changes to the previously presented building design. We changed the roof line from the center out. We changed the windows to a standardized look for balance and symmetry. The Aesthetics Committee Meeting was very beneficial. We changed the Outdoor Living area (previously the Garden Center) by brining out the entry way and breaking-up the rod iron fence. We added more decorative items such as trellises and vines.

Y. Nahikian: I like the new design.

J. McHugh: This design is a lot more appealing than the last design. A good job was done.

D. Marshall: A lot of developers have come through here, but you have listened and given back to us what we have requested.

M. Blinn: I am the architect of record for this project and am presented a new design tonight for the future of Wal-Mart stores. I was at the Aesthetic Committee Meeting last week. In the past 6-8 months, Wal-Mart is looking for a "brand" style for the future of its stores. We are looking to more of a pedestrian scale to our stores. Y. Nahikian and I had discussions on this new design at the Aesthetic Committee Meeting. We are trying to make the materials consistent.

D. Marshall: Are there two (2) designs this evening that we have an option to choose?

P. Imse: Yes, option # 1 is the revised plan by E. Gwin including Board comments from the April 21, 2008 meeting and option #2 is the new design plan by M. Blinn being presented for the first time tonight.

Y. Nahikian: As a Planning Board member I like the updated design, however being an architect I like the "future" style.

D. Marshall: Who likes plan option #1 and who likes plan option #2?

- Option #1: D. Dreffs, J. McHugh, B. Ehlers, P. Rueppel.
- Option #2: R. Duhaime, J. Gryval, D. Hemeon

R. Sullivan: I like either plan.

P. Rueppel motioned to approve the site plan with the following conditions:

- All review fees are paid-in-full
- 2 Mylars, 11 paper copies, and 1 digital
- Applicant agrees to continue construction compliance monitoring

Seconded by R. Sullivan.

Vote unanimously in favor.

7. **RK ASSOCIATES – K-Mart Plaza (07-30)**
1271 Hooksett Road, Map 31, Lot 2
Site Improvement – parking lot & drainage and waiver requests

Continued to June 16, 2008.

8. **TONY ACORACE – PENNICHUCK EAST UTILITY (08-15)**
16 Springer Road, Map 5, Lot 116
WESCO Booster Station Replacement

Continued to June 2, 2008.

OTHER BUSINESS

Inspection Funding Agreement

J. Duffy: The Town Attorney drafted an Inspection Funding Agreement for the Board to review. This agreement is to monitor engineering escrow accounts. I will send to the Board via e-mail for your comments.

Bill Sirak Meeting – Perception of Hooksett by Developers

D. Marshall: A few of us met at Bill Sirak's house to discuss issues involving developers in Hooksett. I believe the perception of Hooksett was formed years back. Certain developers either don't like or understand our regulations. They agreed to consultation meetings and TRC Meetings. We need to set-up a meeting with DOT, members of Council, Dan and some Planning Board members. Impact fees, match federal/state funds.

R. Sullivan: We have major State roadways running through Hooksett but no working relationship with DOT.

D. Tatem: The numbers support a left-turn lane for Webster Woods by DOT. DOT is not working with Hooksett.

D. Marshall: There is a new DOT commissioner who comes from Maine.

D. Marshall: There are 2009 funds for roadways; 10 yr plan.

D. Hemeon: We know the problem. We now need a solution. Get the local DOT working with us.

R. Sullivan: Hooksett is growing quickly and we need to work with the DOT.

R. Duhaime: A driveway permit on Hooksett Rd. takes 6 months.

J. McHugh: Someone from the Senate needs to address the issues with DOT. We need better lines of communication.

D. Marshall: We need to initiate discussion with the lowest possible level to get a base established. We don't want to go political on day one.

D. Hemeon: Political is the only way to get things done.

B. Ehlers: The highest level should be addressed and also keep the lower levels informed.

J. Duffy: Let's focus back to discussions at the Bill Sirak meeting. Applicants would like the Board to give conditional approvals. It is hard for the applicants to get financing.

D. Hemeon: The Economic Development Committee is on the website. Hooksett has water and sewer issues.

D. Marshall: The full ZBA members do not have full knowledge of the ZBA process. Attorney Dresser and Bernie Law are the most experienced in ZBA along with SNHPC. Training is available to the ZBA.

D. Hemeon: We should e-mail our Planning Board Minutes to all ZBA members.

D. Marshall: Site walks and wetland crossings should be completed by the Planning Board.

J. Duffy: There should be another joint meeting with other Boards.

P. Rueppel: Every 4 months all Boards should meet. This was recommended to Council.

***P. Rueppel motioned to adjourn at 9:20pm. Seconded by R. Duhaime.
Vote unanimously in favor.***

ADJOURNMENT

Chairman D. Marshall declared the meeting adjourned at 9:20 PM. The next meeting is scheduled for Monday, June 2, 2008 at our new location 35 Main Street, Hooksett, NH Town Hall Chambers (the old Village School).

Respectfully submitted,

Donna J. Fitzpatrick
Planning Coordinator