

**Official
As of 7/14/08**

**HOOKSETT PLANNING BOARD
DEVELOPER MEETING
MINUTES
HOOKSETT MUNICIPAL BUILDING
Monday, June 23, 2008**

CALLED TO ORDER

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

ATTENDANCE

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

Excused: Vice-Chair R. Guay

Absent: R. Duhaime, and R. Sullivan

J. Duffy representing the Town of Hooksett.

COMMENTS

J. Duffy: Provided an overview of tonight's forum.

Developer Comment: I was disappointed with the Planning process. At the conceptual plan review, the Board said it looked great. Our Technical Review Committee only took 15 minutes and we were told it looks great. D. Marshall told us to go back and get all approvals first, then come back to the Board. D. Marshall then stated he did not like our plan (i.e. no play ground, etc.). At this point, we have spent thousands in engineering fees and the Board wants changes. We kept hearing the plan needs to be within the spirit of the ordinance. What is that? Revisions should be requested in the beginning, not requested in the end. Stantec can't give direction; they can only go by the books. Then we have to get our lawyer's to fight the Town.

J. Duffy: Basically, you are saying more preliminary review is needed.

Developer Comment: Years ago it was conceptual, then preliminary. A preliminary approval would help.

Town Council (audience) Comment: In my time on the council, I have heard from many applicants. Generally the applicants were not happy. There most common concern is the cost of a third party consultant (design review phase to construction inspection phase). There is very little oversight over billing. For the amount we are paying the consultant, we could hire a Town Engineer. The Town may be better served and costs would be controlled.

Developer Comment: The Planning Board, Building Dept., water, sewer, public works, etc. all have third party consulting costs. This is one of the largest costs for our project. There is not a lot of oversight on billings. Goffstown has a program where they hired an inside engineer to control review work and inspection work and they charge on a per hour basis. Goffstown still uses outside engineers for larger projects. Goffstown has a Town employee who understands where the community is going vs. a third party. From a developer's perspective, this is a cost control. What are reasonable fees? I believe the Board would see more control from start to finish if the engineer was a Town employee.

Developer Comment: I wanted to applaud you to have this discussion tonight. You are aware of the situation and are willing to get feedback. Our costs include not only third party consulting fees, but also bank fees. The bank requires a third party review. The problem with third party consulting is scheduling and costs. For example, if we want to take ledge and crush it, we have to get a Geotechnical Engineer review. This hired engineer then has to contact the third party Geotechnical Engineer. Why is the Town implementing Letter of Credit (LOC) at 1/3 fee? The applicant has to either put up the cash or tie into another asset. I don't know how the Town could enforce the LOC? You would have to get authority from the Bank to do complete private work on a private site. You have an enforcement mechanism if it is not completed to your specs. It is the Certificate of Occupancy (CO). You are going to lose a lot of individuals including small start up companies, if they are required to incur these fees and LOCs. Don't require further analysis of inspectors on top of an inspector. A third party consultant should not reinspect a bank inspector.

Developer Comment: I have issues with third party inspections and the fees involved with this. We have summer help working for Stantec doing inspections and charging full engineering rates as part of the soft cost of a development. Stantec is arbitrarily changing fees and upping their price without notice or advising the Town. We should have a menu. A list of engineers that the Town has approved and negotiates fees to be competitive. Hooksett has one of the toughest road specs. D. Hemeon has been good about negotiating. Cul-de-sac maximums were placed to manage growth. Waivers are needed for cul-de-sac maximums. These have hurt the developers. We need to use the most out of the land. As a Town, you also can hire retired engineers for a fee. This would be a positive step to help us reduce our costs.

Developer Comment: I am speaking from a surveyor's point-of-view. I prepare a plan according to the regulations in the book. There are numerous items that are not even in the regulations. For example, an existing conditions plan is not in the regulations. For a small lot line adjustment, I don't think I should have to create a new plan. When I asked, I was told: "the applicant can afford to pay for a new plan". The application checklist should match the regulations exactly. One engineering firm doing reviews does not provide a choice to the applicants. There should be 2 or 3 engineering companies to choose from with a flat fee. An open checkbook should not happen. There should be set fees.

J. Duffy: Is the timeline for an approval an issue?

Developer Comment: I have to build the roads for the projects. Stantec completes inspections visually with no equipment. If there is a problem, I have to call D. Hemeon. The third party engineer cannot help me. We had to move a manhole cover and the engineer wanted a plan drawn. Most Towns have periodic inspections. Then you have to pay the engineer and argue with him all day. It is frustrating to work with these people. When I do a job in Hooksett, I feel that Stantec runs the Town. I either work for Stantec or I work for the Town. If I work for the Town, then I should report to the Town and not Stantec. Even for a small issue, I had to stop the project for 8 hours costing \$5,000.00, because the engineer required a plan. We need to change so the Town runs the Town, not Stantec. Stantec is even running meetings, not the Town.

J. Duffy: Pre-Con Meetings used to be run by the Building Inspector. Stantec has taken charge of running the Pre-con meetings, until a Building Inspector is hired. This will be in the near future. Does a field change in another Town require a plan?

Developer Comment: No, just the an as built plan.

J. Duffy: Are there full-time inspectors for sewer and highway?

D. Hemeon: For building a road, it's full-time.

Developer Comment: Stantec has no liability.

Developer Comment: An inspector on our site was sunning himself on a car and charging the applicant full price.

Developer Comment: When a project stops, we incur a lot of fees. It's an open checkbook. We did not used to get a breakdown of fees, now we do. I have requested inspectors to sign-in at the sight, write what they inspected, and sign-out.

J. Duffy: Some of you have told me that Londonderry is expensive?

Developer Comment: No, Londonderry is good.

J. Duffy: What are some other good Towns?

Developer Comment: Bedford, Manchester, Derry, Londonderry, and Gloucester. Engineering should be more structured. We almost need someone working under D. Hemeon.

J. Duffy: We don't have as much staff here.

Developer Comment: Couldn't we take all the money we are spending on Stantec and hire a Town Engineer? Hire D. Hemeon an assistant. A project that goes slower kills

everybody. Stantec is slowing our projects. We have to pay interest on these projects. The smoother the process goes, the happier we all are. I have completed \$12-\$14 million in projects for this Town. My projects are good and this has nothing to do with Stantec. If we are the developer or contractor building it, we are liable to fix future issues. Stantec inspectors won't make a decision for larger issues. They contact D. Hemeon or R. Labranche at Stantec. If we are an inch off from a manhole or invert, the road won't fall apart.

Developer Comment: Why isn't Stantec responsible when we pay them to inspect?

D. Hemeon: Stantec is there to make sure the project is built as it was approved.

Developer Comment: As-built plans and Engineering Affidavits confirm that the project was built in accordance with the Town approval of the plan.

Developer Comment: The Design Engineer signs-off on the final completion.

D. Hemeon: A lot of plans submitted are not correct. There are several surveyors/engineers you work with and they are not all consistent. Developers in Hooksett have cheated the Town in the past. The Town is now forced to full-time inspections. It is difficult to pull a bond and get paid. There are things on both sides.

Developer Comment: The review process should be a competitive bid process.

D. Hemeon: The Board has previously requested the hiring of a Town Engineer, but the Council has not approved it.

Developer Comment: If you pull the LOC, the bank has first position. You have to get their authority to have the Town complete work on a project. The vast majority of projects are financed and the bank requires full-time engineers. What you are asking is to inspect the inspectors.

D. Hemeon: Why can't you take our engineers findings and submit that to the bank?

Developer Comment: The bank inspectors must comply with Federal Law.

Developer Comment: A timeline for inspections doubles or triples with a third party and it is a cost to have everyone there. We are required to have shop drawings for everything on these projects.

J. Duffy: Do these bank inspectors look at details such as landscaping?

Developer Comment: Yes, they are very stringent. The bank is at risk and they want to ensure all subcontractors are paid and the project is built per the approved plan.

P. Rueppel: We had a Town Engineer in 2000 named Robert Pantel. Did things go easier back then?

D. Marshall: Pantel did the plan reviews, but he subcontracted the inspections.

Developer Comment: Mr. Pantel was book smart, but not field smart.

D. Marshall: The Planning Board only gets through design review and plan approvals. Once it leaves us, it is out of our hands. If there is a violation of the regulation, then it may come before the Board again. We hear the complaints of inspections, water, sewer, highway, and the building code. We developed the regulations that lead to other departments. We want to know how we can revise these regulations to make it a smoother process. A lot of things you are bringing up tonight such as inspections, how many and the costs, requires a field change policy. This will make the project move along and not be delayed. Remember the Planning Board is only involved to a certain point. How about water and sewer inspections?

Developer Comment: The Board should talk to the Council and recommend hiring 3 staff members to review plans and complete inspections.

D. Marshall: The Board went to the Council three years in a row to request hiring a Town Inspector. For five years, we have been asking the Council for a part-time Code Enforcement Officer. These requests must go to the voters.

D. Hemeon: I would like to see one rate for all contract engineers.

Developer Comment: You should go out for bid yearly for a contract engineer. We, as developers, should go before the Town Council.

D. Marshall: There are five (5) Town Councilors here tonight in the audience. Is there anyone who is here that has not spoken that would like to speak?

Developer Comment: Our current project is going to be double the cost of other projects completed in the past at the same site. A bill discussed with Stantec is a charge. We are a private development, however we are getting comments on pavement sections. There is nothing in the Town Regulations for this. At the last Board meeting, there were too many Stantec comments for the Board to grant a conditional approval. Most of Stantec's comments for the road should not have applied for a private development. There is no way around it. Stantec charges almost \$120.00 per hour. There are no options with Stantec.

J. Duffy: Do you have any good experiences to share?

Developer Comment: It used to go more smoothly.

J. Duffy: TRC is to get comments early on. Then the applicant appears before the Planning Board for completeness.

D. Marshall: Everyone gets an application checklist. Someone takes your checklist and matches it to the plan.

Town Council (audience) Comment: The developers and Town Boards should put together a good argument to the residents/voters for the advantage of hiring a Town Engineer. The developers in the long-term would fund the position. We just need to get voters to understand.

Developer Comment: We are coming back for reapproval of a project in the Town. TRC should help speed-up the process. Stantec has seven (7) days to respond to plan review. We get the response Friday night @ 4:30pm and don't have time to react for the Monday night Board meeting. Some comments should not hold-up the project. On top of impact fees, we now have Stantec fees. Fees are 2 ½% of the total cost of the job. This is a reapproval. The drainage requirements are now costing \$100,000. We have a project in another Town who uses a third party and it's the same thing; open checkbook.

Developer Comment: Have you given thought about waiving inspector fees for private development? It has already been inspected and we can provide Engineering Affidavits.

Developer Comment: The City of Nashua has a good inspection system. The City of Manchester has a similar process.

D. Marshall: Nashua and Manchester have a larger staff. The contact for the Town is J. Duffy, Town Planner.

Economic Development Committee – EDC (audience) Comment: We can all recognize there are problems. The challenge is what are we going to do next. The staff and elected officials need to absorb tonight's information.

D. Marshall: The recorder will make a list for J. Duffy to review for changes to procedures and regulations. J. Duffy will then present to the Planning Board for approval of these changes. The Zoning Ordinance changes can only happen once a year. We can go through the inspection process with the sewer commission and the water precincts. If we were to hire a Town Engineer, how could this also help sewer and water? Even if we hire an engineer, we would still have to contract out for other specialties. It is difficult to find an engineer who meets all specialties.

EDC (audience) Comment: I hope the developers know the Town needs their support when it comes time for budget approval. Send a message to your peers that the Town is listening.

J. Duffy: We are having a Meet and Greet on Monday, June 23, 2008, Municipal Building Room 105 Chambers, to introduce the new Town Planner, Peter Rowell and other new employees.

Y. Nahikian: As an architect, I do understand your frustrations. What is the role of the engineers you are hiring? I see a lack of architecture.

Developer Comment: Our engineer has been on our project before Stantec's first review. Now Stantec has 46 pages of comments. The State of NH hired my engineer for their highways. I have trust he can engineer a development. Between my engineer and Stantec, it is costing me \$5,000 per permit. I hired a very reputable and educated engineer. The problem was on Stantec's side.

OTHER BUSINESS

D. Marshall: Manchester Sand, Gravel, and Cement Co. Inc. is scheduling a site walk for land they may donate to the Town. Please get back to the Planning Coordinator with your availability.

ADJOURNMENT

D. Marshall declared the meeting adjourned at 8:40pm

Respectfully submitted,

Donna J. Fitzpatrick
Planning Coordinator