

Official
As of 8/18/08

**HOOKSETT PLANNING BOARD MEETING
MINUTES
HOOKSETT MUNICIPAL BUILDING
Monday, August 4, 2008**

CALLED TO ORDER

Chairman J. Gryval called the meeting to order at 7:10pm

ATTENDANCE

Chairman J. Gryval, Vice-Chair J. McHugh, Town Administrator D. Jodoin, R. Guay, Y. Nahikian, D. Marshall, and M. Sorel

Excused: R. Duhaime, D. Dreffs, B. Ehlers, D. Hemeon, and Town Council Rep. P. Rueppel.

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

APPROVAL OF MINUTES OF 7/14/08

*J. McHugh motioned to approve the minutes of 7/14/08 with a clarification on pg 18 other change in use – Log House Antiques. Seconded by D. Jodoin.
Vote unanimously in favor.*

CONTINUED PUBLIC HEARING

1. **RK ASSOCIATES – K-Mart Plaza (07-30)**
1271 Hooksett Road, Map 31, Lot 2
 - CUP to expand the existing on-site drainage basin
 - Site Improvement –Parking Lot & Drainage
 - Drainage Easement (Book 1166, Page 019)

Lou Caron, Engineer: Last we met, the Drainage Easement was going to the Town Attorney for legal opinion.

J. Duffy: I contacted Bart Mayer, Town Attorney, with Attorney Sokal's Drainage Easement. I received the same opinion both times. It appears the pipe was installed for the benefit of RK Plaza; therefore RK needs to repair it. Mr. Caron requested something in writing from the Town Attorney, however I do not believe it is necessary to have this in writing. I explained to the Town Attorney that some of the water on RK site is coming from other sources.

Richard Boisvert, daughter and wife own NH School of Ballet in RK Plaza: My daughter and wife can't sleep nights when it rains. The last rainstorm, I had 75 sand bags at the

ballet studio. You have Agway who has done an expansion. Water comes over like a waterfall. Dalton Brook overflows when it hits the culvert. Behind the ballet studio, there is a big round pipe from the businesses behind K-Mart Plaza. From the last storm, water out of this pipe within 20 minutes went from 2 inches to 6 inches of water. A little bit further is the Pharmacy. They have cut down trees; increasing water flow. We are getting bombarded from water outside K-Mart plaza. I would like to know the story behind the pipe.

David Baker, RK Associates: Since the last meeting, we had NH DES sign-off on the Conditional Use Permit (CUP). As of this morning, I was asking for Town Counsel opinion on this easement in writing. The only remaining issue the last time I was before you was the CUP. I ask the Board to address the CUP. We are collecting water from multiple sources. That is what some of these drainage reports are conveying. If the Town Attorney opinion is correct, then I need to look behind me to the contributors to Dalton Brook. I only have control over my site. I have not started a set of plans for something that is not on my property. I would ask you focus on my site only tonight.

J. Duffy: I contacted Bart the week of July 14th, before my vacation. Bart's opinion was presented to D. Tatem and he notified Lou Caron of the opinion.

D. Tatem: We recommended a condition on the plan that the pipe be repaired by RK.

J. McHugh: I have concerns about RK going forward; somewhat in isolation. At the same time, you say there are other contributors to your water issues. Further to complicate, you are not at all certain of the statement from Bart Mayer. Sounds like the issue is still percolating.

D. Baker: I just heard about the Town Attorney opinion today. I have read the easement language and I do not agree with Town Attorney opinion. The pipe Mr. Boisvert is referring to comes from Whitehall Road. I could address this specific pipe issue or plug it up and cause a flood further up. Prior to K-Mart construction, the easement allowed K-Mart to install a pipe, but I don't see any reference to K-Mart maintaining/repairing the pipe. We decided to upgrade our drainage, and upgrade site for landscaping.

M. Sorel: I feel this is a legitimate issue to bring up.

J. Duffy: If they want a legal interpretation, the applicant should get one on their own.

D. Jodoin: It should be between Merchants and RK.

L. Caron: It is an independent culvert, operational 30-40 yrs. Everything done to this site will have a positive impact to this site. Our upgrades to the site will not cause a negative effect to the abutters.

John Sokal, representing Merchants Property owners: Their drainage analysis assumes this pipe is functioning properly. By the easement, they do in fact have control over this property.

J. Gryval: If the owner does not agree, they can get their own counsel opinion.

J. Sokal: If there is a condition made tonight that RK is responsible for the repairs of the pipe, Merchants will allow them access to the site.

D. Baker: For the corrugated metal pipe, we are under the assumption it is not functioning perfectly.

Deb Brewster, TF Moran: Triple A Pipes was going out to the site, but water is just getting down to be able to complete their view of the pipe.

J. Gryval: We should address what is presented to us tonight.

L. Caron: We don't know what the condition of the other pipes down stream. These are off site.

D. Baker: When the TF Moran report is ready, we would like a copy. It was suggested to have Lou Caron complete the plan for Benton Road to Holly Berry, however this did not happen. I can only control my property. If it were entirely up to me, I may recommend the 36 " pipe be removed and install a larger culvert.

J. Duffy: There is a public hearing in this room 105, August 27th @ 7:00 pm with DOT and Town Council regarding this area.

J. Sokal: We are not trying to stop the approval of this plan, provided a condition be made that RK is to repair the pipe.

D. Baker: I want our counsel to review your counsel's opinion.

J. Gryval: We have not paid our counsel to draft letters; it is between RK and Merchants.

D. Marshall: Our Attorney agrees with Merchants, therefore you do not need us. You need to go back to your attorney (RK).

D. Tatem: I recommend conditional approval with a note that the culvert will be corrected. If the culvert cannot be made, then plans do not get signed and recorded.

***D. Marshall motioned to grant the CUP. Seconded by R. Guay.
Vote unanimously in favor. M. Sorel opposed.***

D. Baker: I still want the report from TF Moran. I have a problem if you are asking me to fix Dalton Brook.

J. McHugh: Resolve the legal issue with your attorney and Merchants.

J. Duffy: If this item is not continued to a date certain, then we will need to renotify the abutters.

D. Baker: I would rather have this continued.

J. Sokal: I have no problem with talking to their attorney; come up with alternatives.

J. McHugh motioned to continue to September 15, 2008. Seconded by D. Marshall. Vote unanimously in favor.

D. Marshall motioned to extend 65-day to October 1, 2008. Seconded by R. Guay. Vote unanimously in favor.

Continued to September 15, 2008.

DISCUSSION

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

George Chadwick, Keach-Nordstrom: Distributed and presented revised plans to the Board. At the last meeting, this was a 54-unit plan. At that time we were asked to reduce the density of project. Since then we have gone back and have 2 concepts before you tonight:

- Concept #1 = 2-story building: The length grew when we took off the third floor to total 40-units. In doing so, we lost parking in the rear of the building. The mass of the building grew, however the elevation footprint stayed the same for the distance from the highway. We pushed the corner closer to the East, thus creating a “dark corner” area in back. The three sections of the site, scale and mass stayed pretty much the same. We still have retaining walls.
- Concept #2 = 3-story building: We were able to shrink the mass “footprint” of the building. We eliminated the retaining wall in back. This enabled me to take the building and remove 30 ft from the highway. We raised the platform of the building a few feet. It is graded out to fit the site better. There are three cross sections on this one also.

If you compare concepts (1) and (2), they are about the same. If you are looking at the 3-story building, the environmental footprint has changed and the mass has been reduced. I am here tonight to answer any questions. We have been in contact with Mr. Yee.

J. Gryval: The 3-story was moved 30 ft away from the highway, but there is still an issue with buffer.

G. Chadwick: The result of the alignment of the driveway from Pleasant View is what is causing the buffer issue.

Y. Nahikian: What is the length of building from the front?

G. Chadwick: 205 Feet long. The 285 ft long is for the other concept.

Y. Nahikian: Why can't you push the building away from the abutter? You can cut from both sides.

J. Gryval: There is nothing you can do without encroaching on that buffer? Any comments from the Board?

J. McHugh: What are Mr. Yee's thoughts?

Alec Buchanan, representing DRT: Mr. Russell had been trying to contact Mr. Yee and we did get a hold of him tonight.

R.Guay: I like the 3-story plan, it is further away and a smaller footprint.

D. Tatem: Do you see the two 20 ft trees between the abutter's house and the conceptual? If you draw a line to the abutter's window, have a 10 ft berm with plantings, you could kill that line of site and the abutter could see treetops vs. the roof of the conceptual.

M. Sorel: Is there room for a berm?

G. Chadwick: The trees on the plan are as planted. I agree there is room now to berm and carry the fence around the corner.

D. Marshall: If you could accommodate that, I would be in favor of the 3-story.

Y. Nahikian: Why can't we have a mixture of two conceptual plans; taller than the 2-story, but shorter than 3-story.

G. Chadwick: Then we would need a retaining wall.

Y. Nahikian: By adding a retaining wall, you are not disturbing. It is more natural.

G. Chadwick: We are losing some units and need to make this project affordable. We need to scale down as much as possible. I would need to look at this further to shave down the 3-story.

J. McHugh: This is not affordable housing?

A. Buchanan: We are not trying to build luxury units. This is older person, 55+ housing.

Y. Nahikian: The long building is more expensive to build and has a retaining wall. The 3-story building is less expensive and no retaining wall.

G. Chadwick: I hear what you are saying. Do you have a recommendation of the distance from Mr. Yee's property? We have done a pretty good job from screening from Mr. Yee. No matter what I do, you will still see this site.

Y. Nahikian: No matter what we do, it still impacts Mr. Yee. Additionally, this impacts the community. The further you put the building and keep as low as you can, the better (i.e. 50 ft to 30 ft).

D. Tatem: A retaining wall is permanent. The back 6-8 units would be looking out at the retaining wall. If you build a slope, you don't need to maintain. From a technical standpoint, the retaining wall needs maintenance, whereas a 3:1 slope is stabile.

J. Gryval: Any other comments? How does the Board feel?

M. Sorel: I would like to see Yervant's suggestion.

G. Chadwick: We would need an extension to the 65-day clock.

J. McHugh: Option with retaining wall?

G. Chadwick: Units would face the 18 ft retaining wall. The wall is 30-32 ft from the units.

M. Sorel motioned to extend 65-day to October 30, 2008. Seconded by D. Marshall. Vote unanimously in favor.

D. Marshall motioned to continue to September 15, 2008. Seconded by J. McHugh. Vote unanimously in favor.

Continued to September 15, 2008.

WAIVER

3. SOVEREIGN BANK (08-30)

Hooksett Road Unit L (Hooksett Landing), Map 25, Lots 69-76
Waiver Request for Site Plan to Install Two Bank Signs on Building

Geoff Diehl, Poyant Sign Design: Sovereign Bank is an end unit of Hooksett Landing. It is within the Performance Zone; allowed one sign on the building. We are asking for a

second sign. My client just wants to create awareness of the bank with the sign and to create safety of people trying to find the bank.

J. Duffy: This site has 16 sq ft sign for each unit, however since it is 280 ft back from the road, it is a different calculation.

J. McHugh: Goodwill sign?

G. Diehl: Sovereign is not on the pylon Goodwill sign. It is on the Walgreen's sign. Referenced Article 10-A Ordinance for signs. I calculated the building design to roadway is 320 ft.

J. Duffy: 2x 96 sq ft signs; I counted the whole thing.

D. Tatem: If mounted on the building, then it is counted. Therefore the red and the black should be counted. Not just the red.

G. Diehl: I didn't realize my calculations were not what is suggested tonight. If we need to reduce the sign to 75 ft, that would be OK.

D. Marshall: You are asking for two signs, however you are entitled to one.

J. Duffy: You would need a waiver for both signs, if they are 96 sq ft each.

D. Marshall: Are you saying you can reduce the size of the sign to 75 ft? Then you would need a waiver for the additional sign. Other sites; we went through this with the CVS site and it was denied. Then the Workout Club site, we allowed. The front sign for 75 ft is OK.

J. Duffy: The sign ordinance was adjusted this past year. We agreed each unit should have their own sign. An example of another site is the Clock Tower building, this could not have a sign for all their tenants, then we amended the ordinance to allow signs on the building. You are now increasing signs in the Performance Zone. The shape of this building has only so much room.

D. Marshall: What about Goodwill, do they have a sign on Benton Road?

J. Duffy: No.

M. Sorel: The testimony from Town consultants, the sign portion of this ordinance was drafted based on signs for Vermont. Signs sell from a merchandising point of view. I am concerned that we do not mistreat our community one way or another. Treat in a fair and equitable manner. We have a sign farm on Rte. 3. Why do we have a Performance Zone ordinance? The Walgreen's site sign is very functional, then I look at the CVS site sign. One was before the Performance Zone and one after the ordinance.

G. Diehl: Rite Aide has 3 sides of signs.

J. McHugh: As a Board, aesthetically this area of the community had become unsightly. Therefore the Performance Zone was established.

D. Marshall: If fair and equitable is based on competition, the Merchants Motors site sign will be in this community. This Town suffers from sign pollution. Fair and equitable is the worst example. You never get the change you are looking for. We were hoping the Shaw's site would want a new sign, however they used the old one. Eventually over time, the older sites will need to change. We need to move forward and work with this Performance Zone. We denied the CVS site sign and if we approve this waiver request, then we are not being fair and equitable.

J. Gryval: It is not like a drive-thru food business; people are going to know a bank is there.

D. Tatem: What are the signs in red on the plan?

G. Diehl: They are small directional signs.

Y. Nahikian: The important sign is the main one. Why are you trying to add a second sign on the building of the same size?

M. Sorel: Isn't the function of the sign to locate and direct?

G. Diehl: Sign design is for branding and lighting.

M. Sorel: I would like to help Sovereign Bank meet their needs.

R. Guay: Do these small directional signs just have arrows?

J. Gryval: The only things allowed on directional signs are arrows, no lettering.

D. Tatem: Another application, the CVS site has signs to enter and exit.

R. Guay: I don't think another sign on the building for an end unit is unreasonable. I agree the second sign does not have to be as big as the front sign.

J. Duffy: The only sign waiver granted since the Performance Zone criteria is the Zyacorp (Cinematic) site. We required them to have additional trees.

R. Guay: The end of this building is 90 degrees.

Y. Nahikian: You have the right to a 75 ft sign on the building for this business. What is the impact architecturally? It is very deep to have 75 ft signs. Now this site has huge signs flooding the building. Each storefront is next to the other. Each building façade

should be proportionate to the sign. Just because the site is further back should not set the criteria for the sign, it should go by the building design.

G. Diehl: Do you see the curving space on the building? The sign we made is sized to fit the arch.

Y. Nahikian: Is the black part of the sign the bank logo?

G. Diehl: Yes.

J. Duffy: You have the Commercial Zone signs vs. the Performance Zone signs.

M. Sorel: Why can't we take signs on a case-by-case basis?

D. Marshall: The Planning Board sets precedents. Are you agreeing the front sign will be 75 ft, and you will ask for a waiver for a second 75 ft sign?

G. Diehl: Yes; however we would also consider a second sign smaller than 75 ft.

M. Sorel: What would you like for the second sign size?

D. Marshall: Maybe you would want to have ½ the size of the first sign?

M. Sorel motioned to continue 30 days for directional signs and specifics for front sign and side sign.

D. Tatem: If the bank wants to open next week, the Board could approve the 75 ft front sign, then have the applicant come back with second sign design.

M. Sorel: I retract my previous motion to continue.

D. Marshall motioned not to exceed 75 ft front sign design. Seconded by J. McHugh. Vote unanimously in favor.

M. Sorel motioned to continue waiver request to August 18, 2008. Seconded by D. Marshall. Vote unanimously in favor.

Continued to August 18, 2008.

OTHER

Log House Antiques – Auctions

D. Marshall: I was at the auctions at Log House Antiques earlier in the night. After I left, I heard people were parking on the road. He has the room out back for parking, but

people were parking on the grass on Hooksett Road. Mike Donnell should be notified vehicles can't park on Hooksett Road or grass.

Performance Zone Signs

Y. Nahikian: I think we misled the Sovereign Bank applicant that they can put a 75 ft sign on the front.

D. Marshall: They want to open the bank this week.

AV Hooksett

D. Tatem: The Vailas site behind Wendy's. If you are going up the driveway, parallel to Wendy's, there is a big retaining wall in the front. They couldn't do a slope. They want to do a boulder wall and I wanted the Board's approval. They need to build this wall tomorrow.

D. Marshall: The use of man-made material is better.

D. Tatem: Don't think of the NERR site wall. The Vailas site will have round boulders.

Planning Board: Unanimously in favor of a boulder wall.

D. Tatem: The bottom of the boulder wall will be closer to wetlands. What if it went into the wetland buffer within the Performance Zone? I recommend a letter to Vailas that the wall cannot go into the wetland buffer.

Park Place Site

J. McHugh: The sign at Park Place has fallen over.

D. Jodoin: The State has a lien on the property for sewer. It is going into foreclosure tomorrow. They may take down the entire site. Individuals in the back may need to be relocated.

R. Guay motioned to adjourn at 9:00pm. Seconded by D. Jodoin.

ADJOURNMENT

Chairman J. Gryval declared the meeting adjourned at 9:00 PM. The next meeting is scheduled for Monday, August 18, 2008 at 35 Main Street, Hooksett, NH, Town Hall Chambers (room 105).

Respectfully submitted,

Donna J. Fitzpatrick
Planning Coordinator