

Unofficial
As of 8/12/08

**HOOKSETT PLANNING BOARD, ZONING BOARD OF
ADJUSTMENT, CONSERVATION COMMISSION, AND TOWN
COUNCIL
WORKSHOP MEETING
MINUTES
HOOKSETT MUNICIPAL BUILDING
Monday, August 11, 2008**

CALLED TO ORDER

Chairman J. Gryval called the meeting to order at 7:05 pm.

ATTENDANCE

Planning Board

Chairman J. Gryval, Vice-Chair J. McHugh, Town Administrator David Jodoin,
D. Marshall, D. Hemeon, D. Dreffs, M. Sorel, Rob Duhaime, and Town Council Rep. P.
Rueppel

Excused: Y. Nahikian, and R. Guay

Zoning Board of Adjustment (ZBA)

Chairman C. Pearson, Vice-Chair Roger Duhaime, J. Levesque, R. Bairam, and Town
Council Rep. J. Gorton

Excused: R. Johnston, R. Savoie, G. Hyde, and T. Murphy-Roche

Conservation Commission

Vice-Chair S. Couture (arrived 8:55pm), P. Fitanides, and D. Hess

Excused: Chairman T. Johnson, J. Walter, C. Robertson, Town Council Rep. D. Ross,
and Planning Board Rep. R. Guay

Town Council

Chairman D. Dickson, Vice-Chair P. Loiselle, N. VanScoy, J. Gorton, G. Longfellow, P.
Rueppel, M. Pischetola, and Town Administrator D. Jodoin

Excused: W. Gahara, and D. Ross

Others

J. Duffy, Town Planner, P. Rowell, Code Enforcement Officer, W. Sirak, Economic
Development Committee, and D. Tatem & R. LaBranche, Stantec Engineering

COMMENTS

J. Duffy: Provided an overview of tonight's forum and distributed a list of concerns raised at the 6/23/08 Developer Meeting regarding the Planning & Construction processes.

Concerns Raised Regarding Planning Process

Item #1 Planning Board needs to give more input from the early stages

Item #2 Conceptual hearings should be encouraged J. Gryval: Received and read into the record.

J. Duffy: Developers stated they go to the Technical Review Committee (TRC) Meeting, but by the time they go to the Planning Board there are different requirements. This is an additional expense to the applicant. I obtained information from Londonderry, Derry & Bedford. These Towns have an option for a Planning Board Conceptual Review. This would require an amendment to our regulations. Currently, a lot of developers are not coming into the Planning Dept. for input. They are just going directly to their engineering firms.

D. Marshall: Haven't we always had a policy that a developer can come before the Planning Board as a discussion item without changing the regulations?

J. Duffy: I think the process would work better if we changed it from discussion to Conceptual Review.

Rob Duhaime: If the applicant were changing plans based on Fire & Police, it would have worked better to start with the Planning Board.

J. McHugh: Would we have to wait until next May to amend our regulations?

J. Duffy: We just need to advertise in the paper to change the Development Regulations. We do not need to wait until next May.

J. McHugh: The Conceptual Review was a recommendation by the Land Use Attorney.

Item #3 The checklist and regulations don't match J. Gryval: Received and read into the record.

J. Duffy: Regulations were merged last May into the Development Regulations. This year we are finding what needs to be changed. The Planning Board needs a workshop to approve these changes. There are some things on the checklist and not in the regulations.

R. LaBranche: We are refining the gray areas in the regulations to make them cut and dry.

Item #4 Use a flat fee schedule J. Gryval: Received and read into the record.

J. Duffy: Currently we ask for \$2,500 from the applicant in escrows, some of the developers suggested a matrix (i.e. 40-lot subdivision with 'x' amount of roadway).

R. LaBranche: For site plans, \$2,500 gets you into the door for the TRC. Then there is completeness review. We may have to ask for additional funds for the site plan review. The perception is that the \$2,500 was the total estimate. The matrixes will aide in determining the planning estimate for the costs associated with the review. The same matrix system can be used for the site plan compliance. I did the same thing for subdivisions for lots/length of road(s).

J. Duffy: Example: at the ZBA a couple of months ago, a landowner had one large lot and wanted to divide into two small lots. This plan (shown to attendees) was presented to the ZBA and they approved the variance. Now this same site is before the Planning Board next week. The Planning Board plan (shown to attendees) indicates a large wetland area; not shown on the plan submitted to the ZBA. I believe this applicant should go back before the ZBA.

J. Gryval: There are complaints from developers about the review process, however there are things that are found by Stantec in their review.

P. Fitanides: This plan would need to go before the Conservation Commission.

J. Duffy: Expenses are going up, but even on simple plans Stantec is finding issues.

J. Gryval: If the wetlands were not on the ZBA plan, the ZBA would not know about them.

J. McHugh: You stated there is a matrix for other Towns. Stantec is paid to review to assure the plan is accurate and in the best interest of the Town or community. The matrix should include hourly rates or a note that plans that need more review will have more fees.

R. LaBranche: On the matrix, there needs to be things for above the norm reviews. Example: a 2-lot subdivision on the matrix may be \$1,000, however for those plans requiring excess effort, there may be more costs incurred by the applicant. The Planning Board/Planning Dept. could look at the matrix and quote the amount to the applicant. A matrix is a tool.

P. Fitanides: On the example of the plan submitted to ZBA, Steve Couture from the Conservation Commission would need to analyze something like this.

J. Duffy: The Conservation Commission already received this plan.

R. Duhaime: Dan, you mentioned 22 comments on the plan Jo Ann showed us. How many of these comments are clerical?

D. Tatem: Of the 22 comments, 2 or 3 are standard engineering. The other 19-20 are required regulations that are not complete.

R. LaBranche: Sometimes Stantec may have a new comment on a review, however this is noted as a new comment.

D. Tatem: The review comment to the ZBA had no wetland. The 2nd review comment has a plan with wetlands.

P. Loiselle: Was there a TRC for this one-lot subdivision?

J. Duffy: Typically we do not have a TRC for one-lot subdivision. This plan went to ZBA for a variance. Now, whenever a ZBA plan has wetlands, they review the plan and may also complete a site walk. A recent example of this in ZBA is Austin Woods.

C. Pearson: Why did this happen on this plan?

J. Duffy: There could be a loophole in the ZBA regulations. The applicant failed to show accurate information.

P. Fitanides: Who reviews the plan before it goes to the ZBA (i.e. not showing vernal pools, etc.)

D. Dreffs: How did the wetland get identified?

D. Tatem: The same applicant who provided this plan, also submitted the RJM plan. Both plans were submitted to the ZBA without wetlands. Then they were submitted to Planning with wetlands.

J. Duffy: This plan was originally submitted to ZBA as 2 lots. I found it to be one lot.

M. Sorel: What is the resolution to this?

J. Duffy: This same problem has occurred in Goffstown a few times. The Planning Board has pushed these issues back to the ZBA.

J. Gryval: If the same plan was not submitted to the ZBA and Planning, we can send it back to the ZBA.

C. Pearson: We would rescind the ZBA approval and review the new "correct" plan.

D. Hess: If earlier Boards do not have the same information, (1) this delays the process, (2) the developer incurs more fees, and (3) this affects the credibility of the developer. This all results in the developer having to comply.

D. Marshall: For plans to the ZBA, what are the requirements?

J. Duffy: There is a cover sheet to ZBA, but I am not sure what it states to the applicant.

P. Rueppel: What message to the developer can be given to make them aware we will not tolerate this?

J. Duffy: There needs to be better communication between ZBA and Planning.

J. Gorton: There was a similar situation at a recent Planning Board Meeting. A waiver was approved by the ZBA, the Stantec found 7 additional waivers needed before the Planning Board could determine their decision. It was on the Ron Lucci application. If this is going to happen repeatedly, what guarantee is there that the ZBA will get the same plan review as the Planning Board?

J. Gryval: Maybe we should tighten the regulations. The Lucci lots are not buildable, but he needed the lots across the street for parking. This is probably the only thing that could have been done on this site.

J. Duffy: There should be more joint meetings between the ZBA and Planning Board.

N. VanScoy: At what point would the wetlands have been found on the plan, if they were not on the plan submitted to the Planning Board?

D. Tatem: This would have been found in Stantec's first review.

P. Rowell: Before getting to the ZBA, you would need to be denied by either the Planning Board or the Code Enforcement Officer. Based on the denial, the ZBA acts according to the variance request.

Rob Duhaime: A lot of times, the plans that come to the Planning Board are from applicants who have been in Town 30 years. Now we have a Code Enforcement Officer and a Town Planner to address issues before it goes before the Boards.

P. Loiselle: Wetlands must be included on all drawings.

J. Gryval: Is it in our regulations?

J. Duffy: For Planning, it is in the regulations. For ZBA, I am not sure.

Roger Duhaime: The applicant wants approval with the least amount of time and money to use his land.

C. Pearson: We do require certified plot plans. There are no more drawings on paper.

Nancy VanScoy: The matrix idea should have something that states the completeness and accuracy of the initial plan impacts the estimate.

J. Levesque: All ZBA was doing on the plan discussed tonight was allowing for a lot line adjustment.

J. Duffy: ZBA was approving the division of the lot into 2 lots. Now the buildable area is too small in the front. By granting the variance, you are allowing the applicant to subdivide.

J. Levesque: Determining whether a lot is buildable is another issue.

J. Duffy: Maybe in your approval, you could state it is only for the variance.

Item #5 Change field change policy so field change can be implemented quickly

J. Gryval: Received and read into the record.

J. Duffy: Some people had mentioned it is difficult for a field change. They needed to provide plans and there are delays. We don't have anything in our regulations for field changes. The other 3 towns (Londonderry, Derry & Bedford) have something in their regulations. It is similar to what we are doing. Minor field changes are addressed by Dale Hemeon, Highway Dept., or Peter Rowell, Code Enforcement Officer. If it is a major field change, it goes back to the Planning Board.

R. LaBranche: We review field changes with the applicant.

D. Tatem: An example of a field change was work being completed on a Town road. We were monitoring the contractor's activities. They were digging for a drainage line for two catch basins. They found the sewer and water where they didn't expect it to be. If they continued their same site work, this would have compromised the drainage structure. We recommended the contractor sketch a design and send to Stantec. We also worked with D. Hemeon on the continuance of the digging.

R. LaBranche: Relative to work in Hooksett, Dan is very accommodating.

J. Gryval: Dan is certified as an engineer.

D. Hemeon: In this example, we just asked the engineer for a stamped plan. We really did not stop their work.

D. Tatem: Stantec does not stop the work. We make recommendations to a Town employee(s) who ultimately makes the decision.

D. Hemeon: We often have field changes and I address the minor ones.

B. Ehlers: What is the threshold for needing a drawing or saying a change is OK in the field?

R. LaBranche: Once you start changing and cutting, this becomes major.

D. Hemeon: Sometimes we have had the contractor call us with a better idea.

B. Ehlers: You say we approve field changes quickly?

D. Tatem: That day (or if a late pm request the next day) field changes are approved.

Rob Duhaime: Stantec is not designing. You are asking for the applicant's engineer to design.

R. LaBranche: If we did not get signed plans from the applicant's engineer, then we would be held liable to request the change.

J. Duffy: The signed plan should not be changed by another engineer.

Item #6 Developers suggested the work go out for bid J. Gryval: Received and read into the record.

J. Duffy: I contacted 3 communities (Londonderry, Derry, and Bedford) for going out to bid.

J. Duffy: Bedford has their own Town Engineer who is also the DPW Director, on the Planning Board, and attends TRC Meetings. They also have a contracted engineer. Plans cannot be submitted to them until all State permits and reviews have been completed (cannot be found complete). Their first review is by the consulting engineer. Bedford's consultant doesn't just look at the technical, they also look at zoning and planning and then step out of the picture. The follow-up is done with the Town Engineer and the Planning Dept. A lot of times Bedford has conditional approvals with recommendations from the consultant engineer. Site compliance monitoring is completed by Town staff.

J. McHugh: They have a town engineer?

D. Marshall: How many Town employees does Bedford have?

J. Duffy: The Town of Derry has their own engineer at \$50.00 hourly.

J. Duffy: Town of Londonderry has a lot of staff and their own engineer plus a consulting engineer. Plans are submitted first to the Planning Dept. and the consulting engineer has 30 days to review. Review fees are dependent on the size of the project. Vollmer is used by Londonderry; they are part of Stantec. It is easier to have consultant complete the

review. Londonderry has received several complaints from developers regarding their processes and is reviewing them. This is similar to the forum we are doing now.

D. Marshall: Who does construction monitoring for Londonderry?

D. Tatem: We do it.

J. Duffy: As of July 1, 2008, Derry went out to bid and decided to use two consulting engineers. It is revenue producing from general funds.

J. McHugh: That Town is fronting the money. What happens if the Town is not paid?

J. Duffy: They collect money up front from the applicant and put in general funds.

P. Fitanides: Developers are representing potential taxpayers. Maybe the Town Administrator should have a notice/questionnaire in each department that the applicant has to complete (i.e. is there Town water on your site).

D. Marshall: It already exists as our Planning checklist. However, the issue is they check off the item is there, then the plan is submitted missing these items.

P. Fitanides: Maybe the checklist needs to be updated for accuracy.

D. Marshall: There seems to be some differences between the checklist and some of the regulations.

J. Duffy: Back to the Town of Derry, they have an in-house inspector and engineer that charge \$50.00 per hour.

D. Marshall: How many staff members does Derry have?

J. Duffy: Bart Mayer referenced the bidding process under RSA 376:16. The Planning Board may contract with engineers, architects, etc. I explained it is not the Town's money. The bidding policy Hooksett has is for approval of purchases. It doesn't address services. If we do not pick up the phone and say there is a plan review, then the reviewer is not paid. It appears that our Town does not have to bid for consulting engineers.

D. Hemeon: The issue is does the engineer work for the Town or the applicant.

R. LaBranche: Bidding and how competitive is the pricing for these projects. We do this work in 11 communities. We just merged with Vollmer. I sat down with two project managers. Dale wanted one price all inclusive (i.e. photos, copying, cell phone, etc. not listed separately). Originally our fee in Hooksett was \$90, then it went up to \$93.50 a few years later. Stantec's fees for Londonderry is \$75 and Salem is \$80. These Towns have separate billing for mileage, travel time, and photo time. I calculated a 24-hour period; Londonderry @ \$75 = \$775 per day (itemized billing) vs. Hooksett @ 93.50 = \$748.00

per day (all inclusive billing). Relative to a contract, we want to work for the Town of Hooksett. We want defined rules and a rate card with services.

J. Duffy: Maybe this could be done with a memo of understanding.

P. Loiselle: The basic problem is staffing. I would like to see something from the Planning Dept. and Building Dept. on what they would need for staffing.

D. Hess: Internal staffing should not cost the Town any money. If you look at the handout year-to-year, contracting is the best way.

D. Jodoin: In order to add staff to the budget, you need to add money. The more you add to the spread, you will never see this happening.

Concerns Raised Regarding Construction Process

Item #1 No oversight/control over third party billing J. Gryval: Received and read into the record.

J. Gryval: The blue book "Standard Specifications for Construction" requires sewer and water full-time inspectors for certain things. The Planning Board has no control over this.

D. Marshall: Sewer and Water Departments are autonomous.

R. LaBranche: Hooksett Village Water Precinct had us monitoring a large project with other separate field guys. The developer frequently asked to coordinate our monitoring to limit the people monitoring. Dale and Bruce stated if there weren't has many sewer issues, then one inspector watching sewer and drainage was OK. Water, however, wants their own inspector.

D. Tatem: Invoices for every project are itemized for what is done in increments of every hour, ½ hour, and 15 minutes. Jo Ann, David, Dale and Peter review the invoice details. The developers are asked to review them within 14 days of receipt of their bill. The difficulty is when the developer brings up a large some of old bills.

D. Dreffs: The developer's perception is that Stantec just shows up at the site.

R. LaBranche: There is a schedule when we are coming out. We are at the direction of the Highway, Sewer, and Water Departments.

D. Tatem: Every time Rene, a field guy or myself is out at a site, the description of what was completed at the site visit is submitted with the bill.

J. McHugh: Is there a list of allowable charges; things you can or cannot charge?

R. LaBranche: We don't charge for copying, cell phone, and photographs. Mileage is a subsidiary charge to \$93.50 Hooksett fee.

D. Hemeon: For years, the Town never had monitoring. Now we are charging for monitoring. This resulted from the quality of past work.

J. Gryval: The Town has had to pay for road repairs from past issues.

Item #2 Town should accept inspections conducted by bank J. Gryval: Received and read into the record.

J. Duffy: Could we use bank inspectors vs. using Town inspectors? The developer(s) can submit a list of their bank inspectors to have Peter Rowell review for some exceptions.

J. Gryval: Bank inspectors have no interest in what we need.

M. Sorel: Bank inspectors are looking at the amount of work completed vs. quality.

Item #3 No authority to enter private site to complete work J. Gryval: Received and read into the record.

J. Duffy: Our Town Attorney stated we would be able to access the site.

Item #4 Should have a choice of engineers J. Gryval: Received and read into the record.

D. Hemeon: When I took over highway in 2001, the Town had three consulting engineers.

Roger Duhaime: I think having one firm is harsh. We should have options.

J. Duffy: Before we had different reviews by different engineers submitted. Now with only having Stantec, we have the same consistent reviews.

Roger Duhaime: Options are what the developers, who are taxpayers, want.

J. Duffy: Robert Pantel, former Town engineer, did planning reviews and the developers were not happy with him either.

J. McHugh: What about an RFP, but we will choose only one engineering firm.

M. Sorel: Stantec is an advocate for the Town. Can another engineering company provide the same realm of services that Stantec provides?

R. LaBranche: We look out for the best interest of the Town.

Item #5 Road specs are too tough J. Gryval: Received and read into the record.

J. Duffy: Last page of my handout has road specs. Hooksett roads are still standing after all the recent flooding and heavy rains. I recommend keeping our road specs.

D. Marshall: We have tried to make our road specs superior, because we do not want to fix our roads later.

Item #6 Maximum length for cul-de-sac is used as a curtailment for future development J. Gryval: Received and read into the record.

J. Duffy: Beaver Brook is an example. The developer wants to complete their project in phases. They may be coming back to the Planning Board, because they will not meet the current requirements. I think the Fire Department needs to be included in this discussion if it changes from 1,200 ft.

D. Hemeon: I don't like a minimum. I think the maximum should be calculated by the best design.

R. LaBranche: The amount of hose to carry from a Fire Truck is the rationale for cul-de-sacs. The length is frequently waived in many Towns.

Item #7 Hire retired engineers for inspections, if Town had own engineer J. Gryval: Received and read into the record.

J. Gryval: I don't know where you would get retired engineers who are current on regulations and their certifications.

B. Ehlers: Do Retirees have the same certification requirements?

R. LaBranche: Yes they need to keep-up their certifications. There is no downgrade for engineers who are retired.

Item #8 Pre-con meeting – Stantec runs meetings and takes minutes J. Gryval: Received and read into the record.

J. Duffy: An engineer running the TRC Meetings is the practice. Stantec was running meetings after Michelle Bonsteel left. The developers felt Stantec was too involved.

R. LaBranche: We were asked to assist for TRC. Now this process has been switched to the Planning Department.

Item #9 Hire assistant for Dale J. Gryval: Received and read into the record.

D. Hemeon: Developers thought if I had an assistant, we would not need a contracted engineer.

Item #10 Review fees have doubled in cost over the last few years – billed when Stantec talks to Planner and attends meetings. Too many engineering design comments rather than technical comments J. Gryval: Received and read into the record.

J. Duffy: When Dan calls my office to review an application, he bills the applicant for the time. The developers do not want to pay for this. Other consulting firms do not attend meetings, because they have in-house engineers.

R. LaBranche: In 2006, Hooksett had three engineering consultants. Then you also initiated site plan compliance monitoring thus increasing the costs.

J. Duffy: Dale, Peter, Dan and I met to go over gray areas in the ordinance. We want to make these ordinances tighter. They will still make comments and recommendations (not mandates) for design criteria to make things work better.

M. Sorel: Isn't it true we have used most of our viable land? Brookview Sr. Housing and AV Hooksett are examples of more complex sites.

R. LaBranche: The last time we upgraded your regulations, we made more drainage criteria.

Roger Duhaime: Are these engineers incompetent?

R. LaBranche: I would not say that. The engineers are required to keep costs down for the applicant. There are ranges of excellent engineers who need minimal review and then there are others that need more reviews.

D. Hemeon: Time after time you will see plans coming through with things missing. The developer has to pay for these changes. Our regulations need to be clear; no gray areas. The more they can look at the book, the less changes they will need to make.

Roger Duhaime: Stantec is looking out for the Town's interest to assure the developer meets our regulations.

Item #11 Impact fees are too high – including sewer and water fees J. Gryval: Received and read into the record.

J. Duffy: Impact fees are based on a formula from Bruce Mayberry. Example, a single family home in Hooksett is \$8,271 plus additional fees for sewer and water. Bedford's fee is \$7,586. I don't believe Bedford has road impact or public safety fees.

J. Gryval: Impact fees are helping the Town.

J. Duffy: We collect separate impact fee checks for each fee. If money is not used, it must be returned to the applicant within 6 years.

D. Hess: Accurate impact fees keep Town taxes down.

Item #12 Policy needed for “Change of Use” J. Gryval: Received and read into the record.

J. Duffy: This would help our departments on whether a change in use needs to go before the Planning Board.

D. Marshall: The intensity in use should be considered for a change of use.

J. Gryval: Change in use occurs gradually.

Rob Duhaime: Is just a Building Permit or a change in use?

Item #13 Hire additional staff J. Gryval: Received and read into the record.

Bill Sirak, Chair of Hooksett Economic Development Committee: Several months ago, we heard from developers about their complaints. We need to get back to the developers about the outcome of tonight’s meeting. The main concern was that developers did not have staff to give them the right answers and it was very confusing and difficult. The Planning Board is protects the interest of the Town. We need to get the message out that Hooksett is a great place to do business.

J. Gryval: Any other comments tonight?

P. Loiselle: I would like something submitted to the Town Council on the need for additional staff.

N. VanScoy: When are impact fees reviewed?

J. Duffy: School impact fees were established in 2002 and just revised in 2008. Public Safety was in 2003 and revised 2005. Roadways are in the process of being updated with Stantec. The only impact fee that has not changed is Parks & Rec.

D. Hemeon: Parks & Rec had a \$639,000 deficit. The Parks & Rec Board has a recommendation.

Nancy VanScoy: The regulations and the checklist are causing a lot of the problems?

J. Duffy: We have had one or two complain they don’t match up. In 2-3 months this should be resolved.

Nancy VanScoy: For a choice of engineers, it is the Town hiring the firm. My personal opinion, developers should not be given the choice. If the Town is happy with Stantec, that is our choice.

M. Sorel: If it is on the checklist but not in the regulations, then they have to comply?

J. Duffy: The checklist is now part of the regulations.

D. Tatem: The last few years, there have only been a couple of complaints about the checklist. It is not causing issues with our reviews. Example, an existing conditions plan is on the checklist, however the regulations don't say the applicant must provide the existing conditions plan. Because they are both in the regulations, then it is needed.

J. Duffy: We need to go over the regulations in detail before we provide to the Planning Board and have a public hearing.

S. Couture: We have been well received by the ZBA and Planning. We continue to move forward. When developers come to the Conservation Commission they have already been notified what they need to get from us. We are only an advisory commission to the ZBA and Planning.

Dave Hess: Any suggestions or recommendations from the ZBA or Planning Boards on what they want from the Conservation Commission would be helpful.

Roger Duhaime: People are looking for waivers. It appears they will be coming before the ZBA more often. If there is a checklist you can give us, that would be helpful.

OTHER BUSINESS

None.

ADJOURNMENT

J. Gryval declared the meeting adjourned at 9:20pm

Respectfully submitted,

Donna J. Fitzpatrick
Planning Coordinator