

**Official
As of 9/15/08**

**HOOKSETT PLANNING BOARD MEETING
MINUTES
HOOKSETT MUNICIPAL BUILDING
Monday, August 18, 2008**

CALLED TO ORDER

Chairman J. Gryval called the meeting to order at 7:04pm

ATTENDANCE

Chairman J. Gryval, Vice-Chair J. McHugh, Town Administrator D. Jodoin, Y. Nahikian, D. Marshall, M. Sorel, R. Duhaime, D. Dreffs, B. Ehlers, D. Hemeon, and Town Council Rep. P. Rueppel.

Absent: R. Guay.

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

APPROVAL OF MINUTES OF 8/04/08 & 8/11/08

J. McHugh motioned to approve the minutes of 8/04/08. Seconded by R. Duhaime. Vote unanimously in favor.

P. Rueppel motioned to approve the minutes of 8/11/08 with M. Sorel edits to pg 10 item #2. Seconded by R. Duhaime. Vote unanimously in favor.

SPECIAL EXCEPTION

- 1. 12 MONROE DRIVE (Leah Chandler)**
12 Monroe Drive, Map 31, Lots 3 & 3-2
Special Exception request as required by Article 26 Non-Conforming Uses and Buildings, Section C.3, to allow the construction of a carport and 12x12 addition that is within the required setbacks

J. McHugh: I am stepping down from the Board on this application.

Dennis McKenna, representing Leah Chandler: I want to put a carport and 12x12 addition; it does not meet setbacks.

J. Gryval: Were you denied by the Code Enforcement Officer?

J. Duffy: Yes (see letter from Peter Rowell dated 7/23/08). I received this plan at 4:30pm this afternoon. They already have a non-conforming structure and just want to add on.

J. Gryval: There was a site walk on 8/28/08 by the ZBA.

D. Hemeon: How close is the property line to the structure?

D. McKenna: Provided an overview of the handout to Mr. Hemeon.

Lisa McKenna, representing Leah Chandler: I submitted the ZBA application.

R. Duhaime: Are neighbors/abutters fine with this?

L. McKenna: The side of the carport; neighbor is owner's sister.

J. Duffy: Is there a reason you cannot put structure on the other side?

D. McKenna: Other side has a kitchen door.

J. Gryval: We need to send a letter to the ZBA.

D. Hemeon motioned to send a favorable letter to the ZBA. Seconded by R. Duhaime. Vote unanimously in favor.

DISCUSSION

2. FAULKNER LANDSCAPING & NURSERY (08-28)

Hooksett Road, Map 18, Lots 47 & 48

- Conditional Use Permit (CUP) for detention in no disturb area
- Lot Consolidation
- Non-Residential Conceptual Plan for a Proposed Building for Landscape & Nursery Storage/Sales & Display

Dave Brouillet, Holden Engineering: I am here for 2 things: (1) CUP for construction of storm water treatment in a 40 ft buffer and to remove some pavement out of the buffer, and (2) conceptual plan. The applicant is no longer requesting a lot consolidation. The site is located North of Dieseland, and across from the Brickhouse Restaurant. There is an existing paved area. The concept construct 3,200 sq ft building, 1,120 sq ft greenhouse, and 1,200 sq ft storage shed. Additionally, there may be a future 1,000 sq ft building expansion for a restaurant. 42 parking spaces will be provided. Detention basins are out flowed to the buffer area. The applicant has an existing business on Rte. 3 and is looking to relocate and expand to this site.

J. Gryval: Comments from staff.

D. Dreffs: Did you mention a restaurant?

D. Brouillet: A take-out operation with items such as coffee and ice cream. This would be off the main building.

R. Duhaime: Mr. Faulkner has an existing reputable business. I believe his business relocation would add to the beauty of the brook on the site.

J. Gryval: Is there a groundwater resource concern for storing fertilizer?

Stephen Faulkner: I did some research on the fertilizer. It is water-soluble fertilizer. We use 2,200 gallons in one night at our current location. I take a 50-gallon drum with a 20 lb bag of fertilizer. By morning it is spread-out at my current site. The parts per million, the Scott Company does not have historical data on this. We do not do any pesticide spraying. We are an Organic product promoter (OPP).

R. Duhaime: For the Granite Heights project, DES stated the Peters Brook water resource is close to failure. You might have issues with the Conservation Commission. I suggest fewer nitrates and collect it back up at the site.

S. Faulkner: I visited different nurseries and most have a lot of grass, minimal gravel and black tops. I want to do more drip irrigation. There is an aquifer under part of this property.

J. Gryval: Is there water and sewer capacity for this site?

D. Marshall: Are you going to the Conservation Commission? Did you need a decision on the CUP tonight?

J. Duffy: No decision, he is just looking for the Board's opinion.

D. Marshall: He needs to get the Conservation Commission decision on this.

M. Sorel: Are we at a point in this presentation for this applicant to have a conceptual review?

D. Tatem: Do you foresee any waivers that are needed?

D. Brouillet: We haven't got to this phase of the project.

D. Jodoin: Central Water Precinct has stated there is no water available until 2015.

D. Tatem: He could use a well for irrigation and the restaurant. Will the Fire Dept. let you hook-up? Greg Weir, Central Water Precinct, stated he only has water available for fire suppressant. You could have an in-ground septic system instead of hooking-up to sewer.

D. Brouillet: We have not completed a formal application to the Planning Department. We know by changing the plan that was submitted to the TRC, we would have to go back to the TRC.

CONTINUED COMPLETENESS AND PUBLIC HEARING

3. CONGREGATIONAL CHURCH OF HOOKSETT (08-26) 5 Veterans Drive, Map 9, Lot 35 Non-Residential Site Plan for a Parking Lot

R. Duhaime and D. Marshall: We are stepping down from the Board on this application.

D. Brouillet: About a month ago, Mr. Holden presented this plan. The main concern was screening for the abutter. Since then, we have had a few meetings with the abutter. We propose planting a series of arborvitae and lilacs along the abutting line, planting spruce trees, and installing a 6 ft high vinyl stockade fence with the balance being a 4 ft high white picket fence. We redesigned the layout and established a 15-20 ft buffer. Late Friday, we received minor comments from Stantec and will address these.

Todd Rainer & Heather Shumway, 1 Veterans Drive: There is a note on the plan that the church agrees to install landscaping over time as funds become available. This should be changed to have the landscaping as part of the parking lot expansion.

D. Hemeon: Are the white pines taken off the plan? It is a 6 ft high white vinyl fence?

D. Brouillet: Yes, no pines. Now Norway Spruce at a minimum 8 ft high.

D. Hemeon: For snow storage and removal, how will the water flow? There is a dip by the grass area. All pavements should flow the water back to the middle of the island into catch basins.

D. Tatem: This area ponds-up in the Spring, but not onto the abutter's property. I have not been on the site to view this.

D. Hemeon: I would like to see on the plan where the snow will be stored.

J. McHugh: Does the church intend to expand at some point? You are increasing 30+ spaces.

D. Brouillet: There are not enough spaces now.

J. McHugh: Is this the remedy for current parking issues?

D. Brouillet: Yes.

J. McHugh: Besides the buffer, what other impact will this site have with the abutter (i.e. car noise, and lighting).

D. Brouillet: There will be no head in parking towards the abutter. There is no additional lighting, just the existing. There is a note on the plan that if any lighting is changed or modified, it has to comply with current requirements.

Y. Nahikian: Can we save some of these trees from being removed?

D. Brouillet: No, we would lose some parking spots. We thought about this, but it doesn't work.

D. Hemeon: For the landscaping instead of phasing, it will now be complete when the plans are signed off.

D. Tatem: Is there any other landscaping not shown on plan?

D. Brouillet: We did not show the existing landscaping around building; we are not changing it.

M. Sorel: I have been to the site a couple of times. Why is it necessary to remove the existing buffer? It is natural and functional. How many spaces would you lose if you left the natural buffer?

Y. Nahikian: You could have the parking at 45-degree angles. You may lose a few spots, but you will gain in the width of the parking spots. This would save the buffer.

D. Brouillet: All the dimensions need to comply with the design of the parking lot.

H. Shumway: I feel that this is an irreplaceable buffer.

J. Gryval: We need to find this complete first.

D. Dreffs: Where does the snow go now?

T. Rainer: Showed visual on map to the Board where the snow is currently being stored.

D. Hemeon: Of the 11 waivers being requested, 8 or 9 of these waivers we usually don't waive.

J. Duffy: We should go over the waivers one-by-one. You can find the plan complete, then act on the waivers.

D. Tatem: Refer to Stantec letter August 15, 2008 for waiver requests. There are some technical comments.

M. Sorel: If we vote the plan complete, what is next?

J. Duffy: That just means they submitted everything required, not that you may agree with the plan.

M. Sorel: I want recommendation from the Chair.

J. Gryval: Do we have a motion to find the plan complete?

D. Hemeon motioned to find the plan complete. Seconded by D. Dreffs.

Y. Nahikian: I don't approve the layout. I believe there is a way to save the buffer.

D. Brouillet: What we have done is more than your requirements.

D. Hemeon: Part of our requirements is to assist the abutters.

D. Brouillet: The church has gone above to accommodate the abutter.

M. Sorel: By stating this plan is complete, then we are saying this is the plan that will go forward.

Vote 4 in favor, 5 opposed = plan found incomplete.

J. Duffy: Why don't you think this plan is complete?

D. Tatem: When the Board finds the plan complete, the 65-day clock starts ticking. Then the applicant comes back for a public hearing. At that time issues can be brought up. If there were waivers, you would vote for completeness first.

J. Duffy: You want to find it complete, then open for public hearing for them to voice their opinion on the waivers before you vote on those. I don't understand the reason for finding this plan incomplete. I know you may not like the plan, but this does not have anything to do with finding the plan complete.

J. Gryval: Is there anything in the completeness that has not been met?

D. Tatem: The applicant is requesting 11 waivers.

D. Jodoin motioned to reconsider the original motion for completeness that failed. Seconded by P. Rueppel

Vote 8 in favor, 1 opposed = reconsider motion granted.

D. Hemeon motioned to find the plan complete. Seconded by B. Ehlers. Vote majority in favor, M. Sorel opposed = plan found complete.

J. Gryval: Referred to section 2-1 of the Development Regulations.

Waiver 1-1 Fees paid to Town of Hooksett J. Gryval: Received and read the waiver into the record.

*J. McHugh motioned to grant waiver 1-1 to waive \$500.00 Planning Dept. application fee and collect other fees for \$165.00 (~~\$80.00~~ = \$10.00 per abutter certified mail x 8 abutters PLUS \$85.00 recording = \$30.00 recording application, \$30.00 mylar recording, and \$25.00 LCHIP). Seconded by D. Hemeon.
Vote majority in favor, M. Sorel, and J. McHugh opposed = waiver granted.*

M. Sorel: Why do these fees have to be waived?

D. Brouillet: This is a non-profit church trying to minimize costs.

Waiver 1-2 Location and type of fire protection J. Gryval: Received and read the waiver into the record.

J. Duffy: There is a 20 ft lane from right a way.

*J. McHugh motioned to grant waiver 1-2. Seconded by D. Hemeon.
Vote unanimously in favor.*

Waiver 1-3 Additional Studies (i.e. traffic, school) J. Gryval: Received and read the waiver into the record.

*McHugh motioned to grant waiver 1-3. Seconded by D. Jodoin.
Vote unanimously in favor.*

Waiver 2-1 All zoning districts within 1,000' of the proposed subdivision J. Gryval: Received and read the waiver into the record.

*J. McHugh motioned to grant waiver 2-1. Seconded by P. Rueppel.
Vote unanimously in favor.*

Waiver 2-2 Approval signature block D. Brouillet: Waiver not needed, now on plan.

Waiver 2-3 Dates of revisions D. Brouillet: Waiver not needed, now on plan

Waiver 2-4 Shape, size and height of all buildings within 200' of the site J. Gryval: Received and read the waiver into the record.

*D. Jodoin motioned to grant waiver 2-4. Seconded by J. McHugh.
Vote unanimously in favor.*

Waiver 2-5 Existing easements, trails, and utilities within 100' of the site J. Gryval:
Received and read the waiver into the record.

M. Sorel: Does it impose a hardship to put this on the plan?

David Richardson, Pastor: It is a proposed trail, it is not there now.

*D. Jodoin motioned to grant waiver 2-5. Seconded by J. McHugh.
Vote unanimously in favor.*

Waiver 2-6 Existing septic systems, roads (with class designations), and water supply wells or springs within 200' of the site J. Gryval: Received and read the waiver into the record.

*J. McHugh motioned to grant waiver 2-6. Seconded by D. Jodoin.
Vote unanimously in favor.*

M. Sorel: Dale, roads with classifications, are these State DOT?

D. Hemeon. I have Veterans Drive.

Waiver 2-7 Sufficient information to determine all street lines, lot lines, and property lines J. Gryval: Received and read the waiver into the record.

J. McHugh motioned to grant waiver 2-7. Seconded by D. Jodoin.

D. Hemeon: Show abutter property lines.

D. Brouillet: Show property line for church.

D. Hemeon: Any question from the abutter?

Vote unanimously in favor.

Waiver 2-8 Spot grades D. Brouillet: Waiver not needed, now on plan.

Waiver 2-9 Size, slope, material, and inverts for all existing and proposed drainage structures J. Gryval: Received and read the waiver into the record.

D. Brouillet: A survey would be needed along Main Street and College Park Drive in an area that we are not affecting.

D. Hemeon: To our engineer, are you OK with this waiver?

D. Tatem: Yes.

*J. McHugh motioned to grant waiver 2-9. Seconded by B. Ehlers.
Vote unanimously in favor.*

Waiver 2-10 Location of existing and proposed utilities J. Gryval: Received and read the waiver into the record.

*D. Jodoin motioned to grant waiver 2-10. Seconded by J. McHugh.
Vote unanimously in favor.*

Wavier 2-11 Pedestrian and automobile circulation plan J. Gryval: Received and read the waiver into the record.

P. Rueppel: What does this mean?

D. Tatem: The signage for direction.

D. Jodoin: It is a safety issue.

B. Ehlers: It certain events it is a safety issue.

Waiver 2-11 voted unanimously not to grant.

Waiver #15 Lighting Plan J. Gryval: Received and read the waiver into the record.

D. Brouillet: We are not proposing any new lighting at this point. If we ever change and modify, there is a note on the plan that we would have to meet Town regulations.

D. Richardson: There are two existing lights in the parking lot.

J. Gryval: Does this site have any functions in the evening?

M. Sorel: How many new spaces are you making?

J. Gryval: 30 spaces.

D. Jodoin: Will the existing light carry to these new spaces?

Y. Nahikian: Where are the existing two light poles?

D. Richardson: We met with your Town Engineer and it was recommended not to shine the light onto the abutter.

D. Tatem: Dick, myself and others met about the additional light. At no time did I say additional lighting would not be needed. The Board would need to decide if this needs more lighting.

J. Gryval: By adding more spaces, I am not so sure the existing lighting covers these spaces.

P. Rueppel: We need to be very careful with the abutter.

Y. Nahikian: We need to assure safety issues.

M. Sorel: Can we ask the abutter how they feel for the lighting?

J. Gryval: We need to be concerned with safety.

M. Sorel: The Land Use Attorney workshop informed us that abutters' opinions are valuable.

H. Shumway: Safety is a great concern, however I also don't want telephone pole size lighting. Our bedroom is on this side.

D. Richardson: We are concerned about the safety of our people. We do not think it is necessary for additional lighting.

M. Sorel: Is there a lighting plan for 30 extra spaces that can still accommodate the neighbors?

D. Tatem: All lighting has a full cut-off with shield that does not shine into the neighbors.

***J. McHugh motioned to grant waiver #15. Seconded by P. Rueppel.
Vote 1 in favor, 8 opposed = waiver not granted.***

Waiver #16 Landscape Design J. Gryval: Received and read the waiver into the record.

D. Hemeon: The landscape they are proposing is not the problem. The issue is with them taking natural pines down.

J. Duffy: The remainder of the landscaping, see the note on plan "intent to provide landscaping over time as funds become available". This note is not enforceable.

D. Hemeon: I just want the landscape by the abutters. I am not worried about the landscape for the building.

D. Jodoin motioned to grant waiver #16. Seconded by D. Hemeon.

M. Sorel: Note #2 on the plan is very open ended. That in itself is a red flag. The natural buffer works. With simple modifications of the parking lot, you may not lose spaces.

D. Richardson: Which Pine trees?

D. Hemeon: The buffer of trees that goes along the property line.

J. Duffy: The purpose of adding spruce, lilac and arborvitaes is to put greenery in front of the site. There is no greenery in the front now.

D. Hemeon: The question is does the buffer need to be cut down at all?

D. Tatem: You can grant this waiver for the regulations, and still have the applicant provide a landscaping plan that the Board and abutters approve.

J. Duffy: Leave what is there alone, still won't help abutters if there is no planting up front.

D. Tatem: Don't waive the landscaping plan, just waive the regulations.

D. Jodoin motioned to withdraw motion to grant waiver #16. Seconded by D. Hemeon.

J. Gryval: The landscape plan does not meet Town requirements.

J. Duffy: It is just a recommendation by staff, not a requirement for a waiver between these two properties. That is why we worked with the applicant and the abutter.

D. Jodoin: How high are the arborvitaes when they go in?

D. Brouillet: We submitted a landscaping plan. When Stantec reviewed the plan, there were many things on our plan that were not addressed.

J. Gryval: We either go by the landscaping plan or we don't.

D. Hemeon: The original landscape plan, Dan does this meet the regulations?

J. Duffy: They would still need a waiver because it did not fully meet the requirements.

D. Tatem: In the landscaping regulations, to put parking in they would need to remove the buffer.

Y. Nahikian: I am not sure of this. Maybe there is a way not to cut the buffer.

J. Duffy: The original plan was received a week ago. At the end of last week, I spoke with Peter Holden and now the landscaping has been changed.

M. Sorel: We are not suggesting the applicant is not doing a good job. We need good information to make intelligent decisions. We just received a revised plan today and I am not sure the Town Engineer has had time to review it.

D. Dreffs motioned to grant waiver 2-16 for Town requirements. Seconded by D. Jodoin seconded.

D. Richardson: On the plan, we can take out the note for landscaping “as funds become available”.

Vote majority in favor, M. Sorel oppose = waiver granted.

D. Tatem: Drainage Report, the only comment D. Brouillet and I spoke about today is there is an existing drainage culvert along College Park Drive and Main Street. This appears to be more than adequate. It is a State culvert. I recommended they get something from the State.

D. Brouillet: All comments on the August 15, 2008 Stantec letter will be addressed.

D. Tatem: I have not received comments from my letter yet. My letter was just sent to Holden last Friday.

Open Public Hearing

H. Shumway: The church has made very good effort to accommodate us. I do have concerns about the natural barrier and what is going in its place may not be as good. We have agreed to the new landscaping plan; there was no other choice for the existing buffer.

D. Hemeon: Mike and Yervant are not convinced that the buffer has to be taken down.

D. Jodoin: Why take something down that is natural?

M. Sorel: The is an existing natural buffer.

D. Jodoin: Put together a plan why you can't leave the natural buffer.

B. Ehlers: If the natural buffer is left, is this a good buffer?

T. Rainer: On this plan, we are gaining privacy with the new stockade fence.

Y. Nahikian: As the Aesthetic Committee, the configuration around the property goes beyond this one neighbor. Leaving the natural buffer is aesthetically pleasing. Unless I see it doesn't work. I see it would work.

D. Brouillet: Stantec was just recommending having a one-way access. This would bring the buffer even further back.

Y. Nahikian: Why are there 3 driveways for 2 islands of parking? Normally you can do this design with 2 driveways.

J. Gryval: Make some changes before you come back to the Planning Board.

D. Brouillet: I need very clear direction on the changes the Board is requesting.

D. Dreffs: If the natural buffer stays, this is in lieu of the Spruce trees?

H. Shumway: Up on the hillside, the existing buffer works.

D. Hemeon: How wide is the buffer? We need to know why the buffer needs to come down.

D. Brouillet: 5 ft to 20ft closer to abutter's house.

D. Dreffs: Another option is to keep natural trees at the top with the parking spaces.

D. Richardson: I want clarified a couple of comments from the Board. Someone mentioned we won't lose some spaces, and someone else mentioned we won't lose any spaces. The snow fence is not part of the natural buffer.

J. Gryval: Make changes and bring it back to the Board.

M. Sorel motioned to continue to September 15, 2008. Seconded by D. Jodoin. Vote unanimously in favor.

Continued to September 15, 2008.

COMPLETENESS AND PUBLIC HEARINGS

4. **Application withdrawn at this time, no hearing**
3A DEVELOPMENT CO. LLC (08-29)
College Park Drive (University Heights), Map 14, Lots 1-2 & 1-8
Lot Line Adjustment

5. **GEORGE LAWRENCE (former Granite Plaza) (08-32)**
1778 Hooksett Road, Map 6, Lot 23
Non-Residential Site Plan for Building Addition, Parking Lot, and Related Improvements to Support a 60-Seat Restaurant

Continued to September 15, 2008.

6. **SANDRA NOLET (08-33)**
30 Morrill Road, Map 40, Lots 2 & 3
Consolidate Lots 2 & 3 and Then Subdivide into Two Lots

J. McHugh: I am stepping down from the Board on this application.

J. Duffy: Distributed letter from Don Duval requesting this application be continued. I recommend this is found incomplete (see Stantec letter dated 8/14/08 for details).

M. Sorel: Even though it is not in the text of our regulations, whatever on the checklist applies?

J. Duffy: If it is on the checklist, but not in our regulations, our Town Attorney agrees this is part of our requirements the applicants must meet.

D. Tatem: In my opinion, the checklist should not have a "N/A" column. If answered no, then a waiver should be requested.

J. Duffy: An example for keeping the "N/A" column is the well requirement. What if you do not have a well, then this would be "N/A". If you are not showing it, then you need to note on the plan that it is not needed. Don Duval does not believe he should provide an existing conditions plan. He shows where the driveway is, but no detail, no topo, etc.

P. Rueppel motioned to find the application incomplete and notify applicant in writing. Seconded by B. Ehlers.

Vote unanimously in favor. R. Duhaime abstained.

D. Marshall: This applicant received a variance from the ZBA on this plan. Do we have to follow the variance when we were given a different plan?

D. Tatem: At the meeting last week, the ZBA stated they wanted to see this plan again.

D. Hemeon: I have received numerous calls from residents behind them. They want to know where the drainage goes (Winter Drive, Autumn Run).

CONTINUED PUBLIC HEARING

- 7. FRANK MAGDZIARZ (07-32)**
25 Jacob Avenue, Map 48, Lot 47
Lot Line Adjustment and One (1) Lot Subdivision

Eric Mitchell, Eric Mitchell Assoc.: At last Board hearing, this plan was continued to tonight. We had a waiver request for topography on the entire lot and future right-of-way. We are still asking the Board for this waiver. For the right-of-way, all reference has been taken off the plan. There are 20 ft side setbacks.

J. Duffy: The rear setback should be 25 ft and the side setback should be 20ft.

E. Mitchell: I need a clarification on what is the rear of the house.

J. Duffy: Facing the roadway is the rear of a lot. I confirmed this with the Building Inspector.

E. Mitchell: We will change this and put 25 ft on both.

J. Duffy: I received comments from Mr. Pinard who is here tonight.

Michael Pinard, Jacob Avenue: The 30 ft to the centerline, is this from the paved surface or the right-of-way?

E. Mitchell: The center of the existing pavement. This is not an area dedicated for a roadway or drainage. This if for any future improvements by the Town.

M. Pinard: Why is it 30 ft from the center of the paved surface?

D. Hemeon: They are giving the Town more right-of-way. Are you going to monument the right-of-way.

E. Mitchell: Yes.

M. Pinard. I would like to see a note on the plan about the monuments, so there is no question in the future.

J. Duffy: Kenneth Magdziarz, 31 Jacob Avenue, asked about the setbacks for his lot. He believes the Building Inspector stated a 35 ft setback.

R. Duhaime: Even though there may be a 5 ft difference, this will still not be buildable lot.

K. Magdziarz: I am not looking for frontage. I am just looking for consistency between the lots.

J. Duffy: The Building Inspector stated it is not the placement of the house, it is the shape of the lot that determines front and back of the property.

D. Marshall: We have always referenced the house front door is the front of the property, and the back door is the back of property.

R. Duhaime: Is the setback 25 ft?

E. Mitchell: 20ft and 20 ft.

K. Magdziarz: On my corner lot it is 25 ft.

D. Tatem: You need to get Bart's opinion. I do not make recommendation on zoning.

E. Mitchell: I am agreeing to make 25 ft setbacks for all, if this fixes it.

D. Marshall: If you know what the requirement is, then you tell him and he will put it on the plan.

Closed Public Hearing

R. Duhaime motioned for a conditional approval that the plan has 35 ft or less setbacks and to get Town Attorney opinion on front and rear of property setbacks. Seconded by M. Sorel.

Vote unanimously in favor.

D. Hemeon motioned to grant the waiver for topos. Seconded by M. Sorel.

Vote unanimously in favor.

CONTINUED WAIVER

8. 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

George Diehl, Poyant Signs representing Sovereign Bank: Provided an overview of last meeting. Proposal for tonight:

1. **front sign**: Revised to 73.75 sq ft. I need the Board's opinion for adding gooseneck "indirect" lighting above the sign for soft illumination to bring out the red.
2. **second building side sign**: Identifies the building with the bank name when coming from the Walgreens access road. The original plan was full size, now considering 75% or 50% smaller than the front sign.
3. **directional signs**: These are 4 sq ft placement signs without the bank logo

D. Tatem: Direct and indirect lighting is OK per regulations.

G. Diehl: I need your feedback for the main and secondary building signs with the gooseneck lighting. This is just an option we are proposing.

B. Ehlers: Are the rest of the tenants for this site going to come in for signs?

D. Tatem: In section 2B in the regulations, direct and indirect lighting is allowed. The definition under illuminated states either internal **or** external, but not both.

G. Diehl: The front sign will illuminate without the indirect lighting.

J. Duffy: The existing bank Walgreens pylon sign is different than this request.

J. Gryval: The Walgreens bank sign is twice the size of the other Walgreens signs.

J. McHugh: You have the Walgreens sign and the proposed front building sign. To me this should be enough.

D. Hemeon: People who are coming from the 99 or Walgreens won't see the bank sign on the front. To the Board, if he puts a sign on the side of the building, how is this sign pollution?

R. Duhaime: Another site, CVS, came in and wanted a sign facing North. We didn't allow CVS to do this. If we do it for one building, do we do it for all buildings?

D. Marshall: If the directional signs are approved with red and white without the name of bank, they would still know this is the bank.

M. Sorel: I took an opportunity to drive to the proposed bank. At the traffic light between Walgreens and 99, you would not know there was a bank there. I am in favor of a sign on the side. It is in the best interest of the community and the bank. The previous comment at the last meeting that Goodwill had no signage on Benton Road is incorrect. They do have signage. We need the viable commercial tax base to continue. His request is reasonable.

J. Gryval: I went by this site today and Goodwill has no South sign.

P. Rueppel: There does not need to be a side sign.

D. Hemeon: Signage is the most important thing. I am in favor of a side sign on the building.

D. Dreffs: CVS, is facing Rte 3 and Whitehall Road. I don't think this applicant's request tonight is unreasonable.

D. Marshall: You need signage because of the back entrance. North and South you know the bank is there. The existing bank sign on the Walgreens pylon took double the size and full width. I would approve directional signs within this shopping plaza that are red and white with Teller, Customer Parking, and Entrance printed on them.

D. Jodoin: CVS is a lot closer to the road. I would not mind seeing something on the side of the building for the bank.

G. Diehl: The Walgreens pylon, bank sign not as big as Walgreens, but larger than the other businesses. Major tenants take longer signage.

Y. Nahikian: The big sign in the front of the building is meant to be seen from the street. If you are going down the driveway, you need a sign that is smaller. A sign just to indicate the bank is there; maybe 25% in size.

R. Duhaime: 25% sign size would be OK. This applicant got a variance from the ZBA for the Walgreens bank sign.

J. McHugh: This is in the Performance Zone (PZ). We all agree we were getting to the point of sign pollution. You start with these and more applicants will come. If you see ATM, teller on directional signs, you will know there is a bank there.

M. Sorel: It is true you will know there is a bank there, but where is the bank? I follow case law on ZBA and Planning Boards. In Kingston case law stated “reasonable use of applicant’s property”. The Board wanted the opportunity and authority for PZ signage. The applicant has made a reasonable request.

D. Dreffs: Sign pollution is not just number of signs, but also the look of the sign. I think this sign is attractive.

B. Ehlers: There are enough signs with the directional signs. I would vote against the side sign.

D. Marshall: We are not denying the use of this building. This has nothing to do with “reasonable use of applicant’s property”.

G. Diehl: Directional signs are not a substitute for a bank sign.

M. Sorel motioned to grant the waiver to install a second building sign. Seconded D. Jodoin.

Vote 4 in favor, 4 opposed, J. Gryval opposed = waiver not granted.

P. Rueppel motioned to approve 3 monument directional signs. Seconded by B. Ehlers.

J. Duffy: In the past, we have allowed arrows on directional signs.

D. Tatem: Off premise signs are not allowed in the regulations. However, it is not identified in the PZ.

J. Gryval: Red sign with arrows only and no words?

D. Tatem: The only restriction is they can’t indicate Sovereign Bank on the directional signs.

D. Marshall: Allow arrows and ATM, do they need a waiver?

D. Tatem: They don’t need a waiver as long as there is no bank logo.

J. Duffy: You are asking for 4 directional signs: 2 exits, 1 teller, and 1 ATM?

G. Diehl: No, just 3 directional signs.

J. Duffy: The Building Dept. will need to know there are only 3 directional signs.

Vote unanimously in favor.

J. Duffy: I checked with the Building Inspector today for the Goodwill sign. They got a permit for a front sign and one drop-off sign. Now there are two drop-off signs. However, there is not another Goodwill sign on the side.

OTHER

Southern NH University (SNHU) Projects – North River Road Safety Concerns

David Boutin, 1465 Hooksett Road: I have significant concerns for the SNHU projects for a traffic light for students to walk across North River Road. I travel this road 4 days a week. This is going to cause more hazards. The hill going up gets very icy in winter.

D. Hemeon: It is not a traffic light. It is a crosswalk light.

D. Tatem: It has a red light on both sides on a sequence time with a delay so students can stack up, then cross the road.

D. Boutin: It is not unusual for a road to go through a campus. What they do is a walk over bridge. The college sees a future bypass road, hence North River Road will not be the main road. I think it will be a long time before we see a bypass road. I would ask the Town to think about this further. Dale you have some authority on this. This site lends itself to a walk over bridge. J. Duffy brought up a good point, if someone was handicapped, getting up this embankment would be difficult.

D. Tatem: For the handicapped, someone would drop them off if there was a walk over bridge.

D. Hemeon: This is a bad area for a crosswalk light.

D. Boutin: I would ask the Board review this before final approval.

J. Gryval: The 3 SNHU projects (dining facility, parking lot, and academic building) have been approved by the Board on 7-14-08.

D. Dreffs: If there were a catwalk or tunnel, the students will just not use this.

D. Boutin: I disagree. I have seen students at other schools use this type of walkway. Someone is going to get hurt here.

J. McHugh: School children in Merrimack cannot cross Rte 3, therefore they have a walk over bridge.

R. Duhaime: The University mentioned in winter months, they will be helping out for maintaining the roadway.

B. Ehlers: Bridges work well if it is the only alternative for the students to use.

D. Hemeon: This is a bad location.

D. Boutin: Mr. Chairman, I just wanted to bring this concern for the safety of the students to the Board's attention.

J. Gryval: If the Town Attorney states the Road Maintenance Agreement cannot be met, then this may have to come before the Planning Board again.

Board Alternates & Voting

D. Hemeon: A full Board is 9 members.

J. Duffy: 5 full members make a quorum; with alternates make 9 to vote.

D. Hemeon: Shouldn't an alternate who votes continue to vote on the same project/subject if they are in attendance?

J. Duffy: Some Boards do this. Some also have the alternates sit out in the audience.

D. Hemeon: We should define who is voting at the beginning of the meeting.

D. Marshall: The 3 alternates usually show up. We would need a record keeping system on who is voting on these continued projects. We should state who is voting up front at each meeting.

R. Duhaime: If an alternate votes, he/she should continue to the end of that project/subject; even if the full board member shows up.

M. Sorel: This is the Rules of Procedure.

LaBonville Appeal

J. Duffy: Distributed and reviewed letter from Town Attorney that the LaBonville appeal outcome was in favor of the Town.

DOT Meeting 8/27/08

J. Duffy: There is a DOT meeting on Wednesday, August 27, 2008 @ 7:00pm with the Town Council, 35 Main Street room 105.

Town of Hooksett – Code of Ethics/Conduct for Boards, Committees, Sub-Committees and Ad Hoc Committees

J. Duffy: Distributed the code and informed Board members to provide comments to the Town Council by August 27, 2008.

Waiver Requests

J. Gryval: The applicants need to cut back on waiver requests.

D. Tatem: For site plans, there are typically not a lot of waiver requests. Waivers are being requested mostly for lot line adjustments.

Completeness Criteria

J. Gryval: What constitutes completeness?

J. Duffy: That the applicant has submitted all items required on our checklist. If there are some things that they will not be submitting, the applicant asks for a waiver request.

D. Hemeon: Is that list by the State of NH or the Town?

J. Duffy: It is a Town list.

J. Gryval: As a Board, we can set criteria for completeness.

Hooksett Growth

P. Rueppel: We are the 5th fastest growing community in NH.

J. Duffy: We are the 4th, with Hudson being 1st.

Congregational Church of Hooksett

D. Marshall: For the church, the buffer is coming down by either an act of God or for safety reasons. The trees are dead. These trees are on our property. I don't know what the hang-up is. We had a one-hour meeting with the abutter before a previous Board meeting. I will regret the buffer is gone, but it has to be gone. There is no protection or blocking of the view once the leaves are gone. The entire winter they can see through the trees. We were ready to buy from the previous owners the St. Germans.

J. Gryval: I think you should check with an arborist.

D. Marshall: Do we have a right to cut our trees down?

D. Tatem: There is a 5 ft buffer.

D. Marshall: We will provide this buffer. The abutters know these trees are dying. We met with the abutter and worked this out with fencing, and plantings.

D. Hemeon: The abutter agreed with the landscaping plan, however they Board did not agree with taking down the buffer.

D. Marshall: What right does this Board have to enforce the buffer remains?

***B. Ehlers motioned to adjourn at 10:38pm, seconded by D. Hemeon.
Vote unanimously in favor.***

ADJOURNMENT

Chairman J. Gryval declared the meeting adjourned at 10:38 PM. The next meeting is scheduled for Monday, September 15, 2008 at 35 Main Street, Hooksett, NH Town Hall Chambers (room 105).

Respectfully submitted,

Donna J. Fitzpatrick
Planning Coordinator