

Official
As of 10/06/08

HOOKSETT PLANNING BOARD
WORKSHOP MEETING
MINUTES
HOOKSETT MUNICIPAL BUILDING
Monday, September 8, 2008

CALLED TO ORDER

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

ATTENDANCE

Chairman J. Gryval, Vice-Chair J. McHugh, D. Dreffs, B. Ehlers, D. Hemeon, M. Sorel, R. Duhaime, and D. Marshall

Excused: Y. Nahikian, Town Administrator D. Jodoin, and Town Council Rep.

P. Rueppel

Absent: R. Guay

NHDOT ROAD IMPROVEMENTS

Donald Lyford, NHDOT Project Manager, and Michael Dugas, NHDOT Chief of Preliminary Design presentation of US Route 3/NH Route 28 road improvements from NH Route 27/Whitehall Road/ Martin's Ferry Road to Benton Road/Clough Avenue

J. Duffy: NHDOT presented to the Town Council a couple of weeks ago. I have asked them to share their information to the Planning Board. I believe the Council was in favor of the bottom plan of the two presented.

M. Dugas: Presented two variations for proposed road improvements. New traffic studies show 15,000 cars per day travel in the vicinity of Merchants Motors. This could grow to 25,000 in the future. 1/3 of injuries from accidents in this area are due to congestion. We also need to look at Dalton Brook. The proposed improvements are:

- (1) **top plan on board**: reconstruct, widen and expand with an extra lane both North and South on Rte 3; South of Martin's Ferry to Bypass 28. The center-line would be shifted on Rte 3 15 ft towards Merchants. We would replace the Dalton Brook culvert and the culvert beneath Bypass 28. The Whitehall intersection area has right-of-way impacts. The cost of this proposal is \$4.8 million dollars for roadway and drainage improvements. This is over our budget. We either need to find more money or minimize the scope of the project.

(2) **bottom plan on board:** Senator Gatsas' idea is to continue work through the K-Mart intersection and narrow the roadway at McDonalds. This will bring a budget of \$4 million dollars. If there is only one direction where an extra lane can be added it would be heading Northbound, however this would not ease the Southbound traffic. To reconstruct the roadway, we would need to purchase right-of-ways now for the future (see option 1 top plan). There needs to be traffic signal coordination from Benton Road to Lindsay Road/Legends Drive. Merchants will also need a new driveway with signalized access to minimize the number of driveways that exist on Benton Road. We may have eminent domain for right-of-ways on Whitehall Road.

D. Marshall: I agree with the coordination of signals. I support a 4-way intersection with Merchants; plus it would stop some traffic to get turned around into Merchants. The bottom plan with a painted median allows cross traffic and does not lend itself to reduce accidents. CVS has already provided access for your project for right-of-ways. For drainage, you're replacing culverts under Rte 3; what about the drainage under Merchants?

M. Dugas: I am only providing the information for State roadways. I agree private property owners will also need to address drainage. PSNH, the small shopping plaza on the corner of Whitehall and Rte 3 and McDonald's are all involved in the right-of-way.

J. McHugh: You spoke at the beginning of this presentation that the Council is more in favor of the #2 bottom plan. How will this fix the remainder of Rte 3?

M. Dugas: We begin with a 10 yr plan process.

J. McHugh: Rte 3 has had gridlock for many years. We are fortunate work has started, but we still need more work to be completed. I would be in favor now for the extra lanes. You mentioned 85 accidents over 4 yrs, where? Benton Road is an accident waiting to happen, now that the new plaza is opening.

D. Hemeon: The 4.8 million is for construction only. Is it a request by the State for raised medians?

M. Dugas: The way to go is raised medians. Granite curbing can stand-up to plows.

D. Dreffs: What is the timeline for these Rte 3 improvements?

D. Lyford: 2009.

M. Dugas: There is no State money for this 2009 project. It is all Federal money.

D. Lyford: The 10 yr plan is Federal and State money.

B. Ehlers: If we start with the bottom plan, we are eliminating about 1,000 ft of roadway.

D. Marshall: For the opening of the new plaza, we need more lanes. We currently have \$240,000 in impact fees.

D. Hemeon: With the economy, would bids come in lower?

M. Dugas: No, the cost of supplies has risen.

D. Marshall: In construction costs only for the #1 top proposal, would we need \$800,000 to complete?

M. Dugas: We are \$2 million short to complete the #1 top proposal. It is fair market value to every impacted landowner. The total land is about 1 acre. It would take \$1 million +/- to complete this.

J. McHugh: There should be negotiations with landowners on Rte 3 to include K-Mart and Merchants. They are severely impacted with water issues. Do they still need a monetary outcome or could you negotiate improvements to their sites instead? It would be to everyone's good to have the road and water issues addressed.

M. Dugas: Merchants and K-Mart represent half of the land being impacted.

J. Duffy: How do you come to a final decision from your proposals; public hearings?

M. Dugas: First guidance from the Town, then a public informational meeting to gather a larger audience. Next is a public hearing for the right-to-domain. Then the appraisal process for the final design work.

D. Marshall: What is your timetable?

M. Dugas: We are looking at late October 2008 for an informational meeting. A public hearing to be completed early in 2009.

D. Lyford: With the hearing, it will be 1 yr to 1 ½ yrs before construction.

M. Sorel: Is there a history of this happening?

M. Dugas: There are elements we need and elements the landowners would like to have.

D. Hemeon: Right-of-way?

M. Dugas: Push this to the West.

J. Duffy: For the 10 yr plan, is it still possible if one plan is pushed forward and then part way through we choose the other?

J. Gryval: What is the consensus from the Board on the option you like best?

D. Tatem: There are no easements now. Would the State ask for them?

M. Dugas: No.

Dave Dickson, Town Council: This Wednesday night, the Town Council is to favor the #2 bottom plan that shortens the project by 1,000 ft of roadway.

J. Gryval: The Board will send a memo to the Town Council that we are in support of the Town Council favoring the #2 bottom plan.

PLANNING BOARD TRAINING

J. Duffy, Town Planner, and J. Gryval, Planning Board Chair, facilitated Planning Board topics to include:

Rules of Procedure for Planning Boards

J. Gryval: Alternates will sit in one area. This will make it easier to choose who will vote that night. If an alternate will vote, then they can sit in the area of the full members. Individuals in the audience and on the Board need to be recognized before they speak. Completeness includes everything on the checklist except for the waivers. Waivers will be reviewed after completeness is motioned.

J. McHugh: A reoccurring theme from last year is that applicants were told they need letters from water and sewer.

J. Duffy: They need letters of capacity for completeness. Before the plans are signed, both water and sewer must approve the plan designs.

J. McHugh: "I spoke with them today and they are ok with it" is this verbal acceptable or do they need a letter?

J. Duffy: We can only accept water and sewer in writing.

D. Tatem: Example, 99 Mammoth Road TRC application was for 24 units, however they only have sewer capacity for 11 units. The applicant was told to go to the Sewer Commission then apply to the TRC. If items are on the checklist, the Town Attorney stated it is the regulation.

D. Hemeon: Can the Board have a copy of the checklist? I am aware the checklists are in the Development Regulations, however it would be nice to have a separate copy in front of the Board when were are reviewing applications.

J. Duffy: The Rules of Procedure has been updated from 2004. The newer version January 2007 is in the binder you have in front of you. They recommend the Chairman vote. Alternates sit in on hearings, so that they are informed for future motions on the same application in the event they are included in the motion in place of a full member.

D. Marshall: What if I vote on a decision, then as an alternate I don't show up for the next meeting. This is a major record keeping process. I suggest when a full member is at the next meeting, the alternate does not vote and the full member picks up their role on the project.

D. Hemeon: Alternates are putting in as much time as a full member, but they may not get to vote.

J. McHugh: If a full member has not been involved on an issue and the alternate has been, should the full member step down at the next meeting on that same application? I have not seen a C2 disqualification yet. The way I look at disqualification of recusal is the member sits out in the audience.

J. Duffy: Per the RSA, an applicant may ask for a member to step down. The RSA follows the same criteria as if you were a juror. Some reasons for requesting member step down include but are not limited to member gains financially from the applicant, or the applicant employs the member. It is a non-binding vote by other Board members to request a member step down. It is still up to the member whether or not he/she will step down.

J. McHugh: I do not want to see a Planning Board's decisions compromised.

J. Gryval: If a member has no relationship at time of application, then solicits a job from the applicant, legally I think the member can still vote; morally this member should not have voted.

D. Marshall: There have been issues with realtors on Boards.

D. Dreffs: As for attendance of members on this Board, alternates are more dedicated than some of the full members.

J. Gryval: Within a fiscal year, if a Board member has three (3) consecutive unexcused absences, he/she should be removed from the Board. Also, applicants submitting plans after the deadline or the night of the Board meeting should not be accepted. The Town Planner and engineer need time to review these plans.

J. Duffy: This is in the Development Regulations.

D. Tatem: No new material may be submitted.

J. McHugh: The Town Planner Comments, I count on these notes. Receiving items after the submittal date should not be discussed.

J. Duffy: I would like to clean these Rules of Procedures up and bring them back to the Board with a public hearing to adopt them.

Change of Use

J. Duffy: There have been a lot of questions lately on what is a change in use. Can staff make the decision or does the applicant need to appear before the Board per RSA 674:33 for either a waiver request or a plan review? This depends on how strict the Town and the Board will be. Example form from Derry distributed to the Board. The Building Dept can give this form to the applicant. The applicant would do the homework vs. staff. If a change in use is determined to go before the Board, then you will already have the applicant's request in writing with comments. Some current examples of change in use: Dudes Barbershop (see memo from applicant), in 2000 the site was approved commercial retail and back then there was no performance zone. If you leave it up to the staff, we need a set of criteria.

D. Marshall: The applicant states 10 cars per hour. The applicant does not have enough parking spaces. We used to tell the Code Enforcement Officer (CEO) that determining retail-to-retail change in use within the same footprint depends on the intensity of the change. We need a set of rules. If we adopt something similar to this Derry example form, the decision can be made between the Town Planner and CEO as to whether or not the Board needs to see it.

J. Gryval: We should adopt something like this form.

J. Duffy: Another recent example of change in use is an applicant for a shuttle service behind the Log House Antiques.

J. McHugh: Log House Antiques auctions, filled or not, people are still parking on the road.

D. Hemeon: This site also has antique cars for sale on the lawn. Outdoor sales was not approved for this plan.

D. Marshall: Now, he has moved the antique cars from the lawn to public parking spaces.

J. Duffy: Log House Antiques did not ask for outdoor display.

D. Hemeon: What happened to the person selling used cars next door to the Log House Antiques?

J. Duffy: He has now moved to the Rondeau site and withdrew his approval for selling vehicles next to the Log House Antiques. Another recent change in use is the Steve's Sportsman Shop site. A person wants to sell seasonal items (i.e. mums). Another is John Kelly's alignment shop, John wants to sell coal stoves here.

P. Rowell: There are seven (7) criteria for the Performance Zone. Did John Kelly meet this criteria for the alignment shop site?

M. Sorel: Can we get Peter's input on a definition for change in use?

P. Rowell: There are broad uses from code enforcement. Retail-to-retail is OK, as long as the intensity doesn't change.

D. Tatem: Intensity includes use on public utilities like water and sewer.

J. Duffy: I will contact Town of Derry for how their change of use flows.

Workforce Housing

J. Duffy: SB342 passed in Concord and goes into effect July 2009. Planning Boards cannot deny an applicant just based on workforce housing. I contacted SNHPC for a model ordinance and next year our Zoning Ordinance will need to be changed. There is a Planning Board workshop in October.

J. McHugh: As a community, we cannot supersede an RSA.

D. Marshall: We need builders who want to build it.

J. Duffy: Neighborhood Works wants to come into this Town.

P. Rowell: At my previous job, we had affordable housing. Applicants are scared of this type of housing due to up front costs with no end guarantees.

M. Sorel: The NHHFA has a formula for workforce housing applicants.

J. Duffy: Each Town is different.

J. McHugh: Wal-Mart and Lowes, as an employer, encourage this type of housing.

M. Sorel: In other States, workforce housing is being promoted. This is the future.

J. Gryval: The housing criteria is 30% of gross income.

B. Ehlers: Does this program cover rehabs? If there were structures in Town to improve, this is a program that could work for this.

M. Sorel: The Economic Development Committee should inventory what we have in Hooksett.

Master Plan and Land Use Regulation Audit

J. Gryval: Reviewed recommendations by Jeff Taylor.

J. Duffy: I would suggest the Board take home and read pgs 17, 18, 19, 20 and 21 to identify any changes prior to moving forward. This is Jeff Taylor's view, you may or may not agree.

Site Compliance Monitoring

J. Duffy: Before site compliance monitoring, Stantec has a pre-construction meeting. The applicant gets a list from Stantec as to when they can expect them to be at their site. Now that we have a CEO, he has done some of the smaller inspections. However, Stantec is still doing most of the inspections. Should we continue with Stantec to do these inspections? Do you want Peter to inspect the smaller sites?

D. Marshall: Are you duplicating inspections?

D. Tatem: No.

D. Hemeon: The Planning Board supports Stantec to complete inspections.

J. Gryval: Does the developer pay for monitoring from Stantec? If Peter inspects, do these funds come from the Town? Does Peter have time to complete inspections that Stantec is now doing?

D. Dreffs: Dan sees plans from the beginning to the end. I am not sure Peter reviews plans in detail.

P. Rowell: I see the TRC plan and the Planning Board approved plan.

D. Hemeon: What is the list of items you monitor at Stantec?

D. Tatem: 9 or 10 items to include: erosion control, silk fence, gravel, pavements, and landscaping. We provide a dollar estimate and number of trips to the applicant. Most times, there are funds left over to return to the applicant. Some sites take a lot of time such as Wal-Mart and Lowes. We have been checking to see how things are completed, and we have also been enforcing. Now that Peter has been hired, he can enforce the things we find. We have the expertise and the equipment that the Town does not have.

J. McHugh: I am glad you gave the enforcement piece to Peter.

D. Dreffs: If the landscape plan is not installed per the Board approved plan, then you let Peter know and it is his decision to determine to grant the Certificate of Occupancy.

M. Sorel: Coastal Partners is a site that had a lot of engineering.

J. Gryval: We are here to assure the job gets done properly.

J. McHugh: Stantec is an issue with the Town Council for fees.

D. Tatem: The RSA states the Planning Board dictates parameters.

P. Rowell: Stantec is invaluable for the big projects. I would oversee smaller projects such as Butler Hockey, a home business. The enforcement part should be with me.

M. Sorel: Couldn't we direct the Town Planner and CEO to make the decision when Stantec reviews and when the CEO reviews?

J. McHugh: It should be explored with other communities how they do it. A simple project may become more complicated.

J. Gryval: The only way to be fair to the developers is to treat them all the same.

J. Duffy: Example, for a bond reduction Stantec typically goes to the site to assure it is justified. Samco had recently requested a bond reduction through Peter. Did Peter go out to this site?

D. Tatem: To get a bond reduction on a private site, the applicant must have a Certificate of Occupancy first.

M. Sorel: What is the best interest of the community?

J. Gryval: We should keep things the same and have Stantec complete the site compliance monitoring. Code enforcement should now be with the CEO.

J. McHugh: We need to create a fee schedule.

J. Duffy: This is from the Developer Workshop. Also, cinemas in Town are being used for church sessions.

P. Rowell: For the Regal Cinema the use is not allowed for church sessions. In the Performance Zone it is allowed.

D. Marshall: There should be a letter from the CEO to the owner of building and copied to the Board.

Stantec Reviews

D. Tatem: Example of a lot line adjustment recently submitted to the Planning Dept. that I reviewed for tonight's meeting. I came up with 19 comments.

J. Duffy: About a year ago, the Board adopted Stantec to review all plans including lot line adjustments. Rene LaBranche at Stantec mentioned that if a lot line adjustment comes in, then we decide what Stantec needs to collect in review fees.

M. Sorel: It is not the Planning Board who is being uncooperative. The applicant must meet the regulations. Is it in the best interest of the Town to have a Stantec contract?

D. Marshall: Annually, Stantec would need to negotiate a fee for that year and make it available to developers. Fees will be higher if need more than a typical review.

D. Hemeon: Developers like consistency; example a 3 yr period where rates won't change. David thought if it is a contract, it would have to go out to bid. I disagree. The RSA gives the Planning Board this authority.

J. Duffy: I spoke with the Town Attorney and he stated a Stantec contract is not a good idea. This falls under the Planning Board to hire someone. It is not in a bidding process. We are not paying anything; the money comes from the applicant. Stantec works for the Town, and the payment comes out of the applicant's escrow account. Derry collects engineering fees and puts them into a general fund.

D. Marshall: This is not a revenue item.

M. Sorel: Is it in the best interest for the Town to have a contract with Stantec?

D. Marshall: The Town Attorney stated it is not good idea. We should have a schedule of fees (rate) for a period of 3 yrs; this is a good idea.

J. Gryval: The Board should start receiving a copy of Stantec's review letters for applicants on that night's agenda.

Aesthetic Committee Guidelines

To be continued to another date.

OTHER BUSINESS

1. **Severino Trucking Co., Inc.**
Pine Street, Map 7, Lots 3 & 3-2
Excavation Project

J. Duffy: The Board approved a 3-lot subdivision in this Medium Density Residential zoned site. The applicant was RJM. Severino Trucking has since purchased this site. They want to remove 100,000 yards of material to be used for the exit 5 I-93 roadway project. The ZBA has reviewed and completed a site walk. At the TRC meeting, the site was noted as being in the wellhead protection area. There is a Zoning Ordinance for Ground Water Protection that states no new excavation sites unless incidental for the permitted use. If they had come in originally for their approved site plan with excavation, then this would be a different situation. Now they are adding excavation. The applicant will need a ZBA variance. The ZBA would like comments from the Planning Board. Village water precinct's North Well is close to this site and serves 200 households. Also, the water main is a concern because of the truck traffic. Trucks will complete 10-15 loads per hour. The Village Water Precinct has sent a letter last week requesting not to take action. Today we received a letter from BJ Branch, Village Water Precinct's Attorney, pulling back from providing water to this site.

D. Marshall: The ZBA should not take action until the applicant complies with the wellhead protection.

J. Duffy: In addition to the wellhead protection area, there is an issue with truck traffic and the condition and safety of the roads.

D. Hemeon: Pine Street is 21 ft wide at its widest point.

M. Sorel: They were stating because it was a Federal job, they did not need to comply with local approvals.

J. Duffy: It specifically states the applicant must be in compliance with local zoning.

D. Tatem: We did not know about the wellhead protection at the ZBA meeting. We identified this at the TRC meeting; referred to letter from Rene LaBranche, Stantec, dated September 8, 2008.

J. Duffy: In the Zoning Ordinance, there is nothing for excavation. In the Other Ordinance, it doesn't state where, just what you can/cannot do.

D. Marshall: The State law applies for excavation.

J. Duffy: You can't supersede local zoning.

M. Sorel: The ZBA is looking for comments from the Planning Board.

J. Gryval: Send a memo to the ZBA that the Board supports the content in the following letters:

- 8/28/08 Hooksett Village Water Precinct – Joseph Hebert, Superintendent and Anthony F. Amato, Commissioner
- 9/5/08 Backus, Meyer & Branch, LLP - BJ Branch, Attorney
- 9/8/08 Stantec – Rene LaBranche, Senior Associate

and note these letters include but are not limited to all the concerns of the Board relevant to:

- (1) This site is within Wellhead Protection Area
- (2) Zoning Ordinance Article 19 Groundwater Resource Conservation District section (D) Prohibited Uses (11): “The establishment of a new excavation site within the Wellhead Protection Area, unless it is incidental to a permitted use and with the exception of any existing excavation legally permitted under the excavation regulations of the Town of Hooksett at the time of adoption of this ordinance.”

OTHER BUSINESS, Continued

2. Park Place Sign

J. McHugh: Follow-up to conversation on a school bus that hit the Park Place sign on Hooksett Road, it was a provider bus and not a Hooksett school bus. This was reported to the Police Station. They should have also notified the SAU.

3. Compliance issue

J. McHugh: I wish people would stop displaying vehicles on sides of roads. Some are vehicles are obstructing views and are a safety hazard. CEO to follow-up on this item.

ADJOURNMENT

Chairman J. Gryval declared the meeting adjourned at 9:50pm.

Respectfully submitted,

Donna J. Fitzpatrick
Planning Coordinator