

**Official
As of 10/20/08**

**HOOKSETT PLANNING BOARD MEETING
MINUTES
HOOKSETT MUNICIPAL BUILDING
Monday, October 6, 2008**

CALLED TO ORDER

Chairman J. Gryval called the meeting to order at 7:00pm

ATTENDANCE

Chairman J. Gryval, Vice-Chair J. McHugh, Town Administrator D. Jodoin, Y. Nahikian, D. Marshall, D. Dreffs, D. Hemeon, and Town Council Rep. P. Rueppel.

Excused: M. Sorel and B. Ehlers.

Absent: R. Guay and R. Duhaime.

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

J. Gryval: D. Marshall and Y. Nahikian will vote tonight.

APPROVAL OF MINUTES OF 9/08/08 workshop, 9/15/08 workshop, & 9/15/08 meeting

*P. Rueppel motioned to approve the workshop minutes of 9/08/08 with edits by J. McHugh on pg 12. Seconded by J. McHugh.
Vote unanimously in favor.*

*J. McHugh motioned to approve the workshop minutes of 9/15/08. Seconded by D. Marshall.
Vote unanimously in favor. D. Jodoin and P. Rueppel abstained.*

*J. McHugh motioned to approve the meeting minutes of 9/15/08. Seconded by D. Jodoin.
Vote unanimously in favor. P. Rueppel abstained.*

CONTINUED PUBLIC HEARING

- 1. CONGREGATIONAL CHURCH OF HOOKSETT (08-26)**
5 Veterans Drive, Map 9, Lot 35
Non-residential site plan for a parking lot

Continued to November 3, 2008.

COMPLETENESS

2. **STEPHEN FAULKNER, Faulkner Landscaping & Nursery (08-28)**
1380 Hooksett Road, Map 18, Lot 47
- CUP (Conditional Use Permit) for construction of storm water treatment in a 40 ft buffer and to remove some pavement out of the buffer
 - Non-residential site plan to construct an 1,800 sq ft building, 400 sq ft greenhouse, and 616 sq ft storage shed. Additionally, there may be a future 750 sq ft building expansion for an ice cream stand/restaurant.

J. Duffy: This plan is complete.

*D. Marshall motioned to find the plan complete. Seconded by D. Hemeon.
Vote unanimously in favor.*

Continued to November 3, 2008.

COMPLETENESS AND PUBLIC HEARING

3. **BEAVER BROOK DEVELOPMENT OF HOOKSETT LLC (08-35)**
17 & 19 Nancy Lane, Map 25, Lots 21-1 & 21-3
Lot Line Adjustment

J. McHugh: I am stepping down from this application

J. Duffy: This plan is complete. Applicant needs some waivers.

*D. Marshall motioned to find the plan complete. Seconded by P. Rueppel.
Vote unanimously in favor.*

J. Gryval: Received and read the 11 waivers into the record.

*D. Marshall motioned to grant the 11 waivers. Seconded by D. Dreffs.
Vote unanimously in favor.*

Open Public Hearing

Don Duval, Duval Survey, Inc.: This is a lot line adjustment for lots 21-1 & 21-3. JR Ouellette would like to change the existing lot along Virginia Court. There is a possibility for future 55 and older housing. The current access to the parcel has 20-21 ft cuts.

J. Duffy: This plan was most recently revised 9-24-08 for the buildable areas, contours, and locus.

D. Duval: Per Stantec's letter dated 9-26-08, we have met our conditions.

D. Marshall: Is the buildable area for lot 21-2 on the plan?

J. Duffy: The first time the applicant came to the Board, the proposal was to come in from the top. The Board was not in favor and thought it was a traffic nuisance. The applicant is now back, at the request of this Board. He has changed the entranceway and lot configuration to enter the cul-de-sac to the left. Now, the entranceway is between the two residential lots. You are not looking at the use of this lot, however there is a potential for this lot to have an assisted living facility. In the plan for Berry Hill, a note was required on the plan to have a gate at the end of Nancy Lane. Berry Hill abuts the end of Nancy Lane. The gate was not installed. The subdivision was sold to Scott Bussiere and JR Oullette.

Scott Bussiere: We bought the five lots, but not the road. The Berry Hill phase is incomplete. It is only a dirt road where it meets up with Nancy Lane. When the road gets paved, then they will put in the gate. The road is still bonded by Thibeault Corp.

J. Duffy: Equivise sold the subdivision to Scott and JR. Berry Hill has the condition for the gate.

Close Public Hearing

D. Marshall motioned to approve the plan dated 9-24-08 conditional:

- All review fees are paid-in-full
- \$25.00 LCHIP check payable to Merrimack County Registry of Deeds is submitted to the Planning Dept.
- 2 mylars, 11 paper copies, and 1 digital
- All waivers noted on plan
- Note on plan "Approval of this plan shall expire three (3) years from the date of the Planning Board approval, as recorded in the Planning Board Minutes, unless the right to develop has vested."

Seconded by P. Rueppel.

Vote unanimously in favor.

DISCUSSION

4. AV HOOKSETT (07-44)

Hooksett Road, Map 25, Lot 19

Proposed changes to site plan for boulder wall, back slope, and parking area

J. Duffy: The Planning Board did not approve some things happening this site. The applicant is planning to come back to the Board on November 3rd for an amended site plan. This is just informational meeting regarding the proposed parking lot to be built in the future, if needed. This did not include drainage, alterations, etc. The plan I just

handed out shows there is a good amount of trees that were taken out. The applicant spoke with the Building Inspector who stated they can have a trailer parked on this site.

Brad Jones, Jones & Beach Engineers, Inc.: The staging pad has been built, and the portion of the proposed parking lot has been filled. This area is not to grade yet. It has riprap. This is as far as the contractor will go until the November 3rd Board meeting. We received our Alteration of Terrain Permit from the State. There are no wetland impacts.

J. Gryval: Why did you cut down the trees without the Board's permission?

J. McHugh: Why did you go forward, when you have a plan that has not been approved?

Alex Vailas, owner: The contractor interpreted the proposed parking area as approved, if needed.

J. McHugh: Why wouldn't you question this approval, before you continued forward?

Art Rose, General Contractor: I am on the site. The owner gets me a set of plans approved by the Board. On that plan, I see a proposed parking area for future use, if necessary. In addition to the plan, I know I have an excess of material on this site that needs to be removed. I had no reason to question whether or not this parking area was approved or not. Based on the grading for this parking area, why would I take the excess material offsite when I need it to place in this parking area? As soon as we found out there was an issue, I had stopped my work. The reason why, it was my decision alone, and I had no reason not to think it couldn't be done.

D. Marshall: Wasn't there a pre-construction meeting and at that meeting the tree line was defined?

D. Tatem: We had the plans at the meeting.

A. Vailas: What wasn't evident to the contractor was that I had to get an Alteration of Terrain Permit from the State and come back to the Board for approval.

Y. Nahikian: To Mr. Rose, how did you find out this was an issue?

A. Rose: The Building Inspector came to the site. This is a staging area and parking for some of the tradesman. There was nothing that said I couldn't do it.

Y. Nahikian: Did you need a Clearing permit?

J. Duffy: It is a Timber Cut Permit, however this is only required after so many trees have been cut.

A. Vailas: A Timber Cut Permit is not a normal item needed for construction.

J. Gryval: Where do we stand on this?

J. Duffy: They are going to apply to the Board for the Nov 3rd meeting for an amended site plan. Have you stopped putting the trailer in?

A. Rose: We have just stabilized the slope.

J. Duffy: It sounds like the trailer is going in before the Board approves the amended site plan.

Y. Nahikian: How was your contract with your client?

A. Rose: I knew I would have surplus material and I needed a place to put my trailer.

A. Vailas: To analyze a site, you complete Geo-Tech studies. 99% of the time there are field changes. Our plan called for loam and seed to the rear of building, then water was flowing in the backside. Riprap was needed to stabilize the slope, then we will provide intermittent plantings.

B. Jones: Pointed out slope and riprap on the plan to the Board.

D. Hemeon: Why did you do that?

A. Vailas: We could not stabilize the slope with loam.

B. Jones: There is an intermittent swale.

A. Vailas: The amount of material is more than what we had anticipated. If we build the parking lot in the future, it is best to blast now prior to occupancy of our tenants. The call was to blast now and have temporary riprap. The site will be landscaped and loamed prior to us leaving the site. We have a landscaping plan showing White Pines and Junipers.

D. Tatem: At the pre-construction meeting, it was stated changes would be discussed before things would be done. We are not getting notified of these changes. If I knew, I could have brought this before the Board.

A. Rose: Changes are time sensitive.

D. Hemeon: For a simple field change, the engineer can OK that without having a Board meeting.

A. Vailas: Most commercial properties are time sensitive. We can pick up the phone for any future changes.

D. Hemeon: If there is something you need a vote by the Board, we can poll.

A. Rose: I did not give Dan the benefit of the doubt on this one. I have 38 yrs of contracting experience in New England. There is no other way to deal with this. Whether I speak to Dan, the Board, or President of the US, it is the same situation.

B. Jones: We still have to submit a design to Dan.

D. Hemeon: It still will not slow down your work.

A. Vailas: There are too many lines of communication. It is time consuming and difficult to deal with. No changes were completed without review by our Geo-Tech Engineer, Civil Engineer, and Architect.

J. McHugh: Given your experience, I don't think this is the first time you have encountered this. Dan is always willing to help. I am cautioning you, because you feel you know the right way. Dan is responsible to assure the Planning Board rules are adhered to.

A. Rose: I will call Dan.

P. Rueppel: Jo Ann and Dan, what is your solution to this?

J. Duffy: Initially, I told Peter to shut down the operation, and he didn't. Now it is too late to shut down. I think they need to come to the Planning Board on November 3rd on how they are going to restore this area. This is also happening on other plans and I will address these later.

A. Rose: For the parking area, there is no site-specific drainage. The plan for November 3rd is site specific and has additional grading information.

D. Hemeon: Are you building this future plan out?

A. Rose: (1) blasting is to be done before other buildings get occupied, and (2) use material on site for the proposed parking area.

D. Tatem: The additional parking area will need to be added to the Bond. You Bond the site before you build it.

A. Vailas: We are building a flat grass pad.

Y. Nahikian: What is going to determine the need for the additional parking lot?

A. Vailas: The usage of the building.

J. Duffy: The Board granted a waiver for the number of parking spaces with the intent of a proposed parking lot, if needed. Nothing was discussed on who would determine the need.

Y. Nahikian: How are you going to remedy this?

A. Vailas: We will add loam, seed, Pine Trees and Junipers.

D. Marshall: Keeping the excess material on site is the logical thing to do. I see no problem with prepping the parking lot pad "green pad", as long as it is properly landscaped. It seems like a waste to haul material off now, only to bring it back later. The issue facing us November 3rd is to look at a revised plan. In the meantime, a trailer is on its way.

J. Gryval: We will decide tonight if trailer can be placed on the pad.

D. Jodoin: Field changes should be made between their Engineer, Stantec, and the Town Planner. You will run into troubles with the Board polling.

B. Jones: For the transformer in front of TD Banknorth, PSNH stated they cannot allow another lead underground for our site. We will need to address overhead lines.

J. Duffy: This is not a field change, it would require a waiver. It also requires a public notice. Can this wait until November 3rd?

D. Tatem: At the pre-construction meeting, Jones & Beach provided us with the S.W.P.P.P. reports? Since then, Art was to provide these.

A. Rose: I will have Brad submit the S.W.P.P.P reports to Dan.

***D. Marshall motioned to grant the approval of the trailer and other construction vehicles on the staging area "green pad". Seconded by D. Dreffs.
Vote 5 in favor, 3 opposed = approval granted.***

OTHER BUSINESS

CIP

J. Duffy: Town wide traffic - I did not put in money for the parkway. I have \$56,675, but will need approximately twice this amount.

J. McHugh: Are these funds needed for the study or the actual parkway?

J. Duffy: It is for the study.

D. Marshall: Keep it in.

DOT - Thibeault Corporation

J. Duffy: DOT stated if Thibeault Corporation was not done by October 15th, they will pull their Bond.

Landscaping Bonds

J. Duffy: Last year, MTS had not finished everything on their site due to the Winter months. It is now almost a year later, and the landscaping is still not done. MTS was not planning to do it this year. There is nothing in the regulations on how long they can get away with this. For future updates to our regulations, I believe it is reasonable to put a date certain to be completed.

D. Marshall: Yes, a date certain. Then address issues under extenuating circumstances for a continuance.

D. Tatem: The intent of the bonding is to encourage sites to complete their work. There are people on the Board concerned about landscaping. If MTS renews his bond, does he keep doing that or should he have a meeting with the CEO to establish a date? In the future, set a date specific.

D. Marshall: Have we ever called a Bond? Watch the State DOT with Thibeault Corp.

D. Hemeon: When I pulled a Bond, I got .20 cents on the dollar. We need Letters of Credit vs. Bonds.

D. Marshall: Why did you only get .20 cents on the dollar? An example - Quarry Road Bond was pulled. This gave me exactly enough for me to finish the job, no surplus.

D. Dreffs: How or why would they get their CO without a completed project?

D. Tatem: The regulations state that uncompleted work can be bonded. An example - Coastal Partners, there is a foundation in the middle of their parking lot that is fenced off. How long will this site stay this way? The CEO should go to properties not being completed and set deadlines. If the site is not completed, you can also pull the site plan approval.

J. McHugh: Update our regulations. As Dale stated, for existing sites, set a deadline of next season for completion.

J. Gryval: For future sites, if they are not completed in a year, then pull their Bond.

D. Tatem: Just have the CEO meet with these existing sites to establish a deadline.

J. McHugh: I don't think it hurts to establish a deadline with the existing sites.

D. Marshall: Is a Letter of Credit easier to call than a Bond?

D. Tatem: Yes.

J. Duffy: Bart stated that we cannot require just Letter of Credits (LOCs). Both the LOCs and Bonds should be offered to the applicant.

Heritage V – Scott Bussiere

J. Duffy: In 2001, \$59,392 (\$1,484.00 per lot) was delivered to the Town for Farmer Road improvements. The funds have not been used for this purpose. Improvements to the roadway are not an impact fee. Back in 2001, we did not have roadway impact fees.

D. Hemeon: It was a one-time fee for Farmer Road. Greg Michaels thought it was an impact fee. I will call Mr. Michaels tomorrow to clarify.

Lowe's Impact Fees and Open House

J. Duffy: Both Lowe's and Wal-Mart will pay \$432,000 each in impact fees. The signed agreement between these parties is to hold for 10 yrs vs. 6 yrs. Also, Lowe's open house is October 16th @ 6:00pm.

SNHU Retaining Wall

J. Duffy: I received a call last week from Dana Adams, Opechee, about Stantec. He had complaints about field changes and how they were being handled. These were not minor field changes. They were moving sewer lines and manholes. They went out the other day and started building a retaining wall.

D. Tatem: We had a meeting with them. I was not in attendance for the Developer Meeting the Board had a couple of months ago. For retaining walls, they need the shop drawings at their pre-construction meeting. Opechee refused to supply these drawings at that time. They provided these drawings after the pre-construction meeting. In my 1st review, they were missing items. In my 2nd review, they did not meet the manufacturer's recommendations.

J. Duffy: The Building Inspector sent me an e-mail stating they had no place to store their retaining wall supplies. They started stacking them up. It appears that the developers are moving ahead on changes without any approval from the Planning Dept. or Planning Board. I know they spoke with the previous applicants here tonight. Because no one is stopping them, this is becoming a problem.

P. Rueppel: Can we fine them?

D. Tatem: The issue is no one is stopping them.

J. McHugh: Isn't the CEO suppose to do this?

D. Hemeon: The CEO needs to take direction from the Town Administrator.

D. Jodoin: The CEO does not go to the site every day.

J. Duffy: This SNHU issue happened last Friday.

D. Tatem: The AV Hooksett green pad area just happened last week.

D. Marshall: David had a meeting with Stantec and Peter. Since that time, nothing but problems. You hired Peter as a qualified CEO. This Board and Jo Ann are not responsible to train him. If there is a problem, it cannot be swept under the rug. This needs to be resolved. It is not the Planning Board's problem, but it is since it is wasting our staff's time.

D. Jodoin: A site plan is a site plan and he needs to follow it.

Y. Nahikian: I know we have a Town Planner who comes to this Board's meetings. The CEO does not come to this Board's meetings. How is the CEO aware of the Board's decisions.

J. Duffy: The CEO gets a copy of the approved, signed plan and the approval letter.

D. Tatem: If it is on the plan, I do not deviate. I have no authority to change it.

P. Rueppel: The CEO is going to enforce what we, the Board, approve.

Stantec Letters

J. Duffy: Would the Board like to continue receiving Stantec Letters?

J. McHugh: I happen to like the Stantec letters.

D. Marshall: Can they be sent via e-mail? I read them.

D. Tatem: I will e-mail my letters to the Board vs. hard copies. I will also add the Board's plan # to my letters.

Severino Excavation

J. Duffy: Referred to BJ Branch letter; I sent him the Board memo that was sent to the ZBA. This item is on the ZBA agenda for October 14th.

Planning Dept., Building Dept., Highway Dept. and Stantec List of Tasks

The Board, Town Planner, and Stantec had a discussion on best business practices and the appropriate department to complete tasks.

J. Duffy: The bold items on the list are being covered by the Building Dept. They think these tasks should be the Planning Dept.'s responsibility.

J. Duffy: The ZBA has always been in charge of gravel excavation. When K. Andrews left, no one was doing this. Other Ordinances are controlled by the Town Council.

D. Jodoin: The Landscaping Bonds were Charles' responsibility.

J. Duffy: These Bonds were always with Ken. Then when Michelle came, she took them.

J. McHugh: Ken Andrews determined vesting when he was here.

J. Duffy: Peter and I had conversations on impact fees. Sites that began active and substantial development within 12 months are grandfathered for 4 yrs on impact fees. Peter thinks the Planning Dept. is suppose to determine if the site is vested. I have nothing to do with vesting for construction of roadways, etc.

J. Gryval: The Change of Use form is in the process of being put together. The Building Dept. should handle the distribution of the form.

J. McHugh: There needs to be criteria established for when there is enough change in use that will require the Planning Board approval.

J. Gryval: Why wouldn't the Building Dept. do this?

J. McHugh: Wasn't it for a while that everyone was coming before the Board?

J. Duffy: There are some that come before the Board for a waiver of site plan.

D. Hemeon: Ken Andrews used to do driveway inspections. I don't mind doing them, however by the time I do it, the house and foundation are already built.

D. Dreffs: Are driveways part of site plan compliance?

D. Hemeon: They get a permit from the Building Dept.

D. Tatem: It makes sense for the CEO to do inspections of driveways, when he is checking the footings.

The Planning Board was in agreement with the task assignments dated 10/06/08 presented this evening.

*D. Jodoin motioned to adjourn at 9:20pm, seconded by J. McHugh.
Vote unanimously in favor.*

ADJOURNMENT

Chairman J. Gryval declared the meeting adjourned at 9:20 PM. The next meeting is scheduled for Monday, October 20, 2008 at 35 Main Street, Hooksett, NH Town Hall Chambers (room 105).

Respectfully submitted,

Donna J. Fitzpatrick
Planning Coordinator