

**Official
As of 3/4/08**

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

MEETING CALLED TO ORDER

Chairman D. Marshall called the meeting to order at 7:05 PM.

ATTENDANCE

Chair D. Marshall, D. Hemeon, R. Sullivan, D. Dreffs, Town Council Rep. P. Rueppel, Vice Chair R. Guay, Town Administrator D. Jodoin, Yervant Nahikian, and B. Ehlers.

Excused: J. Gryval

D. Tatem, Stantec Engineer representing the Town of Hooksett

APPROVAL OF MINUTES OF 1/07/08

R. Guay motioned to approve the minutes of January 7, 2008 as presented. Seconded by P. Rueppel.

Vote unanimously in favor. D. Marshall, D. Jodoin, and B. Sullivan abstained

CONTINUED PUBLIC HEARING

BROOKVIEW SR. HOUSING

1631 Hooksett Road, Map 14, lot 32

Non-Residential Site Plan for 60 Unit 55+ Housing Development

D. Tatem: From our last review letter published today, they have addressed the majority of the concerns. The retaining wall located at the western corner, remains outstanding. There is a finger of wetland and a *No Disturb Wetland* for which we have not received evidence that it will remain undisturbed. If that wall can't be built there, it will result in sliding the building. We felt we needed to look carefully at the retaining wall. We met with the applicant last week. The easement for the billboard, located north of the property, has been found.

We discussed constructing a trail to Lot 10, University Marketplace, which didn't pan out due to the accessibility. We talked about a 15-foot wide walkway and a sidewalk to Lot 10 for future development at University Heights.

They have verbally agreed to a 15-foot easement, which was cleared by the State.

We recommend that the sidewalk be bonded, as was done with Wal-Mart (5 year bond with set price).

There are several other technical comments. The last planning item is for a waiver. The abutter to the south doesn't have the required 40-foot buffer. They hoped to get a letter

from that abutter and we got a letter from the abutter to the contrary. Since the waiver is a requirement for approval, that should be where we should start tonight.

Henry Yee, abutter: I had questions, which I stated on the letter. I downloaded the minutes of a previous meeting which had a false statement made by Steve Keach, which said we knew what was going on.

R. Guay: I wasn't happy to hear that they said they bought the property from you.

A. Buchanan: My client bought it from a Yee, and apparently it was another Yee and they understood it was being sold for development purposes. I don't think Mr. Keach was aware that the ownership changed.

H. Yee: We lived there since 1960. Mr. Wing lives at 1632 Hooksett Road, and is a distant relative.

R. Duhaime: At one time, I assumed the smaller house was going to be raised, which is why the scale of the building is an issue. We assumed you had talked to this gentleman. It is unfair to waste this board's time on something that should have been taken care of.

A. Buchanan: We are not seeking approval tonight. This plan, in some fashion, has been before the Board since May of 2005. Now, after three (3) years, the abutter is stepping forward. We didn't know they had any problem with this project. There have been notices sent of these meetings. We are willing to hear his concerns and are prepared to address the letter. If necessary, we will accommodate Mr. Yee if possible. We want to concentrate on the other issues.

D. Tatem: If the wall isn't designed and the waiver isn't approved; I don't know what there is to discuss.

D. Marshall: We are not going to address the letter from Mr. Yee. You, the applicant, can have a copy of the letter and should deal with the abutter and address those concerns.

A. Buchanan: We intend to talk to the abutter.

D. Marshall: I see no reason to discuss this tonight. The wall design must be guaranteed.

D. Tatem: I assume they will have a design in a month.

D. Marshall: We will require a five (5) year bond for construction of the sidewalk up to Lot 10 at the proposed University Marketplace site.

A. Buchanan: The issues are the buffer, the easement for the sidewalk, the retaining wall, and the bond for the sidewalk.

D. Marshall: And you need to address Mr. Yee's concerns as stated in his letter.

Public Hearing Continued to March 3, 2008.

COMPLETENESS

AMBROSE REALTY, LLC

1399 Hooksett Road, Map 18, Lot 13

Non-Residential Site Plan Amendment for the layout and site improvements associated with the creation of a display area and a gravel equipment storage area

Staff recommends the plan be found complete.

*R. Guay motioned to find the plan complete. D. Jodoin seconded the motion.
Vote unanimously in favor.*

Public Hearing continued to March 3, 2008

COMPLETENESS & PUBLIC HEARING

ROBERT J. PIKE REVOCABLE TRUST

3A Kerri Lane, Map 18, Lot 4-1-2

2-unit condominium conversion

Staff recommends the plan be found complete.

*R. Guay motioned to find the plan complete. D. Jodoin seconded the motion.
Vote unanimously in favor.*

Open Public

D. Mitchell: This is an existing two (2) unit residential building, built in 1984 and the proposal is for a condominium conversion with a change in ownership rather than a change in use. The condo docs were submitted to the Town's Attorney and based on what we submitted, we request a conditional approval.

Waiver (see file) Waiver: Abutters' septic and buildings within 200' – due to existing building, no additions or changes to footprint. No changes to septic, drainage, or grade.

D. Tatem: We support the waiver request.

*B. Sullivan motioned to grant the waiver. Seconded by R. Guay.
Vote unanimously in favor*

Staff recommends approval with the condition that final approval on the condo docs are received from the Town's Attorney and all the issues are addressed as well as the concerns of the Building Department.

R. Guay motioned to approve with the condition that the Town Attorney approve the Condo Docs. Seconded by R. Duhaime.

Vote 7:1 Motion carries.

PUBLIC HEARING

EDGEWATER INVESTMENTS INC.

50-54 Edgewater Drive, Map 5, Lots 6, 7, & 8

Consolidation and 4 lots Subdivision

J. McCourt, McCourt Eng. Associates: This property is located on Edgewater Drive, Map 5, Lot 6,7, and 8. On Edgewater Drive, there are three (3) existing lots and we want to make four (4) buildable lots with three (3) having access to the river. Each area will be permanently deeded and be part of that lot.

We went to the Zoning Board and got approved. We had four (4) lots, but when we went to get subdivision approval, the Shoreland Protection said we need 150 feet per lot, so we could only get three (3) lots. Only three (3) lots will have deeded access.

The address of the owner is missing, but it is note #1 on the plan.

We are cognizant of the impact fees.

A waiver is requested for the monuments. We had a temporary waiver to show the monuments, but there are angles in the road because of the way Edgewater lays out. We want to put iron rods with caps, then put the concrete bounds at the head quarters. There is only about 100 feet between these.

D. Marshall: Staff is recommending that we deny the waiver for the bounds and it is necessary for every change in direction to have concrete bounds. The rods are too easily removed.

B. Sullivan motioned to grant the waiver. Seconded by D. Jodoin.

Vote 1:8 Motion failed.

J. McCourt: We have the State Subdivision approval. Staff is saying, in Article 3:E.1 of the Zoning Ordinance, "No cesspool, septic tank, or swage disposal area shall be constructed or maintained less than seventy-five (75) feet from the edge of a public water body and/or a well, and must be a least twenty-five (25) feet from the property line." It does not say the 25-foot receiving area or the test pits must be in the 25-foot receiving area.

D. Tatem: The ordinance says you have to have the components twenty five (25) feet from the property line. He's looking at four (4) feet from the test pit. The entire test pit is sand. The definition of a 4K is a twenty-five (25) foot setback.

J. McCourt: I can show a 4000-foot area and label it Town. All the test pits are the same because all the material is the same. They are going to do another pit when they design the septic system.

The State rule is it has to be 5 feet from the test pit, so I would need to get a waiver from DES.

D. Tatem: I would recommend approval tonight.

J. McCourt: Can't I put a note on the plan that all test pits must be 25 feet from the line?

D. Marshall: A note on the plan must state that it will be 25 feet from the property line.

J. McCourt: Site-Specific soil mapping is shown on the plan and was given to the Town. The last issue is about the trees along Edgewater and if they should be cut or not. We have the comments from the Planner. If you want them cut, we will cut them, if you don't we won't.

D. Hemeon: The Pines have been an issue for a long time and most are dead. These are clearly in the Town's Right of Way, and I want them cut. These are not on the riverbank.

Mr. Slemp, abutter: I am the abutting neighbor and the eagles' nest in those trees. If they need to be cut, the Town shouldn't pay them for it.

D. Hemeon: These trees are on the other side of the street and they are a problem for plowing. I have never seen an eagle in a pine tree. The developer would pay to cut them.

R. Duhaime: To thin the trees properly, you need a professional. I have seen eagles in pine trees.

K. Scarpetti: Shoreland said we can cut up to twenty-five (25) feet on the west and fifteen (15) feet on the east. They have no problems.

Y. Nahikian: In my opinion, the views of the river are important. It doesn't matter which side, the view is the same from the other side of the river. I'm opposed to cutting the trees.

D. Tatem: There is a 30-day option for appeal. We can give the abutter 30 days to show evidence. If there are eagles, we shouldn't cut them down.

K. Scarpetti: PSNH will be cutting some as well.

D. Hess, Conservation Commission: I know the area, and I often walk my dogs down there. They are gorgeous trees of 60-80 feet. I have never seen a plow problem. A few times there have been a few limbs on the road.

D. Hemeon: I can't do anything if I don't have a ROW.

D. Hess: Can you widen the road on the river side?

D. Hemeon: You can widen it at Mr. Scarpetti's end, but then you can't by Mr. Hyde's house.

J. McCourt: We are giving land on both sides of the road to make a 25-foot road.

D. Marshall: Then the trees will be in the road.

K. Scarpetti: I am willing to cut the trees.

D. Tatem: Is there any value in the Town taking the land, if you can't take down the trees?

D. Hemeon: We can grind the stump and pave over them.

Board consensus: 4 in favor of keeping the trees and 5 in favor of cutting the trees.

D. Marshall: I suggest bringing in a registered forester and be selective about what you cut.

K. Scarpetti: If you don't cut them all, there is no use in cutting any, because you can't widen the road.

***P. Rueppel motioned to cut the trees. D. Hemeon seconded.
Vote 6:3 Motion passed.***

Waiver for existing buildings within 200 feet.

J. McCourt: The only building not shown is the building on the southerly lot. On the Existing Conditions Plan, we located all the structures within 200 feet. The septic and wells are not shown because we were removed from the neighbor's property.

R. Guay motioned to approve with the following conditions. Seconded by D. Jodoin.

- 1) All outstanding review fees shall be paid in full prior to the plans being signed
- 2) Receipt of 11 paper copies, 2 mylars and one electronic copy
- 3) Note on the plan regarding all septic components to be twenty five (25) feet from the property lines
- 4) All outstanding comments are completed to the satisfaction of Stantec
- 5) The land being given to the Town is to be shown on the plan and deeded
- 6) All required State and Federal permits are submitted prior to the plans being signed
- 7) All approved waivers are to be noted on the plan prior to the plans being signed
- 8) Note be placed on the plan that the Pine trees located in the ROW along the property line of Edgewater Drive shall be cut at the expense of the applicant.

Vote unanimously in favor

CONTINUED PUBLIC HEARING

WEBSTER WOODS PHASE II (Continue to March 3, 2008)

Hooksett Road, Map 6, Lot 114
Site Plan for 46 Duplex units and 7 single units, 55 & older person housing

AV HOOKSETT

Hooksett Road, Map 25, Lot 19
Non-residential Site Plan for 2 Floors, 56,000 S.F. Medical Office Building and
2-unit commercial condominium conversion

D. Tatem: After last week's review, many of the concerns were addressed. They showed the plan to reduce the parking and feel they don't need all the parking spaces which is a win, win. On Friday, they submitted information on a few other projects built on Holt Ave. and Londonderry, which compared the parking and the square footage, and it appeared reasonable. Our office reviewed the project in Londonderry and found that they were granted the waivers with the condition that the applicant agreed to add the parking in the future if needed. I recommend the waiver be granted with the parking shown on the plan, as well as a faded back section showing the extra 45 spaces can be built if needed without wetland permits. The waiver seems reasonable.

I discussed with J. Duffy that the Conservation Commission's concern with the wetland fill should be resolved prior to approval. It seems Phase I to build 75 units was approved to fill the wetland but was never done (1995-96). This plan only fills a portion of the wetlands and it shouldn't be a problem getting the permits from the State since it is a reduction in wetland impact.

This project has a retaining wall close to the 25-foot setback with grading in the set back. We need assurance that the wall can be built without impacting the setbacks. We need the letter from the geotech. It is so tight; we need a letter saying it can be designed. The Wetland Permit has not been issued yet and the off site work for Phase I was complete. The work for Route 3 was completed and we reviewed the traffic study. The Site Specific and the Wetland Permit have not been submitted.

We have a list of minor technical comments that should be easily ironed out.

D. Marshall: If you have a permit pending in front of a State agency, we cannot act.

A.Vailas: If it weren't originally approved, we wouldn't ask. We got approval for 39,000 sf. The mitigation was to be the Conservation Easement. All that work was done. There was an understanding with an abutter to do some additional work, but the wetlands were never filled. Conservation approval was received. I spoke with the Conservation Commission chair and he agreed this was ok because of the prior approval. This Conservation Commission Chair was not at the meeting however. The gentleman who sent the letter to the State was unaware that this had prior approval.

We have amended the permit for approval. We don't think there will be a problem with it and it will likely be granted, but has not been granted yet.

D. Marshall: We are waiting for Site specific, Wetland, and DOT permits.

A. Vailas: All the site work was done for the additional traffic. This plan has one third less impact than the original plan, which was approved. The question that looms is will the Town require an impact fee. We didn't know. If all the work is done, isn't it offset? That is the discretion of the Town.

D. DeBaie: We did confirm that Phase I and II were built under Phase I.

A. Vailas: We are not asking for any additional driveways.

D. Tatem: The Planner's comments spell out impact fees.

A. Vailas: We are asking for less impact than what was originally approved.

D. Marshall: The impact fees are based on what is going in. Are you asking for the impact fees to be waived?

A. Vailas: What was already done was to accommodate the bank, Monroe, and Phase II. The infrastructure was done.

D. Marshall: What was done to Route 3 and the intersection, are the improvements, which are required to be done to open. The future expansion, due to increase in traffic, is what the impact fee is for, possibly to cover traffic growth to the north.

D. Marshall: We can't give approval without permits in hand. Are those the only issues?

D. Marshall: Are you willing to show the additional parking on the plan?

D. Tatem: Based on the discussion with Londonderry, which you requested us to do; they recommended that the extra parking be shown.

***R. Guay motioned to grant the waiver with condition that 45 future spaces, if necessary be shown. Seconded by D. Jodoin
Vote unanimously in favor. B. Sullivan abstained.***

R. Duhaime: I'm concerned with the driveway plan and the traffic by Wendy's.

D. Tatem: "Do Not Enter" and "Entrance" is re-striped and there is a shaded area to direct traffic to one lane. The island at Wendy's has been reworked. There is a "Stop" sign and separation of "Do Not Enter" signs and emergency vehicle access around the bank.

R. Duhaime: There isn't a designated stop lane from the bank and the Monroe.

D. Tatem: If you put a bump out by the bank, there isn't a way for emergency vehicles.

We could use slope curb and recess it.

R. Duhaime: Will the island stay the same?

D. Tatem: Yes, it will not move.

D. Tatem: I'm concerned with the retaining wall slope. If that moves, they need to come back before the Board.

D. Dreffs motioned to approve based on the following conditions. Seconded by D. Jodoin.

- 1) All outstanding review fees shall be paid in full prior to the plans being signed.
- 2) Receipt of eight (8) paper copies, two (2) mylars and one (1) digital copy.
- 3) NHDES Site Specific and Wetland Permits are received in hand prior to the plans being signed.
- 4) NHDOT Driveway permit received in hand prior to the plans being signed.
- 5) All outstanding comments per Stantec's letter dated February 1, 2008 are completed to the satisfaction of Stantec.
- 6) All approved waivers are to be noted on the plan prior to the plans being signed
- 7) The following impact fees shall be paid in full 10 days prior to CO: Public Safety: \$25,000; Roadway: \$81,760. TOTAL: \$106,760.
- 8) The revised retaining wall design must include a letter from a geotechnical engineer certifying that the design is constructible and this will not affect the adjacent wetland.
- 9) Waiver granted to provide one (1) space per 250 SF for Professional Offices with the condition that 45 additional spaces (not being provided) be shown on the plan.
- 10) Required on the plan shall be the following statement:
"Approval of this plan shall expire (3) years from the date of Planning Board approval, as recorded in the Planning Board minutes, unless the right to develop has vested pursuant to RSA 674.:39."
- 11) Condominium Docs are submitted and approved by the Town's attorney.

Vote 5:3 1 abstained

JOAN ELLIOTT (Continued to March 3, 2008)

39 Pine Street, Map 7, Lot 3
3 Lot Residential Subdivision

SAMCO HOLDINGS, LLC

Smyth Road and Londonderry Turnpike, Map 43, Lot 33-4
Non-Residential Site Plan to construct a 5,280 sf Professional Office Building

D. Tatem: The applicant has addressed the abutter's concerns to her satisfaction. There is a question on the zoning of the triangle piece. The zoning maps are law until they are changed. All the proposed work is in the area designated as commercial. There is a letter from our office stating that all concerns have been addressed.

Y. Nahikian: Has the building façade been improved?

Bergeron: We would like to leave the building as is and not spend money on fake gables.

R. Guay motioned to approve with the following conditions. Seconded by D. Hemeon.

- 1) All outstanding review fees shall be paid in full prior to the plans being signed.
- 2) Receipt of eight (8) paper copies, two (2) mylars and one (1) digital copy.
- 3) A letter is received from Manchester Waterworks approving the construction design of the water main.
- 4) All outstanding comments are completed to the satisfaction of Stantec.
- 5) All required State and Federal permits are submitted prior to plans being signed.
- 6) All approved waivers are to be noted on the plan prior to the plans being signed.
- 7) The following impact fees shall be paid in full 10 days prior to CO:
Roadway: $\$1.54 \times 5280 \text{ sf} = \$8,131$; Public Safety: $.90 \times 5280 \text{ sf} = \$4,752$.
TOTAL: \$12,883.

8) Required on the plan shall be the following statement:

“Approval of this plan shall expire (3) years from the date of Planning Board approval, as recorded in the Planning Board minutes, unless the right to develop has vested pursuant to RSA 674.:39.”

Vote unanimously in favor

BEAVER BROOK DEVELOPMENT (Continued to March 3, 2008)

Bypass 28 and Jacob Avenue, Map 49, lots 49 and 58 and Map 48, lot 26
87 Lot Residential Cluster Housing Subdivision

FRANK MADZIARZ

25 Jacob Avenue Map 48 Lot 47

Lot Line Adjustment and one lot Subdivision

August 6, 2007 this was complete (read from staff comments)

“This application was found complete on August 6, 2007. On October 15, 2007, the application was continued to an undetermined date due to issues on the ownership of the right of way. *Since we have not heard from the applicant or his engineer, and the 65-day deadline has expired, staff recommends the Planning Board vote to deny this application without prejudice.*”

E. Mitchell: We presented this plan in August of 2007 and were continued to September due to the boundary issue. On that date, the abutter claimed to own the ROW. The question came up about what happens if the Town doesn't own the entire ROW. The question was to be posed to the Town Attorney. The only response was a recommendation by staff that the application be denied, because after discussion with the

Attorney, the applicant had no road frontage. At that time, I asked for continuance to November. I never heard back from the Board but the minutes stated the application was indefinitely continued and the abutters are to be renoticed. My concern with the denial was we have never seen a final plan from next door and they never finished their plan. I would like to request the Board reconsider their denial and place this on the agenda at the March meeting to air our side of the story. We have no comments from the Attorney. Because additional time was given to the abutter, I asked we be given the time, as well, to present our information.

D. Tatem: J. Duffy stated she sent Mr. Mitchell numerous e-mails without any response.

E. Mitchell: I received one e-mail, which said we couldn't keep this on the agenda.

*P. Rueppel motioned to approve a 30-day extension. R. Duhaime seconded.
Vote unanimously in favor*

Continued to March 3

E. Mitchell: Please ask the Attorney to release his opinion on the frontage.

D. Marshall: It would be in Mr. Mitchell's best interest to keep the abutter informed.

ADJOURNMENT

Respectfully submitted,

Lee Ann Moynihan