

**Official
As of 08/03/09**

**HOOKSETT PLANNING BOARD
MEETING MINUTES
HOOKSETT MUNICIPAL BUILDING
Monday, July 13, 2009**

CALLED TO ORDER

Chair J. Gryval called the meeting to order at 7:10pm

ATTENDANCE

Chairman J. Gryval, Town Administrator, C. Granfield, D. Marshall, M. Cannata, Town Council Rep. N. VanScoy, B. Sullivan (arrived 7:30pm), Y. Nahikian (arrived 7:30pm), and R. Duhaime (arrived 7:30pm).

Excused: D. Hemeon, M. Sorel, and R. Guay.

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

APPROVAL OF MINUTES OF 06/15/09

J. Gryval: Approval of minutes will be moved to a later part of this meeting. See page 5 for details.

ELECTION OF OFFICES

J. Gryval: Election of offices will be moved to a later part of this meeting. See page 21 for details.

SPECIAL EXCEPTION

1. JENSEN'S, INC. – Brookridge (plan #04-50)

3 Mailhouse Road, Map 19, Lot 4-1

Alternative design for 10% ADA requirement: “the remaining 8 units in your 91 unit ‘older persons’ [over 55] must meet Article 7 section 3.f in that 10% of the dwelling units meet Americans with Disabilities Act requirement for accessibility. Variance from Article 7 Section B.3.f which states within any elderly or older person housing developments, a minimum of ten (10) percent of the dwelling units shall be compliant with the requirements of the American with Disabilities Act (ADA).

J. Gryval: This is a special exception for Jensen's. Maureen Stimpson is here from the Governor's Council on Disabilities.

M. Stimpson: Distributed information to the Board: “Fair Housing Senior Housing: What

you should know . . .” & “Fair Housing – It’s Your Right”, and US Dept. of Justice-Civil Rights Division “Disability Rights Section Title III Highlights”. For your reading pleasure, about the laws. Read ordinance Article 7 section 3.f into the record.

William (Bill) Tanguay, Atty for Jensen’s: Can I get a copy of the information you distributed to the Board?

M. Stimpson: I have a copy you can have when I am done my presentation. Do you want me to read the ordinance again? The problem with the ordinance is that the ADA does not apply. Technically, under the ADA, residential units themselves do not apply. Areas that do apply to ADA are: Title 1 – employees 15 more, Title 2 – State and local government programs & facilities, Title 3 – common areas, Title 4 – telecommunications. Under Title 2, a municipality may be in violation for delivery of programs and services or municipal services. Public accommodations may be in violation of ADA if they are new or renovated. If there are dimensional guidelines, then you would have your own applicability. You referenced the ADA in your ordinance, and that does not apply. What may apply is the Fair Housing Act, however every time we contacted HUD, they said it does not apply to manufactured housing parks (with the exception of the sales or rentals unit). ADA does not apply to residential. As I understand, these units will be individually owned. As far as . . . I want to clarify, I work on the Governor’s Council on Disability. We applaud you for your ordinance. I think you are the only Town who has addressed this. Tweaking and wording would really help the ordinance. The handouts I just gave you explain various laws; FHA and Title III. I gave you a question and answer piece on ADA. Does it cover private apartments and homes? No. If there was a doctor’s office or daycare provider in the apartment area, then that would apply. Title 2 – City governments may fail to consider local laws and regulations for disabilities. Example, an ordinance saying you couldn’t have ADA, well that would be discriminatory. Public accommodations (bottom of 1st pg), Title 2 extends to all State and local governments whether or not they have received assistance. How do municipalities work on this? Bathrooms in these units must comply with the Errors and Omissions in New Constructions; toilet facility public vs. private. Other toilets for specific spaces must be adaptable. If bathing rooms are provided, each common use will comply. What is open to the public?

J. Gryval: We have been through this many times.

M. Stimpson: Do you have more detailed questions?

J. Gryval: Questions from members of the Board?

D. Marshall: Anything she (Maureen) said, we didn’t debate. ADA does not cover single-family homes. We have another opinion by our Attorney that we can apply ADA standards to these developments. That was our intent. Our Attorney has supported our intent. Is there anything different, Jo Ann?

J. Duffy: He (Town Attorney) said we can be more restrictive than the State.

M. Stimpson: I am not an attorney. I have dealt with ADA when it was first enacted. The lack of the word guidelines/standards may be the issue in your ordinance. You are saying “must be in compliance with ADA”, however the ADA is not required for residential.

D. Marshall: Our Attorney is ruling on intent. We agree with everything you have said.

M. Cannata: So long as it addresses the standards and guidelines, that would cover us.

J. Gryval: If it said guidelines or standards, it would cover us, but it doesn't say that. We have some members of ZBA here tonight. Would you like to speak/comment (ZBA members – Jim Levesque, Jim Gorton, Roger Duhaime)?

J. Levesque: Would this apply to a 12-family house for over 55+yrs?

M. Stimpson: A 12-family would come under FHA, and for new construction a certain % of units must be accessible. It depends if there is an elevator, facilities, etc. in the building. My understanding is yes it would apply, and a certain # of units, if not all of them, must be at least adaptable if not accessible.

J. Levesque: Is there an age limit or is for any housing?

M. Stimpson: It depends if the units are new or existing. The policies and practices would apply no matter what age of the building. For ADA, the multi-family common areas would apply (i.e. mail keas).

J. Duffy: The Town requirement is for 10% of the units to be compliant with the ADA requirements.

J. Levesque: What about the Head's Pond project?

J. Duffy: Our Town ordinance only applies to 55+yrs. Head's Pond is not a 55+ yr community, but must comply for parking.

R. Duhaime: Is there any other town you know that has something similar to this instance for ADA requirements? Anything in the State for an example?

M. Stimpson: I changed position 6+ almost 7 yrs ago. There is a State architectural barrier design code. Unless it was State funded, to my knowledge there is no other example in another town. Wendy Beckwith, Accessibility Specialist, is the new design specialist in my place. I brought her cards; distributed to the Board.

R. Duhaime: This would be the first time you have seen something like this?

M. Stimpson: And it is a good thing that your Town is pursuing this.

C. Granfield: If you come along something, it would be helpful if you could send something to us.

J. Gryval: We (Board) didn't want to just dump this into the ZBA laps.

B. Tanguay: She (Maureen) came tonight from the Governor's Council, however she is also on the Easy Living Homes coalition. Maureen originally came to the ZBA to discuss the Easy Living Homes, but we did not get reached (by the ZBA) that night for her to present. She was prepared to testify for the Easy Living Homes. I can talk to Maureen. Do you have any questions for her?

J. Gryval: Tonight she (Maureen) is representing the Governor's Council. I do have a copy of her testimony she was going to give to the ZBA.

M. Stimpson: I am a member of the Easy Living Homes coalition. Easy Living Homes: 1) one entrance with no steps either through the garage or whatever, 2) minimum 32" clear opening, 3) bathroom must have adequate space to move around in and have the capability to add grab bars in the future, and 4) have turning space in the bedroom and kitchen. I have seen the plans for Jensen's. It looks like they would meet the Easy Living Homes criteria.

J. Gryval: The Board wanted more than adequate turning space in the bathroom.

M. Stimpson: 32x48 space within each fixture. ADA requires 5 ft diameter for public and private use bathrooms (because you don't know the size of the wheelchair, and also someone may need an assistant).

J. Gryval: These would not be public use bathrooms, but we could require the criteria in the community center?

M. Stimpson: Yes.

M. Cannata: With someone in need of a wheelchair, they may also need healthcare provider from VNA. The extra space may be helpful.

J. Gryval: Staff?

J.: No comment. I am all set.

J. Gryval: Dan, no problems?

D. Tatem: No problems.

J. Gryval: The Board will discuss this further later into this meeting (see pg 19 of these minutes for details).

APPROVAL OF MINUTES OF 06/15/09

D. Marshall motioned to approve the minutes of 6/15/09 with edit from N. VanScoy on pg. 10. Seconded by N. VanScoy.

Vote in favor. Y. Nahikian, C. Granfield, M. Cannata, and B. Sullivan abstain.

COMPLETENESS

2. GREEN MOUNTAIN COMMUNICATIONS (#09-06)

101 W. River Road, Map 24, Lots 57 & 57-1

- Minor subdivision plan to subdivide Map 24, Lot 57 into 2 lots
- Non-residential site plan for the a) proposed construction of a 13,446 sq ft commercial building, and b) site improvements for this building to include drainage & septic improvements. (Map 24, Lot 57-1)

J. Gryval: Staff, is the application complete?

J. Duffy & D. Tatem: It is complete.

*D. Marshall motioned to find the application complete. Seconded N. VanScoy.
Vote unanimously in favor.*

J. Gryval: Waiver requests?

J. Szemplinski, Benchmark Engineering: I have 3x waivers; 2x for the site plan and 1x for the subdivision. This project is for a commercial facility. We need a wider driveway and the radius will help.

Waiver #1 Site Plan – 11.09.5 Maximum driveway width of 20’.

Waiver #2 Site Plan – 11.09.8 Maximum driveway radii 25’.

J. Gryval: Received and read the waiver #1 & #2 into the record.

J. Gryval: Staff, comments on the 2x driveway waivers?

J. Duffy & D. Tatem: We are OK with these 2x waivers.

*D. Marshall motioned to grant waiver #1 and waiver #2. Seconded by N. VanScoy.
Vote unanimously in favor.*

J. Szemplinski: The third waiver request is for soil mapping.

Waiver #3 Subdivision – Site Specific Soil Mapping. J. Gryval: Received and read the waiver into the record.

D. Tatem: Back in the 1970s, most people know this was a gravel pit. He has done test pits. The site has been disturbed. Drainage, design, and runoff are characteristics. We do not support granting this waiver.

D. Marshall motioned to deny waiver #3. Seconded by C. Granfield. Vote unanimously opposed. Waiver denied.

J. Szemplinski: What about mapping just the 3 acres vs. all 40 acres?

D. Tatem: I would need a waiver request for the 3 acres. The regulations require soil mapping of the site. Maybe a Soil Scientist can see SCS mapping differently. If yes, the volumes that are going through could be different. You could request a waiver and have a full-scale mapping of the 3 acres with a written statement about the remainder of the site.

J. Gryval: We would have to see the waiver for the 3 acres, before making a decision tonight. Fill-out another waiver, and then we can act on it.

J. Duffy: John, can you announce the public hearing is on August 17th?

J. Gryval: The public hearing on this project is on August 17th.

J. Gryval: Now, Austin Woods.

B. Tanguay: Are you going to deliberate tonight on Jensen's?

J. Gryval: Yes, after.

PUBLIC HEARING AUGUST 17, 2009.

3. AUSTIN WOODS (#08-02)

South Bow Rd & Mountain View Rd, Map 12, Lots 13, 14-4 & Map 16, Lot 53

- proposal to subdivide Map 12, Lot 14-4 into a 6-lot conventional subdivision, consolidate Map 16, Lot 53, and Map 12, Lot 13 into one lot, and simultaneously subdivide it into 37 residential lots and 2 open space parcels for a conservation open space subdivision.
- proposal for lot line adjustment to provide for the transfer of parcel "A" (15,130 sq ft) from Map 16, Lot 53 to Map 16, Lot 53-1
- Special Use Permit for Conservation Subdivision – Zoning Article 8, Sec. K

J. Duffy: This application came before the Planning Board for special exception remarks. The Board decided not to remark until the environmental study was completed and submitted. Stantec has reviewed the environmental study, but the Board has not reviewed this application again. They can't get a special exception and variance until they go to the ZBA tomorrow night. Really, tonight is just for the Board to comment on the special exception, and for a continuance.

J. Gryval: Staff, is it complete?

J. Duffy: No. The special exception needs to be determined by the ZBA, prior to the application being found complete.

D. Marshall motioned to find the application incomplete. Seconded by B. Sullivan. Vote unanimously in favor. Application incomplete.

J. Duffy: For the wetland comments, previous special exception, lot 33 is an existing logging road and the Board questioned whether it was a variance or not because the buffer will be impacted. After looking at the plan, it was recommended to eliminate lot 26, and merge it with lots 24 & 25. Lot 26 has a very small buildable area and a lot of wetland impact to the driveway crossing.

B. Sullivan: Wouldn't this be a discussion off line with the applicant?

J. Duffy: Only the Planning Board and ZBA can make that decision. The last time the applicant was here, they came before this Board for a special exception letter to the ZBA, and the Board told them they could not vote until the environmental study was submitted and reviewed by Stantec.

B. Sullivan: In my mind, this is a fairly big discussion. Are we going into this hot and heavy right now?

J. Duffy: If the applicant is not prepared to discuss this tonight, I suggest this be continued.

B. Sullivan: I am on page 3 of the plan set. For the driveway on lot 26, you are coming through lot 25 to access lot 26.

J. Duffy: If they don't have a wetland plan with them, and some of you are not familiar with this project (new Board members), I suggest this is continued to the August 3rd meeting.

J. Gryval: We won't be able to act on this tonight.

Bruce Fillmore, Homes for a Lifetime - applicant: This is part of our application with the ZBA.

J. Gryval: Then we still cannot act on this tonight.

D. Marshall: Logging roads are put in temporarily and are not to be made permanent roads. I don't understand how they are skipping this step.

J. Duffy: Last time they were here, it was questioned. The discussion was not finished. They jumped the gun and applied for their subdivision. We need to roll backwards and complete what we did a few months ago. Schedule the exception request for August 3rd.

B. Sullivan: When are they on for the ZBA?

J. Duffy: Planning Board for August 3rd.

B. Sullivan: I want to continue communication across the Board for the wood passage and lot 26.

J. Duffy: The Planning Board should request the ZBA not take action.

B. Sullivan: For lots 33 & 26.

J. Gryval: Yes, because those lots have issues.

B. Sullivan: We said it was alright once, and now?

J. Duffy: Lot 26 is not a wetland issue, but something else. Lot 33 (woods road) with the ZBA requires a variance. Rob and some others had concerns.

D. Marshall: The other letter we sent to the ZBA was for the 7 driveways.

B. Fillmore: We are not applying for a buffer or wetland impact; not on lots 24 & 25.

J. Duffy: Lot 33 contains woods road. Your letter does not mention anything for lot 33. The other lot has a small buildable area that can be discussed later, but we wanted to make the ZBA aware of it.

D. Marshall: It is very rare for the Planning Board to comment on the variance. That is probably why we ignored it. If they read the minutes, they will see we had concerns.

M. Cannata motioned to send a letter to the ZBA that the Planning Board has the following concerns:

- **Lot 33** - contains an existing logging road. The applicant is crossing the wetland with a proposed driveway, using the existing logging road to accomplish this. The Planning Board questioned if this will require a variance, since the buffer will be impacted.
- **Lot 26** – The Planning Board recommends the ZBA seriously consider eliminating lot 26 and merging this with lots 24 and 25. Lot 26 is shown on the 3/26/09 special exception plan and also shown as lot 27 on the 3/08, R10 plan. This lot has a very small buildable area along the proposed roadway and will probably result in additional impact for a driveway crossing.

***Seconded by R. Duhaime.
Vote unanimously in favor.***

J. Duffy: You just found the application incomplete, therefore the abutters will need to be renotified.

***B. Sullivan motioned to continue applicant to August 3, 2009. Seconded by N. VanScoy.
Vote unanimously in favor.***

CONTINUED TO AUGUST 3, 2009 FOR COMPLETENESS.

- 4. RIVERSIDE PUBLIC STORAGE (#09-13)**
5 Cross Road, Map 17, Lot 37
Non-residential site plan for the proposed construction of a 3-story (32,400 sq ft per floor) total of 97,200 sq ft of public storage facility

J. Gryval: Staff, is this application complete?

J. Duffy & D. Tatem: Yes.

***D. Marshall motioned to find the application complete. Seconded by B. Sullivan.
Vote unanimously in favor.***

PUBLIC HEARING AUGUST 3, 2009.

CONTINUED PUBLIC HEARINGS

- 5. RAVENWOOD (#06-23)**
Laurel Road & Spruce Court, Map 21, Lot 15
Subdivision plan to create a 39-lot open space subdivision. In addition, lots 15 and 15-41 are open space lots.

J. Duffy: This project is 2 yrs old at least. The wetlands Board denied the plan, and they went back. They finally got wetland approval around December 2008. They came back before the Planning Board in February this year. Every month (March, April, May and June) the application has been continued. They haven't showed up at a meeting, just e-mailed to be continued. Last time, June 15th, the environmental study has not been reviewed. June 25th we received comments from Stantec on the study. We haven't heard from the applicant. I would be hesitant to deny the application tonight. They could come back and say "we didn't realize we were continued to tonight". I recommend you continue them to August 3rd and give them one more chance.

J. Gryval: We continue, continue, continue . . . after three (3) times, we should deny them and have them star over. Abutters will not know when they are on the agenda, because of so many continuations.

J. Duffy: February & April (or May) we did renotify the abutters.

D. Marshall: Do any of the abutters know about the meetings on this project?

J. Duffy: Only if they kept track of the continuances.

D. Marshall: Design without prejudice.

J. Duffy: He is going under the old regulations.

D. Marshall: How about renotifying the abutters for the August 3rd meeting?

J. Gryval: I say deny them and have them start over.

D. Marshall: How significant would the changes have to be under the new regulations?

J. Duffy: Dan just said “huge”.

R. Duhaime: For the last 3 yrs on this project, we haven't got a plan we liked. They should redesign it.

N. VanScoy motioned to deny the application based on:

- Excess continuations
- Failure to comply with Development Regulations in a timely manner

Seconded by D. Marshall.

Vote unanimously in favor. Application denied.

6. CONTINUED TO AUGUST 3, 2009

WEBSTER WOODS PHASE II (#07-37)

Hooksett Road, Map 6, Lot 114

Residential site plan to improve and develop phase II of “Webster Woods” to include 23 duplex ranch style buildings totaling 46 units and 7 single ranch style units for 55 & older person housing

CONTINUED TO AUGUST 3, 2009.

7. RIDGEBACK SELF-STORAGE (#06-33)

Thames Road & Hooksett Road, Map 18, Lot 49D

Non-residential site plan for a 49,500 sq ft metal self-storage unit buildings and an 864 sq ft granite block office building

J. Gryval: Provide us with a brief overview where you are.

J. Wight: Drainage is an outstanding item.

J. Duffy: As of July 13th, they have 9 comments remaining with Stantec.

J. Gryval: Are they significant?

D. Tatem: Two of them are significant.

J. Gryval: You have 9 problems. Straighten it out with Stantec.

J. Wight: Do we need the Board to act on any of those Dan?

D. Tatem: The Board asked us a month ago to look into the groundwater impacts (proposed infiltration system). Potential impact is a possibility, however we did not have enough information to know for sure. The abutter to the south, Woods CRW, notarized that he was OK with it.

J. Wight: I am submitting the notarized letter from Jeff Lothrop to the Board tonight.

D. Tatem: It is dissipating before it gets to another abutter, and the river is in between.

J. Gryval: When this abutter sells, the next abutter may have a problem.

D. Tatem: Without additional information, we would not know for sure.

J. Gryval: If you feel a drainage study is necessary . . .

J. Duffy: Stantec came back with their review. If there was an incident, it would be at the Woods CRW site.

J. Wight: More delay, more delay and more delay, I contacted my attorney and he said this notarized letter from Jeff Lothrop is all I need.

R. Duhaime: My colleague on the Aesthetic Committee, we need to meet with the applicant again for his building design.

J. Wight: I want to take care of the groundwater.

M. Cannata: What would it take for Stantec to resolve this concern.

D. Tatem: A mounding analysis whereby our hydro geologist reviews soil types, etc. to determine when "x" amount of water goes into the system and comes into one area (mounding) for a short period of time causing a water rise. The concern with groundwater is that it typically follows contours (Jeff Lothrop's property is down hill). You cannot determine storm events. Right now there is nothing there.

J. Wight: It is commercially zoned. There are no basements.

C. Granfield: The applicant stated delay, delay. How much time would it take for the mounding analysis?

D. Tatem: One month

J. Wight: I spoke with my attorney, and the abutter has no issue with the groundwater.

D. Marshall: Do you have a signed drainage easement from the abutter?

J. Wight: If that is the additional thing, I can get that.

D. Marshall: Is this the only abutter affected?

D. Tatem: Yes, from what we have received so far. I don't know where you would put an easement for groundwater.

Open Public Hearing

Nancy Desrocher: I am a resident of the mobile home park. We have had problems with high water and need to have our culverts replaced. Dan said he was going to check to make sure we were not impacted by water. Once filled, where will the water go? Dan, did you look into that?

D. Tatem: Yes. Your site has a higher elevation, and the water is below it.

J. Gryval: Are you happy with that notarized paper?

B. Sullivan: It is not that simple that he has a notarized letter from the abutter stating no problems.

D. Marshall: If he has a drainage easement, it needs to be described and defined.

D. Tatem: You cannot define without more information.

B. Sullivan: You can't just have an abutter say "no water on my land". I am expecting something showing what is in a 100 yr flood. I am not sure what lawyer would tell you that. To be true with you, I am not sure what lawyer would say you can come in with just two lines and this is me (abutter) saying its (water) fine. I am trying to connect the dots.

J. Wight: There are potential problems 13 ft below the lowest structure.

B. Sullivan: I have no problems, but they should be defined in an easement.

R. Duhaime: Continue it to the next meeting.

J. Duffy: One other item is a waiver for drainage pipe covers - 3 ft of cover under paved roads.

Waiver #1 Drainage pipe 3 ft covers. J.Gryval: Received and read the waiver into the record.

B. Sullivan: Why would we give that waiver?

D. Tatem: The lots are 50 ft wide (looked like old easement) and have existing drainage around and across at 2-3 different places with 2 ft of cover. Hooksett requires more (3ft). To change the existing covers, they would have to go onto other properties.

B. Sullivan: He has existing drainage now, what are you proposing?

D. Tatem: At the entrance, tying into one new pipe. The condition of the culverts should be inspected. Their engineer stated they are in good working order with the 2 ft covers. We believe this is a reasonable waiver request.

J. Duffy: The application deadline expires on August 2nd.

***D. Marshall motioned to grant the 60-day extension from August 2nd, and to continue the application to August 3, 2009. Seconded by C. Granfield.
Vote unanimously in favor.***

***R. Duhaime motioned to grant waiver #1. Seconded by N. Van Scoy.
Vote unanimously in favor.***

N. VanScoy: Cover?

D. Tatem: It is 2 ¼ ft.

J. Duffy: The building and the sign still need approval, as well as he still needs approval for sewer. He (John Wight) wants to know, if he comes back with a drainage easement for Lothrop, is he guaranteed?

J. Gryval: We can't guarantee without our Attorney and this Board reviewing the document. Be clear in the document.

CONTINUED TO AUGUST 3, 2009.

OTHER BUSINESS

- 8. David McCurdy – MTS Assoc. (plan #06-39)
Completion of site plan**

M. Peterson: My client was unable to come tonight. I will talk to Donna and get it rescheduled.

**9. Michael DiGuiseppe, Coastal Partners – Hooksett Landing (plan #07-14)
Removal of Starbucks' pad site**

J. Gryval: Michael DiGuiseppe, Coastal Partners, is here tonight to discuss removing the Starbucks' pad site.

B. Sullivan: Mr. Chair, I would like to segway into the discussion tonight and tell Mr. DiGuiseppe "you have done a really good job with your site". Thank you Mr. Chair.

M. DiGuiseppe: I submitted an application to repave the restaurant pad site. I had a business deal with Starbucks, however the economy is not great. Starbucks terminated their lease after the pad was built. We tried to get another tenant in there, however it has been very slow. We have exhausted options for the pad at this time. We decided to pave, stripe, and remove the existing foundation. If there was another restaurant . . . but there isn't and it has become a bit of an eyesore. It makes sense to clean it up. We currently have a cashier's check for \$60,000 +/- deposited with Town. To do this work, it will cost money. We ask the Town release these funds. We will remove the existing foundation, regrade and asphalt per detail on record (3 inches?) The handicapped spaces have not been impacted. That is my request tonight. The Building Inspector would like us to clean it up. We need you to release the funds to make these improvements. If the Board agrees to it, we would implement asap.

J. Gryval: Is this a permanent repair or temporary?

M. DiGuiseppe: It would be temporary. We know we would have to come back to the Board for another tenant. Until the market changes, we want to clean up the site. A site plan for review for another tenant, the design standards are the same as before.

J. Gryval: Removing foundation and repaving.

M. DiGuiseppe: We would be paving the area proposed for the Starbucks.

Y. Nahikian: If repairs, he still keeps the right to the same foundation.

J. Gryval: He will have to come back for a new tenant.

M. DiGuiseppe: We have 2 yrs to build. There is no landscape down. It is valuable real estate and another tenant will come at some point.

R. Duhaime: A Cape Cod berm is cheaper than paving?

M. DiGuiseppe: A lot of tenants would rather see more paving. Is it cheaper for me to loam and seed, maybe so. There is enough money in escrow to cover those costs.

R. Duhaime: Just to comment to the Board, there was a longer island for a drive-thru of Starbucks. Aesthetically it would look nicer, and a long island would give you snow storage.

M. DiGuiseppe: We have islands along Hooksett Road. We probably will add 2x island spots. We will push the snow storage to a designated area and get it out of the middle of site. We want to get snow out as quickly as possible.

R. Duhaime: The landscaping should mature together.

M. DiGuiseppe: The 2x islands will be put in. If you landscape, they do store snow there.

R. Duhaime: There are no other trees on the other islands? Curb the whole area.

M. DiGuiseppe: That is a safety issue.

B. Sullivan: This gentleman worked with us for a long time. I go to this site often. He wants to make his site better. If the economy comes back in 11 months, he will have another tenant.

Waiver #1 - Independent site compliance monitoring. J. Gryval: Received and read the waiver into the record.

J. Gryval: The main question tonight is the waiver request for independent site compliance review (Building Inspector) vs. Stantec.

B. Sullivan: Rob, you wanted a berm?

J. Gryval: The original plan said islands.

J. Duffy: The reason in the first place Mr. DiGuiseppe applied for permit for Starbucks was that is expired in July 2009. The Building Inspector sent him a letter. There has been no plan submitted for striping, because the site plan approved had Starbucks on the site. I don't believe you can take away his approval for the establishment (fast food), because he has completed substantial development. However, do to the economic conditions, I would not look at this as temporary parking. I would look at it as building a parking lot.

D. Marshall: Discussion early on with the Planning Board, we are interested in getting this site cleaned up. I have no problem with that. Later a tenant would have to build exactly as the old approved plan, or he would have to come back to the Planning Board. As for the CEO doing site compliance monitoring vs. Stantec? In my opinion, we have already established who does what in this Town on inspections, and we would set a precedent. Stantec should do the site compliance monitoring.

J. Duffy: The applicant under Other Business #8 – MTS Assoc. intends to request the same thing (CEO do site compliance monitoring). If we approve these requests, there will be a line out the door.

M. DiGuiseppe: I paid \$100,000 to Stantec in reviews. This is a paving job. Per specifications, it is already approved by the Town. You can think as it as temporary – asphalt, paving, and striping as specified. Now, do I have to sit tight and pay Stantec another \$10,000? They always have the cart blanche. It is not fair. If you start tacking on extra Stantec money, it is not costly for me to do it (remove pad site). We are not in a good economy. I don't want to be taken advantage of for an asphalt project. I do take exception for paying fees to do that. We didn't have a say. The year we built out was with no budget. We had to pay whatever the Town required; no accounting. I can't put up with that. Your Town is different than any other Town. I don't think it is fair. I paid all my bills.

D. Tatem: We can easily review the plan for striping, circulation in the right place, and watch the construction for no more than \$1,000.

J. Gryval: What about the waiver request for an independent consultant review?

***D. Marshall motioned to deny waiver #1 and have Stantec continue to provide the site compliance monitoring. Seconded by B. Sullivan.
Vote in favor. N. VanScoy and M. Cannata opposed.***

M. Diguiseppe: Is there a limit on the Stantec invoices? Or I am withdrawing my application?

J. Gryval: He is on record as stating no more than \$1,000.

J. Duffy: Typically when we take in an escrow, we get a written agreement for Stantec. We can certainly do that for you.

J. Gryval: Does that make you happy?

M. DiGuiseppe: Yes.

10. Sonny Sell – Harmony Place (plan #08-31)
Potential modification to site plan

Sonny Sell, applicant: The USDA pulled funds for 55+ due to the stimulus package. Until that is resolved, it could be a month, a year or indefinite. We are here for guidance as to where to go on my project. Potential housing: 1) workforce housing (there are plenty of funds at this time), 2) regular conventional housing (there are plenty of funds at this time), or 3) 62+yrs housing (but not in favor of this housing, because they are hard to sell). I wanted to get a little input from the Board on what we should do. I think we have to go for a variance for options 1 & 2.

J. Duffy: 62+yrs was in our Zoning Ordinance years ago to include: a) Webster Woods I (Hooksett Rd) was initially 62+yrs and converted to 55+yrs., b) Westview Terrace (Lindsay Rd), and c) Holly Berry (By-pass 28 behind K-Mart). We (Town) are unique in that our 55+yrs requirement is that both parties be 55+yrs. We have had inquiries “my husband is under 55yrs” “my wife is handicapped under 55yrs”. I am not sure converting to 62+yrs would be a good idea. I don’t know if he would have issues. Workforce housing or conventional housing . . . now he would have to pay school impact fees, and have drop off areas for kids, and a play area outside. This project wasn’t initially setup to have kids living there. He will need a variance (density) for options 1 & 2 above. I believe it is 6 units per acre. The biggest impact is the school aged children. Typically they are small units (more like garden style apartments). I suggested he prove all of those numbers that there is no detriment to the Town. He would have to prove all that to the ZBA. He is just asking if the Planning Board may have issues with his options proposed tonight. He would have to come back to modify his approved plan for Harmony Place. The Board could send a recommendation for variance, that he make provisions for kids. He is just here tonight to pick your brains. What would the Board rather see?

J. Gryval: Board, is there any particular option you would like to go with?

S. Sell: I would prefer the conventional housing option. Workforce housing is real serious; paperwork and red tape is probably months if not a year for the process. The conventional housing is straight forward, but it will cost another \$5,000 per unit in school impact fees.

C. Granfield: Does this change any of the agreement for off site drainage improvements? Would this change anything?

Jennifer McCourt, McCourt Engineering: After Sonny spoke with Jo Ann, as far as kids, the estimate for total # of kids for all units is 15 school aged kids (State NHHFA study). I spoke with Steve Pernauf, DOT, and there is no additional roadway issue. I looked at adding more parking spaces, however it won’t look as nice, but yes I can add them. Yes, I found a spot for a play area for the school aged younger children. The Beauchesne drainage agreement would not change (it is separate in my mind).

C. Granfield: I am just concerned it still covers the drainage.

J. McCourt: We met Town regulations, but because of the concerns of the abutters, we agreed to do that work (drainage improvements). No, I don’t see any changes to that agreement.

J. Duffy: Would it change the timeframe when the drainage improvements would start?

S. Sell: I wasn’t planning on starting the drainage improvements until my project is started. The modification to my project probably wouldn’t have happened if it got

approved 3 months ago. Now, the USDA pulled funds for 55+ due to the stimulus package.

R. Duhaime: I am willing to get this project moving along. Renotifying the abutters would have to happen.

S. Sell: The only real change to the site is parking and the little island for a sitting area (now it would be lawn chairs on pavement).

Y. Nahikian: What are the number of parking spaces?

J. McCourt: Per section 15.01.25, 42 extra spaces. Per section 3.18, 26 additional spaces. We will grade out the additional light purple area to leave the island green.

S. Sell: The island is about 150 ft long and will make a real nice island. The sitting picnic "green" area is in the middle of the whole complex, if we can get away without using those parking spaces. The little green spot in the middle is the playground for the kids.

J. McCourt: The difference is in the number of visitor spaces. This is something to discuss if we get the variance.

M. Cannata: Is there one proposed development that fits better with the master plan? I know there are 3 options, and I know his preference (conventional housing).

J. Duffy: Workforce housing is so new, but the master plan promotes this. The problem with 55+yrs is that the Town is the 2nd or 3rd highest saturated in the SNHPC region. It is not a good thing. You want a mix of age groups in your town for a vital, vibrant community. I hate to say it, because I am almost there.

J. Gryval: Mary Farwell is in the audience tonight, Mary?

Mary Farwell, 24 Grant Drive: If children are involved, is the school bus going up to that area?

S. Sell: No, it (school bus stop) is by the mailboxes. When we revise our plan, we will have enough room with a shelter for the children.

J. McCourt: The right hand turn lane is enough for a bus to get off Rte 3, however traffic should still not go by (red "bus" flashing stop light). The mailbox can be expanded for a shelter.

D. Tatem: 2 yrs ago, University Heights met with the School Board. They were told not to use the red "bus" light, so traffic can get by.

J. Gryval: I would you to talk with the School Board. The Board said after to stop traffic vs. getting off the road.

N. Van Scoy: I wanted to go back a little bit to traffic. There is a difference from a 30 yr old driver vs. 50 & 60 yr old drivers. The younger driver is not as experienced to pull out.

J. McCourt: 55+yrs don't have the reaction time that younger people have. The units are designed for 1,000 sq ft with 2x bedrooms. The market won't make them very expensive units anyways. I was surprised SB bill for capping the cost of these units. By default, they may be less expensive units (without the effort of going through workforce housing). It makes going through Stantec look easy (vs. going through workforce housing).

B. Sullivan: I am returning to your point. Are you thinking of a light at the bottom of the hill? I am a big one to always try to reserve not too many lights on this (Hooksett) road. We already have problems on Hooksett Rd. Dot says light management is working fine. I think we have to trust people will know when to pull out.

N. VanScoy: It should not change the traffic. I don't necessarily agree with that statement. If it changes from 55+yrs to conventional, then you have rush hour traffic.

D. Marshall: The total amount of traffic will increase and the roadway improvements will cover a long range. It will cover for conventional housing. Traffic lights, I made a prediction years ago that Hooksett Road will become So. Willow Street North.

J. Gryval: Get started with your option (conventional) and we will be happy to work with you.

JENSEN'S, INC. – Brookridge (plan #04-50)

Continued from pgs 1-4 of these minutes.

J. Gryval: We all heard from Maureen.

N. VanScoy: 3 people did not hear from Maureen, because they arrived later (Y. Nahikian, B. Sullivan, and R. Duhaime).

J. Gryval: We knew ADA did not comply with residential. One of you at the last meeting was concerned about the bathroom turnaround. The Easy Living Homes is sufficient. Anything else?

D. Marshall: We pointed out to Maureen, that although we agreed ADA did not cover single family or private homes, it was our attorney's opinion that guidelines and standards would be applicable. You could proceed with that argument. ADA is not for private housing.

J. Gryval: Do we want to require a developer to build homes he cannot sell? ADA homes, I know I wouldn't want to purchase one. Jensen's said in the past that if someone wanted them to build an ADA compliant home, they would. It is up to the Board.

D. Marshall: I guess we can head down that road, and send a letter to the ZBA, but we still have the ordinance. Maureen said we are the first community for ADA and she commends us. It is a clear-cut decision, go with Easy Living Homes. We will be hit again with Webster Woods, and this Board needs to take action on the ordinance quickly.

J. Gryval: Do you want to go to court over the ordinance?

R. Duhaime: The Easy Living Home is still not ADA accessible. I had a relative in a wheelchair, and Easy Living Home is minimal at best.

J. Gryval: We are open to suggestions. They are going to the ZBA tomorrow night.

R. Duhaime: We had good intentions. Now you are throwing everything out the door.

D. Marshall: Maureen said Easy Living Homes meet accessibility. Maneuvering room doesn't meet countertops. Maybe we should live with this.

J. Gryval: Personally, I don't have an issue (with Easy Living Homes).

Kristen Jensen, Jensen's Inc.: All of the remaining 8 units are in phase 3, but not all together in phase 3.

J. Gryval: You could also capitalize on selling Easy Living Homes.

K. Jensen: Sarah Denancourt said there is only one Easy Living Home built in the State of NH. If someone wants ADA, we can build that too.

D. Marshall: How many developers say "we will build ADA accessible unit up front in this market"? No, they just hide that until you are required to build one. There is no active marketing for accessibility and maneuverability. There are no teeth or regulations. The fault lies with the industry.

B. Tanguay: We appealed to the administrative decision of the CEO, however that's not what they are deciding tomorrow night.

D. Marshall motioned to send a letter to the ZBA that the Planning Board is in favor of the variance for Jensen's Inc. alternative design for the 10% ADA requirement, as long as the remaining 8 units are built per the Easy Living Homes standards and that Jensen's agrees. Additionally, in the event a unit purchaser requests that their unit be built per ADA requirements, Jensen's will comply.

Seconded by N. VanScoy.

Vote in favor. R. Duhaime opposed.

N. Van Scoy: If the ordinance was different, then my vote would be different. I encourage the Board to relook at this ordinance.

J. Gryval: We will have it rewritten by the Governor's Council on Disabilities.

ELECTION OF OFFICES

Continued from page 1.

D. Marshall motioned to nominate John Gryval as Chair. Seconded by N. VanScoy. Vote unanimously in favor.

N. VanScoy motioned to nominate Dick Marshall as Vice-Chair. Seconded by Y. Nahikian. Vote 5 in favor (J. Gryval, C. Granfield, M. Cannata, Y. Nahikian, N. VanScoy).

R. Duhaime motioned to nominate Robert Duhaime as Vice-Chair. Seconded by B. Sullivan. Vote 2 in favor (R. Duhaime, B. Sullivan).

John Gryval, Chair & Dick Marshall, Vice-Chair.

RULES OF PROCEDURE

J. Duffy: Rules of Procedure will be handed out at the August 3rd meeting. Then after 2x meetings to review, we will hold a public hearing.

BEDFORD – MEETINGS WITH DEVELOPERS (JULY 22ND)

J. Duffy: Bedford will be holding meetings with developers, similar to what we did a few months ago. I am planning to go.

J. Gryval: I would be very interested if they are told they are the hardest to work with.

WORKSHOP WITH ZBA AND OTHER BOARDS

B. Sullivan: Jo Ann, can we have another workshop with the ZBA and other Boards sometime this summer? There are new members on the Boards.

J. Duffy: We can do that. We also have to schedule another workshop meeting to continue our review of the Development Regulations. Dan and I have some work to do from the last workshop (June 23rd).

B. Sullivan: Does it bring up cluster housing?

J. Duffy: That is in the Zoning Ordinances.

HOOKSETT IDEAS

C. Granfield: I am sending out a notice to all Boards about a press release for Hooksett Ideas. On July 29th @ 7:00, Wednesday, there will be a forum I will facilitate on

gathering brainstorming ideas from Hooksett residents and businesses. I will then generate a listing to the Planning Board or other Boards, of what people are interested in seeing. You are all invited to come. I will make sure the Planning Board gets this information.

ADA Packet

J. Gryval: All this information from ADA you received, don't be afraid to read it.

B. Sullivan: It is tough to tell someone they have to go to the full max of ADA, because they can't sell it. Advertisement for ADA is hard to do. Out in San Diego, the cost would be a huge increase. The penalty phase is a discouragement. For example, I know how to do kitchens, but having to change the kitchen design to comply with ADA . . .

*N. VanScoy motioned to adjourn at 9:35pm. Seconded by C. Granfield.
Vote unanimously in favor.*

ADJOURNMENT

Chair J. Gryval declared the meeting adjourned at 9:35pm. The next Planning Board Meetings are in August at the Hooksett Town Hall Chambers @ 7:00pm:

- August 3rd – regular meeting
- August 17th – regular meeting

Respectfully submitted,

Donna J. Fitzpatrick
Planning Coordinator