

**Official
As of 04/06/09**

**HOOKSETT PLANNING BOARD
MEETING MINUTES
HOOKSETT MUNICIPAL BUILDING
Monday, March 9, 2009**

CALLED TO ORDER

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

ATTENDANCE

Chairman J. Gryval, Vice-Chair J. McHugh, D. Dreffs, B. Ehlers, D. Hemeon, D. Marshall, R. Guay, and Town Council Rep. N. VanScoy.

Excused: Interim Town Administrator, C. Granfield, M. Sorel, and R. Duhaime.

Absent: Y. Nahikian.

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

MOMENT OF SILENCE FOR CHARLIE HUMPHRIES

J. McHugh: Requested a moment of silence to honor Mr. Charlie Humphries who died recently. He served on various Boards/Committees within the Town of Hooksett. He will be missed.

APPROVAL OF MINUTES OF 01/29/09, 02/09/09, & 2/23/09

*D. Marshall motioned to approve the minutes of 01/29/09 with edits by J. Gryval.
Seconded by D. Hemeon.
Vote unanimously in favor.*

*D. Hemeon motioned to approve the minutes of 02/09/09 with edits by J. McHugh.
Seconded by D. Dreffs.
Vote in favor. R. Guay abstained.*

*D. Marshall motioned to approve the minutes of 02/23/09 with edits by N. VanScoy.
Seconded by N. VanScoy.
Vote in favor. Vice-Chair J. McHugh, R. Guay, and D. Dreffs abstained.*

SECOND PUBLIC HEARING FOR PROPOSED ZONING CHANGES 2009

1. AMENDMENTS No. 3, No. 7, No. 8, and No. 12

Amendment No. 3

Are you in favor of the adoption of Amendment No. 3, as proposed by the Hooksett Planning Board, for the Hooksett Zoning Ordinance to amend Article 10-A, US Route 3 Corridor Performance Zone by eliminating Map 41, lots 67, 68, 69, and Map 45, lots 1, 87, 88, 97, 98, 99, 100, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 142, and by adding Map 41, lots 67, 68, 69, and Map 45, lots 1, 87, 88, 97, 98, 99, 100, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 142, to Article 5-A, Urban Density Residential District?

The purpose of this amendment is to change the zoning of certain parcels located on Coaker Avenue and Francis Avenue from US Route 3 Corridor Performance Zone to Urban Density Residential District.

J. Gryval: Received and read Article 2 Amendment No. 3 into the record.

Open Public Hearing

D. Marshall: Are any of the residents from this area here tonight?

No comments.

Close Public Hearing

D. Marshall motioned to send Amendment No. 3 to the voters. Seconded by N. VanScoy.

Vote unanimously in favor.

Amendment No. 7

Are you in favor of the adoption of Amendment No. 7, as proposed by the Hooksett Planning Board, for the Hooksett Zoning Ordinance to add a new Article 16-A Workforce Housing, adopted as an Innovative Land Use Control under RSA 674:21?

The purpose of this amendment is intended to make the Town compliant with a new State law that requires all municipalities to provide for reasonable and realistic opportunities for the development of Workforce Housing in their zoning ordinances. Failure to adopt an amendment may allow for developers to have their projects approved through the court system anywhere in town with little or no public input and without approval of the Planning Board.

The complete text of the amendment is on file for public viewing at the Town Clerk's Office and on the Town's Website.

J. Gryval: Received and read Article 2 Amendment No. 7 into the record.

D. Marshall: Jo Ann, could you provide an overview of this amendment?

J. Duffy: By changing the language “expect” to “require”, this makes it stronger language. Initially the first amendment had this as an overlay district. We changed the language to allow workforce housing in low, medium, and high-density districts and separate uses. Low and medium district uses remain the same as they are now, with the exception of multi-family dwellings. Right now, multi-family is 3 or 4 units. Workforce housing defines multi-family as 5 or more units. They would need a special exception. The high-density district change is 5 or more units. If a developer is within 1,000 ft of municipal services, they need to tie into them. All of these are similar to the Performance Zone (PZ); you can waive things as needed, they are not etched in stone. We removed the wording “market rate dwelling” and replaced it with “other dwellings of similar type”. In section D paragraph 4, we added that the deed restrictions are to insure workforce housing as determined by the State. Section F in other ordinances, will be added to the Zoning Ordinances, as well as the Development Regulations. As for the effective date, I still haven’t heard if the house bill will pass. It looks like they will use the January 2010 date. This doesn’t help us for the May Town meeting. We will use the language that this amendment will take effect July 2009 or whatever date is established by the Legislature.

J. McHugh: With regards to this amendment and the voters, what ownership does this put on Hooksett to assure we are compliant? Will it require additional staff to monitor?

J. Duffy: The initial ordinance in Rockingham County was very elaborate. They required documentation every year from the apartment building owners. It is almost like code enforcement. Our Town Attorney (Bart) did not care for that ordinance, and thought it would be hard to manage. It is so new and he thought it would be challenged. He didn’t want us to get specific at this time.

Open Public Hearing

No comments.

Close Public Hearing

D. Marshall motioned to send Amendment No. 7 to the voters. Seconded by J. McHugh.

Vote unanimously in favor.

Amendment No. 8

Are you in favor of the adoption of Amendment No. 8, as proposed by the Hooksett Planning Board, for the Hooksett Zoning Ordinance to amend Article 25, Section G., Permit Time Limits to read: Any work, for which a permit has been issued by the Code Enforcement Officer, must commence within six (6) months and must be completed within eighteen (18) months of the issuance of the permit. At least 30 days prior to the

expiration of the permit, the applicant may apply for an extension for not more than twelve (12) months. The extension may not be approved, if the exterior of the building is not fully completed or safety issues exist?

The purpose of this amendment is to include a time limitation for completion of work.

J. Gryval: Received and read Article 2 Amendment No. 8 into the record. Peter, could you further explain this amendment?

P. Rowell: The current ordinance is on pg 154. An example is the Starbucks' foundation at the newly approved shopping center. I spoke to the Town Attorney and he said it wasn't clear in the ordinance.

J. Gryval: Someone starts building and runs out of money. We can't make him finish it, if he can't afford it.

P. Rowell: With any site plan, we go through an enforcement procedure.

D. Marshall: We beat them over the head, until they declare bankruptcy.

D. Hemeon: What is the time limit now?

J. Gryval: Commence within 6 months, and completed within 18 months.

P. Rowell: It may be completed within one year. It is the same thing if someone cannot complete a site plan.

J. Gryval: If they can't afford it, they can't complete it. What do we do about it?

P. Rowell: Do you want everyone to put up a bond?

D. Tatem: The CEO can issue an extension. A gentleman who has good discretion and makes good decisions, may be the candidate for an extension vs. the gentleman who goes bankrupt or just keeps putting it off.

J. Gryval: The extension is only good for one year.

J. Duffy: We can't change it now.

J. Gryval: We either need to let it fly, or leave it out.

D. Tatem: It gives them 2 ½ yrs. Get the exterior done first, and then work on the interior.

J. Gryval: As long as the exterior is finished, and there are no safety issues.

D. Hemeon: Peter, do you have any issues with this?

P. Rowell: No. We run across this all the time.

J. Duffy: An applicant may apply for an extension for not more than 12 months. If longer, does this mean they have to go to the ZBA?

D. Marshall: It would be an extension to their permit.

J. Duffy: If after the 12-month extension, then to the ZBA?

R. Guay: They would apply for a new permit.

D. Marshall: You would pull the site plan.

D. Tatem: If it is not a site plan, but a residence?

P. Rowell: If their 12-month extension runs out, I don't approve another extension. They can appeal to the ZBA.

R. Guay: If you issue the first permit extension, why would you deny the second extension request?

P. Rowell: We are trying to clarify the existing ordinance.

Open Public Hearing

No comments.

Close Public Hearing

D. Marshall motioned to send Amendment No. 8 to the voters. Seconded by J. McHugh.

Vote unanimously in favor.

Amendment No. 12

Are you in favor of the adoption of Amendment No. 12, as proposed by the Hooksett Planning Board, for the Hooksett Zoning Ordinance to amend Article 7, Elderly, Older Person and Handicapped Housing, B.1.d) to read: With respect to these requirements, the Zoning Board of Adjustment and the Planning Board may conduct their respective hearings jointly, in an effort to prevent the imposition of conflicting conditions.

The purpose of this amendment is to allow for a joint hearing with the Planning Board and Zoning Board of Adjustment for applications for Elderly, Older Person and Handicapped Housing in order to better coordinate the process.

J. Gryval: Received and read Article 2 Amendment No. 12 into the record.

D. Marshall: We changed "shall" to "may".

J. Duffy: We changed to “may”.

N. VanScoy: The original conversation with Mr. Levesque, I really don’t think this is what was originally proposed. As he explained it to me, he is looking more towards communication, whether it be written or by another means.

J. Duffy: Read the current ordinance stating “ZBA and PB jointly” meet. My concern with that if someone doesn’t submit something informally.

D. Marshall: The only way the ZBA can get a feel from the applicant, is to be in a joint meeting with us (Planning Board) and the applicant can present his/her intent. Without that joint meeting/hearing, you have to put something in writing and letters go back and forth. I think the ZBA has held back on joint meetings/hearings, because the Planning Board has to be the Chair. I am not sure if they are happy with that.

J. Duffy: Without the joint meeting, the applicant can go to the ZBA and say one thing, and say something else to the Planning Board.

J. McHugh: People from both Boards could understand the same thing being said.

R. Guay: “May” doesn’t add any more teeth than “encourage”.

J. Gryval: Jo Ann, do you have the first language for this amendment?

D. Marshall: The first one said “shall”.

J. Duffy: We now changed to “may”, and removed the last sentence.

D. Dreffs: Get rid of the ambiguity.

J. Duffy: One group (ZBA) wants the line of communications open. The other group (Planning Board) wants to hear the same thing at the same time. It is a mix whether it is mandated for joint meetings.

N. VanScoy: We went to “may”, because it puts the power into our hands.

J. McHugh: With “may”, there is nothing to mandate.

J. Duffy: Would you rather we pull it, and work on it for next year?

Open Public Hearing

No comments.

Close Public Hearing

D. Marshall motioned to send Amendment No. 12 to the voters. Seconded by

J. McHugh.

Vote unanimously in favor.

BEAUCHESNE DRAINAGE STUDY

2. STANTEC PRESENTATION

D. Tatem: Distributed aerial maps. Two months ago, we were asked by this Board and the Town Council to investigate the affects of storm water to the Beaughesne Development. Pointed on maps for the 30 inch, 24 inch, and 15 inch culverts. This study shows the affects it “has had” and “has” to the Beaughesne subdivision. The needs is to eliminate or reduce flooding. Another proposal is to evaluate the groundwater in same subdivision. I will address storm water now, and groundwater later. The study consisted of areas of Main Street, Rte. 3, University Heights (Lot 10), the proposed Brookview Sr. Housing, and down the hillside is Granite Hills & Granite Heights (approved and partially constructed). When the analysis was compiled, we took available data, and made our own assumptions. Alot of Granite Hills was too old and the developers and engineers did not have data for us, so we had to make assumptions for part of the study. This information was compiled into a watershed study into 3 culverts. The Hydrocad has 3 culverts with a 25 yr storm event (4.1 inches of rain in 24 hours). The Town (Dale) observed that those culverts did not overtop. Even with 12 ½ inches of rain in 12 hours, the culverts did not go over. For a couple of years, the road has never flooded. The hay bails that were stuck in culverts, were repaired by the contractor. The knowledge is that the culverts do not flood at a 25 yr flood event. We took it to the next step of a 15 inch culvert at peak scenario (refer to pink pipe on distribution map - under Main Street to a 36 inch culvert. Our recommendation is to upgrade from 24 inch, 30 inch, and 36 inch pipes to straight 48-inch pipes to include under Main Street. For the 12-18 inch pipes, we recommend the 12-inch to become 18 inches, and the 18-inch to become 24 inches. This will also include the 18-inch under Main Street to become 24 inches. The 2x 12 inches to become 36 inches. With these proposed upgrades, we believe this would reduce or minimize the surface water flooding. Our charge was to transmit water through those 3 culverts safely to Main Street to the railroad tracks and finally to the Merrimack River. This full engineering design step assumed elevations (need detailed topos). The top pink pipes are 48 inches and there is another catch basin. The ancillary areas are 12-inch pipe. That really concludes the recommendations for surface water. We know there is alot of issues with the groundwater. Flooding and surface water are from major rain events. Surface water is very easy to put concrete numbers to. Groundwater is much harder and requires tables, test pits, monitoring wells, etc. Referred to the top pink – the 9 houses on the trunk line have issues with groundwater in their basements. One option, without a big study, is to place the 48 inch pipe down deep enough to tie into; no surface water. Dale doesn’t want people pumping water into the street and having ice issues now. Tie into the system so that flooding does not reoccur in their yards. Placing the pipes deeper in the ground will require removing the old pipe, and crossing the existing infrastructure (conflicts with other piping). Take the lowest house, and place the piping a little bit below it. There may be some houses a little bit down the hill that may still need to pump

water. If the 48 inch pipe backfills, they wouldn't have to pump water out. For the property lines, tie into the drop inlet into the private property. A private company could do that vs. cutting through the Town roadway. That will fix some of the groundwater problems. For the two trunk lines, no work is proposed there for surface water. There is a 24-inch line that runs through the neighborhood, and it runs OK.

R. Guay: I live just off the view of the site map. I have seen what happens after these rain events. The 24 inch that runs along Morgan Drive, I don't see any changes to that.

D. Tatem: That little kink, and the rest of the line to Rte. 3, was updated a year ago.

D. Hemeon: I solved that.

D. Tatem: That culvert was 24 inches to 12 inches from Morgan down to the river. Dale upgraded to 24 inches all the way.

J. McHugh: With regard to all of this, are you suggesting putting in that pipe as opposed to a groundwater study? I just wanted to know if that was going to resolve it.

D. Tatem: I am not saying that pipe will solve everyone's problems. We can help if we lower the pipes, or tie into them. The other half of the subdivision is out in the dark. Referred to the white map & lots - Mary Farwell and Jane Ferguson did not hear from these residents.

Jane Ferguson: We haven't been able to get to all of them.

R. Guay: What is the color-coding?

D. Tatem: White – no data, Green – no problems present or past, Orange – historic groundwater no worse now, Blue – surface water ponding in backyards, Red – had groundwater problems in the past and have gotten worse, and Purple – until 2004/2005, never had water problems, now it is really bad. For the surface water ponding in back yards, maybe the backyard can be regarded (could be a low area that just gets wet). For the past and present issues, we can propose to help 10% of the subdivision. If there is a groundwater study, we may be able to help more of the subdivision. The groundwater proposal scope of work is to have test pits in 12 various locations, gather information on the existing seasonally high water tables, and have monitoring wells for the actual water tables. The worst-case scenario, in April it leaves a mark in the soil. The monitoring well would show where water is right now. For a gravel pack well, in 5 yrs the water table has risen 18 inches. You would take the monitoring well data, and the gravel pack well data. If you look at downtown, there has been significant rain, thus an increase in the basement water. People who said "I had one sub-pump in the 1980s, and now I have three sub-pumps", could have under drains that now have roots or have collapsed. There are solutions site specific to each lot. The groundwater can correlate hard data, if the Town (Council) decides on the groundwater study.

J. McHugh: And the cost for the groundwater study?

J. Duffy: The groundwater study cost is \$23,500. Dan is meeting with the Council to discuss this.

D. Tatem: If we can find solutions while we are doing the work for the scope, we may find individual solutions (i.e. foundation elevations, under drains installed, and how they would work).

J. Gryval: Any other questions from the Board? Even if the Council approves the groundwater study, they still need money to fund it.

D. Tatem: The thumbnail study has 2 parts: #1 Pleasantview, and #2 Beaubesne. Part I would be significant to change all the piping to 48 inches. It would require wetland permitting, layout and construction engineering, and a 10% contingency cost is \$355,000. Part II upsizing piping 12 to 18, 18 to 24, swale work across the street, two culverts for the recreation park (Donati), and existing 12 inches upgraded to 36 inches cost is \$193,000. Total cost for Part I & II is \$548,000. Now those are fair market prices to hire a contractor who is getting a profit, and marking up their materials to complete that project.

J. Gryval: What is the price for the groundwater?

D. Tatem: This infrastructure is on Town property for the streets and right-of-way. Let's say a house was built below the water table, who's responsibility is it to fix a site-specific problem? Is it the Town's? The intensity of rain and water tables have increased across the State.

J. McHugh: It would be up to the individual to put a drainage system around his/her house?

R. Guay: We don't want to infer that it is the Town's responsibility to fix private property. If my basement starts flooding, if by natural causes, it is my problem.

J. Gryval: It is going from here to the Council on Wednesday night. They will decide.

D. Tatem: Carol asked us to do the same presentation to the Council. The question is how does this get funded?

Open Public Hearing

Jane Ferguson: I have been doing most of the data collection. You will have every lot to get an even clearer picture. I hope to have it for you by the end of the month.

J. Gryval: Will this additional data change the amount for Part I & II?

D. Tatem: The information Jane and Mary are gathering is very helpful for the

groundwater study. This information Jane has already got us is excellent. We need to determine elevations, etc. Maybe their foundation drains have failed. All of that will be exposed in the groundwater study. It will point out a cause.

J. Ferguson: I am the original owner of my property for 40 yrs. There is a spring between my house and the house next to me. The 2005 flood popped my plug in my basement. There are alot of springs.

N. VanScoy: The green color-code on the map, these people have no problems?

D. Tatem: The lot in the middle had problems.

D. Hemeon: Mrs. Pussant is now having problems. When Beauchesne built the development, he didn't want to cross pipes.

J. Ferguson: Those were the original Pussant pipes.

D. Hemeon: Lee Ann's property had surface water in her yard.

D. Tatem: One thought we had, the sewer line that runs all of University Heights and goes across the street, the storm water follows the pipes. New construction with crushed stone and fabric, maybe they didn't use clean stone or fabric. There are a whole lot of possibilities.

D. Hemeon: Storm water follows the sewer pipes. Not a good idea for stone under pipes. It is an engineering practice to use crushed stone, however the water is going to follow the pipes.

J. McHugh: What are you going to recommend Wednesday evening to the Council? Are you going to put some ownership on these homeowners? Sorry to put you on the spot. I would just like the gist of what you are going to recommend to the Council to resolve this issue. I am sure Harmony Place is asking why we are waiting to make a decision on their application.

D. Tatem: For the groundwater or the surface water, is it yours or the Council's job to say who should do the work? It is out of the scope of our study, who should do the work.

J. McHugh: Should it be a Warrant Article?

D. Tatem: For off site improvements, this Board can make a condition of approval. The Board may say to the applicant "do whatever you have to do to make this project work". This project is dependent on that system.

R. Guay: Dan, correct me if I am wrong. For the surface water, these developments could have an impact. Effectively for the groundwater, these developments would not have an impact.

D. Tatem: Our Hydrologist was asked if the Brookview Sr. Housing development was going to affect the groundwater. His answer was probably not. Ray, you take that whole mountainside and make it 500 acres of pavement. Would this affect the groundwater? The groundwater study will tell us this. These projects reduce the peak rate of flow per the regulations, but they do not reduce the volume (volume is not in the regulations).

R. Guay: At least we have enough information now on Harmony Place, and we could make the decision.

D. Tatem: With the drainage study done, we have rough numbers to make a decision for Harmony Place and Brookview Sr. Housing.

J. Gryval: Original questions, surface or groundwater, we still don't have an answer?

D. Tatem: For the groundwater, no answer yet. For the surface water, recommendation to upgrade pipes to those sizes in the study. For Brookview Sr. Housing and Harmony Place, show a reduction in volume per section 3 multi-units. Harmony place does not meet the reduction. Brookview Sr. Housing breaks even, but no reduction. So they could pay to reduce volume on their site, or pay for upgrading piping across the street.

Jenn McCourt, McCourt Engineering: Clarification of reduction, is the 20% volume flow proposed and existing volume?

D. Tatem: Right now you don't reduce.

J. McCourt: No, we do show the reduction. The new plan shows more.

D. Tatem: The last drainage was significant for a 15-inch culvert.

J. McCourt: It is existing volume to proposed volume.

J. Gryval: I have a project behind me that was not suppose to increase surface water, but it did.

D. Dreffs: Is a new drainage system the remedy?

D. Tatem: A remedy for some, but not all.

CONTINUED PUBLIC HEARING

- 3. HARMONY PLACE (#08-31)**
1621 Hooksett Road, Map 14, Lot 27
Residential site plan to create a 63-unit older person development

J. Gryval: This is a continued public hearing.

J. McCourt: We have been talking long and hard about the drainage issue. Also discussed the reduction proposed for peak flow. We feel that to do a complete volume reduction to the existing flow, we would basically have to take out a majority of trees to provide enough volume area. The peak flow, with upgrades to the pipes, could handle our flow. What we would be looking at doing is either with Dale or with our own contractor (not at fair market value). We can get it to a point to afford it. Infiltration up on the hill. That is what we would like to propose to this Board and the Council. Either work with Dale or ourselves.

J. Gryval: You are willing to pick up the cost?

J. McCourt: Yes, we are willing to pick up the cost for Part II only.

D. Marshall: All the way across the Town property too?

J. McCourt: Yes, to upgrade the existing line.

R. Guay: Is this in addition to the 20% reduction, or in lieu.

J. McCourt: In addition. We wouldn't have any impact to the volume or flow.

J. McHugh: You would get rid of it?

J. McCourt: It will be the same peak flow or less, so we would not impact the development down below.

D. Hemeon: I would not be opposed to doing the work. I would have to rent an excavator. The Town Highway Dept. could do part II. Part I is too big a project. The 12-inch pipe 12 in the back yard should be 13-14 inches. It is possible to run to the culvert, and have a small retention area (extra 100 ft of pipe). I think you would make everyone happy. I would more than happy to work with you guys and come up with some numbers.

J. McCourt: I don't have a problem working with Dale on this .

J. McHugh: Would it require a technical review again?

D. Tatem: I think this would be a Town project not a Harmony Place project. Therefore no technical review.

D. Hemeon: Part I is a big job, and I cannot commit my Town crew. I wouldn't be able to work anywhere else in Town.

J. Gryval: Jenn, you have another issue?

J. McCourt: Yes, a waiver request for parking.

Waiver #1 request for spaces in the parking garage and just for the 2 feet at the isle side of the parking space the width will be 9'6". The remainder of the space width (18') shall be 10'6".

J. Gryval: Received and read the waiver into the record.

J. Gryval: Those are the ones that include the pillars.

J. McCourt: 10 ft per space, 9'6" at the pillar, and 10'6" after the pillar.

J. Gryval: How many spaces?

J. McCourt: 23 spaces (not handicapped), only right at the end. There is an extra 10 ft for the doors.

J. McHugh: It won't be a problem driving into the spaces?

J. McCourt: It shouldn't be, not at 9'6".

***D. Marshall motioned to grant waiver #1. Seconded by J. McHugh.
Vote unanimously in favor.***

J. Gryval: What is the status of the sight clearance?

J. McCourt: We are still having difficulties with the 2 ft. We are working with DOT, and we request the Board continue us to the next meeting.

***J. McHugh motioned to continue applicant to March 16, 2009. Seconded by D. Marshall.
Vote unanimously in favor.***

CONTINUED TO MARCH 16, 2009.

CIP COMMITTEE 2009-2010

4. **CONTINUED TO MARCH 16, 2009**
CIP Committee presentation of the CIP Committee 2009-2010 Self-Audit Report and request for reappointment of members for the 2010-2011 CIP.

SPECIAL EXCEPTION

5. **ST. GERMAIN**
Heron View Drive, Map 20, Lot 1-23
Special exception from Article 18, Section E, for construction of a driveway which requires a wetland crossing that will impact 2,943 sq ft of forested wetlands.

J. Duffy: This project was initially a 17-lot subdivision with a roadway going through the

wetland. The Planning Board did not approve this subdivision, because the road was too long. The applicant returned to the Planning Board and revised the plan to reduce the subdivision to 8 lots, but used the same 17-lot DES permit. Now you have a cul-de-sac with 55 acres with no dry access. I looked through the Planning Board notes and Charles' notes, and there was no mention of any discussion concerning how the land would be accessed. Now, Mr. St. Germain needs a Dredge and Fill Permit for the driveway crossing. The ZBA usually asks Stantec to review these plans. However, that did not occur, so you would be recommending this without a review.

Adam St. Germain: Schauer Environmental did a wetland impacts study. He found the best way possible to cross that. He came up with 2 elliptical culverts. We have been working with the DES. We should be seeing a letter back from them in a week.

J. Gryval: With all the wetlands there, that is probably the only spot you could put a driveway without taking more wetlands.

A. St. Germain: I will have 2,950 sq ft of impacts with a 600' long driveway.

J. Gryval: Does the Board want to recommend Stantec review this site?

D. Marshall: I thought Stantec review was done by the ZBA.

A. St. Germain: A site walk was done by the ZBA and the Conservation Commission. No Stantec review was brought up.

D. Marshall: Staff?

J. Duffy: Typically they (ZBA) have Stantec review the special exceptions for wetland crossings.

Don Duval, surveyor: They have chosen the point of least impact to the wetlands. Basically this is a requirement of DES.

D. Tatem: The only question I would have is constructability of the driveway. This is a driveway with a 14 ft. retaining boulder wall. Is this good for the Fire Dept.? Underneath the driveway is a 38-inch high culvert. There is a 5 ft drop off without a guardrail. I would say make it a safe driveway, even if we don't review this. This is a significant crossing.

A. Germain: If I meet the DES specs, why can't I design it?

J. McHugh: We are just motioning to send a favorable or unfavorable letter to the ZBA.

D. Hemeon: Does this map show the cul-de-sac; is that my right-of-way? Constructing a driveway could damage my roadway. You need to keep the driveway at a 10% grade or less.

D. Tatem: The grade is down away from the road.

***D. Hemeon motioned to send a favorable letter to the ZBA. Seconded by R. Guay.
Vote 4 in favor, 3 opposed. Motion carried.***

J. Gryval: In the letter, attach the discussion within these minutes so the ZBA is aware of:

- 5 ft drop off from driveway sides
- 10% driveway steepness
- Fire Department review of driveway

J. Duffy: I suggest Adam go to the Fire Dept., before ZBA meeting tomorrow night, to make sure they are all set with it.

A. St. Germain: My driveway is no different than any other. I may need to continue my meeting with the ZBA, because I may not have my wetland permit by tomorrow.

COMPLETENESS & PUBLIC HEARINGS

6. WILLIAM H. NORTHRUP, JR. (#09-02)

142 Whitehall Road, Map 19, Lot 13

Subdivision plan for proposed subdivision of a 20-acre lot out of the 105 total acres for estate planning

Don Duval, surveyor: Map 19, lot 13-1 is a 20+ acre lot, and will not be developed until such time the lot comes out of the estate of William H. Northrup, Jr. Mr. Northrup's intention is for a conservation easement of 84 acres of his land. I mentioned to the Board previously, the type and scope of the conservation easement is not known at this time. Jo Ann asked us to put a note on the plan, and we have done so. There are quite a bit of waivers.

D. Marshall: Your request is to also add parcel A (1 acre) to parcel 26-1?

D. Duval: Yes.

J. Duffy: It is complete.

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

Waiver #1-#18 numerous checklist items. J. Gryval: Received and read the waivers into the record.

D. Marshall motioned to grant waivers #1-#18. Seconded by J. McHugh.

R. Guay: Staff, any issues with the waivers?

D. Tatem: The smallest lot is 20 acres. I drove by the site. The State doesn't require test

pits. If the 20-acre lot comes later for a subdivision, then they will need to come before the Board. At the last hearing, there were no issues with the waivers. We did a technical review, and everything from our review has been addressed.

Vote unanimously in favor.

J. Gryval: I understand this is for estate planning. It says it won't be developed until such time as title is transferred from the estate of William H. Northrup, Jr. He can transfer it (title) tomorrow, if he wanted.

William H. Northrup, Jr.: I plan on transferring it to a trust.

J. Gryval: There is nothing that says you can't sell it tomorrow. I can see where this can be abused.

W. Northrup: I have owned this land for 50 yrs. I have two daughters. I lost a son last year. I have another daughter I want to give 20 acres.

D. Tatem: You can take that note off the plan, and it is still a 2-lot subdivision. I talked to Don. They put this note on the plan, at the request of the Board.

J. Gryval: Something like this can come and bite us in the future.

D. Marshall: If you take the note off the plan, he can do what he wants.

D. Marshall motioned to approve plan 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 (22x34), 1 paper copy (11x17), and 1 digital
- All outstanding comments from Stantec are addressed to Stantec's satisfaction
- All outstanding Federal, State, and local permits are obtained and submitted to the Town and Stantec
- 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 D. Hemeon.

Vote unanimously in favor.

7. PSNH (#09-05)

1250 Hooksett Road, Map 31, Lot 96

Lot line adjustment plan to make parcel A part of the Hooksett Road right-of-way in exchange for a portion of the Martin's Ferry Road right-of-way (parcel B).

J. Gryval: The applicant is not here tonight.

J. Duffy: They previously came for approval for their warehouse. This is for a lot line adjustment for the DOT upgrades. Michael Dugas, DOT, looked at it for what could happen if the roadway is upgraded.

D. Hemeon: Martin's Ferry Road has plenty of room. It is across the street where we need the room. They gave us the frontage on Rte. 3.

J. Duffy: The Council approved this. Initially when the site plan was approved, the language (note on the plan) said permanent easement along Rte. 3. The new note on the plan states "deed land". I am going to contact DOT. There is a meeting on Thursday with the DOT. The land should be transferred to DOT, so we don't have to do this process again. Also, TF Moran is requesting a continuance to March 16, 2009.

D. Marshall motioned to continue applicant to March 16, 2009. Seconded by N. VanScoy.

Vote unanimously in favor.

CONTINUED TO MARCH 16, 2009.

CONTINUED PUBLIC HEARINGS

8. 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

Mike Gospodarek, Edward N. Herbert Assoc., Inc.: Since the last time we were here, we met with Stantec again and made revisions to our plans. I believe we have addressed all of Stantec's comments. We have submitted to the water department, but have not received their comments back. We are in final revision with the State DOT. We have our sewer department permit. Basically, what is the pleasure of the Board? Would you consider a conditional approval?

D. Marshal: What about the Northbound left turn lane?

M. Gospodarek: This is our 3rd revision with DOT. We have a separate lane. We shifted the road over to the East, dedicated to our project.

D. Marshall: For the second access, obviously the Planning Board is not favorable to use the other two streets that connect with Bert Street. A question arose, at peak periods having a left hand turn out of Ash Street? What is your stand on that now?

M. Gospodarek: What do you mean a left-turn out of Ash Street? Right now we are gated with a right and left turn.

D. Marshall: Stantec said at peak times, no left turn. How are you going to address this?

M. Gospodarek: Currently we are going with a left turn during peak periods.

J. McHugh: Any easements from the abutters?

M. Gospodarek: We've had meetings with the abutters. We have not received easements as of yet.

John Cronin, Attorney for applicant: We sent a letter to Ms. Duffy for the character of the documents. We recorded at phase I. I have copies. There will not be new condo docs.

J. Duffy: The Town Attorney recommend, that if there are any amendments, to receive a copy and have him review them.

J. Gryval: Received and read letter for Valerie Fradette, 22 Bert Street, into the record. She is stating there is water running down in the gully.

Peter Z., Edward N. Herbert Assoc., Inc: I looked at the area. The Town has an existing catch basin, Dale knows about it. You have an area here, from others. Our drainage intercepts, and the neighbor who is complaining is on Town drainage.

D. Hemeon: The major washout where you are talking about, I don't know what size the pipe is.

Peter Z.: It is 12 inches.

D. Hemeon: I don't know how much water. Dan, have you looked at the erosion?

D. Tatem: No.

J. Gryval: There is a tremendous amount of water. I think that it should be checked.

Phil LoChiatto, site Project Manager: I don't remember specifically the timeframe. The Town was looking around and trying to find outlets for these areas. The water did increase somewhat. We had that issue Mr. Hemeon spoke about and we did some repairs. That drainage has been there for 3 yrs. We had the Mother's Day flood and the drainage did not flood.

D. Hemeon: All we did was dig up the pipe from where someone buried it.

J. Gryval: We will have our engineer look at this.

J. McHugh: I don't think anyone should be blaming anyone. Someone should go look at this. It is better if we have Stantec look at it.

J. Duffy: You need a landscaped buffer around the perimeter of property. You need to show this on the plan.

M. Gospodarek: We did do that.

J. Duffy: For the trail, they met with the Kiwanis. I received a letter from Fred Bishop. I haven't seen the trail on the plan or the easement. The trail easement needs to be reviewed by Bart. For the Dot permit and easement, I think the Board needs to receive the DOT permit and easement, before the Board makes a decision.

D. Hemeon: Will there be a Hammerhead or turn around by Bernice?

Peter Z.: It is on the plan.

D. Tatem: Is that paved? I believe it was gravel.

P. LoChiatto: Yes it is paved.

D. Hemeon: It was paved to show the turn around, and not part of the abutter's yard.

J. Gryval: Is there another access?

M. Gospodarek: You are saying we can't use the two existing accesses, and we have not. To divert the left-hand turn movement prompts issues. We have no use of access and right-of-ways from what is available.

J. Duffy: There is a good reason why the Board does not want the roadway access to the existing roadways.

D. Hemeon: Abutters have access onto a public street.

D. Dreffs: In the development, these are private roads.

D. Tatem: Bernice Street is recommended as the second egress.

R. Guay: You can't make them create a whole new access.

D. Marshall: Bernice is public roadway. But everything in their development is private. Now you would be connecting a private roadway to a public roadway.

J. McHugh: Can people from Bernice go onto their private roads?

D. Marshall: Once the gate is down, they certainly will use the private roads.

J. Cronin: If the Board's pleasure is to connect to Bernice, we are happy to do that. You can address the public and private roadway issue with signage. If you are happy, we can connect.

D. Marshall: Your residents can access the public roadways and visa versa.

J. Cronin: It is very common to do this.

D. Marshall: How are you going to stop someone from accessing Bernice Street and exiting through your development?

J. Cronin: You are asking us to enforce something in the future.

D. Marshall: I have no objection with your development using Bernice. But now Bernice can access your private roadways. If that is OK with your people, then that is OK with me. You can't enforce the access to private roads. When we continue this hearing, let's say Bernice should be open (Bert and Otterson), then we don't want to increase traffic.

J. Cronin: I don't think you want our roads maintained by Mr. Hemeon.

D. Hemeon: Is your development going to have a problem with Bernice and other streets accessing their private roadways?

M. Gospodarek: Yes, I think they will have a problem.

R. Guay: I don't think they would zigzag through the private roadways.

J. McHugh: If you come out of Granite and take a left, it is an accident waiting to happen.

D. Tatem: You will still have a turnaround for plowing. If signage for private roadway with no access, can they enforce?

J. Cronin: How about a one-way out from Bernice from the subdivision? Just a thought. I will need to speak with our engineers.

D. Marshall motioned to extend 65-day deadline for 90 days. Seconded by J. McHugh. Vote unanimously in favor.

D. Marshall motioned to continue applicant to April 20, 2009. Seconded by N. VanScoy. Vote unanimously in favor.

CONTINUED TO APRIL 20, 2009.

9. 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. Duffy: Their easement is OK with the Town Attorney. For the two lots to be automatically merged, I checked with assessing and they have a procedure, but they don't normally do it. I don't know how you can say to these guys you have to merge your land.

J. Gryval: My neighbor had to merge his lots.

J. Duffy: Sandy Piper (previous Assessor) used to follow-up on this. I don't think it has been done in a while.

D. Marshall: If two lots are substandard, they must be merged.

J. Duffy: Our regulations say if one lot is substandard, they must be merged.

J. McHugh: For my lot at the Lake, I couldn't get clear title. It was considered two lots.

J. McHugh motioned to continue applicant to April 16, 2009. Seconded by D. Marshall. Vote unanimously in favor.

CONTINUED TO APRIL 6, 2009.

OTHER BUSINESS

10. AV HOOKSETT LLC (#09-04)

1323 Hooksett Road, Map 25, Lot 19

Proposed signage for the conversion of the existing Wendy's restaurant to a KFC & Taco Bell restaurant

J. Duffy: This applicant came to our office for a change of use. We sent him it to the Aesthetic Committee. The facade and the rear portion to me look more Mexican. Yervant approved the colors; KFC usually has bright red but they toned it down. We just need final approval by Yervant. Initially he (applicant) submitted paperwork for signage, now I am not so sure if he needs it.

Huseyin Sevincgil, MHF Designs: We are converting the existing Wendy's on Hooksett Road to a KFC/Taco Bell. We will use the existing base and have a 32 sq ft sign. We will reduce the existing Wendy's 164 sq ft building signage to our signage of 92 sq ft. I have the elevations. KFC & Taco Bell on the front, and KFC on one side and Taco Bell on the other side. We are reducing the signs by almost 44%, if that is OK without full Planning Board approval.

D. Marshall: Staff?

J. McHugh: Will the restaurant be open space as one restaurant or will it be divided for two restaurants?

H. Sevincgil: One restaurant open area with a split menu and separated kitchens.

J. Duffy: The question we are talking about, I told him how the panels have to be opaque and letters and slogan translucent. When he first showed me the sign from Manchester, it did not meet our PZ requirement. KFC, man's face will be smaller, and Taco Bell, the bell will be reduced and not extend the building. The way the regulations are written, they can't extend up.

R. Guay: It is in the PZ, we can waive.

J. Duffy: Would you look at it as needing to meet our new regulations OR would you just look at reducing signage for non-conformity?

J. Gryval: The Board's consensus is since signage is shrinking down, it doesn't need to be here.

H. Sevincgil: Does signage have to be opaque with translucent to conform?

J. Gryval: Yes.

CONSERVATION COMMISSION REQUEST - OPEN SPACE PLAN

J. Duffy: For the CTAP grant money, part of the requirement is to have a subcommittee. The Conservation Commission would like someone from the Planning Board.

ADJOURNMENT

*R. Guay motioned to adjourn at 9:40pm. Seconded by J. McHugh.
Vote unanimously in favor.*

ADJOURNMENT

Chair J. Gryval declared the meeting adjourned at 9:40pm. The next Planning Board Meeting is scheduled for March 16, 2009 at the Town Hall Chambers.

Respectfully submitted,

Donna J. Fitzpatrick
Planning Coordinator