

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

**HOOKSETT PLANNING BOARD
MEETING MINUTES
HOOKSETT MUNICIPAL BUILDING
Monday, March 16, 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, M. Sorel, R. Duhaime, Town Council Rep. N. VanScoy (arrived 7:05pm), and Y. Nahikian (arrived 7:10pm).

Excused: Interim Town Administrator, C. Granfield.

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

VOTING

J. Gryval: D. Marshall will vote tonight in place of N. VanScoy, unless she arrives to this meeting.

APPROVAL OF MINUTES OF 03/09/09

CONTINUED TO MARCH 16, 2009.

CIP COMMITTEE 2009-2010

1. CIP Committee presentation of the CIP Committee 2009-2010 Self-Audit Report and request for reappointment of members for the 2010-2011 CIP.

J. Gryval: If no one objects, we would like to move this item to the end of tonight's agenda.

R. Duhaime: Mr. Chair, the CIP Committee members are out in the audience. If they have no objection, I am OK with this.

CIP Committee members: OK.

MOVED TO END OF THIS AGENDA.

DISCUSSION

2. 1373-1375 HOOKSETT RD & HUNT ST (William R. Bergeron, P.E.)

Map 18, Lots 33, 34, and 35

Potential plan to retain and refurbish the 8 existing dwelling units as a first step, and to include, as a future use, the addition of a commercial use.

William Bergeron, Hayes Engineering Project Manager, and Nicholas Lazos, Attorney, Distributed handouts to the Board. We are representing the potential applicant.

N. Lazos: We are here to discuss an application within the Performance Zone (PZ) and your policy for this particular parcel of land. It is the former motel site (Peterbrook Motel) on the corner of Hunt St. and Rte 3. I represent a party who currently has this property under agreement from a bank foreclosure. Currently it is not being occupied. The site has a failed on their septic system and they have water problems. The Building Inspector has ordered it shut down. Theoretically, there are 20 units on the site that are essentially not livable without substantial work to the building. My client's goal is to develop a commercial site. It is a difficult economy, and it is not conducive to new development. After discussions with the Building Inspector and Jo Ann, 8 units on the site are grandfathered and can be rehabbed (out of the original 20 units). One proposal is to rehab the building next to Hunt St. (2 units), and rehab the building in the back of lot (6 units). Then we would remove the other areas and clean up the site in compliance with DES. The difficulty is the cost to rehab the 6 units. The goal is to create use to generate cash flow, and carry the property until such time we can build a commercial building on the site. The site is conducive with a building with an entrance in front and at the grade. It is a very efficient commercial use. The preference is to build the commercial building, but we don't anticipate this will happen now. The other issue is that the site is in the PZ. We want to maintain the curb cut on Rte 3, because the only alternative is coming off of Hunt Street. Hunt is narrow and in poor condition. It is not a great primary entrance to the site. We are here for you to give us guidance (a conclusion), if you would allow the two uses to continue. We would like to build the commercial building. It will cost approximately \$200,000-\$400,000 to rehab the apartments. We would like to keep these grandfathered. That is the purpose of our discussion. We are in due diligence with the bank owner, and we basically have to come up with a game plan that makes sense. The other issue is the pavement on the site. We would also like to get the impervious surface to be grandfathered, for calculations of the impervious surface and drainage. We would have an underground infiltration system on site to take care of issues for the aquifer protection area.

W. Bergeron: The Building Inspector required the order to vacate the buildings on the site after the State indicated it had a failed septic system. The grandfathered aspect is only good for 1 yr. from the order to vacate the buildings. The expenditure to upgrade the units is significant. That is why Jo Ann thought we should come talk to you for a phase project, if the Board is willing to entertain this. Your regulations for a corner lot require the access off the local roadway vs. Rte 3. In this case, there is a 250 ft. wide curb cut opening (motel opening). We would like a reduction and consolidation to one central

access. This proposed access is a significant improvement, particularly because of the poor condition of Hunt Street.

J. McHugh: The 2x buildings are #1 the existing duplex, and #2 the one in the back. I wasn't quite clear for the building in the front, would you level it?

N. Lazos: Yes, we would level the building in the front.

R. Guay: I am open minded and willing to discuss mixed use on a single site. However, I would think you would run into issues with financing 6 units condominiums. Mixed use is an unusual situation.

N. Lazos: I have done quite a bit of mixed use over time. We don't see any issues with financing this site. I threw the idea out about condos. I don't know if we would entertain a subdivision. A ground lease may be an option. My client will rely on local banks in portfolio for financing (no fancy financing).

R. Duhaime: The plan behind you (concept on tripod), for the mixed use, the Board isn't really interested in that. But if you can improve the property (i.e. tear buildings down), what improvements besides the 2x buildings are you proposing? How about the curb cut?

W. Bergeron: We want to make sure we have the grandfathering for this plan. Also for the impervious, we want credit to begin with. We propose landscape improvements in the front of the site, and have a centralized site access to one location instead of the 250 curb cut that exists.

R. Duhaime: Propose something to encourage the Board. Parking space, you have to create spaces. Propose tearing buildings down, use the existing driveway and parking, and maybe some landscaping on D.W. Highway.

W. Bergeron: Just removing the building will improve the site. Architecturally, we want to blend into whatever structure we will end up putting in there. The Building Inspector said by right, we could do these things right now. This is a significant cost. We need to add sprinklers to the buildings, connect to the sewer lines, and bring the site up to the current code. We don't want to waste the money, to the have the Board say "take everything down and start over".

R. Duhaime: You are leaving the footprint in?

N. Lazos: For taxes, the Town will net better with our proposal. Right now, you have a certain assessment, and you have cease and desist on this site.

N. VanScoy: The 2x existing buildings to refurbish, is the parking for the 6 units in the back?

W. Bergeron: Yes.

N. VanScoy: And parking for the duplex unit?

W. Bergeron: Referred to conceptual on tripod, that shows the reconfiguration of the parking.

N. VanScoy: Access for the first phase?

W. Bergeron: Phase I access will remain the same, but blocked off. We would relocate the entrance for phase II, and there are no other driveways across from that.

N. VanScoy: Isn't the entrance for phase I across from the auto dealership?

W. Bergeron: No, referred to conceptual for current entrance.

D. Marshall: Parking, neither have garages?

W. Bergeron: The driveway underneath the tree has no garages. Once the building in the front is taken down, driveways for the units could be entertained.

R. Guay: Once you phase for the commercial building, would you see continuing the rest of the site as residential or change to commercial?

N. Lazos: If a commercial opportunity comes up 2-3 months before our proposed residential, we would go with the commercial. The buildings are not conducive for retail use. The building to the North is a duplex, and the other one is apartments.

J. McHugh: Jo Ann, this question is for you. This site is in the PZ, he wants to grandfather the residential and take down the other building?

J. Duffy: As long as he doesn't expand, it is OK.

J. McHugh: It is not a reconfiguration. He is taking down the building. Do the PZ regulations come into play?

J. Duffy: The PZ allows for commercial. Any new building(s) would need to comply with the new zoning. The other buildings are grandfathered. This site is similar to Granite Hills Storage. There was an existing building on the site. You looked at the site plan, and within the existing building the residence was grandfathered to remain for the new commercial uses it was approved for.

J. McHugh: I have some difficulty with what regulations you would have to abide by.

N. Lazos: For any new use, we would need to abide by your new regulations.

M. Sorel: Are the sewerage gallons available?

W. Bergeron: We were told yes.

M. Sorel: For the refurbished units, once you get sewerage hook up, what will you rent them at?

W. Bergeron: Workforce housing? I don't have rental figures.

M. Sorel: You gave us numbers to refurbish, have you done any research on the rent?

N. Lazos: To research the cost to refurbish, it is getting higher every week due to mold, etc. For the units, most will be 1 bedroom with some 2 bedrooms. Everyone's talking workforce housing these days. We are not talking about \$1,200 rent. It would be below \$1,000 a month. Frankly, we would like the units for cash flow. In doing our homework, these units will not carry the property in the long run. Our goal is to turn into the site into commercial use. A specific rental amount, we don't have. The history of the site, we have grandfathering issues, and don't want any future dispute about it. We will accept the Town's position to only grandfather the units.

R. Duhaime: One more thing to state about improvements. This Board, in the past, has taken somebody's words to complete the improvements, but they were not done. We are cautious on this subject. We want some improvements along Rte 3. Is it possible for an easement for the widening of Rte 3?

D. Marshall: I have no objections tonight for the driveway consolidation and units grandfathered. They would still need to come back to us (Board) with a site plan for the demolition and the commercial building. They would be grandfathered for the 2 residential building, and the 2 driveways.

J. Gryval: This is not a place to have residences in a commercial zone (PZ).

J. Duffy: You are caught in the middle here. If we say no, the only choice is to demolish everything and try to get a commercial building. Or another option is to demolish just the buildings that are condemned. For every person who has questions on this property, my first reaction is to say "set the building on fire and get rid of it". They all say it is not feasible to demolish everything. They need funding coming in. This is what I have heard time and time again.

J. McHugh: When I go by there, it looks like a war zone. I really want to see that area cleaned up. It is an eye sore when you go by there.

M. Sorel: There is a grandfathered issue this evening, but aren't they also asking the Board about mixed use?

D. Marshall: If we grandfather the 2 residential buildings, you automatically have mixed

use. The new building would be commercial.

R. Guay: Isn't it currently a motel/hotel that has been used for long-term residences? In my mind, you are not changing anything.

N. Lazos: The Building Inspector disagrees with you. My client is not here for a dispute with the Town. He asked how many units to grandfather, and we will work with 8 units. Frankly my client would like commercial and retail use of the site.

J. Gryval: Any other comments from the Board?

M. Sorel: If they chose to go ahead and solve the sewerage issue, they can spend the money and refurbish without the grandfather.

J. Gryval: Whether or not we want to grandfather, what is the pleasure of the Board?

M. Sorel: We are being asked to make a comment the same night as the presentation. I am not comfortable in commenting at this time. I would like this discussion continued to the next Planning Board meeting.

N. Lazos: We are at the end of our due diligence period to continue to the next Planning Board Meeting.

J. Gryval: I don't know about the rest of the Board. I don't like dual use. I think it should be a commercial property.

Y. Nahikian: For aesthetics, you will have an old duplex in front of nice future commercial building.

D. Dreffs: I am in favor of cleaning up the site. I don't think you will see the 2 residential buildings in the back from Rte 3.

J. McHugh: My issue is for affordable housing. At first I was not inclined to have them come back again. We need a discussion to see if it is a doable thing. I had not thought of that and it is a good point. Every time I go by the site, it irritates me.

M. Sorel: There may be an opportunity here. We have only had a 20-25 minute discussion. We need more time to discuss.

R. Duhaime: I agree with my counterpart on the Aesthetics Committee. Will the duplex be raised, when the commercial building goes in? We are trying to make the site workable for cash flow.

N. Lazos: This is a relatively small site. We would be putting \$200,000-\$250,000 into refurbishing the duplex. The trade off would be to tear down the building, if you wanted to build something else. The site is a little over 2 acres.

R. Duhaime: If you are spending \$200,000-\$250,000, you might just want to tear them down.

R. Guay: Have you considered a simple subdivision off Hunt street and commercial use off Rte 3?

W. Bergeron: It is not allowed.

N. Lazos: When we come back for the commercial use, what are you going to impose on us? The Chairman has already stated he doesn't like residential in the PZ.

D. Hemeon: I worry we will never see commercial. How much have these units cost the Town in welfare?

J. Duffy: They are going to keep 8 units all together. They can't keep any units in the condemned area.

N. Lazos: The building in front has a residential unit, and an office on the 1st floor, and an apartment on the 2nd floor.

J. McHugh: Jo Ann, didn't we have someone come in before for discussion on these individual units?

R. Duhaime: No, that was for the site up the street (Park Place).

N. Lazos: This is the former Peterbook Motel.

D. Dreffs: What are you demolishing?

N. Lazos: The condemned areas. We have no interest to keep those buildings. They are useless.

J. Duffy: If grandfathered for the impervious surface, are you going to remove the old pavement (in case it stays that way for a while)? We wouldn't want to see chopped up pavement and a foundation.

Y. Nahikian: The 6 units will compromise our regulations. Instead of you guys spending \$250,000 to refurbish a 1,200 sq ft building, why don't we allow you to have one unit in the back?

W. Bergeron: Your zoning will not allow that.

Y. Nahikian: We can talk about that.

J. Gryval: The Board will not come to a consensus tonight.

J. Duffy: If they are able to come back to the next Planning Board Meeting on April 6th, would you like the Building Inspector to be here?

J. Gryval: Yes.

N. VanScoy: Are the 2 units and 6 units occupied now?

N. Lazos: No. These units must be fixed by September 2009.

J. Gryval: There is a possibility the proposed commercial building will sit, until the economy turns around.

N. Lazos: We want to do something to the site in the interim.

W. Bergeron: It will be a significant improvement to get rid of the condemned structures, refurbish the units, improve the access from Rte 3, and enhance the landscaping as part of the demolition phase.

M. Sorel: I like Mr. Nahikian's idea to add a unit(s) in the back. It has merit and it would help you on the site. It is an idea that deserves attention.

N. Lazos: We can't do that.

J. Duffy: Our ordinance states a non-conforming structure cannot be expanded. I am not an attorney, but I would question if this concept needs the Town's approval. Not so sure it needs our permission.

D. Dreffs: If they are cleaning up an eye sore, why are we getting in their way?

N. Lazos: Your ordinance is kind of rough. To change anything in the ordinance, you need a variance. A property like this with your ordinance, we run into problems.

J. Gryval: The Board asked you to come back on April 6th.

W. Bergeron: Based on what the Building Inspector said, with the same size and everything (just residing and adding new windows), the structure will not change.

N. Lazos: We proposed what Mr. Sorel suggested (adding a unit(s) in the back), and we were told it is not acceptable.

CONTINUED TO APRIL 6, 2009.

COMPLETENESS & PUBLIC HEARINGS

3. CONTINUED TO April 6, 2009

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. Duffy: This is continued to April 6th. There has been discussion instead of PSNH land being transferred to the Town, it should be transferred to DOT.

CONTINUED TO APRIL 6, 2009.

4. BEAVER BROOK HEIGHTS – PHASING (#09-03)

By-pass 28 & Jacob Ave., Map 48, Lot 26, AND Map 49, Lots 49 & 58
Amended phasing plan.

JR Ouellette, owner, and George Chadwick, Keach-Nordstrom Associates.

J. McHugh: I am stepping down from this application.

G. Chadwick: I am representing Beaver Brook estates for their phasing. Scott, and JR were here a month ago. They would like to take the first phase approved and make it two phases. Beaver Brook Road would go up to a temporary cul-de-sac (lots 58-28, & 58-29). They would pave a temporary turnaround with appropriate drainage and so forth. With the economy, the vesting rights were discussed. If they build to a temporary cul-de-sac, would this be vested? Before building permits on the first phase, we would build this section of phase I, bond phase II, and then we would be allowed to pull a building permit for phase I. We need to get accepted first.

J. Gryval: Staff, is this complete?

J. Duffy: Yes.

***M. Sorel motioned to find the plan complete. Seconded by R. Duhaime.
Vote unanimously in favor.***

J. Duffy: I spoke with JR this afternoon about vesting. The notes on their plan are very vague, and don't address the vesting issue outright. It doesn't say this is what is going to be done to vest our plan. I asked him to come to the Board with something in writing. Our regulations don't address a phased project. In order for project to be phased, 17 foundations must be in within the first year. I was suggesting this scenario to JR. It is highly unlikely, if you approve their phasing plan this month, that he would be able to put 17 foundations in within the next year. He needs to come up with another solution (i.e. 20% of phase I, build road out to the cul-de-sac). He needs to bring this in writing to the Board, and then we will make a condition of approval and have Bart look at it for legal

definitions. The way it is worded right now, it is too loosey-goosey. Especially, phase I must state it will be completed by a specific date. The second thing is bonding of the roadway. We are all in agreement to bond the first phase up to the cul-de-sac. This must be a reclamation bond. Also, they could not apply for any building permits, until they are bonded for the second portion of the roadway up to and including Jacob Ave. Mr. Pinard was concerned the roadway will not be opened up to Jacob Ave, until the improvements to Jacob Ave. and Smyth Rd. are completed. Notes have to be worked onto the plan. I haven't seen that.

J. Gryval: We will need this in writing for the Town Attorney.

D. Tatem: The bonding was agreed to 2-3 months ago. A note just needs to be added on the plan. For the proposal of a vesting note tonight, could they run this by you and then have Bart look at it? We have done our technical review, and Jo Ann has also reviewed it. These are the last two issues with Stantec.

J. Duffy: Bart did not want to come up with language. He just wants to see the developer's language and comment on it.

JR Ouellette: Jo Ann just called me at 3:00pm today to request something in writing. I haven't had much time to put language together.

G. Chadwick: We have a verbal agreement.

D. Tatem: When the plan was originally approved with phases, the bonding agreement was discussed in the minutes.

G. Chadwick: We are more than willing to put the notes on the plan; previously we weren't required to. For the active and substantial development, if the Planning Board doesn't decide what is active and substantial, then we will fall back on the 20% rule. The reason we did not come in with language today, is because we wanted to get feedback from the Board then come up with the language. Our proposal, not knowing the market, is to build up to phase I as shown on the plan and this will be considered vested. If he builds the road, this should be monetary enough for vesting.

D. Hemeon: George, how long is the road?

G. Chadwick: 4,900 feet of roadway.

JR Ouellette: We can't put in foundations until we are phased. It should be 5 lots vs. 17 lots.

J. Duffy: Is the Board agreeable to vest the project in phases vs. having the whole thing vested? We just can't say build the road to phase-I.

M. Sorel: It is in the best interest of the applicant and the Town, to make your proposal

to us in writing. Then we can respond to it.

M. Sorel motioned for the applicant to provide the Board a proposal in writing on what the applicant wants this Board to do for phasing and vesting and to continue this applicant to April 6, 2009.

Vote in favor. Two opposed. Motion carried.

G. Chadwick: Our request is to change the phasing, and we are trying to get that done in an expeditious way.

R. Duhaime: Build phase I and 5x homes.

R. Guay: Did you get quotes for the 4,900 feet of roadway?

G. Chadwick: He is currently building it.

JR Ouellette: It will cost \$1.4 – \$1.5 million to build the road.

R. Guay: Vesting is not just about building houses.

JR Ouellette: I don't understand this thing about foundations. We are building a road and paying taxes on empty lots.

D. Tatem: George, did you just say the road is under construction now?

J. Duffy: The subdivision has not been signed or recorded yet. There are still items remaining from their conditional approval.

G. Chadwick: No, it is not.

Y. Nahikian: Would you just be putting in foundations, or are you putting in houses too?

J. Gryval: Just foundations.

Y. Nahikian: What is the purpose of vesting? To sell 5x houses for the project to be active?

M. Sorel: The project should be active and substantial, if the applicant is spending \$1.4 - \$1.5 million to build the 4,900 feet of roadway.

CONTINUED TO APRIL 6, 2009.

CONTINUED PUBLIC HEARINGS

5. HARMONY PLACE (#08-31)

1621 Hooksett Road, Map 14, Lot 27

Residential site plan to create a 63-unit older person development

Jenn McCourt. McCourt Engineering: Distributed handouts to the Board. The major issue left for our project is the sight distance. I met with Rich, Reed Heath, Sonny, Dan, Jo Ann, and we could reach the AASHTO 532 ft with 2:1 slopes. DOT said without a guardrail the slope is 3:1. This puts me back $\frac{3}{4}$ of a foot. I then went and talked to DOT for the platform required. Hooksett takes 20 ft at a minus 2% shortened to 5% vertical curve. To try to raise the intersection, the other option was reconstruction of Rte 3 to lower for the sight distance. My problem is at station #103+00 where the sight distance touches the shoulder. If I shift the high point to get the sight distance, I have to put in 2 vertical curves. In the second page of the hand out, the sight distance that has 2 ft, at station #4+50, is where the 2 ft is most critical. At the cross-section, station #102+50, you will see lines on top at the existing grades, lines down below is the box section for improvements. The box section above is what we were proposing. What DOT requires for the 400 ft sight distance is not included in this cost estimate. It will cost \$370,000 to do additional work to get the sight distance. When designing these improvements, at station #100+33, that driveway today is 11.2% coming into Rte 3. With lowering the road (Rte 3 by 3 $\frac{1}{2}$ to 4 ft.), we would make this worse. I have no idea how we are going to get a driveway there. Shifting the high point is going to make it tougher. Lot 20 & 18, the driveways are worse. We will need a platform with 10% driveways to get to their garages. I had to create a ditch. The sight distance we are providing for, second set of plans, has cross sections. The line down the side has numbers station #3+00 is 1.07 ft, top of line is the eye, the ditch line station is #103+50 and I could achieve 1.24 ft. The next page, at station #104+50, this has $\frac{3}{4}$ ft of sight distance, which 9-10 months out of the year you will have 533 ft of sight distance when the snow melts. We are here tonight to ask for a waiver. We far exceed DOT waivers and requirements. For the 13% grade at lot #13, it is narrow and we have no room.

R. Duhaime: I flagged for trucks to fill in for this lot years ago. It is already downhill.

J. McCourt: The platform waiver is withdrawn.

Waiver #1 - sight distance for all seasons of the year. J. Gryval: Received and read the waiver into the record.

J. Gryval: You can come up with the 533 ft. sight distance 9-10 months out of the year?

J. McCourt: Yes, but not in the dead of winter, if $\frac{3}{4}$ ft of snow is in the ditch line.

R. Duhaime: The DOT did not want a 2:1 slope. The plans are submitted with a 3:1 slope.

J. McCourt: The DOT was ecstatic with the 3:1 slope.

J. Gryval: Staff comments?

J. Duffy: I attended the DOT meeting and I found it confusing. Why doesn't the DOT use the AASHTO requirements? They would not necessarily use it if two streets are intersecting, but they would use the AASHTO requirements if the project was a retail site with heavy traffic. With this residential use and the number of units, traffic is fairly low. If this was a residential subdivision, I asked if they would look at it differently and they said no. I felt comfortable after hearing everything. I was OK with it.

J. McCourt: This has more sight distance now.

M. Sorel: Richard, do you have any input?

D. Marshall: If the State approves it at that level, I have no concerns.

J. McHugh: My only concern, 9-10 months you make the sight distance. I guess it has always been my philosophy, if there is a potential for an accident, why would we allow it?

J. Duffy: The Town's regulations (533 ft.) they meet 9-10 months out of the year. They meet the State regulations (400 ft.) all year.

J. McHugh: I know the distinction. There are other roadways that are difficult in the winter months. I have grave concerns about potential accidents.

D. Dreffs: Joanne, show me a sight distance not affected by snow banks.

J. McHugh: That particular area has me concerned. It is an accident in the making.

D. Tatem: There should be a sight distance easement on the plan to maintain brush and vegetation (mowing swale). It should be the homeowner's responsibility, not the Town to maintain.

M. Sorel motioned to grant waiver #1 conditional that there be a sight distance easement on the plan for the Homeowner's Association to maintain the brush and vegetation (mowing swale). Seconded by D. Hemeon.

N. VanScoy: I don't understand.

J. McCourt: Explained the sight distance for the ¾ ft clearance in winter. The Town's regulations (533 ft.) will be met 9-10 months out of the year. The State regulations (400 ft.) will be met all year.

Vote in favor. 3 opposed (N. VanScoy, J. McHugh, J. Gryval). Motion carried.

Open Public Hearing

Martin Cannata: If the developer's Homeowner's Association has to maintain the brush and vegetation (mowing swale) for the sight line factor, why couldn't they also do this with the snow banks?

J. McCourt: Because it is in the DOT right-of-way.

R. Duhaime: There is a lot more salt melt on D.W. Highway than other roads.

Lynn Carry, 6 Pleasant View Drive: For the drainage and ditch, you mentioned it will change the flow? What is the purpose of the ditch?

J. McCourt: If we were going to use the plan tonight, the sight distance does not meet the Town's regulations of 533 ft year round. We meet this 9-10 months out of the year. We were asking for the waiver.

L. Carry: So it is going to resolve drainage?

D. Dreffs: It is not going to resolve the drainage. It is staying the same.

J. McCourt: There is a larger ditch with 2 existing catch basins across the street. All we are doing is making this ditch line deeper (bigger), so we have sight distance.

L. Carry: Where is the water going to go?

J. McCourt: We will have the same place as before for the detention ponds, retention ponds, and swales. What my client has graciously proposed to do is pay for the upgrades for drainage pipes (part II recommendation from the Beuchesne Drainage Study – surface water).

D. Tatem: This discussion tonight is strictly for the sight distance for people pulling out of the roadway. Because the Board just approved their waiver, tonight's meeting isn't about drainage improvements, but he has agreed to fund the part II improvements.

Joan Lyden, 7 Morgan Dr.: Where does the road come out? Is it opposite of Pleasant View Drive?

J. McCourt: It is not opposite of Pleasant View Drive. If you take the existing Beuchesne cul-de-sac and go through the woods of D.W. Highway, you would be at our roadway.

J. Lyden: So it is South of Pleasant View Drive, closer to where the road curves down. That is already a dangerous part of the road. There is already a retirement community coming out here.

J. McCourt: We are doing large improvement to the road, to include left hand turn lane, right hand turn lanes.

J. Lyden: If you have a left hand turn out of your driveway towards Shaw's, you are not going to be able to get out of that driveway.

Tom Fischer, 3 Morgan Drive: How can you put this many people onto Rte 3? How many units?

J. McCourt: There are 63 units.

T. Fischer: You double that number (63), and you can't get out. You think these people are going to get out? Oncoming traffic is coming up Rte 3 at 55 mph. We have problems with people coming out of the Beauchesne development. In my 30 years in this development, there have been 20 accidents. Now you are going to put an access here?

J. Duffy: Is the discussion tonight on everything (in addition to sight distance)? Last Wednesday evening, Dan made a presentation to the Town Council for the Beauchesne Drainage Study – surface water. They asked he go back to the Council on the 25th, because they had additional questions and wanted to think about it a little more. I asked the Council about the Planning Board making a conditional approval, because the applicant wanted approval this evening. They (Council) didn't have a problem with Sonny Sell making a donation for the Beauchesne development, as long as you (Board) make a condition that it is subject to the Town Council's approval, and they were OK with that. There was a motion for a groundwater study at the Council and it failed. They were going to discuss this further at the Council meeting on the 25th.

J. McHugh: Sonny's donation vs. what?

J. Duffy: \$195,000 is at the fair market value rate for drainage upgrades (part II recommendation from the Beauchesne Drainage Study – surface water). Sonny recommended using his own contractor, or working with Dale to have the Highway Dept. complete the upgrades.

J. Gryval: Did you say the Council will have further discussion for the groundwater study at their meeting on the 25th? Per the last Council minutes, the groundwater study was motioned not to fund.

D. Hemeon: I didn't talk to all 5x Councilors who voted against the groundwater study. Those I did speak with said they didn't have enough information to motion for it.

R. Duhaime: Dale, if these improvements are completed, do you think it will solve the Beauchesne drainage issues?

D. Hemeon: It should solve the surface water per Stantec's recommendations. Either we can do it, or Sonny can do it with the approval of this project.

R. Duhaime: If improvements didn't occur, and Harmony Place is not built, these improvements should be done regardless of this project.

D. Hemeon: If improvements are done by the Town of Hooksett, it will save the taxpayers if the developer funds the cost. We are not going to solve this unless we do something.

R. Duhaime: So, this is a good step?

D. Hemeon: Yes.

M. Sorel: At the presentation made to the Council and in the Planning Board minutes, the groundwater study is needed. I am in favor of it getting done. The Council was struggling with the \$23,400 cost to complete the groundwater study. Two issues are within their motion 1) waiver for bids, and 2) funding. Some Council members wanted to vote for it (or vote in the future), but they were struggling with it. We have a developer coming before the Town who absorbed 1/3 of the surface water study cost. We should ask Mr. Sell and company for an additional \$8,000, ask Brookview for \$8,000, and have the Town fund the remaining \$8,000 to get the groundwater study completed.

J. Gryval: We have a Councilor right here. What are your comments Nancy?

N. VanScoy: Dale and Mike's expressions are accurate. The Council was concerned with the initial bid of \$23,400. What are we getting for this, and is it at fair market? Part of the motion was contingent on the Town Administrator finding the funds. I would want to know where the funds are coming from, before we commit the taxpayers. Precedent, what it meant to the Town. Town Administrator is working on this. She is planning on working with Stantec for dollars and sense a little closer. She has been tasked with finding the money for the next Council meeting.

D. Dreffs: I would like to remind the Board of his (Mr. Sell's) generous offer to fund the drainage upgrades (part II), and we shouldn't ask him for another nickel for a groundwater study.

M. Sorel: If Mr. Sell funds for the underground, he would not be building a retaining pond and also he would not be cutting down a lot of trees.

J. McCourt: Dan, correct me if I am wrong, my design meets Stantec and your regulations. Anything less than that, would require more waivers. What we are proposing is funding the South end of the Beauchesne drainage improvements (phase II). The timeframe for the hydraulic study (groundwater) is prohibitive to my client. We are trying to relieve water via trench work for a pipe as a pressure release valve. I think that

what we are doing is relieving the groundwater to a certain extent, and upgrading the pipes. We have met the requirements.

D. Hemeon: You mentioned cutting more trees down?

J. McCourt: If we had to retain all the water on my site, I still have to have ponds up top.

M. Sorel: There would be a cost saving with building smaller ponds, but you would be using that savings to upgrade the piping (phase II). I want to look at the best interest of the developer, the residents and the Town. The Beauchesne development cannot take any more water on their site. There is always a cost.

J. Gryval: He offered to do that with the pipe upgrades (part II).

M. Sorel: I am still talking about the groundwater study.

J. McCourt: You could do the entire groundwater study and not come up with a solution. We can now upgrade the pipes.

M. Sorel: I am not suggesting that the site be completed. The groundwater study needs to be done. Another \$8,000 from the developer is not a big number, so the taxpayers don't have to pick it up.

B. Ehlers: Isn't this groundwater study a hypothesis? We are asking the developer to pay \$8,000 for a hypothesis?

D. Tatem: After we met with the Council, the Council's question was why spend \$23,400 to tell us the groundwater is high, when the residents can tell us their basements are wet? I spoke with Carol and updated our proposal to look at individual lot drainage for research and give recommendations. Our proposal still does include a lot of data collection for wells in the Southern part of NH and Northern part of MA. Our Hydrologist looked at Brookview Sr. Housing. That development most likely would not affect the groundwater across the street.

J. McHugh: What is the point of a discussion at the next Council meeting?

D. Tatem: It is a change in scope. The Council asked why we were proposing doing a study for determining why the water happened. They thought more money should be spent on how to fix it.

N. VanScoy: Yes, that is correct.

J. McHugh: Have you received other developer funds?

J. Duffy: No.

Y. Nahikian: What is the cost of improvement of the pipe?

J. McCourt: \$195,000 fair market value. Maybe \$130,000 if Dale or Sonny's own contractor completes it. This is a lot more than \$8,000 to contribute to a groundwater study.

D. Hemeon: We don't know the total cost. It can't hurt to ask the developer for the \$8,000 for the groundwater study.

N. VanScoy: You mentioned another pipe from the culvert?

D. Hemeon: Continue the pipe to the highway.

D. Tatem: If you continue the pipe, there are jurisdictional wetlands and we would need permits. It is not just up to us to decide.

N. VanScoy: The sewer line along Rte 3, the underlying material is different from the extension on Rte 3. There was a recommendation for a dam.

D. Tatem: There is a substantial sewer trench that leaves University Heights and crosses Rte 3. The theory is the groundwater is failing, because the $\frac{3}{4}$ stone is clean and fabricated under Rte 3, however we are finding some of the sewer system is not stoned or fabricated. To outlet the storm pipe on the East side of Rte 3, it will take one day's work.

N. VanScoy: Would a groundwater study help to prove or disprove the drainage issues?

D. Tatem: It would need to be looked into. How many linear feet of sewer line? We could also just design the trench dam. It may be easier to build it, than to study it.

T. Fischer: Your drainage only affects the Southern part of Beauchesne. There isn't anybody not affected by water. We don't care about the study, we just want it fixed. Water is coming from somewhere, coming up from the ground from somewhere. We just want it fixed.

J. McCourt: That is what my client wants to do.

J. Gryval: You will have to take this up with the Council.

M. Sorel: This applicant has been very receptive with the surface water, but this is only part of the problem. The North side of the subdivision is more expensive to fix (\$400,000).

Dick Sullivan, 7 Morgan Drive: To the gentleman from Stantec, you said it would cost \$23,400 for the groundwater study. The initial action was to dig wells, and you could determine from that alone where the water table was and where it is now. How far has the water table risen? There were some questions of who did what up on the hill. It strikes

me that not do the \$23,400 groundwater study is a big change what I have heard for months. I wonder if we are just skipping that study, because we don't have the \$23,400? If you put the dry wells, can you tell what is happening?

D. Tatem: \$23,400 was the original proposal for 12 test pits. The monitoring wells are a substantial part of the cost. There is a historical seasonal high and today's seasonal high. We have reported data from residents of the Beauchesne development (35-40 residents now), and Jane said she would have up to 80 residents by the end of the week. We can use that data and say the water tables have risen everywhere in the State. The Council wants us to find more effective ways to find solutions (i.e. drain water away from your house).

D. Sullivan: You still do not know how much it has risen.

D. Tatem: What is the value to find out how much it has risen?

D. Sullivan: If you know what the actual rising is, you look at the layout and foundation level. You will know where the problem is.

D. Tatem: To try to predict the future?

D. Sullivan: No. To find out where it (water problem) is when it happens.

John Dufour, 5 Albert Ave.: I thank you all (Board) for volunteering. I have lived at Kennedy and Albert Ave. for 25 years. My concern, our concern, we can do a study now, but most of us are experiencing water now. You add a development up on the hill, and what will happen? Do something in advance of either a study or we are going to be back here in another couple of years and asking "what do we do now"?.

Close Public Hearing

J. Duffy: You could put a condition to approve this plan subject to improvements being done in the Beauchesne development as outlined earlier per the approval of the Town Council.

D. Tatem: A time limit is needed to complete the Beauchesne development improvements.

J. Duffy: And also a time limit is needed to complete the work on Rte 3.

M. Sorel: Did we discuss the 10% ADA?

J. Gryval: Yes, we already did before tonight.

J. Duffy: We are running into problems for the 10% ADA requirement. Do you want a note or make a designation?

J. McHugh: Does it have to be designated?

J. McCourt: No, it is not in your regulations.

J. McHugh: How can we enforce it, if it is not designated in our regulations?

D. Tatem: Sonny said before he gets a building permit, it will be designated.

J. McHugh: You are still going back to the Council for the groundwater study?

D. Tatem: Yes.

J. McHugh: And the public can be heard there.

R. Duhaime: This developer quickly responded, and he should be commended for this. He wrote a check right a way and stepped up to this for improvements to the Beaulchesne development. And he is a developer, who in this economy, wants to build and complete off site improvements. I would hate to hold this developer up for a groundwater study.

J. McCourt: Yes, we agree to the conditions.

R. Duhaime motioned to approved 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 (see letter dated March 13, 2009 from Stantec)
- Town Attorney review and approval of condominium declarations
- Subject to the Town Council approval of the Beaulchesne development drainage improvements (approval to either have the applicant use his own contractor, or have the Town Highway Dept. complete the improvements), the applicant agrees to fund part II of these improvements as recommended by Stantec in their Beaulchesne Drainage Study for surface water at an estimate cost of \$195,000. Completion of these improvements will be within 1 yr. From the start of the Harmony Place construction and prior to the Certificate of Occupancy.
- Applicant will provide a 5' sidewalk on their property along Hooksett Road to be completed prior to Certificate of Occupancy.
- Applicant agrees to off-site improvements for Rte 3 (Hooksett Road), to be functionally complete prior to the Certificate of Occupancy.
- All outstanding Federal, State, and local permits are obtained and submitted to the Town and Stantec
- Letter from Hooksett Village Water Precinct stating they have capacity and approve this project

- Letter from Hooksett Sewer Commission stating they have capacity and approve this project
- Applicant agrees to attend a required pre-construction meeting after (a) all bonds are submitted and approved, (b) site plan compliance monitoring escrow is in place and the Inspection Funding Agreement is signed and submitted, (c) 10% ADA units have been designated, and (d) the plans are signed and recorded
- Applicant agrees to site plan compliance monitoring
- Applicant agrees to remit \$139,419 in impact fees 10 days prior to the issuance of the Certificate of Occupancy subject to NHRSA 674:39 (Impact Fees: Roadway: 63 units x \$493 = \$31,059; Public Safety: 63 units x \$1,141 = \$71,883; Recreation: 63 units x \$579 = \$36,477. TOTAL: \$139,419)
- 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. Dreffs.

Vote unanimously in favor.

R. Guay: We are not saying the water issues in the Beachesne development are not a concern. We are not brushing off the water issues. What we and the engineer are saying is that the groundwater will not give us any more information on this project. You can go to the Town Council.

M. Sorel: The developer is going to pay for the part II drainage improvement. Who is going to do the improvements?

D. Hemeon: Sonny and I are meeting on Tuesday morning.

J. Duffy: That decision will be made by the Town Council.

D. Sullivan: I want to commend the builder. Over the years, this can turn into a catfight. It is commendable for this gentleman to offer his funds for drainage improvements to the Beachesne development. It is a great action on his part. I thought he (Sonny) should hear this from the other side.

CIP COMMITTEE 2009-2010

CIP Committee presentation of the CIP Committee 2009-2010 Self-Audit Report and request for reappointment of members for the 2010-2011 CIP.

R. Duhaime: I would like to introduce the members of the CIP; I am the Chair, Michael Sorel is the Vice-Chair, and the other members are Nancy Comai, Marty Lennon, and Martin Cannata. I thank you (members) for staying towards the end of this meeting. You all have the two CIP handouts (Hooksett CIP Committee Reappointment of Members 2010-2011 CIP Year and Hooksett CIP Committee 2009-2010 Self-Audit Report) in front

of you. For the self-audit, we did a questionnaire from Exhibit B - Chapter VI – Capital Improvements Programming pg VI-43. You will see questions 6, 7, and 8 in the self-audit were answered no. Out of those questions, we created recommendations (see pgs 6 & 7 of the self-audit. Our self-audit meeting was on January 26, 2009. Are there any comments from the Board?

J. Gryval: We should take them (questionnaire and recommendations) one at a time. What improvements do you have?

J. McHugh: Why do we need a handbook?

R. Duhaime: Goffstown is an example of a handbook. We want to make a specific handbook for the Town of Hooksett. We want to make additions to the current handbook. The CIP Committee is looking to improve the CIP process. One example is the Planning Board should have a meeting with the Town Council.

J. Gryval: I didn't say the CIP process doesn't need improvements. I asked what are the improvements that you have.

R. Duhaime: We want you to take our recommendations and come back for a vote.

J. McHugh: The change(s) you want to make, are there any Town Charter Changes?

M. Sorel: Exhibit A – Town Charter sec. 5.7 refers to the Capital Improvement Plan.

J. Gryval: In the Town Charter, it states the Town Council and CIP Committee shall meet annually.

D. Marshall: So there is no misunderstanding, the CIP is a subcommittee of this Board. When it was established, the CIP started its work when departments were starting their budgets or it would be premature. The CIP procedures are pretty much outlined. The CIP receives requests from the various departments, with an explanation as to how it falls within the goals of the Master Plan, so we know we are implanting the Master Plan via the CIP. Once done, the CIP, a subcommittee of the Planning Board, presents the program to the Planning Board for their approval or disapproval. It is not necessarily approved or disapproved in its entirety, and the Board can make changes. Then the Board turns it over to the Town Administrator. The Board can meet with the Town Administrator, so he/she has a clear understanding of the program. Once it gets to the Town Administrator, the CIP Committee's job is done. Track history has shown that it is probably a good practice that once the CIP is done, the members should go to the Town Council and the Budget Committee meetings. One of your recommendations is that the Planning Board should hold a public hearing. The CIP has no authority to hold hearings. Under State law, no public hearings are required for the CIP. We need public awareness for the preparation period when the CIP Committee is active.

R. Duhaime: CIP comes from the Town Administrator who meets with the department heads. They meet annually in a manner determined by the Town Council.

D. Marshall: State statutes say the Planning Board or the CIP Committee shall confer. The Planning Board has not determined who will confer.

R. Duhaime: The Town Charter states the Town Council will determine who will confer.

D. Marshall: In the Town Charter, the Town Council has stated the Planning Board will prepare.

R. Duhaime: Before the CIP even starts, we should meet with the Town Council.

M. Sorel: What does section D in 5.7 of the Town Charter mean?

J. McHugh: Can you tell us what the crucks of the problems are? Some of this is in the Town Charter and that would have to be changed. The CIP is an adhoc committee of the Planning Board. I can understand you would want to start earlier, however if the information is not here for you to entertain, how can you start? Let's get to the point, Mike, instead of us belavering that.

M. Sorel: What does section D in 5.7 of the Town Charter mean?

D. Marshall: The Town Council and the Planning Board meet annually. The Council has not met with the Planning Board from time to time. We have always requested an annual meeting with the Town Council and this Board in general to go over things that are happening. There may be 3-4 Councilors that show up.

M. Sorel: If the Town Council has a responsibility, and they don't meet it?

D. Marshall: The Council has a role. If they are in the preparation of the CIP, how do they vest when it comes time for approval? We submit the CIP as a Planning Board to the Town Administrator and our job is complete. Now there is bureaucracy, the Town Administrator to the Town Council then to the Budget Committee. The only time the CIP comes up again is when it is on the warrant article. The CIP Committee may say it is a good job and budget committee says no way. This is not another bureaucracy we are trying to set up.

R. Duhaime: 3 yrs ago I went to a CIP seminar. I felt rushed with our CIP Committee. We did not have enough information, and we have had six administrators. We have one meeting with the department head, and we don't have time for them to come to another meeting.

M. Sorel: It is not their call. It is the responsibility of the CIP Committee to send a letter to each department. If you have good structure, you have good process. We sat down

with the Town Planner and reviewed the Goffstown CIP handbook. We did not meet the statutory requirements. We did not have enough time.

R. Duhaime: 3 yrs ago, we did not have a Budget Committee member. In Peterborough, the Town Planner runs the CIP.

M. Sorel: I think this would be beneficial to the Planning Board.

D. Marshall: You are making this a year round committee?

J. Duffy: If the recommendation is to move up the deadline for CIP requests to July 30th, has this been discussed with the Town Administrator for feasibility. It says to the Finance Director by July 31st. Does the Town Administrator have input?

N. Comai: The Finance Director said “yes”, she could do it (move up the deadline).

J. McHugh: From a school standpoint, it is not possible.

D. Hemeon: We (departments) won't have anything to present to the CIP, before September 1st.

R. Duhaime: We did not receive anything from the school committee.

J. McHugh: I had a long conversation with Christine. The school should have said “no submission” in writing.

R. Duhaime: This is why we need a handbook.

M. Sorel: John, it is in the guidebook.

J. McHugh: Prior to September 1st, like Dale said, they don't have anything to present to the CIP Committee.

R. Duhaime: We only had 4x meetings for this past CIP Committee. We are looking for 8x meetings.

J. Gryval: You are better to have a workshop meeting to go over this.

R. Duhaime: Unless you reappoint these members for the 2010-2011 CIP year, we are done. These members are for reappointment for this Fall. We are not doing recommendations, just a handbook for September 1st.

J. Gryval: You want to appoint the CIP Committee for the Fall now?

R. Duhaime: We are only asking for these 5x members here tonight for reappointment. Maybe you will want more members.

J. Gryval: Other than creating a handbook, starting early is not good.

J. McHugh: They (CIP Committee) need to talk to the Town Administrator to see if starting early is feasible.

D. Hemeon: Can we appoint the members this early?

J. Gryval: I don't think it is necessary to appoint this early.

N. Comai: I have been in Town since 1989, and I am ready to serve. Joanne has known me to serve. The reason we want to meet early, is that we need more time. We never had the chance to see the Master Plan. It is only appropriate to meet earlier. We are not asking for control. It is 10:00pm and we are not here for a personal agenda. I am on the Budget Committee this year, and have been voted in for the next 2 yrs.

J. Gryval: It is 9:45pm and I don't want to be here all night. You (CIP Committee) have some homework to do.

M. Sorel: What homework?

J. Gryval: Check with the Town Administrator is see if it is feasible to meet earlier, and see if you need to change the Town Charter.

R. Duhaime: We don't want to change the Town Charter. We just want to have a new handbook.

N. VanScoy: Do they have to be appointed to make recommendations for the handbook? My recommendation is they can present changes to the handbook as citizens of the community.

J. Gryval: You can make recommendations, but you can't change the handbook.

N. VanScoy: Mike, for section 5.7 of The Town Charter, if you have questions, go to Carol.

M. Sorel: I don't have a question. I interpret it (section 5.7 of the Town Charter) that the Council has to be there from the beginning.

N. VanScoy: When I have questions on the Town Charter, I take it to the Town Administrator and get quick responses.

J. McHugh: What is your reasoning why you think the dates need to be changed?

R. Duhaime: Thanks to Jo Ann and Donna for steering us through this process and they are why we have this presentation tonight. Also the CIP members contributed to this and stayed tonight for this presentation.

OTHER BUSINESS

Town Administrator Letter – Zoning Amendment #11

J. Gryval: Received and read a letter from Carol Granfield, Town Administrator, dated March 12, 2009 for Zoning Amendment No. 11 pertaining to signage from the Town Warrant into the record. The Town Council is requesting we remove this proposed zoning ordinance from the Town Warrant. On Saturday, after I received this letter, I talked to Bill Sirak at the EDC. I said I didn't think you (Bill) had a problem with that (Amendment No. 11). Bill said no problem. I am hoping the Council had all the information before they made their vote to request removal.

N. VanScoy: Councilor Gorton started this discussion at the Council meeting.

J. Gryval: Can you give a reason why he is opposed to Amendment No.11?

J. McHugh: John talked to Bill Sirak, and Bill is satisfied.

M. Sorel: Councilor Loiselle is on the EDC and he had problem with this amendment.

J. Gryval: I spoke to Chairman Sirak. There is no problem.

J. Duffy: I spoke to Chairman Sirak and someone contacted him and wanted Amendment No. 11 on an EDC Agenda. He (Bill) looked at the signs at Hooksett Landing and thought there was nothing to discuss. Bill is only looking for the Board to be reasonable.

J. Gryval: Any changes to make to Amendment No.11 requires a public hearing.

J. Duffy: I talked to Bart today, and since I have been working here, the Council has never done this after the fact. Bart said there is case law that if the Planning Board makes a decision and wants to rescind (not just zoning amendments but anything), they can do it within the 30-day appeal period. There is nothing to say the Planning Board couldn't withdraw it, because you opened and closed the hearing. You didn't need to renotify the public for deliberation.

J. McHugh: I guess what I don't get here, people from EDC are not opposed, and very few Town Council people, if any, are not opposed.

D. Marshall: If a Planning Board member goes to the Town Council, they should not present themselves as a Planning Board member. No member of this Board should speak on behalf of the Board, it should only be John (Planning Board Chair). If you are asking me as a Planning Board member for my comments, I defer to John. If asked as a resident, then it is my opinion.

M. Sorel: I did not speak on behalf of the Planning Board at the Town Council meeting. I spoke because I was asked to by the Council. No more and no less, I was asked to speak and I did.

D. Marshall: If . . .

M. Sorel: I am not done yet . . . If this Board as a whole has a problem with this, speak up now. If you are saying a member of this Board cannot go to a Town Council meeting, I have a problem with this. And if asked to speak on a particular subject at the Council meeting, cannot speak on that subject, we have a problem.

D. Marshall: I am not saying that. I am saying whenever you appear before the Council, and it borders on a Planning Board issue the opening statement should be “gentlemen, I am not speaking as a Planning Board member but as a private citizen”. Make it quite clear, because whatever you say to the Town Council, you have the title of Planning Board member, and that is the way you are perceived. That perception needs to disappear.

D. Hemeon: The Council is asking us to take Amendment No.11 off the ballot. So why don't we have a simple vote and see what it comes to?

J. Gryval: There is another thing that bothered me too. Mike, you own property on Rte 3 in the PZ.

M. Sorel: I own property in many different places and that is one of them.

J. Gryval: Why didn't you recuse yourself from sitting in and voting on it?

M. Sorel: On what?

J. Gryval: That article (Amendment No. 11) pertaining to the signs. It is the same as the sign you have in front of your place.

M. Sorel: Why wasn't that brought up at the meeting at the time?

J. Gryval: It is up to you to recuse yourself.

M. Sorel: I will go back and look at the procedures. I may stand corrected, if I am, I will bring it up at the next meeting.

D. Hemeon: I think the only time you have to step down is if you would physically gain monetarily.

J. McHugh: No.

D. Marshall: Read the ethics thing you just signed, section “or given the perception that” you should remove yourself?

D. Hemeon: What Bart told me, if you are not going to financially benefit from a decision, then you do not need to recuse yourself.

D. Marshall: Jo Ann, State law and our Code of Ethics are two different things. Our code is more strict.

R. Duhaime: I think in the future, if I think I should be recused, I will ask the Board Chair not the whole Board. Mike did what was in the Council minutes. It is up to Mike to ask “should I recues myself” to the Board Chair. Then, the Chair can ask the Board.

J. Gryval: It is in the RSA.

M. Sorel: That is in the past. I will make my comment known at the next meeting.

R. Guay motioned to remove Amendment No. 11 from the ballot. Seconded by N. VanScoy.

D. Marshall: In my 37 yrs on this Board, the Council has never sent a letter to the Planning Board saying we are doing something wrong. I respect the Council and I wish they came in and gave more opinions on the zoning amendments. It is a dangerous precedent.

R. Guay: If we do this (remove Amendment No. 11), we can expect more of these in the future from the Town Council.

J. Duffy: It irked me from the Council minutes that the said the Planning Board is an example of getting out of control with the number of zoning amendments. We tried hard this year to keep the number down. I was a Planning Board member in my Town. The Town needs to do a better job of educating the voters before the vote. It starts with the Council and not just the voter guide. I think there needs to be more.

J. McHugh: I think the voter thinks “they (Town Council/Boards/Committees) research it”.

N. VanScoy: I approved the Council letter to come here, because there was so little attendance the night it was approved (at the Planning Board), and that it needed more input. I agree the Council needs to educate the voters. It is our responsibility to educate the voters that we are coming in below default (budget).

D. Hemeon: If you have 20 articles, and you have more warrant articles, you vote “no”, because you don’t know enough about the articles.

J. McHugh: You set a precedent, we had a hearing and it was duly noted in the paper. Whether Jo Ann does it or it goes into a newsletter. The signage, there is some relief. It is not that they can't do something. It was done for a matter of consistency, and that is why it was done. I recall the night we did that, and what we came out with a very reasonable decision that was made. I was comfortable with the decision the Planning Board made that night. This being on the ballot gives the voters the choice if it is OK or if they want to do something else. I agree with Dick, if you start with this (removal of Amendment No. 11), watch out folks.

D. Marshall: For the zoning ordinances on the ballot, we need to tell the Council that half of them are to comply with State law. Even if you wrote down the entire article, unless they (voters) read the entire ordinance, it is confusing. For the 37 years I have been on this Board, the voters have faith in the work we do.

R. Guay: You guys make some good points. I am not arguing against you as much as myself. As a business owner, your sign is your biggest advertisement. I think making this change makes Hooksett uninviting. I think we are shooting ourselves in the foot. I agree we are setting a precedent, but this is not a good enough reason to withdraw it.

B. Ehlers: If off the ballot, if technically wrong, we had a heated debate that night. The e-mail of the minutes is not going to be on the ballot. If I was voting tonight, I would be against voting Amendment No.11 off the ballot.

Vote 3 in favor, 5 opposed. Amendment No. 11 to stay on the ballot.

CONTINUED PUBLIC HEARINGS

6. **CONTINUED TO APRIL 20, 2009**

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.

OTHER BUSINESS

7. **MTS ASSOCIATES - SURETY (#06-39)**

J. Duffy: This item has been removed from tonight's agenda. He (David McCurdy) moved a pile of dirt on the other side of his site. He had a Continental Paving bond and asked it be removed because he moved the dirt. I checked with the Town Attorney and he recommended the bond stay in place. He spoke with the engineer that MTS will be working with, and the bond is expiring next week and needs to be renewed, or he had to finish the work on the original bond. We are setting up another meeting.

8. CONSERVATION COMMISSION - OPEN SPACE

J. Duffy: The Conservation Commission still wants someone from the Planning Board to attend their monthly meetings and to be on the open space subcommittee.

*R. Guay motioned to appoint Michael Sorel to be the Planning Board representative at the monthly Conservation Commission meetings. Seconded by R. Duhaime.
Vote unanimously in favor.*

DOT HEARING

J. Duffy: There is DOT hearing on the Rte 3 project on Thursday, March 19, 2009 @ 7:00pm at the Hooksett Town Hall Chambers.

*R. Duhaime motioned to adjourn at 10:20pm. Seconded by N. VanScoy.
Vote unanimously in favor.*

ADJOURNMENT

Chair J. Gryval declared the meeting adjourned at 10:20pm. The next Planning Board Meeting is scheduled for Monday, April 6, 2009, at the Hooksett Town Hall Chambers @ 7:00pm.

Respectfully submitted,

Donna J. Fitzpatrick
Planning Coordinator