

**Official
As of 04/20/09**

**HOOKSETT PLANNING BOARD
MEETING MINUTES
HOOKSETT MUNICIPAL BUILDING
Monday, April 6, 2009**

CALLED TO ORDER

Chair J. Gryval called the meeting to order at 7:05pm

ATTENDANCE

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

Excused: Interim Town Administrator, C. Granfield, and D. Hemeon.

Absent: Y. Nahikian.

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

APPROVAL OF MINUTES OF 03/09/09 & 03/16/09

J. McHugh motioned to approve the minutes of 03/09/09 with edits by J. Gryval.

Seconded by N. VanScoy.

Vote in favor. R. Duhaime and M. Sorel abstained.

J. McHugh motioned to approve the minutes of 03/16/09 with edits by J. Gryval,

D. Marshall, and J. Duffy. Seconded by N. VanScoy.

Vote unanimously in favor.

DISCUSSIONS

1. AUSTIN WOODS

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

- proposal to subdivide Map 12, Lot 14-4 into a 6-lot conventional subdivision, consolidate Map 16, Lot 53, and Map 12, Lot 13 into one lot, and simultaneously subdivide it into 37 residential lots and 2 open space parcels/conservation open space subdivision.
- Proposal for lot line adjustment to provide for the transfer of parcel "A" (15,130 sq ft) from Map 16, Lot 53 to Map 16, Lot 53-1

Jim Coughlin, Attorney representing applicant: There are two parcels: 1) conservation subdivision - Map 15, Lot 53 & Map 12, Lot 13 = total 127.98 acres, and 2) conventional subdivision - Map 12, Lot 14-4 = total 18.6 +- acres. Both subdivisions are in Low

Density Residential (LDR) zoning. The conservation subdivision has 37 lots and 67+- acres of open space. The conventional subdivision has 6 lots with septic, wells, and underground utilities. The access is from Mountain View Road and South Bow Road. The total wetland impact is 15.1 acres, leaving 131.48 acres as uplands. The proposed development includes historical areas such as the Austin Cemetery, Stone Bridge, old foundations (pointed out historical locations on the conceptual plan). The requirements for a special exception and also a variance have been submitted to the ZBA. The proposed use for a residential conservation subdivision is compatible with the abutting lots and subdivision. There is adequate drainage, runoff, septic, and wells. The proposed crossings are sized and designed to promote safety. We have been to the Conservation Commission on 4x separate occasions, and to the ZBA 2-3x. We had a joint meeting with the Conservation Commission and ZBA; also had a site walk with them. The Conservation Commission, back in September 2008, had no issues with the location of the wetland crossings. The Conservation Commission also gave us 6 to 7 items to look at and we addressed them. We have applied for a wetland permit and alteration with the State. Our baseline report is completed. We are finalizing the wildlife impact assessment. One thing requested from the Conservation Commission is parking for the open space. Pointed out areas on the conceptual plan: 1) blue marks - existing trails, 2) red marks - proposed trails that we will be connected to the existing trails, and 3) red and black marks - part of the trail to network in the buffer. There are three areas for parking. The Conservation Commission did not want more than that, and they said it (parking) must be right off the road. The proposed detention areas needed a gravel road for access. The Conservation Commission didn't want roads opened up for cars to be able to access where you couldn't see them from the road. Gates will be installed. When we applied to DES, there was one additional crossing. We are working within the buffer for the footbridge in that location to connect the trails. Our engineer and the Conservation Commission stated the footbridge would need to be maintained and it is steep. We found another area (flat) that exists for the crossing. There are several lots with wetlands on them. The Conservation Commission wants easements to protect the wetland area. The Conservation Commission is interested and willing to hold open space in the conservation easement. The conservation subdivision and conventional subdivision are out of the groundwater protection area. Lots 18 & 26 have uplands in the back. There are buffer perimeters for housing on Mountain View Road, and the regular subdivision, and we want to integrate these into that grid. There are different owners and Mr. LaBonville is here tonight too. Another item is the 30 ft no cut buffer. One lot has 25 ft on the lot and 25 ft open space. Another lot has 50 ft on the lot and 50 ft open space. Another lot has 50 ft on the lot and 25 ft open space. The Conservation Commission asked us to look at other areas in Town to integrate open space (see pg 2 of plans distributed to the Board tonight). The conservation subdivision and grid subdivision have a key on the conceptual plan to differentiate the two. Pike Industries already has a conservation easement to the Town. Nottingcook Forest is on the Bow Town Line. We had a completeness review with Stantec, and we received their letter and we are looking at their comments. Jiri Hajeck, Eric Mitchell & Associates, will address the wetland crossings.

J. Gryval: Any questions from the Board?

J. McHugh: Would you indulge me for a moment? The last time we saw this plan, it was going to be done some other way. I took it (plan) up to a certain point. You have the frontage that you needed. Originally, Dick jump in if I am saying it wrong, when this plan was originally proposed, it was off Mountain View Road.

R. Guay: There was an issue with the cul-de-sac.

J. McHugh: And it went to court?

J. Coughlin: This is a new application. A 6-lot conventional (grid) subdivision and a 37-lot conservation subdivision. There is an existing home on South Bow Road. There have been some changes to include moving the road for the 100 ft buffer because 1) many lots had wetlands in the back, and 2) to keep the Stone Bridge in the open space.

J. Gryval: Any questions from staff?

D. Tatem and J. Duffy: No comments.

N. VanScoy: I guess I wanted to hear more about the easements on the wetland lots.

J. Coughlin: The Conservation Commission wants to make sure that if there is a conservation easement on a lot, that they have the right to protect these wetlands.

N. VanScoy: And there is no easement for the buffer?

J. Coughlin: Right.

R. Duhaime: What is the % of wetlands on the lots?

J. Coughlin : The site, including buffers, has 41.9 acres of wetlands out of the total 125 acres.

R. Duhaime: Lot 33, I am seeing it is all wetland.

J. Coughlin: There is an existing driveway there now, and it is in our application to the State.

R. Duhaime: Lot 27, no restrictions? Lots 18 & 26 had restrictions. Does Lot 27 have wetlands?

J. Coughlin: There is a buffer with some wetlands.

R. Duhaime: How many lots in the wetland buffer are in the building envelope? What are the driveway impacts?

J. Hajeck: Lot 33 has a pre-existing driveway. No driveway is going through a wetland.

D. Marshall: A pre-existing driveway on a non-existing lot to a non-existing road? How does it have an existing driveway?

J. Hajeck: It was disturbed by logging. There is a pad for a walk. A 35 ft section is being used for a driveway.

D. Marshall: Just because it is being used for logging, does not mean it can be used for a driveway. This would require an application for a driveway permit.

J. Gryval: You realize this is the first time we are looking at this plan and we may have more comments and questions.

M. Sorel: What is the status with the ZBA? When I looked up the minutes, there was a motion by Roger Duhaime for a discontinuance.

J. Duffy: It is in the process of a special exception. They are scheduled to go back to the ZBA on Tuesday, 4/14/09.

J. Coughlin: We have been to the Conservation Commission 3-4 times. We are not aware of any discontinuance.

R. Duhaime: Lot 33 has the Stone Bridge and you are not going to disturb that area. Why wasn't it in a separate area?

J. Coughlin: It is in the open space. Lots 32 & 33 are the open space where the Stone Bridge is located.

M. Sorel: I have a thought, have some of these lots in the conservation area and have an easement.

J. Coughlin: Yes.

M. Sorel: Is it possible, as it goes through the different Boards, to have these easements shown on the site plan that will be recorded at the registry of deeds so the potential land owner knows what they can and cannot do with their land? I did not know.

J. Gryval: We (Board) will decide this when we review the full plan.

R. Guay: It (easement) is in the deed that gets recorded.

M. Sorel: A narrative is different than a site plan. Site plan notes are over and above the conservation narrative in a deed.

SPECIAL EXCEPTION

2. AUSTIN WOODS

South Bow Rd & Mountain View Rd, Map 12, Lots 13, 14-4 & Map 16, Lot 53
Special exception for wetland impacts from Article 18, Section E. for construction of access roads, driveways, water impoundments, and drainage ways at the proposed subdivision "Austin Woods"

J. Gryval: We don't have enough information to make our recommendation on the special exception to the ZBA.

J. Duffy: Back in 2008, Stantec recommended an environmental impact study. They did do a wildlife study, but not an environmental study. I know they met recently with the Conservation Commission.

J. Gryval: The Board is not comfortable to make a recommendation at this time to the ZBA. You should complete an environmental impact study, then come back.

M. Sorel: At the Conservation Commission meeting I attended on April 1st, they commended the applicant on the changes they made. They (Conservation Commission) are concerned with water runoff. M. Sorel read the Conservation Commission e-mail dated August 24, 2008 from the Commission's Vice-Chair to the Planning Board into the record. This Board has struggled with 2 or 3 applicants recently.

J. Gryval: Stantec will guide us on this.

M. Sorel: You are going back to the ZBA on the 14th of this month (April)?

J. Hajeck: Yes, and we will provide them with a progress report.

M. Sorel motioned that the Board is not ready to comment on the special exception to the ZBA, and the applicant is to provide an environmental impact study. They will return to the Planning Board, once this study has been submitted, and the Board will provide comments to the ZBA at that time. Seconded by R. Duhaime. Vote unanimously in favor.

3. MANCHESTER SAND, GRAVEL, & CEMENT – HEAD'S POND
Peter Holden, Holden Engineering

David Campbell, Attorney for MS&G: Distributed updated conceptual and tonight's discussion items to the Board. We are here tonight to update the Board on the Head's Pond project.

Discussion item #1 – Painted Crosswalks (striping and painting lines)

Ron Corriveau, MS&G Project Mgr.: We had a meeting with Stantec and Dale, because of the long-term maintenance of the crosswalks. We agreed with Dale that we will paint

the crosswalks at the bus stops and critical intersections. Since then, Stantec commented that Dale should discuss this item with the Board.

D. Tatem: For the painted sidewalks, Dale was concerned with the cost to repaint every year.

R. Corriveau: For the crosswalks, Dale needs to discuss this item with the Board.

D. Campbell: We are flexible either way. In Dale's absence tonight, we will have someone here for the next meeting (April 20th) for the crosswalks.

Discussion Item #3 – Roadside Tree Planting

D. Campbell: The trees will be planted on lots (note on plans). They will not be planted until the utilities and lot is finished. We can enforce with a checklist item to state no Certificate of Occupancy (CO) until plantings are complete. The single-family lots are bigger lots, therefore there will be one tree for every 50 ft of frontage.

D. Tatem: Every 50 ft or one per lot?

R. Corriveau: Basically, on Head's Pond Blvd. there will be a tree every 50 ft. Where you get to Head's Point, the ordinance is kind of funky. The past ordinance stated one tree per lot. At Head's Point there is 90 ft of frontage, therefore there will be 2x trees per lot. The lot has to be done before plantings, and plantings done before the CO.

D. Campbell: There will be 2x trees every lot on Head's Point, and one tree every 50 ft for the buffer lots.

R. Corriveau: For example, if it is a 150 ft lot, then yes 50 ft will govern how many trees. However, the trees will not necessarily be 50 ft apart from each other.

D. Campbell: They will be aesthetically pleasing. The handout I just distributed to the Board lists the types of trees. That is what we planned, if no objection by the Board. We just want your OK.

R. Duhaime: For the trees, through the wetland areas, that is where you want your Maples planted. For the dry uplands, plant Oaks. Also, Elm trees like the wetlands.

D. Campbell: We want the trees to flourish.

J. Duffy: What are the size trees of the trees at planting and when they mature?

D. Campbell: They are a 2.5-inch caliper (see tree planting handout for details on height maturity for 5 varieties of trees dated 4-2-2009).

R. Corriveau: At planting, we will note the size of the trees on the plan.

D. Campbell: A checklist item on the CO to enforce it.

J. Duffy: If someone wanted to plant their own trees on their lot, it will state it is OK to do so in the Homeowner's Association documents?

D. Campbell: Yes.

J. Gryval: And the owner will choose one of the 5x varieties of trees you handed out tonight.

D. Campbell: Yes, good quality canopy type trees or comparable to the 5x varieties we listed.

J. Gryval: If Robert (Duhaime) approves it, the Board is OK with his decision.

D. Campbell: Mr. Sorel asked us about the vesting. We did meet with the Planning Dept. staff and Bart Mayer. Bart is working on word-smithing. The next time we are back (4/20), we will talk about vesting. We have a very small list of discussion items.

Discussion Item #2 – Layout of the Town Common

D. Campbell: Pointed out common area on the plan to the Board. Here is Head's Pond Blvd. There will be crosswalks at all corners. We were asked to put a 6-inch wide asphalt sidewalk. What we didn't do is put it "straight" across. It is shaped for an amp theater. It is an access to cross the common. You could walk on the grass. The sidewalks are for wheelchair accessibility and others. The tip downs are brick colored concrete pavers for accents to come onto the common. There are 2x benches on each corner. In the future, there could be dedicated memorial benches. There is an area for a bandstand. There is one large flagpole (60 ft high) on the opposite side of the bandstand.

D. Marshall: What is the total parking associated with the common?

R. Corriveau: 1 acre and parallels on the sides.

D. Campbell: 126 spaces is what I remember. We will get you an exact count.

J. Duffy: I was wondering if the Board feels the lighting is adequate and if you have had discussion with Dale since he will be responsible for the maintenance of them (lighting for the common)?

D. Campbell: The lights across the street, the residential lots will keep maintained. On the Common is where Dale will maintain.

Peter Holden, Holden Engineering: They are metal high lights.

D. Tatem: Per the regulations, they need to be metal high lights.

J. McHugh: For the parking areas you showed us, are there lights there too?

D. Campbell: None their.

J. McHugh: On Union Street, there is a dark area in the parking. Some of these types of areas become dark areas.

D. Campbell: We are willing to put lighting with shadow boxes for safety reasons with timers.

J. Duffy: Will you have trash receptacles and bike racks?

D. Campbell: Yes. We will work with Stantec to itemize that. I think there are two bike racks on the plan now; one on each end of the common.

R. Duhaime: Do you lose parking spaces for the bike racks?

D. Campbell: No, the bike racks are in the common.

D. Tatem: I don't know if this Town would like temporary lights (turn on and off) vs. on timers to reduce electricity. I am trying to think of other commons or other Towns (i.e. Newport) and how they do it.

D. Campbell: They have utility poles. Bollards are meant to be for low profile lighting. You could have outlets.

J. Duffy: Or what if you put up a Christmas Tree.

J. McHugh: Very good point Dan.

R. Duhaime: The bollards go all the way around?

D. Tatem: And they are under the trees.

J. Gryval: Has the Police Dept. commented on lighting for night events? Get something in writing in case they may need to get involved at an event.

D. Tatem: We do technical review, and there are no lighting requirements for the commons.

J. Gryval: The Police Dept. may have comments on this.

D. Tatem: You guys are coming back in a couple of weeks for Dale for the crosswalks.

D. Campbell: We will talk to the Police Dept.

R. Guay: How about bollards for parking?

D. Campbell: We didn't do them.

J. McHugh: When you talk to the Police Dept., I am sure they have recommendations for areas where people are congregating and what type of lighting is needed.

D. Campbell: We will be coming back before the Board for waivers, Police Dept. comments, crosswalks, lighting and outlets.

J. Gryval: We feel you should increase the handicapped parking spaces. Currently there are only 4x spaces.

D. Campbell: Yes, we can add more handicapped spaces.

M. Sorel: What are the ADA requirements?

J. Gryval: There are no ADA requirements for a Town common.

D. Tatem: Ron and I just discussed quickly, that if they come back in a couple of weeks or a month, Dale will be included in the discussion for lighting. Dale has a big part of that maintenance. Ron can provide what a light pole or bulb will cost. I think this could be a key aspect to the Town of Hooksett, or be a big cost if it is not approached accordingly.

J. McHugh: A lot of times for areas like this, there is low or no lighting and damage happens.

D. Campbell: We are at the end of our review process. May 12th is the end of our extension. I would request a 60-day extension to June.

M. Sorel: Does staff have comments for the extension?

D. Tatem: Sounds good.

*M. Sorel motioned for a 60-day extension. Seconded by R. Duhaime.
Vote unanimously in favor.*

CONTINUED TO APRIL 20, 2009.

4. SUPERMARKET DEVELOPMENT
Matthew Routhier, Allen Major & Associates, Inc.
Interstate 93 & Rte 3A, Map 37, Lots 2-3, 3, 4, & 5

J. Gryval: Received and read the Conservation Commission letter dated 4/5/09 into the record.

Robert Clark, Allen Major & Assoc.: The site is located at 54 & 58 West River Road. There are 27.9 acres consolidated and subdivided into 2 lots. One lot is proposed for a supermarket, and there is another 10 acres to the North. It is at Exit 10 (Rte 93). The supermarket is 76,000 sq ft. and there is an outparcel. There is a potential for a future 100-120 room hotel for the 10 acres to the North. We are not permitting for the hotel parcel. The access to the site is the I-93 ramp and Central Park Drive. There will be 1,000 sq ft of parking (10x22 spaces with isles). We meet the zoning requirements. We may request 19 and 25 ft isles. The site will be serviced by public utilities and on site septic. There is a 135 ft wide utility easement along I-93.

D. Dreffs: What exit off I-93?

R. Clark: Exit 10.

D. Marshall: It is not a limited access right-of-way.

J. Duffy: The site is 2-3 lots North of the new Walmart.

D. Marshall: Where is the access for Central Park Drive?

J. McHugh: There is that much acreage there?

R. Clark: There are 4x lots to total 27.9 acres.

D. Marshall: Why wasn't this the time to align with Goonan Road?

J. Duffy: It is DOT.

D. Marshall: Why aren't we realigning with Goonan Rd.? We have had nothing but trouble in this area.

R. Clark: The curb cut will be aligned with the off ramp and you would go right.

Jim Lamp, Representing Reggie Ronzello: Three parcels were purchased by DOT with a condition the 4th parcel be purchased. Future development of a signal to alleviate the issue with left turns.

D. Marshall: Are you proposing any work on 3A South of this?

J. Lamp: The traffic report is being rapped up. There is a left hand North bound turn lane widening. There are 2 lefts off the ramp to go South (proposal to add one more lane off the ramp).

D. Marshall: We still have a gap between the ramps and the development by Lowe's and Walmart. Now that intersection with lights is fine for traffic coming from certain areas. You are talking about a large residential area South of 3A. That section, if not improved,

is going to increase traffic significantly. Are we going to close the gap?

J. Duffy: This applicant has only applied to the ZBA for some wetland impact. The only reason they are here tonight, is to give you an idea what they are planning. They have very preliminary plans at this point.

J. Lamp: The gap has been discussed with DOT and TEC.

R. Duhaime: I don't see 93 on here (conceptual plan). For the PSNH easement, the buffer won't be disturbed. Now North, facing 293, you are assuming a 25 ft buffer. It is a small buffer. How much room is between there and 293?

J. Lamp: I spoke with Jo Ann a couple of months ago. The 75 ft no build buffer is required for the highway. We are moving the power line.

R. Duhaime: If you move a power line, it opens the buffer.

J. Lamp: We are talking with PSNH to keep the vegetation down.

R. Duhaime: No walls in back?

J. Lamp: It is a 4-6 ft grade. Getting up to the plateau, it is 10-12 ft cut in back. Where it flattens out, there is land there that PSNH will want. We will have big excess on this site. What we are doing is buying the parcel. The other 10 acres will be in the original owners hands. We agreed that a 100-120 room hotel will generate traffic. We will mitigate up front. We are doing proper planning.

D. Marshall: Is the road leading up to the supermarket private?

J. Lamp: Yes.

D. Marshall: How did you manage to break a limited access right-of-way with a private way? We need to see that agreement. I want the State (DOT) to tell this Board they are breaking a limited access right-of-way for a private developer.

J. Lamp: It helps provide access to the 10 acres. We will get you the agreement (DOT).

J. Gryval: Any more questions from the Board or staff?

J. Duffy: I think you will be happy with this plan.

R. Clark: We are going to the ZBA on April 14th, and then we will go to the TRC.

CONTINUED DISCUSSION

5. 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.

Paul Morin, representing potential applicant: You folks asked us to come back. The site has 3 parcels, one is for commercial use. Some Board members were wrestling with the notion of mixed use. We have some residential use and then a proposed commercial use. We have not yet purchased the property and are looking for direction from the Board.

J. Gryval: We don't know the type of commercial building and parking requirements. It is difficult for us to come to a conclusion.

P. Morin: The proposed new use would need to comply with some grandfathering. Would the impervious cover be grandfathered? You have to assume what we would come with (plan) for the new use would conform to your regulations. We would have non-conforming continued use. What is going to happen with this Board and mixed use? Some thought that there is already mixed use, and some thought it is not the intended use for the Performance Zone (PZ). These are non-binding discussions.

J. Gryval: Is the impervious worth saving? You want to hold it and use it in the area later?

P. Morin: For the impervious, we would grass over and make more attractive. We simply would not want to lose it, if we come back with a commercial proposal.

J. Duffy: Legal counsel (Town Attorney), stated there is case law that you cannot pick and choose what non-conformities you want to keep. You can bring up to code by Sept 15th, or demolish everything and start fresh with what is permitted in that zone. You can't say "keep these residential and impervious, and this area commercial use".

Nicholas Lazos, Attorney for potential applicant: Your legal counsel is saying to renovate the residential this year, and in a few years demolish the residential to create commercial use?

J. Duffy: He (Town Attorney) quoted a case law New London Land Use Associates vs. Town of New London. You cannot pick and choose non-conformities. You would go with what is allowed.

N. Lazos: What legal counsel are you speaking with?

J. Duffy: Bart Mayer at Upton and Hatfield.

R. Duhaime: The PZ is subject to waivers. Grandfather the parking. Most of the time the

access (egress) is on DW Highway. We can ask the access be off DW Highway. With the existing duplex, you will see mixed use. I do not see the purpose for keeping the duplex. As for the existing 6-units, they are far enough back and would not see them from DW Highway with a commercial site in front. I encourage someone developing this site. You stated it would cost \$200,000-\$250,000 to renovate the duplex.

P. Morin: It sounds like mixed use would not be allowed.

J. Duffy: The zoning ordinance prohibits residential use in the PZ. This zone's intent is to separate residential for commercial. The PZ has no intent for mixed use. There are 2 ½ acres total. There are no density calculations for the land, the units, and the commercial use. He (Town Attorney) said it would be impossible to calculate the density, since it isn't allowed in the PZ in first place.

P. Morin: There is nothing on record for the approval of the 20 units to determine which are grandfathered and which are not. The initial determination is a path for an administrative appeal to the ZBA. For this Board, you can consider some units grandfathered, then commercial use for a future building and parking (metrics). The fact that this land has grandfathered non-conforming use, does this cover this issue or not? I am simply being allowed to do what has been going on.

J. Gryval: You are picking the building and impervious surface. This Board never wanted to allow residential in the PZ.

J. Duffy: I think what he meant, you are picking to choose a non-confirming use, and then you couldn't choose a confirming use.

R. Guay: The New London case is several years old. What regulations were they using? Maybe they didn't have a PZ. I agree with the applicant. He is not picking and choosing. He wants to improve a bad condition. He is not changing anything. He is keeping and improving residential use and is adding commercial use.

J. Duffy: We can certainly ask for something in writing from Bart.

P. Morin: For the residential buildings, even if they are vacant it is not abandoned. I was wondering if this Board had a better idea for the motel. Here is a different commercial use being proposed for this property. Do we take the hard line from Attorney Mayer, or do we make the best use of this property?

N. VanScoy: It is important we improve this part of Town, before it gets even worse than it is now. This is the second applicant we have discouraged. We need to encourage someone who wants to improve this section of Town.

J. McHugh: I don't see us as discouraging someone. We are opening up some discussion we had last time, and that is why Jo Ann went to the Town Attorney. I would be curious on details of the New London case law. I would like to see this worked out, however I do

not want to set a precedent.

N. VanScoy: What would it take? I agree with Rob's comment about the duplex. Is it that they can't come back in the future with commercial? Their proposal just makes sense to me.

J. Duffy: It is not all commercial use now.

N. VanScoy: Sept 15th is the deadline for the duplex and 6 units to bring up to code.

D. Dreffs: As I said the last time, this is an eyesore, and this is an opportunity to improve the site. We are not saying you can do residential in the PZ, it already exists. One is in the back (6 units) and one is under the trees on the side (duplex).

J. Gryval: We don't want to set a precedent for residential use in the PZ.

M. Sorel: Take the duplex down and add two units to the existing 6 units out back. Have you looked at the site?

P. Morin: I have given it a lot of thought. I am not sure. Article 26 has the gross floor area for non-conforming ongoing use. Has the building been used in the last 12 months or not? The use is on the lot. We looked at the gross floor area. It also does not limit us to the current footprint, so it could be relocated. The only problem are the 2 units on one lot and 6 units on another lot. I don't know if they are the same owner. Do we do a lot line adjustment? How much non-conforming can we use?

M. Sorel: I support Daryl. What can we do on this site?

R. Duhaime: With the estimate you provided (\$200,000-\$250,000), we didn't want you to renovate the duplex, only to come back in the future for the commercial and be told to tear down the duplex.

P. Morin: I would be very pleased to come back to this Board with a plan (residential units) not visible from the road, safe, and maximizing the use of this property.

J. Gryval: We have no idea how long it will be before there is commercial use on this site. Let's talk to the Building Inspector, Peter Rowell, who is here tonight.

P. Rowell: Non-conforming uses are the most complicated. I call it units, he calls it square footage. When I first started here, there were 2 tenants in the 6-unit building, and one tenant in the other one (duplex). We have an applicant who wants to make the site better. Even if there are 8 units for the next 10 yrs, they are 8 new units. What about the commercial? I suggested they draw a site plan showing grandfathered uses. If approved, then the vesting period is 3-4 yrs and they can ask for extensions. Again, we have an applicant who wants to make a bad situation a whole lot better.

R. Duhaime: Can he get a building permit for the commercial use?

P. Rowell: Right now he can get a building permit for the 2-unit and 6-unit buildings. I thought that was a reasonable compromise. Myself and the Fire Dept. would like these units renewed before occupied.

J. Gryval: Grandfathering and commercial in front, how does the Board feel?

J. Duffy: I would strongly advise you to speak with the attorney before you comment on this.

R. Duhaime: Moving (adding) 2 units (duplex) to the existing 6 units, if you were allowed 8 units in one building and tear down the duplex, then you could place the commercial building there.

P. Morin: Rehabbing the 8 units, since then I have looked at a number of situations. We have no notion whether this Board would be for it or not. To build 8 new units does not make sense on this site. Referred to Article 26 Non-conforming gross flooring. There is a difference between abandonment (no one living there), and the motel/office not being reoccupied. The Building Inspector stated it is not habitable, but that does not mean abandonment. Consolidate and have a nice new current code compliant building, and have a new commercial building on site. Only if I thought this Board, notwithstanding Bart Mayer's interpretation, thought they could approve such a thing.

R. Duhaime: There are commercial buildings there now, carry on?

N. Lazos: Based on these discussions, I think we will have to rethink where we are going. We are willing to work with the Town. I think Paul is saying we don't agree with the ordinance. We are willing to work with the Town. There has to be a resolution that is satisfactory.

D. Marshall: I think we need to get the two attorneys (Town Attorney and Applicant Attorney) to work together and reach some form of agreement and have Bart reply back to us (Board).

J. Duffy: Paul, for the 8 units, you are looking at sq footage. If you take the buildings down, you could put up some larger units.

N. Lazos: We do not have enough engineering. We have no specific design or proposal.

J. Gryval: It is obvious that no decision will be made tonight, until we get Bart to look further into this.

COMPLETENESS & PUBLIC HEARING

6. 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 deed to show land transferred to State vs. Town.

Jeff Kevan, TF Moran: Pointed out areas on the plan to include a parcel conveyed to PSNH and another parcel to be conveyed for the NHDOT road widening easement.

J. Duffy: They are here tonight for completeness and waivers.

*R. Guay motioned to find the plan complete. Seconded by J. McHugh.
Vote unanimously in favor.*

Waiver #1 General Development Regs - Section 7 completeness criteria and Waiver #2 General Development Regs – Section 11.03 monuments. J. Gryval received and read the waivers into the record.

*R. Guay motioned to grant waivers #1 & #2. Seconded by N. VanScoy.
Vote unanimously in favor.*

Open Public Hearing

No Comments.

Close Public Hearing

R. Duhaime 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 (see letter dated February 26, 2009 from Stantec)
- Modify plan to reflect the DOT's request for PSNH to provide an easement over a portion of their land to the State for the future expansion of Hooksett Road
- 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.*

CONTINUED PUBLIC HEARINGS

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

Thames Road & Hooksett Road, Map 18, Lot 49D
Non-residential site plan for a 49,500 sq ft metal self-storage unit buildings and an
864 sq ft granite block office building

J. Duffy: The 65-day deadline expired on 3/18/09. The applicant needs an extension.

*J. McHugh motioned for an extension to May 4, 2009. Seconded by M. Sorel.
Vote in favor. R. Duhaime opposed.*

CONTINUED TO MAY 4, 2009.

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

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

CONTINUED TO APRIL 20, 2009.

OTHER BUSINESS

1134 Hooksett Rd - Pat Houghton – Proposed Children’s Museum

P. Houghton: I am here to request a change of use to have a Children’s Museum at 1134 Hooksett Rd.

J. Gryval: You had to come back to us for parking?

J. Duffy: In June 2008, the Board approved the 1134 Hooksett Rd – clock tower plan conditional that should the need arise, the owner must appear before the Board for approval of additional parking. We met with them today, and the building is basically for retail use. He has a total of 57 spaces. If he needs additional spaces, there is an area out back that could be used for parking, however he would need to cross the wetlands (would need permit and go to ZBA). Basically, I asked him to show the Board what he is proposing. There was 2,500 sq ft of use and the Children’s Museum would be a larger use at 7,500 sq ft. It doesn’t now appear that there is a problem with parking. If he was lucky to fill all of the open tenants, then he would have the condition to come back to the Board for parking.

D. Marshall: Will the access to the Children’s Museum be in the back?

P. Houghton: Yes.

D. Marshall: And there will be signage directing the traffic to the back of the building?

P. Houghton: Yes. I am not sure what we have been approved for signage.

D. Tatem: Pat, site improvements need to be completed before a new tenant moves in.

R. Duhaime: The display area from the previous tenant (marble) was used for screening. There is a 15 ft setback. Since this tenant is not there, will you be installing a buffer area?

P. Houghton: It depends on the tenant who will occupy the space.

R. Duhaime: Additionally, you have signage on the clock tower and a central sign to the left of the entrance. You already have more signage than is allowed in the PZ.

P. Houghton: I thought there was direction signage approved.

J. McHugh: If you do manage to get this tenant (Children's Museum), will you complete the clock tower?

P. Houghton: Yes.

J. Gryval: Is the parking OK?

J. Duffy: It appears to be.

P. Houghton: The proposed tenant is estimating 17 cars on average with the increase in sq footage (20-33 cars daily).

J. Gryval: Does the parking include personnel?

P. Houghton: No. In their business plan personnel is limited. I went up to their current site in Concord on a Saturday and there were two staff members.

J. Duffy: If more parking is needed, he will come back to the Board as determined by the CEO.

J. Gryval: Peter, are you OK with that?

P. Rowell: Yes.

R. Duhaime: It is in the PZ and we need to get the buffer back. If we grant a waiver for the parking lot, we will not have a lot of negotiation on the signage.

J. Duffy: This is not a waiver. If he does not comply with signage, he needs to come back for a public hearing before this Board.

Pizza Man – CEO Letter Dated 3/12/09

J. Gryval: Received and read the CEO letter into the record. Peter, are you satisfied with how things are going?

P. Rowell: They are never fast enough.

J. Gryval: But are they moving?

P. Rowell: Yes.

M. Sorel: Who has title to this property?

P. Rowell: The Pizza Man owners.

M. Sorel: I will get that answer from the Assessing Dept.

R. Duhaime: I am looking at the CEO letter. Is there a deadline to conform?

P. Rowell: I am working with them to get the site into compliance.

Beaver Brook Dev. - Nancy Lane Special Exception Joint Meeting Date

J. Duffy: The applicants (JR Ouellette & Scott Bussiere) are asking the joint meeting (hearing) date be changed from May 28th back to April 27th.

J. Gryval: Received and read letter from applicants dated 4/3/09 into the record for change in meeting date.

J. Duffy: I scheduled the first meeting date on a school vacation day. Then that date changed to May 11th at the request of the abutters. The ZBA chair was OK with May 11th, however he recently found out that he will be out of Town on a business trip in Las Vegas. I spoke with John and Joanne and they thought it was important to have the ZBA Chair at the joint meeting. Then we changed the date again to May 28th. Now the applicant's attorney will be out of the country, and the applicant wants to go back to April 27th.

J. Gryval: I would like to be flexible to all parties.

J. Duffy: If we eliminate school vacation week (4/27-5/1) . . . scanned through possible dates on the calendar. I am not sure when Chris is leaving for his business trip.

J. McHugh: I will be out of Town May 16th – 21st.

Phil Denbow, Campbell Hill Resident: Our biggest concern is school vacation week. For the direct abutters on Virginia Court, 6-7 will be out of Town that week.

J. Duffy: We will reschedule.

Signage – Board member stepping down

J. Gryval: At last months meeting, I thought Mike should step down on the signage motion.

M. Sorel: When that statement was made, I was not aware that by having property on Rte 3 I was not eligible to vote. It raises questions or legitimacy per RSA 674:13 - Energy and State planning. I met with a past Chairman of another community. I met with a past Chairman of the ZBA. I have received counsel from two separate attorneys (neither are from Upton and Hatfield). Based on all the above, and counsel I have received, I reject any notion that I should step down on the signage. I would like you to know who I am, and how I am serving the different capacities within the Town. On any issue, I ask myself if it is good for Hooksett, is it beneficial for Hooksett, and if it is a benefit to the Town or taxpayers. The data and evidence I want to tip in the Town of Hooksett. Those are the standards and rules I go by when I make decisions. Thank you very much for your time.

J. Gryval: I guess we have to agree to disagree.

K-Mart Plaza – vans parked

J. McHugh: I went by the K-Mart plaza parking lot and there were a bunch of vans parked at the far end. Are they gone now? I didn't know why they are there.

D. Marshall: Maybe from Bonneville's when they were demolishing their building?

Alignment Shop – Change of Use

J. McHugh: John Kelly's alignment place had a change in use for the marble business. Did we resolve that issue?

J. Duffy: Yes, they filled out a change of use and we processed it administratively.

Impact Monies

M. Sorel: Rob and I went to a course. Off-site improvements for drainage was discussed. I am curious with financial issues for the Beauchesne Drainage studies, if impact monies can be used.

J. Duffy: That would require instituting an impact fee for drainage. We would have to contact Bruce Mayberry. I know you can do it, but I don't know any Town that currently does it. We would have to hire someone to come up with a formula for the impact fee. We are currently working with him (Bruce Mayberry) for solid waste items. You don't want to impact fee yourself out of the picture with developers. It would be one more thing for the developers to complain about.

J. Gryval: When you use impact fees for that, then when you need the fees for something else, you don't have it.

J. Duffy: I told Mary Farwell that I will call Bruce and ask if he knows of any other Towns that are using that type of impact fee.

J. McHugh: Has it been tested in court?

M. Sorel: The teacher at the course was an attorney (Mr. Frost).

R. Guay: There are no drainage impact fees in our regulations. How can you collect an impact fee for it if it is not in our regulations?

J. Duffy: Mary Farwell wants it on the books asap. I tried to explain to her that once an applicant is found complete, they do not go retro back for fees and regulations, they comply with the fees and regulations at time of being found complete.

M. Sorel: Exaction fees can be co-mingled to address several different applications. Per RSA 674:21 B water and sewer upgrades may be coordinated with impact fees.

J. Gryval: If the drainage is part of the project that is one thing. We can't address pre-existing issues.

R. Duhaime: I believe this Board voted to use Walmart's impact fee for Goonan Rd. Could we take impact fees from the supermarket?

D. Marshall: We would need the supermarket impact fees to fill in the gap in the Rte 3A corridor. For 35 years I worked for DOT, you cannot break a limited access right-of-way unless it is a duly accessed Town road. The interchange was to handle the traffic. There is commercial development on all 4 quadrants. The State has never given one building permit out for a commercial development. For the life of me, how did they get an agreement to block a limited access right-of-way?

M. Sorel: The only access is Zapora Drive.

D. Marshall: That is why I am asking for a letter from NHDOT. They are setting a precedent. It is the classic Rockingham Blvd. and 28 South to Broadway in Salem, NH. The Town would not agree to maintain if the road was built to intersect.

Code of Ethics/Conduct Affidavit

J. McHugh: Did everyone sign the Code of Ethics/Conduct Affidavit?

M. Sorel: The Town Council said they are elected and it does not apply and they don't need to comply with this. I will share this with you, it is hearsay, a couple of members of the Budget Committee have sent in written complaints.

***M. Sorel motioned to adjourn at 9:50pm. Seconded by R. Guay.
Vote unanimously in favor.***

ADJOURNMENT

Chair J. Gryval declared the meeting adjourned at 9:50pm. The Planning Board Meetings in April are:

- Regular meeting on Monday, April 20, 2009, at the Hooksett Town Hall Chambers @ 7:00pm.
- Joint Planning Board and ZBA meeting for a special exception on Thursday, April 23, 2009, at the Hooksett Town Hall Chambers @ 7:00pm

Respectfully submitted,

Donna J. Fitzpatrick
Planning Coordinator