

Official
As of 05/04/09

**HOOKSETT
PLANNING BOARD
&
ZONING BOARD OF ADJUSTMENT
MEETING MINUTES**

JOINT PUBLIC MEETING

THURSDAY, APRIL 23, 2009

CALLED TO ORDER

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

ATTENDANCE

Planning Board:

Chairman J. Gryval, Vice-Chair J. McHugh, R. Guay, D. Dreffs, M. Sorel, Robert Duhaime, D. Marshall (left at 7:45pm, Y. Nahikian, and Town Council Rep. Nancy VanScoy (left at 9:00pm).
Excused: Interim Town Administrator C. Granfield, B. Ehlers, and D. Hemeon.
Absent: Y. Nahikian

Zoning Board of Adjustment (ZBA)

Chairman C. Pearson, Vice-Chair Roger Duhaime, J. Levesque, and R. Bairam
Excused: Town Council Rep. J. Gorton, R. Johnston, R. Savoie, G. Hyde, and T. Murphy-Roche.

Representing the Town of Hooksett

Town Planner, Jo Ann Duffy, and Code Enforcement Officer, Peter Rowell.

BEAVER BROOK DEVELOPMENT OF HOOKSETT, LLC

Nancy Lane, Map 25, Lot 21-2

A **Special Exception** from Article 5, Section B.3. to allow housing for older person residents on 15.02 acres in three separate 12-unit buildings. The second and third floors of the buildings will consist of living space with a garage floor located beneath.

J. Gryval: As you all know, tonight's meeting is about A **Special Exception** from Article 5, Section B.3. to allow housing for older person residents on 15.02 acres in three separate 12-unit buildings. The second and third floors of the buildings will consist of living space and there is a garage floor on the lower level. The reason the Planning Board is Chairing this joint meeting, is because the RSA says the Planning Board must Chair a joint meeting. Tonight's presentation is more of a ZBA issue, but we (Planning Board

and ZBA) decided to have a joint meeting so that both Boards can hear the applicant at the same time. The Planning Board only has to make comments to the ZBA. Both Boards have copies of letters/e-mails we received by residents to be made part of the record. Received and read an e-mail from Michael Sydney, VP of Merchants Leasing, dated 4-23-09, into the regarding storm water management. Here is the list of the resident names, addresses, and dates who submitted letters:

RESIDENT NAME	ADDRESS	DATE OF LETTER/E-MAIL
George Haddon	Lindsay Road	4-11-09
Chuck LaBonte	25 Lindsay Road	4-14-09
Phil Denbow	8 Nancy Lane	4-16-09
Patrice Dumas & Line Richard	26 Virginia Court	4-17-09
Eddie & Patti Rae Burdzy	12 Julia Drive	4-21-09
Roger Coutu	38 Stirling Avenue	4-21-09
Liz & Sean Feren	28 Lindsay Road	4-21-09
Christy Masciarelli	13 Lindsay Road	4-22-09
Philip Pahl	1 Nancy Lane	4-22-09

Note: Full text of the above letters/e-mails are available for viewing at the Town Hall Planning Dept. or Building Dept.

J. Gryval: The ground rules for tonight's meeting are: first we will hear from the applicant, second we will hear from the Boards' members, third we will hear from the staff, and the we will open to the public. The staff here tonight are: Jo Ann Duffy, Town Planner, Donna Fitzpatrick, Planning Coordinator, Lee Ann Moynihan, Secretary for ZBA, and Peter Rowell, Code Enforcement Officer. When we open to the public, please keep to the subject and try not to be repetitive.

J. Duffy: John, could we add if the public wishes to speak, for them to come up to the table and use the microphone?

J. Gryval: Yes, if public would like to speak, come to the microphone and state your name and address.

N. VanScoy: John, I just wanted to let people in the audience know that there are extra chairs outside the room and more room up front. Make yourselves (audience) comfortable.

J. McHugh: I am stepping down from this application for a special exception.

J. Gryval: Dick (Marshall), can you sit in on the discussion in Joanne's (McHugh) place?

D. Marshall: Yes, however I can't stay for the whole meeting. I will need to leave in 45 minutes.

J. Gryval: OK, we are set for the presentation.

Greg Michaels, Attorney representing the applicant: I want to thank you for holding this joint meeting. This is a good way to get issues out earlier rather than later. We had two meetings with the ZBA; regulatory scheme, take site walk, then come to Planning Board for comments or have a joint meeting such the one that is convened this evening. Then the ZBA makes their decision based on the ordinance. We did have an opportunity to review the Town Planner comments. Louis Manias, Appraiser at Capital Appraisal Associates, Inc., submitted an appraiser's consulting report to the Board. Bob Rook is here as our consulting engineer. This is not a complete engineered plan, and Mr. Rook can talk about it. This is a 15-acre parcel off Nancy Lane. We will use approximately 6 acres of land to have 3 multi-story buildings with 12-units in each building with parking underneath to get us to 70 parking space. The plan does show a significant buffer area. The Town Planner had commented on the height of the buildings. For a subdivision, non-residential site review, there is a 30 ft height limit that the Planning Board can waive. Section 5d2 in the Zoning Regulations has a 35 ft height limitation. A ladder truck (fire) can go to 75 ft. This is quite interesting and I haven't had time to work that out with the Town Planner. We want to look at this every way we can to the satisfaction of the Board. The calculation of buildable area is on our newest plan, and Mr. Rook will talk about that. I have letters from the sewer and water departments. Suffice to say, the President of Berry Hill Estates, an abutting older persons housing in Hooksett, is allowing Nancy Lane to tie into their hook up. Sewer Dept., there is a letter (e-mail that has passed hands), that there is sewer capacity for 37 units, and this is actually for 36 units. The Sewer Dept. stated as long it (capacity) is paid for, then the capacity is there. We understand that (sewer capacity paid for), and it doesn't make sense to pay for sewer until we have our approvals. The mention of traffic, this is a unique Planning Board issue, because the site is in close proximity to Rte 3 near other commercial properties. This is zoned MDR (Medium Density Residential). I would imagine the Planning Board would want a traffic study of Hooksett Road and the roads within Campbell Hill. Older person housing, 55+, Hooksett has a unique ordinance in that regards. There are requirements that everyone in the unit to be 55+. We are aware of that requirement and the limit for the number of occupants. For visibility, Bob Rook went out and did elevation profiles to show how this (site) would look. The concern of the board, in terms of trees, is that this site abuts other residential areas. He (Bob Rook) will comment on the distances, buffer, and facilities we plan on constructing. I would point out there are other older person housing projects in Hooksett. You folks (Planning Board) had to approve them. Westview Terrace has 30-units and that site is near or on Lindsay Road. Any development off an existing Town road will require a traffic study to assure points have been met. I have kind of given an overview of sorts.

C. Pearson: Does the ZBA want to go over the zoning criteria again?

J. Gryval: I think that Planning Board and the audience would like to here it (zoning criteria).

G. Michaels: Zoning Ordinance Articles 5B3 Uses Permitted by Special Exception – Housing for elderly and/or handicapped. Also see Article 7, and 7B1 a-g Specifications - Special Exception – General.

Per Zoning Article 24D 1-5 Board of Adjustment – Special Exceptions:

1) The specific site is an appropriate location for such a use

G. Michaels: There are 15.2 acres, and the buildable area is half of that. An older person development is not far reaching. It is less than a mile from the Granite Village Shops, 99 Restaurant, and the rest of the Rte 3 corridor. There is quick access to various businesses and services along the Rte 3 corridor. Generally, older people would like something nearby. It is in the MDR district. This criteria and discussion on the ordinance itself, this proposal is allowed in this particular zone for the use.

2) No factual evidence is found that property values in the District will be reduced, due to incompatible land use, by such use

G. Michaels: The ZBA expressed concerns for values and gave us different appraisers to use. Suffice to say in the appraiser's report, there was no diminuzation of value to have elderly housing on the site. It will not constitute a material change to the neighborhood. At this time I would like Mr. Louis Manias to speak on this.

L. Manias, Certified General Appraiser: I have been an appraiser for about 24 yrs. My specialty is residential and commercial properties. I also do ZBA and legal community work. The issue brought to me was whether there would be a diminution of value due to the proposed senior housing. The best way to address this is to find sales of properties near an existing senior housing. In my Capital Appraisal Associates, Inc. letter dated January 29, 2009, there is a summary of those findings. Rather than read the whole letter, I will go to the pertinent sections. Pgs 7 & 8 of my report, control #1 & control #2. Control #1 is 11 Virginia Court. I chose this sale because of the potential influence of the commercial property it abuts. Compared to six other comparables that sold in the same time period (I took into account rooms, porches, fireplaces, etc.) comps 1-6 indicated value are \$302,750-\$316,651. 11 Virginia Court sale price was \$300,900 sale, which was at the low end of the comp range. This data does not support a diminution of value that would result from its proximity to a commercial property to the rear of its border. Control #2 is 5 Virginia Court. It is a direct abutter to the Westview Terrace 55+ 30-unit development. Extremely pertinent are the six sales in this time period. They range in comp values \$272,302-\$296,493. 5 Virginia Court sold for \$277,000. Using this data allows me to show if diminution exists. At a previous meeting (ZBA), we were asked to find a brand new development and sales that occurred immediately. Unfortunately, that data does not exist. This is the best data taken from the market with a property that abuts a similar type of property within the same neighborhood. I would also refer the Board to a letter submitted in March 2005 regarding a proposal for 1631 Hooksett Rd. Joe Fremo, Fremo Appraisal in Manchester, completed an analysis aiding the Board (ZBA) to grant a variance for that project. There was limited data in that report, and yet the Board (ZBA) granted the variance for that project. Look at my information for direct market data, and this supports no diminution of value. Any questions?

Roger Duhaime: For the grid #2 controls, values range \$270,000, \$280,000, etc. Is this (range) because of square footage?

L. Manias: I couldn't tell you. We take the control property and try to make all the comps as equal as possible. Some prices are higher due to recent renovations, or larger sq ft. Look at B-3, this property was recently renovated from 1,500 sq ft. We make adjustments to make the comps as equal as possible to the control property. We take the property with the greater amount of area, make a deduction for sq ft area, and reduce by the adjustment based on a contributory value of the specified feature.

Roger Duhaime: One has a commercial property, and one doesn't. Is it listed? You said one abuts Autowholesalers?

L. Manias: Control #1 abuts Autotorium, and control #2 abuts the Westview Terrace property.

Roger Duhaime: In between the two controls, one is commercial and one is Westview. Is there any chart where we can see the differences? There are pictures here. Autowholesalers is down hill, and Westview Terrace is down hill. This site is above these properties. That is why I asked for line of site.

L. Manias: It is possible, typically they are done by elevations. They look at the tree buffer and abutters. I don't have a picture of the sale for Westview Terrace. The parking lot is within 50 ft from Westview.

Roger Duhaime: And the houses are uphill?

L. Manias: Yes.

Roger Duhaime: That is why I would like to see a picture.

L. Manias: It is hard to get permission from the property owner(s) to go on their land to take a picture. This site has a 100 ft buffer of trees to the rear border at Virginia Court. It is forested and there is no plan to remove those trees. 60 ft or greater, you will be looking at the trunks of the trees, not the neighbor.

J. Gryval: Any other questions?

Boards: No.

3) No nuisance or hazard will be created by the proposed use

G. Michaels: There is an adequate and appropriate safe entrance and egress. For the road profiles, Mr. Rook can comment on those. We intend to have appropriate sidewalks and landscaping. There will not be much outside lighting. Parking will be underneath with an elevator to take them up. There are map profiles.

4) Adequate and appropriate facilities will be provided for the proper operation of the proposed use

G. Michaels: I have a letter from sewer and a letter from Vincent Iacozzi (water). The Planning Board in the regularity scheme, will want documentation that we have met this (sewer and water) with great specificity. There are elevators and covered parking.

5) The requested use will not impair the integrity or character of the District or adjoining Zones nor be detrimental to the health, morals, or welfare of the community

G. Michaels: The site is in the MDR district. Older person housing is permitted, and it is efficient use of land utilities. It is a senior community. The Zoning Ordinance and the Master Plan, state to seek out affordable housing through multi-family initiatives. This site is abutting the elder units at Berry Hill.

Part 7B a-g, Elderly, Older Person, and Handicapped Housing – Specifications – Special Exception (see zoning ordinance for details, below are only responses)

G. Michaels:

- a) there is access to supermarkets, restaurants, pharmacies, etc.
- b) a memorandum of Planning Board opinion of importance; we certainly understand this and that is why we are here
- c) this is more than just a duplex, and we are aware requirements will apply by the Planning Board to this project
- d) joint hearing, we are here tonight
- e) there is access to all floors, there are bedrooms and bathrooms, and protected parking (desirable in senior housing), and landscaping per the regulations
- f) applicant is aware of Federal and State laws, and Hooksett ordinances that apply; all persons over 55 are acceptable per Human Rights
- g) Article 7 takes precedence over other articles of the zoning ordinance

G. Michaels: Some focus is on the future and some now. We are certainly aware of those items. At this time I would like Mr. Rook to discuss elevations, site views, and other minor matters.

D. Dreffs: I would like to ask about, especially Article 24D 1 & 3. No nuisance or hazard will be created by the proposed use, I didn't hear you address the current.

G. Michaels: The site is abutting a public road. There is no secret that it will increase traffic. It is not large units, only 36 total. I expect the Planning Board will want a traffic report to confirm the safety issues associated with it. I don't believe there are other significant issues. The drainage and lighting will need to comply with the non-residential criteria. There will be mitigating for safety and other issues with the development. I can appreciate the abutters having concerns about this. And we will address these concerns as this project moves ahead. This 15.2 acre elderly project abuts a public way in a MDR

zone. I think a lot of what you are thinking about will come out in the planning process. Today there is no nuisance or hazard.

D. Dreffs: For current?

G. Michaels: For both sir.

M. Sorel: The report we just listened to, was that an official appraisal or comments?

G. Michaels: The ZBA asked us to research the valuation issue. We were told to use someone who was Town approved. We use Capital Appraisal Associates, Inc.

L. Manias: The question is did I complete an appraisal or a consultant report. No appraisal was completed for this project. My assignment was to complete an appraiser consulting report specific to diminution in value. Your question whether an appraisal or consultant report, I have not appraised any particular home in that neighborhood. I have not appraised the proposed project. I research the value if financing was decided. This is an appraiser's consulting report.

J. Gryval: Is a bank appraisal different?

M. Sorel: Data should be most recent, and in this appraiser's consulting report older data was used.

L. Manias: I am not sure if I understand your questions. The reasons for sales from 2003 & 2004, I was able to find sales that abutted the Westview Terrace project by comparing it with a sale in that timeframe. I think it would be inappropriate to compare sales from 2003 to 2009. Appraisers have to rely on history.

M. Sorel: There is no recent data from 2008 or 2009?

J. Gryval: We can always check into this further. We will work on this until Mr. Sorel is satisfied.

G. Michaels: Robert Rook will discuss the site elevation.

J. Gryval: I don't know how familiar residents are with this.

B. Rook: I did engineering for the first issue in Jo Ann's memo to the Board:

- 1) Calculations for the buildable area - I asked Don Duval to show how it was calculated, they are listed on the revised plan.
- 2) Greg mentioned 3 buildings, each with 12 units, size 66 ft wide x 106 ft long with 18 parking spaces in each garage on the bottom floor. The requirements are 1 ½ spaces per unit. That is why we have 54 covered spaces (18 spaces x 3 buildings). 16 spaces are outside near the entry level. There are elevators in each building.

- 3) Coming off Nancy Lane, the access is 24 ft wide with 2-way traffic. As you approach the building, it is one-way counter clockwise at 20 ft wide. This allows emergency vehicles, and accommodates per the Fire Dept regulations and subject to Planning Board issues. Greg mentioned, as you approach the area of the clearing, there is a 100 ft buffer of trees in the rear at Virginia Court and those properties are all treed. I have submitted this to the Board. I have profiles of the road.

J. Gryval: (remark from the audience). We will take questions from the audience after the applicant's presentation.

B. Rook: These are photos from Virginia Court from three locations. Here is the ceiling level from the 2nd floor of the house. It is higher than the peak of the roof of the building. It is February and there is still snow on ground. Photos show what we would expect to see in wintertime. If there are planning issues, I can address them.

C. Pearson: What is the proposed distance between the buildings (3 12-unit proposed)?

B. Rook: 40 ft distance between buildings.

Roger Duhaime: For all three buildings, we have one building here, is this the highest or the lowest?

B. Rook: Each is the proposed finished buildings on the plans.

Roger Duhaime: Is the tallest building the same line of sight as the lowest to the tallest? What is the peak of the buildings?

B. Rook: The regulations require a 12 ft high roof pitch. You have 11 ft height for parking, and 9 ft height for each of the two living floors. The height average grade for the building would have to be 40 ft. The ZBA allows a different height than planning.

J. Levesque: In the past ZBA minutes, Roger asked for drawings with the building(s) superimposed.

B. Rook: I didn't know that.

J. Levesque: It is easier to see with the building(s) superimposed.

J. Gryval: If you (ZBA) requested it, I am sure they (applicant) will supply it.

N. VanScoy: Did you already give the #? The distance from the abutting property to where the forest stops?

B. Rook: The Virginia Court side has at least 100 ft to the clearing line. It is 150 ft or

160 ft from the property line to the building. The property is 120 ft deep, properties on Virginia Court are 30 ft off the roadway, then you have 30 ft for the homes, and 60sh ft for the Virginia Court properties.

N. VanScoy: How many feet of property is there to the wooded area up until the property line for your section of the 100 ft?

B. Rook: I don't understand your question.

N. VanScoy: The 100 ft from their (Virginia Court) property line, how much of wooded area is left before the building? Is it 100 ft plus the additional forest land of the abutters?

B. Rook: The houses are 30 ft off Virginia Court, then you have a 30 ft house, the lots are 120 ft or so, another 60 ft of their properties, and they still have wooded areas in their backyards to the property line. I would say in the 120 ft range.

J. Gryval: Let's continue.

G. Michaels: If there are no more questions, this concludes our presentation this evening. We can answer any additional questions from the Board or others.

J. Gryval: OK, we are set for comments from staff.

J. Duffy: I have several comments:

- 1) **Buffer** - Mr. Rook just talked about the buffer. I think what the ZBA needs to see is that the 100 ft buffer is not a requirement. I don't want everyone to be misled that it will be developed that way (100 ft buffer), unless the applicant agrees or is approved that way by the Planning Board. They do need to show the actual buffer and what the buffer consists of. It would be helpful to the ZBA to know what the buffer consists of. It looks like hardwoods, you can see right through them.
- 2) **Building Height** - The only reason for the comment on the building height is that there is a difference in the Zoning Ordinance (75 ft) vs. the Development Regulations (30 ft). This is waivable by the Planning Board for good reason. You may find your height has to be higher than 30 ft. The Fire Dept. said their ladder goes to 75 ft in height, however it depends on where the ladder truck is parked. If you meet the Fire Lane Ordinance (00-29), then you would meet the 75 height max.
- 3) **Density** - For the ZBA application, I was shocked that the density issue was not addressed when the applicant first submitted their application to the ZBA. The ordinance says the ZBA may allow a density of six dwelling units per acre. We are all sitting hear talking about 36 units. We are not sure about how many units this site allows. When the applicant came to the Planning Board for a lot line adjustment, there was no requirement for the wetlands. For the record, have any wetlands been flagged by a wetland scientist? The plan from Don Duval, I don't even see he signed it. The plan says 15.02 acres, with 6.2 buildable acres. I am appalled that this hasn't been done yet.

- 4) **Sewer** – I had another conversation with the Sewer Dept. today. They have some capacity, but it is no secret that are limited for capacity. Because the applicant has not paid (sewer capacity), they have no guarantee. I asked the Sewer Dept. if the applicant paid for sewer capacity, would they get reimbursed if the special exception request is denied. The Sewer Dept. stated they do not reimburse.
- 5) **Traffic** – Attorney Michaels stated that traffic is unique to Planning Board comments. I disagree. Traffic can fall under “nuisance or hazard by the proposed use”. The ZBA can’t determine this, if they don’t have traffic information. I advise that this should be provided to the ZBA, instead of slipping it into the Planning Board’s lap.
- 6) **Water** – I had a lengthy discussion with Janet Levy, Engineer for Central Hooksett Water Precinct (CHWP). She advised me that the water tank for this site plan is located in the Glencrest section of Campbell Hill (tan water tower). It is owned by CHWP and situated in the Glencrest development. Pipes run over an easement (Manchester Sand & Gravel - MSG) to Berry Hill Estates. MSG charges Berry Hill for units on that site. The pumping station is owned by Berry Hill for a 2 yr period. In April 2010, then CHWP will decide to take ownership. I am not sure Berry Hill (Vincent Iacozzi) has the pumping rights to sell to another developer. They (Berry Hill) will not be the end owners; CHWP will be. And how does MSG fit in? How does the Glencrest Homeowner’s Association work in their development? If you grant the special exception, there is no expiration on that. When it comes to the Planning Board for the site plan, they will not hear it unless both sewer and water letters say they have capacity and gallons. If not until 2010 or later, I think this is premature. An e-mail from Equivise (Vincent Iacozzi) is nonsense.
- 7) **Parking** – Parking requirements are not met. The Development Regulations, for a residential site plan, require 2 spaces per unit + 8 ADA, 9 visitor = 89 total. Minimum visitor parking is 1 ½ total units. You only provided 71 spaces. You are very short on parking.

J. Gryval: Peter, do you have any questions?

P. Rowell: We have a conflict with the height requirement between the ZBA and Planning Board. Both say each takes precedence. I think it will be up to the Boards to decide. We also have conflicting parking requirements. It is very hard to tell an applicant what to do with these conflicts.

J. Gryval: We have a Town Council representative here tonight. Nancy, do you have any further questions?

N. VanScoy: I didn’t write a lot down. I don’t think you can make a decision on the “nuisance” without a traffic study. Certainly the “character and health” are issues. There are conflicting regulations that should be addressed by the Board(s) in a timely manner. Obviously, there is a lot of concern about this. I agree with Jo Ann, I didn’t see anything about wetlands, and that is important. We need this information to make a determination.

J. Levesque: Peter, does the 10% ADA come in?

P. Rowell: Yes, it does.

J. Levesque: There would be 1.2 ADA units/apartments per building.

P. Rowell. We will have make the decision of the total 3.6 ADA. Will it be 3 or 4 total ADA units?

J. Duffy: **Development Regulations, Section 19.08 Greater Restrictions to Apply** “Whenever the regulations made under the authority hereof differ from those prescribed by any other statute, ordinance or regulation that provision which imposes the greater restriction or the higher standard shall govern”.

Robert Duhaime: The first thing to add is the site traffic. Your appraiser is looking at Campbell Hill planning wise. Instead of Westview Terrace at the top of the hill, it was below homes and an easier location for retirees to find their way back to their house (no offense to the elderly). Second is the location of the property. I am curious why you put that it abuts Berry Hill. Campbell Hill has had additional submissions of loop roads. Notice Berry Hill was designed and approved by the Planning Board, that there be a gated road where Berry Hill and Nancy Lane meet, to allow no additional traffic through Campbell Hill. There were plenty of Campbell Hill residents in the audience when we approved the Berry Hill developer regarding access. I am curious, I can't understand with traffic and the location, that this proposal is not going to diminish the value of the homes below this retirement community? I have been 25 yrs in the landscape field. Typically the top section homes within developments have higher values, and the lower area homes have lower values. How do you as an appraiser place values?

L. Manias: Typically in looking at homes, the homes with views have greater values than those without views. The Campbell Hill development was built on the side of the hill. A few homes have potential views in the westerly direction. The sales I used were located in interior roads. Homes at the top of the hill did enjoy views. Virginia Court homes have no expansive views that would add value to those properties. The assessments do not include view. The Assessing community would look at that.

Robert Duhaime: As you travel farther back into Campbell Hill, more traffic is exiting the neighborhood. Julia Drive doesn't pick up as much traffic, because that is an interior road. Are we in agreement with this?

L. Manias: I am not going to agree or disagree. There is no data to back the subdivision would have greater value vs. lower diminution.

Robert Duhaime: It is a bypass vs. a loop road.

D. Dreffs: In general, this is based on your experience (to Mr. Manias)?

L. Manias: I have appraised many subdivisions. Some were very large and some were exclusive. The lots in front have not sold any lower or higher than the rear. Many developers are looking at the round price. There is no data to support what you are looking for.

C. Pearson: The biggest concern is #3 (no nuisance or hazard will be created by the proposed use). The drainage from the top of the hill, where is the water going to go? Those that abut and people at the bottom of the hill have concerns. I don't know how we go about getting input where the water is going to go? I would want that answered before they (applicant) comes back before us (ZBA).

J. Duffy: You could ask them to provide a drainage study, and then it could be reviewed by our Town engineer (Stantec).

C. Pearson: Due to the sensitivity, I am asking for it (drainage study).

J. Gryval: The water issues at K-Mart and Merchants, I have read the Merchants (Michael Sydney) letter into the record at the beginning of this meeting. Drainage is a very important issue. Make sure you address that.

Robert Duhaime: Affordable housing you mentioned, how do you estimate the value of these units?

G. Michaels: For older person housing, I don't have the cost figures at this time. Costs move around greatly in this current economy.

J. Gryval: Any more questions from the Boards or staff? If none, we will move on to the public.

G. Michaels: One comment, I listened to Jo Ann regarding 6 parking spaces for every 4 dwelling units. Maybe that is another conflict? I am looking at the parking regulations right here. Maybe there is some clarification needed on this, Mr. Chairman.

J. Duffy: When the Development Regulations were started in May 2007, there was additional criteria put in there for the larger buildings (3-12 unit buildings) and the greater restrictions apply. In the back of the Development Regulations, a larger building has more restrictions (i.e. parking). Harmony Place just went through their Planning Board approval and they worked it out. I don't remember if they asked for a waiver. The Planning Board is well aware there is a difference in the Development Regulations. The greater restrictions in any regulations will apply.

G. Michaels. Thank you and I thank you Mr. Chairman.

Open Public Hearing

Susan Duprey, Devine-Millimet, Attorney representing residents of Campbell Hill: I am looking at the clock. There are a lot of folks in the audience who have prepared presentations for tonight. I would like to reserve 15 minutes before this meeting ends, for my legal points. Until then, neighbors will be making comments.

J. Gryval: We want to hear as many as we can. If we don't hear all tonight, we will hear on another night.

Pat Rueppel: Mr. Chairman, may I ask that the Board members bring the microphones closer? We (audience) can't hear most of you.

Victoria Silver, 29 Virginia Court: I want to thank both Boards for setting up this special meeting and for your time. Distributed packets to Boards "Campbell Hill Project – April 23, 2009". Read Article 1 – Preamble into the record. I have brought three photos specific to wildlife. We are lucky in our neighborhood to have wild turkey and deer behind my house. Karen Nadeau next door to me saw a baby fox in her yard. Should Beaver Brook Development be able to build with the current zone? The rural character will drastically diminish if the proposed development is allowed to go through. In closing, keep in mind our rural charm on Campbell Hill.

Valarie Margantopoulos (for father Antonios Margantopoulos, 31 Virginia Court): My father is one of the original residents of this community. Article 7A Purpose – “. . . provide for the efficient use of land and utilities consistent with the needs of the senior population fifty-five (55) years of age and over, and to preserve open space.” I have attached a couple of sheets in the Campbell Hill Project – April 23, 2009 packet for further details. What we are asking is that you not grant the special exception. It does not conform to the rural charm and preserve open space of the neighborhood. It is a commercial-like structure even though it is for a residential purpose. It is not the style of the existing homes. There are 7-8 sides developed around the residents of Campbell Hill to include but not limited to: Westview Terrace (9 Lindsay Rd – approved and built), Catamount Management (5 Lindsay Rd – approved not built), Elliot Health (20 Chambers/Hooksett Rd – approved and under construction), all adding to the traffic. Beaver Brook Development will add 125 cars daily (in traffic study) by my father's home. The Hill (Lindsay Rd) is treacherous in winter, never mind with just the resident traffic. The snow and ice is dangerous. Our concern, what happens with all that snow removal and traffic from the proposed site? There are no sidewalks or street-lights at Campbell Hill and we (residents) walk the neighborhood all the time. We want to preserve and protect our homes, style, and life as we have now. And what about the blasting for the proposed site? If this development doesn't sell all their units, will they be phased, or even changed to a different use? In closing, we already have Westview Terrace, Catamount, and the Elliot (among other developments) and this (proposal) will tower behind us. We ask you take this into consideration and that you do not grant the special exception that Beaver Brook is seeking.

Jeff Silver, 29 Virginia Court: I reside with my wife Vicki and daughter. We are direct abutters. We consider the look and feel of this project; aesthetically and financially. Our neighborhood is ideal to raise families. March 30, 2009, page 4 line of sight, photos were taken from the street view. The top section on pg 4 line of sight was taken from the second floor of our house; 30-40 ft of trees to our lot line. This is relevant to foliage; 30-40 ft in the Fall for a tree canopy. If I was star gazing, then this would have some merit. The abutter's line of sight will be below the tree canopy looking up at the structure. It will impede many, because the structure will be 100 ft at the peak of Campbell Hill. 6-7 months out of the year, there will be a tree canopy. I am presenting photos this evening. Photo #1 is the lot line marker slope to the back of my house at 50 ft and 100 ft (I didn't play any tricks with cameras), photo #2 is my house at 29 Virginia Court and Tony's house, photo #3 is the back of Virginia Court (horizontally at 29 Virginia Court is our house), photo #4 depicts 33-35 Virginia Court and what they would like from the street with a superimposed building, photo #5 is the actual view from the second floor as it is today (I can see several hundred feet back), and photo #6 is the same photo with a multi-unit structure superimposed. Please contrast the two photos. If I sell my house at the asking price, it will be reduced if it has the look of photo #6. Virginia Court and Burbank Way will see this structure. The multiple AC's (air conditioners) for the units will be heard. This proposed development is greatly incompatible with our area.

Bill Clifford, 21 Virginia Court: I reside with my wife Kelly and our 5 children. My main concern is drainage. You folks walked this land in January. Right now my basement is dry. When I met with my insurance agent, he suggested if this project goes through, to get flood insurance. Recently the Board asked for a Hydrogeologist study for another project. I am interested to know this for my area. I think you also asked for this study for a proposed supermarket at exit 10. Assessing has me with a view tax. This should be addressed. There was an article in the paper by Mr. Ouellette that his project would be an advantage and have no tax impact to the Town Hall. I disagree, you will have many asking for an abatement. We also own 23 Virginia Court and it is a wooded property. If fully disclosed that this proposed property could go through, they (potential purchaser) would renege. There are issues of drainage, property value impact, etc. I could stay here all night (listing the issues). This project is opening up legal issues. Once trees are mulled and the ground is broken on the proposed site, there is nothing you can do about it.

Diane Walsh-Green, 25 Virginia Court: I reside with my husband Artie. I want to thank you for the work you do for Hooksett. It is appreciated. And I appreciate you changed the date for this meeting. 11 yrs ago I moved to Campbell Hill. We have enjoyed raising our 2 children there. One daughter is attending college. We are middle-income families in Town. Our home is our major investment. We are counting on this investment for our retirement years. The woodlands now proposed with this development, would devalue our property. There will be noise pollution. There is a real threat on the water table. The topography will greatly be changed. We have a friend in Manchester (NH) who had a similar project built near them, and then they had water in their basement. There are

issues with 3 of the 5 values (Article 24 D1-5), nuisance or hazard, integrity of neighborhood, etc. Thank you for letting me speak.

Karen Nadeau, 27 Virginia Court: I have several concerns on this project. I also want to give others in the audience time to speak. 5 yrs ago, I moved into the neighborhood based on conversation with preexisting neighbors. In 2007, I had a three-season room with a deck and hot tub designed. The plans were complete and the loan was secured. One week later, there was an open house on Nancy Lane. The original plan of three homes changed and now the developer asked for a variance to put a road along the perimeter of my property. I called the designer and bank and put my addition on hold. I asked myself "what is this (proposed development) going to do to my addition value?". Not only would I not see a return, it would decrease my home value. If this project is approved, I told my neighbors that I would move. There will be constant drilling and blasting. I can't even plant flowers without hitting granite. Their lighting will be 24/7. And there is the humming of the multiple AC units. Do I move or stay? I ask you as fellow Hooksett residents, I ask you, how would you feel if you were sitting here in my place?

Dianne Philion, 35 Virginia Court: I am here tonight with my neighbors Jim Duffen and Pat Duffen, 39 Virginia Court. I (Dianne) will be speaking for all three of us. We are concerned about the value of our properties going down, if this proposed 55+ project gets approved. Our homes will have no solitude and security. Our second item is the negative outcome from this complex is incalculable. We will have a profound disruption from blasting just beyond our back yards. It is directly against our back yards. And the third condition is the impacts of blasting to include foundations cracking, and walls becoming weaker. We experience the shaking and disruption from the Elliot Health construction. Emotionally, it is difficult for us to have blasting on the site. People with health problems are negatively impacted. Virginia Court and all of the Campbell Hill character will be shattered. It should be completed in a different neighborhood. My home is where I want to retire, and it is important my home maintains its value, safety, etc. All the things we now enjoy, will be taken from us. We are not against 55+ communities, but in our area it is glaringly incompatible. We ask you do not grant this special exception and we thank you for your time.

Bernie Kravitz and Jim Kravitz, 33 Virginia Court: We are here to express our concerns this evening pertaining to the proposed complex. Our neighborhood has been single-family homes for years, and the variance this would allow to be intimidating. I know both Boards are mindful to manage physical growth, and manage developments so that they are mutually satisfactory to all involved. This proposal will not maintain the character and homeowner value. Values will go down. I doubt the developer can meet the special exception for section 4 & 5 (Article 24 D1-5), let alone for the lighting. Due to the building height, we will be impacted by the interior unit lighting, garage lighting, and the site lighting as well. Site illumination will create a whole new light issue in back and above us. We ask you take this into consideration. For the lower portion of Virginia Court, I ask all of you take a drive at night. There is light trespass, since Elliot Health went in. We have been here 5 yrs, and this winter a new phenomenon started. When there are rainy, cloudy, or snowy nights, Elliot lights up the sky with a glear. We used to

only notice this above the mall (Granite Marketplace). A few homes now have light pollution. The leaves are off the trees for about 7 months. Will this structure cause light pollution? Can the Zoning and Planning Boards guarantee there will be no light pollution. National Geographic, November 2008 Magazine, has a great article on light pollution. It is very interesting, and I have some copies of it. I asked member of the Hooksett ZBA that you do not grant this special exception. Thank you for your time.

Lynn Denbow, 8 Nancy Lane: I strongly oppose the proposed project. 3 yrs ago we moved to the quiet streets and safe neighborhoods of Campbell Hill. We live in single family homes. From the original Nancy Lane cul-de-sac, five lots were added with a new cul-de-sac. Three additional homes were built. At the mouth of the cul-de-sac, it advertises for five single-family homes. Now the plan has changed. It will be a nuisance adding 36 units, and it will negatively impact all of us. Through traffic studies and the consultant report, the 36 units will add a minimum of 125 car trips per day. This does not include service vehicles (i.e. landscapers and other laborers will add more trips). All will add the potential for extra accidents and especially the safety of our children. This is the reason we like a quiet neighborhood and little traffic. It is safe to walk, jog, or bike ride. Children like to ride their scooters, etc. This is detrimental to the residents of Campbell Hill, especially to Nancy Lane. Now that Spring has arrived, kids are back out riding their bikes, playing, etc. Adding 36 units instead of a couple of single-family homes will definitely add traffic. It is an inappropriate location for three multi-level, multi-units. It will change the integrity of Campbell Hill. It is a nuisance and hazard; only one way in and one way out of Campbell Hill. There will be a substantial increase in traffic, significant increase in accidents, and is a safety issue. The quiet rural charm of the single family homes, to take that away would not be in the interest of safety and traffic concerns. It is a recipe for a disaster.

Michael Berry, 18 Nancy Lane: I own one of the new houses on the Nancy Lane cul-de-sac. Some things that attracted me to the neighborhood is that it was advertised as a cul-de-sac with five single-family homes. There is an emergency access only at the cul-de-sac (leads to Berry Hill), to limit the traffic to only the Campbell Hill neighborhood. Now the developer is proposing 36 units right across the street from me. I will have headlights shining in my house at night. I am opposed to this project. How would you like that (lights) coming into your house?

Robert Sullivan, 8 Burbank Way: I used to be on the other side of this Mr. Chairman. I sat in on quite a few of these meetings. I am curious what you (Boards) are thinking about. Attorney Michaels stated "don't worry everything will be fine", and there was a lot of "trust me". The ZBA will decide if the special exception will go through. I was on the Planning Board. If this goes through the ZBA, then it will go through the Planning Board. We are going to have our lawyer come up to summarize. Attorney Michaels' comments concerned me. He stated there will be no impact to the value of houses. The problem is I don't think you (Attorney Michaels) did the calculations correctly. I can do the same thing the appraiser did for the numbers. This is not an adequate comparison to Westview Terrace. We are talking about three buildings, at the highest sight. They are not the same thing. To have someone sit here and say to you "I can't see an impact". I wondered when

I heard from the engineers, what was I hearing? Does it have credibility? “Won’t need much lighting”, that was an interesting statement. Did you know we have a requirement for lighting? I turn to the Town Planner, Jo Ann, is there a requirement for lighting?

J. Duffy: Yes.

B. Sullivan: Will he be required to have lighting?

J. Duffy: It depends on what he means.

B. Sullivan: He needs to comply with the lighting requirement.

J. Duffy: Yes, he must comply with the lighting requirement.

B. Sullivan: Affordable elderly development, 55+ map, we will be at 10% with this project, 9% without. Currently there are some fire codes, doors off, and frames cracked. We are going to continue to build, the Planning Board has a reason.

Robert Duhaime: It is good planning.

B. Sullivan: What if all units are not sold, will they change the use of the apartments? I am not sure if this can go into your jurisdiction. He (Attorney Michaels) says Hooksett is unique for the requirement of 55+. Look at the waivers needed, topography, at the least the driveway; how many more waivers will be needed? Before you allow waivers, you should look at the site. Maybe you should stop and go look. This is your time. The only other thing is the buffer shows 100 ft. I am surprised he showed it at 100 ft, because he doesn’t need it. I hope you take in all these things in your decision. Thank you.

Sean Darby, 14 Nancy Lane: The homeowners need the cul-de-sac. I am not an abutter, but my family will be greatly impacted by things from this development. I am also an appraiser and have experience. That said, I have to refrain from providing an opinion of value. I can speak of the appraisal methodology in general. Excessive traffic does have an affect on value. There is no definitive data to make adjustments for excessive traffic. We in the appraisal profession make adjustments for location and excessive traffic on a regular basis. I could go into this in great detail. It is a common practice to make adjustments for location. Example, if you have three identical homes, but one is on a busy street and that is the only difference, and the property sold \$10,000 less, you may say it was the traffic. Then we can make a reasonable adjustment, and we do this regularly for excessive traffic, as well as commercial influences. My next point, the young lady and couple who spoke before me, they live on Virginia Court. Now the Elliot commercial endeavor has resulted in views and lighting is a nuisance. We, as appraisers, have to report reactions of buyers and sellers. You just heard in real time the reaction of nuisance. I have digital photography, if I may, I have several other photos. The young lady mentioned impact. A look at this, it is logical that that the endeavor (Elliot) has an impact. Board, do you believe as laymen’s, that if you own a house at top of a view, does that affect you yes or no? You do not have to be a professional appraiser to figure that

out. The other thing that puzzles me with the applicant, is that I haven't seen a visual yet - no as builts, drawings, structures, or photos of something similar. I have photos from southern NH areas that are similar to what they have described in their proposal.

J. Duffy: In the developer's packet, there is a sketch of their proposed building. Sean, I don't know if you have seen this (showed Sean sketch).

S. Darby: Here is a photo of a commercial building at exit 5 that looks similar to the sketch by the developer. If you have come to that conclusion (nuisance), then here is another photo of what one looks like in Derry behind a ranch similar to the values of Campbell Hill. You will certainly make this conclusion that the proposal will impact the neighborhood. Those are reactions from buyers and sellers who were directly impacted. This photo is a 3-story similar dwelling more than 200 ft from the single family home. This is just to give you an idea, what it will potentially look like. I heard the applicant say 100 ft buffer. A 100 ft when you are inside vs. outside looks different. 100 ft at the Campbell Hill driveways, 20 ft to the left and right, and then a yard. Through the trees, this photo is well beyond 200 ft and you can see the structure. Another photo is 100-150 ft. These are real photos of real residential developments impacted one way or another by something such as this (proposal). That photo, again, you tell me if you think that has any impact on that house. Next photo is a 5-6 story structure. Everything I have showed you is on a flat surface. Walk the proposed site to see another 100-150 higher surface. 5-6 stories, and this developer, how they tend to clear land, will strip every tree right out. The abutting homes from their kitchens to their back windows will see this structure. There are trees here, and more trees than what has been left to the homes built on the cul-de-sac. Picture a 5-6 story structure, with woods similar to the picture at Campbell Hill. I will show you one more photo, the woods are spotty all year round and are similar to the proposed site. I think I made my point. Why hasn't the applicant asked how much these units will sell for? Am I right that they don't know? This project is somewhere over a million, and they would need some type of business plan. To not know, I think it is a question that has to be asked. It is a legitimate question that has to be asked. We, as appraisers, have to look at conformity or we would be negligent with our license. If there are several different types of properties in a neighborhood, the logical conclusion is there will be a difference in prices based on the variations and that is going to affect the value. Location, location, location, we have all heard it. I will talk about the history (Campbell Hill). 20 yrs ago in the 80's the properties were 1,800 sq ft, in the 90's another developer built houses bigger and nicer architecturally and they sold for more money, and then another developer built even larger homes that still conformed to the neighborhood, just got better. If you are coming to change the flavor of the neighborhood, the existing homes will have a lesser value, and lesser conformity. I have 5 children, and a grandchild as well. I am also concerned about traffic. I kindly ask you do not grant this special exception.

Andre Chagnon, 8 Lindsay Road: My house is at the bottom of the hill. I have four points. We moved here in 2000 and picked Hooksett because of its charm. We looked at other locations. We liked the single-family homes. Even though we live across from Westview Terrace, that was at the bottom of the hill. Since 2000, there has been 2-3 more

subdivisions. People in our neighborhood and other neighborhoods like to trick-or-treat in our community. It is a great community. As each subdivision got added, one or two cars were added per home. The current traffic is very evident. In the past, traffic signs and speed bumps were tried to get people to slow things down. My 13yr & 16yr old boys, I don't mow my lawn unless I park my truck in the road to slow traffic. I have always been aware of Westview Terrace and its elderly community impact to us for increased traffic for ambulance, fire trucks, and snow removal. Snow removal - vehicles are lined up in front of my house, and it is a hazard for me and my house. I can't fault them for parking in front of my house. When it snows, Lindsay Rd people (traffic) have trouble, cars slide up the hill and back down. This year, I had the pleasant surprise of having a vehicle come down Lindsay Rd and land 10-15 ft into my front yard. There is a current amount of danger with the added traffic just with the single-family homes and changes in our subdivision. I am obviously opposed to the three 12-unit long, wide, and tall buildings. There will be allot more than 140 traffic patterns. Traffic will include families, hospice, UPS, Fed Ex trucks, fire trucks, etc. I have been awakened many times by fire trucks, ambulances, and lights coming up Lindsay Rd. I am aware that loved ones will have to have care. I thank you for your time.

Chris Abbott, 20 Nancy Lane: My concern is the wooded buffer. The developer looks at trees as dollar signs. If a concrete truck needs to get in the site, and a tree is in the way, they take the tree down. When the newest three homes went up, the trees were gone. When I asked, they said "we couldn't get the concrete truck in, so we took the tree down". If they disturb roots and trees, the trees will die. The result of blasting is shocking the trees, and they will die from the long-term effects. You can leave the buffer, but what will remain (i.e. trees dying). Also, I do have a glow off the strip (Hooksett Rd). If you are building across, are the lights going to be on all the time? It will light up the neighborhood. It is hard if you are trying to sleep, and if you are sensitive to lights. Snow removal, most trucks have backup alarms, who can sleep through that? I don't know if you live in that area. Snow piles melting, some are concerned about water in their basements. When I lived at 67 Lindsay Road, I got water in my basement from the MSG blasting. If someone has a basement finished off, you have things that will need to be thrown away that can't be replaced such as photos and kids' art. Traffic, a grandmother hit the gas in the road in front of her vs. braking. I live next to the Elliot Health, and now I have to look over that and the Walmart area from my neighborhood. It is almost like having the mob after you. You always will have to look over your shoulder. I live in that area, I don't know if you guys do. Living across from that proposal, if I was to move and saw a building like this, I would drive right by it. If I would have known of this monstrosity (proposal), I would not have bought my house. Did they tell the people (buying homes) about this proposal? He (house up for sale) has an open house now. The fliers (advertisement for the Nancy Lane cul-de-sac) don't say it (proposal). If it said it, they would get back in their cars and drive off. My house values will go down, and I will be stuck with it forever. No one will want to buy it because of the proposal. Thank you.

Jack Mudge, 57 Stirling Ave.: When I am out mowing the lawn, everyone stops and wants to talk about this (proposal). I have a lot of neighbors in pain. Now they are going to be seeing these monstrosities, it is like an amp theater. I know these 55+ won't be

playing Led Zeppelin. Beeping trucks, all three buildings. The curb appeal is going to be crap over there, because they will see these buildings. Those are the only two points I wanted to make. I hope you do the right thing. This happened to a property I own up north, and I finally won because of my neighbors input. That is why I am here (to support my neighbors directly affected).

Phil Denbow, 8 Nancy Lane: Someone brought it up prior (Age-Restricted Housing), there is an article in the AARP magazine about a couple of Boards similar to you folks who discussed "Age-Restricted Housing Becomes Ageless". It also happened in MA and CA to change the 55+ requirement to sell units. I just wanted to pass these out to you. Second of all, I actually have a picture of the trees and foliage very similar in uniform to the site. John Auger is a neighbor behind me. I took this picture 200 ft from where I am standing out back of my house, and you can see his house through the woods. 7 months a year, I can watch the Patriots from his house. The advertisement sign for the cul-de-sac still has single-family homes. Three foundations and build as they go until who knows when. The noise from the service trucks for 55+ ; landscapers, cable, plumbers, all add vehicles. Folks on Virginia Court, 3 backside and 2 up hill, will hear the AC units and heat pumps. Water and drainage from the top, changed a few times. It now flows down the road through the Campbell Hill development to Autotorium. Views from the consultant's report, the base of the structure will be 30 ft above the second floor of the houses on Virginia Court. There will be a 10-11 ft base (parking garage), 2 floors of living space, plus the pitch of the roof. The structures will be 100 ft above what is on Virginia Court now. Also as far as the view sheds, there will be a regional impact with the height of the proposed structures vs. the preserved existing view shed and crown of the trees. Again, as Valerie stated, Hooksett should share the pain equally. Campbell Hill has Berry Hill on the backside, however they look like the duplexes at Stonegate. The bottom of our hill has the Elliot 200 ft buffer. When someone goes to get coffee at the Shell Station, they now look at these homes (Virginia Court). Also Catamount (5 Lindsay Rd) is an 11,000 sq ft building approved that will add to the traffic at Lindsay by Andre's house. For value, our's should have a different flip when the Town revalues if proposal is developed. On Vision via the website, I spent quite a bit of time researching values, to include information from the consultant's report. Stonegate valued at \$250,000, nearby areas \$100,000-\$250,000, Berry Hill valued at \$200,000-\$250,000 which is the same as the nearby homes. Webster Woods is valued at \$200,000, Webster Woods II is in the planning process. Brookridge, behind the boarded buildings and the Brickhouse, is valued at \$190,000-\$225,000, Lafond has the same quality as Stonegate \$200,000-\$250,000 homes. A Point about duplex-style, one floor, designed for limited mobility, when developers created stand alone with own roads with clubhouse, these are either at or surpass to bring the value up. A contract to the 36 units proposed. It is being shoehorned into existing single family homes that range in value from \$250,000-\$500,000. These apartment style structures will bring our values for single family homes down. It is the right type of project for Hooksett, just the wrong location. This shouldn't go in at Campbell Hill because of the heritage and it is not appropriate. One builder on this project, to his credit built Autumn Run. One single family home is the best use for these lots. He has changed his plan mid-game. This developer has changed the back portion from 3 house lots, to one large lot to line his pockets with additional cash only.

The original advertisement sign has single-family homes. I have no problem with additional single-family homes on this site. Please do not grant this special exception. One of our meetings to get together was at my house, and we questioned whether or not to get an attorney. Everyone left and my 10 yr old boy comes walking downstairs. I said "hey Zach, what is going on? He came out with \$100 bucks on the table and said "Dad, I would like to contribute". I said "Hold onto your money, everything will be fine". We need to maintain the character of our neighborhood.

David Boutin, State Representative: Good evening Mr. Chairman, members and staff. A lot of neighbors here are constituents of mine meeting tonight. Three things:

- 1) I live in Granite Hill and I am a member of that condo association board. We paid \$60,000 to fix water problems. There are water issues on our hills in Hooksett. Through nature water levels have gone up, and we have had a very serious issue at Granite Hill. And I think we will have an issue with this similar site to the tops of Granite Hill. If we have same problem here (proposal) that we have in Granite Hill, it will be a costly expense to those that live on Nancy Lane and Virginia Court.
- 2) I have 10 yrs experience in court certified appraisal services. I have a grave concern on what you received tonight. I have never seen 5 yr old data from an appraiser in a consulting report. You couldn't use that for a residential property. Residential data can only go out 6 months.
- 3) When you are a developer you take risks. The profit you get pays for that risk. You need to do work to prove to the Town, Boards, and neighbors that your project will not have a negative impact. And, I heard they don't want to do a traffic report, and Hydrogeologist study? They said "until we get the special exception, then we will get those studies". These people have the right to know about lighting, traffic, and by the way you (Boards) have the right to know before you make your decision. Please take into consideration everything you heard tonight. I will end my presentation.

J. Gryval: Does anyone (from the audience) want to speak in favor of this special exception? If no further comments, then we will continue.

Susan Duprey, Attorney for Campbell Hill residents: They tried not to be too repetitive. I thank you for your time this evening. How many bites at the apple does the developer get (this is ZBA hearing #3) to make their case? And we are talking about another ZBA hearing #4. They have failed their case. Their job was to prove their case to you. You are in a position to rule on this, and you should rule negatively. One dispositive is the water (CHWP) issue that Jo Ann touched upon this evening. The meeting requirements the night they submit their special exception, and the stars aligned correctly, they do not meet the ordinance: "There shall be sewer and water to determine whether a special exception shall be granted". The Town engineer and your attorney on record, stated no public water before April 23, 2010. I did some digging around in the water files from the various engineers about water pressure and whether water will ever work. The minimum pressure is sufficient for the upper levels, maybe these lower levels are below 546 feet. The ground level is at 555 ft, and that is my understanding of the

current ground level. Pressure goes down 35 psi at the highest point of accessing water, and will not be anywhere near that. There is an engineer's statement that there is not enough pressure for a sprinkler system. I don't know how you would have this building without that system. There is not enough water for the multi-unit building. For outdoor irrigation, there is not enough pressure. There is 20 psi at Glencrest during a fire. The presentation (applicant) was glossed over for water. They just hope they can tell you the importance of elderly housing, and you will grant them their special exception. We look at the folks that are up there. The Planning Board approved the property for single-family homes. Now the developer took 3 lots and combined them, strictly for financial purposes. There is no other significant reason in the world. I don't begrudge him for making money, just not in this neighborhood. The rug gets pulled out from under them, frankly for a project you do not have to grant. It would be upheld in court. I am sure they will argue that they have evidence for you to approve this. The neighborhood is single-family homes. The developer only there to make additional money. I see no reason for you to grant this special exception. You don't need more 55+ housing. Even if you did need more 55+ housing, there are plenty of other sites in Town to do this. If you would like to subject yourself to more pain, I put a list together of other items: borings for the ledge, can't know how high the structure will be until you know where the ledge is, how much impact it will have situated on the site, drainage plan from reasons discussed tonight, storm water system plan (note 11 – engineer's plan), can't say for sure where the limits of clearing will be until storm water system plan is completed, would seem to me drainage and storm water are needed to determine clearing, the plan needs to accurately show where limits of cutting will be, existing trees, the elusive buffer, what landscaping is proposed (not Planning Board requirements, your ZBA requirements), a traffic study for numerous reasons raised this evening (fair requirement, normally Planning Board, but with experience and the uniqueness of the site one way in and one way out, adding 36 units surely there is a traffic impact), slopes, soils and wetland calculations, calculation for buildable area of 6.2 land here (I can't find this, and they said it was distributed tonight), an appraisal, AND LASTLY, as one person suggested, until the height is known, if people want to see how height will impact them a balloon test should be completed on a Saturday morning with a simulation. They would be happy to provide a simulation. Standards that you have for character, nuisance, adequacy of facilities. Again these were very much glossed over. Very different property value. Each of the 5 zoning standards, it is their obligation to prove they have met them. There are volumes of case law (2003 Superior Court special exception regarding sufficient evidence for a favorable finding). He doesn't get to pick or choose or have a huge opening to drive a bus through a courtroom. Case after case the same thing. The ZBA cannot grant the special exception unless the 5 criteria have been met as proven by the applicant. My final comment, there is no reason to up end the expectations that this site is going to be a single-family development. Single-family to duplex to a more intense farther out of the line. In the end, we would say I ask you not to make the neighbors spend more money and time on an ill conceived application.

C. Pearson: First, I would like to thank the Planning Board for agreeing to this joint meeting. I would like to thank the Town's people in organizing and the process we went through tonight vs. the first two ZBA meetings on this application. It is not the intention

of the ZBA to tax the Town's people, but it is a process on the site as much as it is for you. We got more information as we went along. I apologize for taxing and costing you money (Town's people). We also had to be fair to the applicant. We will get comments from the Planning Board. The **14 items I would like to see submitted to the ZBA are:**

- 1) **Buffer** - address the buffer and show size, location, and details of plantings to be included in the buffer.
- 2) **Drainage** – have a drainage study completed by Stantec. Plans to include wetland delineations and shall be stamped by a wetland scientist.
- 3) **Density** - clarification on density, density calculations to be submitted by engineer and reviewed by Stantec.
- 4) **Traffic** – have a traffic scope and traffic study completed by Stantec.

J. Duffy: Rather than just a study, also come up with a scope. Maybe Stantec can complete these.

- 5) **Parking** – address parking spaces

D. Bairam: Water situation?

J. Duffy: Is this something the applicant should research or staff? I would suggest you have a meeting with CHWP and their staff, engineer, and Board.

C. Pearson: Jo Ann, can you meet with them?

P. Rowell: Would it be better to have the applicant get water information. It is the applicant's problem. My feeling is that water is at the Planning Board level, however Jo Ann wants it done here at the ZBA level.

C. Pearson: I want water here at the ZBA level.

J. Duffy: I can speak further with CHWP and see if they can provide you with something in writing from their attorney. Then they can see how they can move it along. CHWP will not own water until another year.

J. Duffy: I can. I also ask that the plan they talked about tonight (with buildable area calcs), they leave for the record.

- 6) **Water** – Jo Ann Duffy will speak further with Central Hooksett Water Precinct (CHWP) to see if they can provide the Boards with something in writing from their attorney. Then the applicant can see how they can move this issue along.
- 7) **Revised Plan** – need copy of revised plan discussed at 4-23-09 meeting to be submitted to the Planning Dept. for our records.

Roger Duhaime: I would like a plan with the building superimposed on the property.

- 8) **Plan** – provide a plan showing superimposed building as requested by the ZBA at their March meeting.

J. Levesque: Do we have a set of plans with elevations?

C. Pearson: Yes we have that.

J. Gryval: What about surface water?

P. Rowell: If you are going to do studies for traffic, water, drainage, etc., we will need money from the applicant.

- 9) **Stantec Fees** – provide monies to the Building Dept. for studies/scopes to be completed by Stantec.
- 10) **Building Height** – complete a balloon test and schedule the test through the Building Dept. for a Saturday. The Building Dept. is to advertise the date, time, and location of the test in the newspaper.

J. Duffy: Test boring.

- 11) **Test borings** – complete test borings for ledge

J. Duffy: An appraisal.

C. Pearson: An appraisal study more current, I would like to see a house (in Town) next to an elderly structure that is 3 stories similar to the proposal. That is really what we would like to see.

M. Sorel: I was not comfortable with the appraisal data. The dates of the data were very old. I checked with a couple of experts and they stated the date was old. Economic obsolescence is real and genuine and used in all appraisal reports. And they have to use this, and I did not see the applicant address that for abutters and the neighbors. I am very uncomfortable with what I heard. It doesn't sit well with me.

Roger Duhaime: Is landscaping required?

J. Duffy: The buffer reads "native plantings". We don't have any information.

Roger Duhaime: If there is any requirement for plantings, if it impacts the buffer, then I want to see it.

- 12) **Appraisal Study** – complete a more current appraisal study.
- 13) **Landscape plan** – provide landscape plan due to impacting buffer.

P. Rowell: Sewer, they don't have it until they buy capacity.

J. Duffy: It is up to the ZBA to decide if they want the applicant to buy capacity now. Article 7 states “. . . shall be serviced by public water and sewer”.

C. Pearson: We can't grant, unless they are hooked up.

J. Duffy: In my e-mail, there needs to be evidence they shall be serviced. I agree with Richard Bairam, an e-mail doesn't cut it.

C. Pearson: The burden of proof for sewer and water is on the applicant.

J. Duffy: So for sewer, they would have to purchase capacity.

14) **Sewer** – applicant to purchase capacity at this time

P. Rowell: We will come up with a list of studies from the minutes, to get a cost to the applicant.

Robert Duhaime: I am proud to live in Town with most of the people in this audience. You are very educated, informed, and want to stay in Hooksett. I think most of the people on this Board will service you well in that capacity.

L. Moynihan: What will we (ZBA) get from the Planning Board?

J. Duffy: I think it is premature for the Planning Board to comment in the near future.

L. Moynihan: Is there a decision on continuing the hearing.

J. Duffy: This meeting is closing.

J. Gryval: If it is necessary in the future and the ZBA thinks we should have another joint meeting we will do so. As far as for now, this meeting is closing. We will provide the Planning Board comments when the ZBA has received the 14 items and they advise us to do so. I would now like to thank the ZBA for attending this joint meeting, and the staff, audience, and applicant for their comments tonight.

J. Duffy: I have been attending these type of meetings for more than 15 yrs. You are a well-organized, polite group of people and I want to thank you for that.

ADJOURNMENT

***D. Dreffs motioned to adjourn at 10:20pm. Seconded by Robert Duhaime.
Vote unanimously in favor.***

ADJOURNMENT

Chair J. Gryval declared the meeting adjourned at 10:20pm.

Respectfully submitted,

Donna J. Fitzpatrick
Planning Coordinator