

**Official
As of 05/18/09**

**HOOKSETT PLANNING BOARD
MEETING MINUTES
HOOKSETT MUNICIPAL BUILDING
Monday, May 4, 2009**

CALLED TO ORDER

Chair J. Gryval called the meeting to order at 7:04pm

ATTENDANCE

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

Excused: Interim Town Administrator, C. Granfield, D. Dreffs, and D. Marshall.

Absent: R. Duhaime, and Y. Nahikian.

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

APPROVAL OF MINUTES OF 04/20/09 & 4/23/09

N. VanScoy motioned to approve the minutes of 04/20/09 with edits by M. Sorel.

Seconded by J. McHugh.

Vote in favor. R. Guay and B. Ehlers abstain.

N. VanScoy motioned to approve the minutes of 04/23/09 with edits by M. Sorel.

Seconded by

R. Guay.

Vote in favor. J. McHugh, D. Hemeon, and B. Ehlers abstain.

DISCUSSION

1. HERITAGE COMMISSION
Proposed Demolition Ordinance.

David Boutin, Heritage Commission member: Thank you Mr. Chair and members of the Board. I am here tonight with two other members of the Heritage Commission, Sally Humphries and Carolyn Schroeder. We have been working on the proposed Demolition Ordinance for several months, almost going on a year. In your packets, there is information and the presentation the Heritage Commission presented to the Town Council at their Workshop held on April 8, 2009. That evening, the Town Council voted to send the proposed Demolition Ordinance to the Town's legal counsel for review and to schedule a public hearing date. To have the Demolition Ordinance in Other Ordinances

would not be legal. Adopt it as a Zoning Amendment. I wanted to get this (proposed Demolition Ordinance) before you this evening, so hopefully in the Fall you can take it up again.

J. Gryval: How soon would you like the Planning Board's recommendation?

D. Boutin: The Town's legal counsel stated, "I would note that the time schedule provided for in your proposal seems a little short". There may be a way of changing that. I am very close to the end of my term on the Heritage Commission and I have not been asked to be reinstated. Someone else will take up the ball with you in the Fall on this. The Code Enforcement Officer (CEO) is the primary person to enforce this ordinance (Demolition). Why are we doing this? In 1996 the National Historic Act was passed. The US Interior Dept. allocates money to each state via the Dept. of Cultural Resources. That grant money is a pass through. To qualify, a town would need to be certified under the local government status. It is a fancy way of saying that you (town) have gone through a process and are eligible for up to \$15,000 in grant money. There are only a few towns eligible in the state (NH). We have a pretty good chance in Hooksett to get grant money in the future for anything that has to do with historic preservation (i.e. Robies). The first step is to get the Demolition Review Ordinance on the books. A lot of Planning Board members may say, "wow another regulation?". As you will notice on the 2nd page to the Heritage Commission, simply what it does is create a process for buildings 50 yrs or older. It kicks in a process of review by the CEO and the Planning Dept. If there is a historic property to be demolished, there is dialogue with the applicant. The CEO becomes the staff person for the Heritage Commission. Which, by the way, we don't expect many (historic properties to be demolished). A meeting is held with the Heritage Commission and the applicant. It is a 49-day process/period. The goal is to come to some agreement with the applicant on how the property will be impacted. If the applicant says "thank you very much for your time, but I will continue with the ordinance (Demolition)", we cannot say "no you cannot demolish". During the 49-day period, the applicant can still continue their normal process (i.e. site plan before the Planning Board, special exception before the ZBA). All the ordinance (Demolition) says is that the Board(s) cannot make a decision until the 49-day process is done. It is very unlikely this Board (Planning Board) or ZBA will complete an application process in 49 days. It provides tremendous benefits to the Town. If we do this, it furthers our efforts to preserve our history. There is no matching grant money here. If we are awarded a \$10,000 grant, that is it. What I have enclosed in your packets are examples of the Demolition Ordinance from Concord, Keene, and Windham. In research for the proposed ordinance (Demolition), time after time after time towns that do have a Demolition Ordinance base it on the City of Concord (they have become the model). Much of what we have done for Hooksett is based on the Concord model. We made minor adjustments, as Hooksett representatives felt were appropriate. Are there any questions? I would be glad to answer them.

J. Gryval: Are there any questions from the Board?

J. McHugh: I recognize this is still in the preliminary stages. In order for us (Hooksett) to get funds, how do we declare areas and not just the building? My house is going on many years, but I don't think it is historical. Say for example, the Village area.

D. Boutin: Madame Vice-Chair, you are a historical figure in Hooksett. It is a very good question. Exeter, for example, has designated area Hooksett doesn't have a designated area, but we can designate the whole town. This is just the first step with the Heritage Commission. They then need to do inventory work, and put the application together. Then it has to go in with a Town Council letter to the State historic/ Dept. of Cultural Resources. For the City of Concord and many other Towns, the historic year is 75 years. Some of our Commission members thought the 75 yrs. was appropriate and others thought the 50 yrs was appropriate. If you knock down three houses on your street to build a 36-unit apartment building, I am not sure any entity in Hooksett would think the three homes were historic. An example of a historic building in Hooksett is the old gas station on West River Road. That is why my number lowered from 75 yrs to 50 yrs.

R. Guay: When does the 49-day clock start?

D. Boutin: At the application.

R. Guay: How would you (Heritage Commission) be notified?

D. Boutin: The CEO would be required to notify the Heritage Commission. If there was a 500 sq ft building, at least 50 yrs old, that would kick in this process. If you read the legal counsel's letter, he suggested the Planning Board could adopt an amendment to the Development Regulations to provide for the review. Let's say there is a historic building on there site plan stating "demolish", if it is in the regulations, then it is OK to ask the applicant to go through the Demotion Ordinance.

R. Guay: 50 yrs is a little lite. I am more comfortable with 75 yrs. I am curious why there was a debate between 50 yrs and 75 yrs.

D. Boutin: There was a debate with some Commissioners. When you think of River Road, that was the some of the debate. The argument was about the building architecture, use, and what it represented to us as a community over the years. An example is Rte 66 in California. A lot of these types of buildings are from the 1950's and are preserved. I believe that there is a way to work out the issue and make everybody happy.

J. Gryval: Does anyone else have questions?

M. Sorel: Bart Mayer is stating to have a zoning amendment under RSA 674:21, Planning Board RSA 674:44 II (b) of the site plan regulations, and also RSA 674:36 II (b) of the subdivision regulations all done at the same time. You are comfortable with that?

D. Boutin: When I talked to Jo Ann, this process would be in cooperation with the Planning Dept. and CEO.

M. Sorel: Rather than a building code change, there are two ways you can go. Either a building code change or another ordinance.

D. Boutin: Either way would need to be adopted at a Town Meeting.

M. Sorel: And with the CEO.

J. McHugh: Funding from THE government, the \$15,000, how does it work? Can you deplete funds and apply again, or is it a one-time funding?

D. Boutin: Madame Vice-Chair this is a good question. The \$15,000 is the maximum you (Town) can get per year.

J. McHugh: In the Village, are people going to be competing for this money and someone will be out in the cold?

D. Boutin: For a multi-year project, similar to HUD loans, you may have a very good chance to get a multi-year scenario funding.

M. Sorel: My understanding is the funds are not available until the ordinance is in place. The earliest to pass the ordinance is May 2010.

J. Duffy: I am confused . . . adopt under zoning “innovative land use controls” or alternatively under the site plan regulations (refer to Bart Mayer letter dated April 21, 2009, 1st page 3rd paragraph).

D. Boutin: Adopt under the zoning amendment, and then under the development regulations. The police power can only be adopted. Legal counsel proposed the ordinance for police power pursuant to the NH Enabling Legislation. The zoning amendment would be acted upon by the Planning Board, then if the voters pass it, it becomes law. After the Town meeting (vote), then the site plan and subdivision regulations may passed (adopted) by the Planning Board.

J. McHugh: We would have that right, as a Board.

CONTINUED PUBLIC HEARINGS

- 2. BEAVER BROOK HEIGHTS – PHASING (#09-03)**
By-pass 28 & Jacob Ave., Map 48, Lot 26, AND Map 49, Lots 49 & 58
Amended phasing plan.

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

Scott Bussiere, Beaver Brook Development: Me, Dan and Jo Ann were talking about the vesting wording and trying to put it on the plan (phasing). They decided we should come here and talk about it. I wasn't here for the first meeting, but I understand. This wording "the project will be considered 100% vested pursuant to RSA 674:39 once all Phase I road improvements are constructed to binder course of pavement"; if I put 1 ½ million into the road, I consider it (project) vested. Their discussion was that I have to put up the bond for phase II to be vested. I feel these issues are being crossed over. If I put the road in and pave it (no one living there), then that job (project) is vested in my eyes. Dan, asked me, "Scott what if you sell a lot?", and I stated we could add the language on the plan "no transfer of lots or building permits issued until the bond for phase II is in place". A bond today at 3 1/2 million for phase II is hard to get these days. I don't want to bond phase II to be vested.

J. Duffy: Initially, we received the draft of vesting notes from Scott. We looked them over and made a few changes, and then had Bart review. Bart wanted additional language that if a portion of the road was built, and then the project stopped (i.e. bankrupt), there would be no surety in place to have the remainder of the road built. He (Bart) thought it should be tied into the rest of the project. Scott disagrees because he cannot get bonding for the remainder of the roadway due to the economy. We can make the approval conditional that on the plan the language "no transfer of land or building permits until the surety is posted for phase II". I am not so sure about this, and thought the Planning Board should discuss the vesting.

R. Guay: Scott is right. It is a really substantial investment of money. If the building permits are contingent of bonding phase II, I don't see how the Town is at risk. We can't lose, if he can't get a building permit until phase II is bonded. It could be another year before he needs a permit or a CO. I don't see why we have a hang-up with it.

J. Duffy: He will only be completing half of the road, and the he wants the whole project to be vested.

R. Guay: I don't have an issue with that.

M. Sorel: It is almost impossible to get a bond these days. The economy has almost shut down. I agree and hear what he is saying. He probably can't get a bond.

J. Gryval: I refer to Dale for the roadway.

D. Hemeon: We allow phasing. It isn't going to affect me, because there is no plowing ("no transfer of land or building permits until the surety is posted for phase II").

D. Tatem: It is not engineering or technical, it was just our idea not to transfer a lot. I think that Scott has offered to put a note on the plan (another safety note). We should bring Scott's note to Bart and see if he agrees it is OK ("no transfer of land or building permits until the surety is posted for phase II").

M. Sorel: What I think I heard Jo Ann say, is that the entire subdivision would be vested? If the phasing works for him and the Town, is that correct Jo Ann?

J. Duffy: Yes.

J. Gryval: 87-lots would be vested for one phase of the road being completed? I don't know about that one.

J. Duffy: You would be vesting the entire project (87 lots).

M. Sorel: We have a phasing ordinance.

J. Duffy: That phasing ordinance doesn't apply.

M. Sorel: If it did, would the entire project be vested?

J. Gryval: My understanding is the whole thing would be vested.

S. Bussiere: I have done subdivisions in Towns. Once you do phase I, the rest of the project is vested forever.

J. Duffy: You can either follow the RSA, or come up with an alternative. The Board said to come back with an alternative.

M. Sorel: May I express myself?

J. Gryval: Go ahead.

M. Sorel: The problem to be resolved, I am not comfortable to make a decision this evening.

J. Gryval: No, we are not voting on the vesting this evening. We will have to run this by Bart, unless I am overruled. Jo Ann, run that scenario by Bart. It seems that the Board does not have a problem with it.

S. Bussiere: Thank you.

J. Gryval: Jo Ann, can you run this by Bart?

J. Duffy: OK.

Open Public Hearing

No Comments.

CONTINUED TO MAY 18, 2009

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

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

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

J. Gryval: Is there anyone here from Ridgeback Self-Storage tonight? No, let's continue.

J. Duffy: Do you remember when this plan went to Stantec for review, and Stantec came up with 70+ items? Well we did get money (Stantec escrows), and the applicant has re-retained his engineer. She (Karen @ Brown Engineering) contacted me to get together with Dan and I. I have asked her for meeting dates a week and ½ ago. The 65-day deadline expires today, and this project has been going on forever.

J. Gryval: We can 1) let it laps and the applicant would have to reapply, or 2) continue it. Whatever the Board feels is appropriate. We should set a precedent that if an application is continued three times, then the applicant has to reapply.

M. Sorel: It is my understanding that the applicant has been before the ZBA recently.

D. Hemeon: When is our next meeting?

J. Duffy: May 18, 2009.

J. McHugh: I would grant them 30 days, and if they can't do it, it is only fair.

M. Sorel: Can we send it in writing?

J. McHugh motioned to extend the 65-day deadline to June 1, 2009. Seconded by M. Sorel.

Vote in favor. D. Hemeon and N. VanScoy opposed.

J. McHugh motioned to continue applicant to June 1, 2009. Seconded by M. Sorel. Vote unanimously in favor.

M. Sorel: I would like to have a motion for a certified letter on the issues with the applicant to bring it to their attention and cc: them the minutes from tonight's meeting.

J. Gryval: If they have enough invested into their project, they will address the issues and come to the meeting on June 1, 2009.

D. Hemeon: Were they ever notified?

J. Duffy: They were notified that their project was continued to this date.

J. Gryval: Sending them a letter, I don't know about that. Staff, do you think it is necessary?

J. Duffy: No.

CONTINUED TO JUNE 1, 2009.

4. WEBSTER WOODS PHASE II (#07-37)

Hooksett Road, Map 6, Lot 114

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

John Cronin, Attorney representing Miacomet Development: I am here to answer any questions you may have.

J. Gryval: There are a few issues that were outstanding. Is that correct on Webster Woods?

D. Tatem: As far as plan review yes, however I believe you guys (John Cronin and Phil LoChiatto) are here to talk about the slope erosion and stream drainage ditch between Bert Street for phase I. Also, while we were there (at the site for phase I erosion), it appeared 80% of the phase II roadway network had been cleared and there were stockpiles on the site. We met with Jo Ann on April 29, 2009. Jo Ann spoke with Mr. Zoti, and recommended they (applicant) speak with you tonight.

Phil LoChiatto, Project Manager: We were asked to be here tonight.

J. Duffy: I sent an e-mail to Peter on the 23rd of April; you should have it in your packet. His answer is on the top section of the e-mail.

J. Cronin: The roads were roughed going into the 1980s. The Building Commissioner (CEO) was at the site and meeting (April 29, 2009). He said there was no work improperly completed for phase II. I know the Board is reading an e-mail or other documents in your file. Typically in these issues, I request the Board that if Peter or Stantec says something was done wrong, they do it in writing, so we can evaluate and respond. Mr. Tatem and Ms. Duffy have documents. In the 25 yrs doing this, I research and come back to the Planning Board on an informed basis. Any work from this point forward for phase II will not happen, and nothing is happening going forward. I ask for a written explanation.

D. Tatem: Stantec’s letter dated April 20, 2009, you (owner/applicant) were cc’d.

J. Cronin: I don’t know what that letter is. It is not before me. I would like the information to advise my client appropriately.

R. Guay: We have some concerned residents in the audience. Maybe we should take there input and resume this discussion.

J. Cronin: Whatever you feel is appropriate.

J. Gryval: We will get you copies of everything we have and continue this to June 1, 2009.

J. Cronin: It is alleged work was done on the site inappropriately. I would like it before me to know what the scope is. If they are deminimous things, I don't want to bore the Board.

J. Duffy: Dan, Rene, and Dale went out about a week or so ago for the erosion (phase I). While they were out there, they saw stockpiles for phase II. He gave the e-mail you have tonight. Dan and I went out this afternoon, and we have several photographs on how the work has increased over the past year. The major work done is clearing, stockpiling, and there is a silt fencing that just went up. Dan has photos we would like to show you.

J. McHugh: You said work was already approved? Approval wasn't given to phase II? How can this be done. You are not disputing it?

J. Cronin: I am not taking any position. I would like to know what the complaint is and have it in writing. Mr. Hemeon is here, these other folks you are talking about is hearsay. Something in writing stating "Miacomet, you did 1,2,3,4,5 inappropriately". Then, we could review and prepare a defense.

J. Gryval: That is why I gave you the option to continue it.

D. Hemeon: For clarification, I didn't do a site walk. I went to the site to address the Bert St. complaints only.

Open Public Hearing

J. Gryval: We will get you the information and continue you to June 1, 2009.

J. Cronin: Nothing elaborate, just something to state what is wrong. I see a whole bunch of other information. I can have a meeting with Dan and Jo Ann to tailor that.

J. Duffy: I had a meeting with applicant (April 29, 2009). He stated work was done a few years ago, and nothing has been done recently. The photos show differently. I would prefer the applicant come in and speak with the Board directly. Bonds are typically set in place when the project is approved. I think the Bond for this project should be set now, before the phase II decision.

J. McHugh: Attorney Cronin made a statement that he doesn't understand it that way. This is not the place for that discussion.

J. Cronin: We will try to work it out, or have a recommendation to work it out.

D. Hemeon: Years ago (Dan), sewer and water pipes were put in this area. I think it wise you speak with the Sewer and Water Departments, so they won't be held for that.

J. Duffy: John (Gryval), are you going to let Dan explain his photos?

J. Gryval: Yes (audience members moved up to view photos).

D. Tatem: Pointed out areas on the photos to include but not limited to: Bert St and phase I of the site plan, the gully with the sewer and water easement to Country Woods condominiums, stockpiles from phase I that are from several years ago with grass now growing out of them, phase II area recently cleared, grubbed, and stumped. Our letter clearly states work has been done in phase II.

J. Duffy: As a result, they should post their bonds now, rather than wait for the pre-construction meeting for phase II.

D. Tatem: There is also a wetland looking grass area with silt. This should be looked into to determine the wetlands. On April 19, 2009, I went to the site and saw one piece of old silt fence. Today Jo Ann and I went to the site and there is new silt fence.

J. Duffy: The problem is with the erosion control. Stantec recommends a Geotech research. I conveyed this to them (applicant), when I sat down with them the other day.

D. Tatem: Both of those issues are in my letter dated April 20, 2009.

M. Sorel: Where is the erosion control?

D. Tatem: All of it.

M. Sorel: And the gully?

D. Tatem: There is the issue with the ravine washing into the roadway. Now there is some silt fence. The issue is for the bond of phase II. Bert St. erosion is in phase I.

M. Sorel: Obviously they are doing work in phase II.

J. Duffy: What they (applicant) are saying is it (work in phase II) is work down a few years ago.

D. Hemeon: That is why I think you should talk with the Sewer and Water Depts. They can document what was done. American Excavation has completed work on this site; speak with them for their scope of work.

J. Duffy: They (applicant) said that in 1988 the site owner was selling sand into the early 1990s. Then the sewer line; Amy from Stantec made them replace the sewer line. Now it is graded off. Dick Marshall was the Planning Board Chair at the time and was aware of the \$120,000 site restoration work for the project. I did find a bond for \$110,000 for roads, sewer and water. They said a year ago the site was cleaned up with erosion control and mulch. Peter walked the site and thought everything was under control. We called Dan and he said

the site is a potential hazard due to units separating from the slopes. Dan had indicated at a previous meeting (Board) that there should at least be space for lawn mower (between the units and the slope), and he is not sure if there is. The site is eroding near the ravine area. We talked about putting riprap in place. Once the project is brought into compliance, we talked about additional escrows. Dan told him there was no silt fencing in place. They said there was. The silt fencing was just put in the past couple of days. I thought they (applicant and his Attorney) would want to state their case tonight, but they didn't seem they wanted to do that.

J. Gryval: We will get him the information, and bond by June 1, 2009.

M. Sorel: Will the photos go to the Chair (2 sets)?

D. Tatem: Yes.

J. Gryval: You were going to talk to Bart about the erosion in phase I? I don't think we will get a better time than this.

M. Sorel: The conversation at the last meeting, Yervant asked if the phase II condo docs are for the whole project.

J. Gryval: Do they hold specifics to phase I?

M. Sorel: If the condo docs cover both phase I & II, then maybe there is something the Board can do for the erosion in phase I.

J. Duffy: I have only seen the phase I condo docs, and it includes language for expandable land for phase II.

J. Gryval: Will you ask Bart if we can do something for the phase I erosion? How do you feel about that Jo Ann.

J. Duffy: I am OK with that (asking Bart).

Open Public Hearing

Jerry Ouellette, 11 Dogwood Drive: Where exactly is the erosion you are talking about?

D. Tatem: 31 Webster Woods in phase I, to the left of the gate it is eroding on both sides.

D. Hemeon: The ravine behind the two houses, just past the gate, the big ravine washed out behind those two houses. It affects 3 or 4 houses.

J. Ouellette: So there is also erosion behind units 30 & 32?

D. Tatem: Yes.

J. Gryval: There are no further comments from the public tonight, we will continue to

June 1, 2009.

*N. VanScoy motioned to continue applicant to June 1, 2009. Seconded by J. McHugh
Vote unanimously in favor.*

CONTINUED TO JUNE 1, 2009.

OTHER BUSINESS

Economic Revitalization Zones

J. Gryval: There is a Town Council Meeting on Wednesday, May 27, 2009, and the Planning Board is invited to attend.

J. Duffy: The Economic Development Committee (EDC) is in the process of applying to the State for five different areas in Town to designate as Economic Development (ED) zones. Before they can do that, they want the Planning Board's and Town Council input and approval. Rather than setting up a separate meeting, the Planning Board and EDC can go to the May 27, 2009 Town Council meeting. ED areas in Hooksett include: Exits 11& 10, a portion south of By-pass 28 near the Town line, China Dragon and the areas across the street (Quonset hut), and industrial valley where Lehoux Drive is. They choose the ED areas based on certain criteria. They have a meeting with DRED to qualify. If designated ED zoning, they get tax breaks from business enterprise from the State of NH. It is an incentive to reap some benefits from the EZ zones. There is really nothing that would harm Town taxes. It is a State designation. You are all invited to the May 27, 2009 Town Council meeting @ 7pm for the discussion on EZ zones.

J. McHugh: John and I are attending the Town Council meeting on May 27, 2009 @ 6:30pm to provide Planning Board updates to the Council.

N. VanScoy: Rte 3 further up where the old hotels are, are these areas considered as a ED zone or was there a reason if not?

J. Duffy: It wasn't in the areas originally that we looked at. I can't tell you off the top of my head why. The ED zones are not etched in stone.

D. Hemeon: China Dragon, those lots there were never developed, because there is only a 6-inch water main. It is too costly to upgrade the water main to the bridge. Now there is a 12-inch water main at University Heights and the 55+ projects. Maybe we could talk to the water department on upgrading (China Dragon area). I don't know if there are any grants. Someone was interested in the China Dragon site years ago for a proposed restaurant or strip mall, however it was very, very costly to upgrade the water main. I know it is the communities that give something for infrastructure. It would help if the Village Water District could upgrade.

Town Administrator Status

D. Hemeon: Nancy, are we any closer to having a Town Administrator?

N. VanScoy: I can tell you there has been an offer made to the candidate, and it is under negotiation.

Jensen's Appeal of Administrative Decision

J. Gryval: Did we get anywhere with Jensen's compliance with the ADA units?

J. Duffy: There are eight (8) remaining units at Jensen's. Those would all have to be ADA compliant. They have applied and appealed to the ZBA for the administrative decision. They are continued to the May 2009 ZBA. If they (ZBA) do approve this (remaining 8 units not having to be ADA compliant), this will set a bad precedent.

J. McHugh: It would play havoc not to have Jensen's comply with the ADA units.

M. Sorel: I was at that ZBA meeting, as your representative to the Conservation Commission, for Austin Woods. The applicant wanted to argue the administrative decision and variance at the same time, and the ZBA Chair said "no". The applicant said they are one in the same, and wanted to argue them together. Chris Pearson said "no". The applicant wanted to be continued to the next ZBA meeting. If he wins the first one? I don't know if the Planning Board has an opinion. They want a variance.

J. Gryval: We normally don't comment on those unless we are asked to by the ZBA. Anymore questions on that one?

M. Sorel: We don't have a position on ADA requirements?

J. Gryval: ADA has to be 10%.

J. McHugh: The applicant has to follow the regulations.

J. Gryval: That is why they have a ZBA.

J. McHugh: This could set a precedent (if ZBA approves the remaining 8 units not having to be ADA compliant).

J. Duffy: I don't know this for a fact, however they (Jensen's) claim in the beginning, no one told them to be ADA compliant. I don't think we have to tell each applicant every detail in the regulations. There was a suggestion made to have the applicant have the ADA requirement noted on the plan (10% of units will be ADA compliant, and if possible, even list the specific units that will be ADA compliant).

D. Tatem: Harmony Place has designated their ADA units on their plan.

R. Guay: It is not that hard to make a unit ADA compliant (provided ADA compliant criteria, to include but not limited to, doorway widths, ramps, etc.)

D. Tatem: Doesn't there have to be lower toilets or anything for the bathrooms?

R. Guay: Same height toilets, you just need rails.

AV Hooksett – Parking Lot Expansion

J. Duffy: The applicant originally came before the Board with their site plan noting that if the second parking lot is needed, they would come back before the Board. They did come back for the second parking lot and that amended site plan noted that parking lot would be loam and seeded. You should all have a plan in front of you. The applicant is to level the top area for snow storage. It is currently at a 2:1 slope. Now they could either 1) leave the riprap (it already has material underneath for weeding), and plant creeping Junipers, or 2) remove the riprap and put loam and seed, but because of the 2:1 slope, no lawn mower could access and the area will most likely grow up wild looking. It might be better to leave the riprap and plant creeping juniper. Dan said the slope is OK either way. It was supposed to be a 3:1 slope, and it is now a 2:1 slope. Another problem is the landscaping plan. Instead of trees along the bottom, they want to add shrubbery. They have also changed some landscaping material, because the Central Hooksett Water Precinct (CHWP) will not allow irrigation. The landscape plan needed water, now they have to change to plants that survive without irrigation. They plan on moving into the building on May 15, 2009, and have their grand opening on May 29, 2009.

J. Duffy: I just want to see if the Board is OK with the 2:1 slope with riprap vs. 3:1 slope with loam and seed.

D. Hemeon: Go with the riprap and don't change slope (leave 2:1).

J. Duffy: Snow storage, 2:1 slope, riprap, and planting of creeping Junipers.

M. Sorel: Clarification on the location on the site?

J. Gryval: The parking lot on the south side.

J. Duffy: The future parking lot.

SNHU House Move (Morrissey House & Ford Property)

J. Duffy: Impact fees for the SNHU house that was moved (Morrissey House) to build the dining facility. The Ford property has changed use from residential to office. They said people were working there already on campus, and now they are just moving from one space to another. When I asked about the former space (Ford property), they did not know who was going into that property. There are \$7,198.00 total impact fees (roadways: $\$1.54 \times 2,950 \text{ sf} = \$4,543$; public safety: $.90 \times 2,950 \text{ sf} = \$2,655 = \text{Total } \$7,198.00$) for the additional building. They feel they shouldn't have to pay that, because it was an existing office and they are relocating employees; not adding any employees. They said they do a lot of things for the Town (i.e. help maintain the road for snow removal, and also have agreed to maintain the signal lights).

J. Gryval: How does the Board feel about it?

J. Duffy: Originally, the impact fees were \$16,010 for 6,562 sq ft for both buildings (Morrissey House and Ford property). The Morrissey House moved for the new dining hall. Bob Vachon (SNHU Director of Facilities Management) said “no impact fee should be assessed”. The Ford property is 2,950 sq ft. Bob said the “the impact fees assessed are excessive. We help maintain the road for snow removal, and also have agreed to maintain the signal lights”. I looked at it again, taking into consideration the relocated house (Morrissey) moving from one place to another and already using it for an office, and the Ford property changing use from residential to commercial. Now he (Bob) is now saying he has no idea who is going into the Ford property.

McHugh: Certainly won't revert back to residential

J. Duffy: What happens with the space they are losing from the other building? Then he went into an arrangement with Dale, they plow the road?

D. Hemeon: I didn't ask them (SNHU) to plow the road, and it is their signal lights.

J. Gryval: They (SNHU) can take it up with the Town Council.

M. Sorel: Back to AV Hooksett, don't touch the 3:1 slope and have groundcover?

J. Duffy: The slope is 2:1 right now, and plan said 3:1. They will have snow storage, keep the 2:1 slope, have riprap, and plantings of creeping Junipers.

CIP Committee

J. Gryval: I would like to here what the CIP Committee has to say. I will tell you what we can do. The CIP Committee can provide us all the material in advance. That would save us a lot of time. We can have them (CIP Committee) make a presentation to the Board. They can get on a Board agenda that is not to full. It (presentation) should take no more than ½ hr or so.

M. Sorel: Do you want me to contact Rob Duhaime, he is the CIP Committee Chairman?

J. Gryval: I will contact Rob. I hate to spend too much going over the concerns, but I know it is important.

M. Sorel: They are suggestions, not concerns.

J. McHugh: It was the understanding that evening that the CIP Committee would be heard first. Then, there were too many people out in the audience. It wasn't until 10:30pm when we started to hear the CIP Committee. Then we were going to start going over every little thing about the CIP Committee. When that committee comes in, they can deal with the issues.

M. Sorel: It was the CIP Chairman's idea to do a self-audit. When we started doing the self-audit, it was a long meeting and it is in the minutes of January 26, 2009. A lot of this information, someone was doing along of reading, I was not the only one. There was a lot of data and we did not think we met some of the statutory requirements. We did not check in with the Master Plan. Some members on the CIP did not even know about the Master Plan. Several things that struck me when I read the guidelines from other agencies that give us guidance, is that they really talk about water and sewer expansions as part of the CIP Program. For years, we haven't wanted to invest in our community for some of the infrastructure for what we really need to get an industrial park. It can be part of the CIP program. It can be, it is in the statute.

J. Gryval: We have what you previously sent us. If you have anything else in addition, provide it to us.

D. Hemeon: Not to be mean, it is laughable. The Town Council needs to understand what the CIP is all about. An example is the CIP Committee wants 1 million, and the Council cuts it to \$500,000.

J. McHugh: The CIP doesn't take into consideration the Master Plan. Who makes those suggestions as to whether it is incorporated?

M. Sorel: It is a statutory requirement.

D. Hemeon: It comes down to the Town Council making what budget they want to make.

J. Gryval: We are not all on the same page. I worked on it (CIP) for several years, and it is a rushed process. Can departments get their information to the CIP sooner?

D. Hemeon: As a department head, I can't get it to the CIP Committee until the Finance Dept. gets their packets out. Maybe once we have a new Town Administrator, we can look at that timeframe.

J. McHugh: There was a question you had that when the CIP makes their recommendation, can the Planning Board change it?

D. Hemeon: It is a 10 yr plan. I am so far behind, and would have to start fresh for a 6 yr plan. There have been 3 or 4 default budgets in a row. It is hard to explain to them why we are behind.

J. Gryval: We can't get it (CIP) started so early that it is confusing to the departments.

J. McHugh: The CIP Committee will go over this.

J. Gryval: We can have them (CIP Committee) make a presentation to the Board. They can get on a Board agenda that is not to full.

***D. Hemeon motioned to adjourn at 8:50pm. Seconded by N. VanScoy.
Vote unanimously in favor.***

ADJOURNMENT

Chair J. Gryval declared the meeting adjourned at 8:50pm. The next Planning Board Meeting is Monday, May 18, 2009, at the Hooksett Town Hall Chambers @ 7:00pm.

Respectfully submitted,

Donna J. Fitzpatrick
Planning Coordinator