

Official
As of 06/15/09

HOOKSETT PLANNING BOARD
MEETING MINUTES
HOOKSETT MUNICIPAL BUILDING
Monday, June 1, 2009

CALLED TO ORDER

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

ATTENDANCE

Chairman J. Gryval, Vice-Chair J. McHugh, D. Dreffs, D. Hemeon, D. Marshall, R. Duhaime, Y. Nahikian, R. Guay, and Town Council Rep.

N. VanScoy.

Excused: Interim Town Administrator, C. Granfield, B. Ehlers, and M. Sorel.

Stantec Engineer, Dan Tatem, representing the Town of Hooksett.

J. Gryval: D. Marshall will be a voting member this evening in the place of M. Sorel.

APPROVAL OF MINUTES OF 05/18/09

N. VanScoy motioned to approve the minutes of 05/18/09. Seconded by R. Duhaime. Vote in favor. J. McHugh, and R. Guay abstain.

DISCUSSION

- JENSEN'S, INC. – Brookridge (plan #04-50)**
Kristian Jensen, III, President Jensen's Inc., and Granite State Independent Living (GSIL)
3 Mailhouse Road, Map 19, Lot 4-1
Alternative design for 10% ADA requirement: "the remaining 8 units in your 91 unit 'older persons' [over 55] must meet Article 7 section 3.f in that 10% of the dwelling units meet Americans with Disabilities Act requirement for accessibility. Variance from Article 7 Section B.3.f which states within any elderly or older person housing developments, a minimum of ten (10) percent of the dwelling units shall be compliant with the requirements of the American with Disabilities Act (ADA).

Bill (William) Tanguay, Attorney at McNeill, Taylor, & Gallo: I am representing Jensen's, Inc. We have been before the ZBA for a special exception and a variance for the 10% of ADA housing compliance. We sought a variance. The ZBA wanted the Planning Boards input. We are here to tell you about the ADA requirements and the

Easing Living Homes requirements. Sara Denoncourt, Housing Program Manager at Granite State Independent Living (GSIL), will present Easy Living Homes.

S. Denoncourt: Hello, I am the Housing Program Manager at GSIL. I am here to educate you on a program available in NH. I am not here to speak on any other matters. As a coalition member, I am not in favor or opposed to this project. Thank you for letting me come, and thank you for putting me on the agenda so early. Easy Living Homes is voluntary accessible housing in NH and throughout the Country. It started in GA through the government and advocates. The goal is to expand accessibility at basic levels. It has cost effective features and it distills what makes a home accessible. The way the program works is the builder receives a list of specifications to incorporate into a new home. When the home is complete, members of the Easy Living coalition do an inspection to assure the house meets the Easy Living criteria. Assuming the house meets the requirements, then the builder receives a certification for that home and the buyer knows it meets the basic accessible features. It started in GA, however GA wants it to be nationwide. But they cannot come to NH to inspect (from GA). There are companies nationwide who do the inspections. There are now seven (7) states nationwide with the Easy Living option. Green building certifications, you hear more and more about building an aging place through their changes of life. There are basic accessibility features that can then be adapted to meet the homeowner or visitor. In your packets, Easy Living Home, there is at least one step-free entrance; often done in a garage and incorporated into the landscaping. The goal of the house is to look like any other house; no stigma of a ramp up to the front. It is done at the onset into the landscaping. It also has an easy passage: exterior door has a step free entrance (32 inches of clear passage space and interior first floor doorways), and one full bathroom with sufficient maneuvering space. On a personal note, I live in a very old house. We work with people with wheelchairs, power accessories, and I would not be able to invite them to my home for dinner. The coalition has been active for 4 yrs, and is hoping to increase "invisibility". The construction guidelines incorporate the essential elements at a most cost effective way. It is easier than retrofitting later. These retrofits would be most costly if changed later. I am trying to be brief, because I know you guys just slid us into the agenda. This is pretty much what I wanted to cover. I do think that it is a good option, and I would really like to thank you all for thinking you all for thinking about accessibility and figure out how to make this work best in your community. I would love it if you have any questions for me.

J. McHugh: I know this is for ADA accessibility. Does the coalition have any guidelines with regard to handicapped that are rolled into this or is it a separate issue entirely?

S. Denoncourt: The ADA is actually a separate regulation. What this does is take the core elements of the ADA and incorporates it in. The Easy Living Home does not meet the full accessibility per the ADA. There are ADA experts and I am not going to try to be one of them. There is a coalition list in your packets. Maureen Stimpson, on the Governor's Commission on Disability, is one of the ADA experts. She would be a good resource for you. I can say that an examples, the ADA would require in a bathroom that there be 5 ft of maneuvering space. Our standards require there be sufficient maneuvering space.

D. Marshall: You are discussing the difference between your standards and ADA. I guess the rest of my questions will rest with Jensen.

S. Denoncourt: If the ADA does actually apply to single-family homes? I am not the expert on it, but this could be something to exam.

J. Gryval: Is the Easy Living Home considered handicapped?

S. Denoncourt: It is Easy Living.

J. Gryval: It is semantics for accessible home.

R. Duhaime: Maneuverability is not defined.

S. Denoncourt: Our checklist does define maneuverability. We do have to go in a measure for a rectangular space in front of a commode and in front of various fixtures to make sure there is enough space.

R. Duhaime: Door handles with levers are easier for someone with a handicap to grab.

S. Denoncourt: It is not a requirement of Easy Living, but highly encouraged.

J. Gryval: Are there any existing Easy Living Homes in that development (Jensen)?

S. Denoncourt: Development in NH, I believe there is one home completed. It has only been around for about 3 yrs and that one was designed to meet these standards. That is actually up in Boscawen.

Y. Nahikian: So what is the point of not complying entirely with ADA and building substandard?

S. Denoncourt: I am going to have to say that is probably a question for Jensens. I am specific to the Easy Living program. Thank you very much.

J. Gryval: Is there anyone here from Jensens tonight?

B. Tanguay: I am Bill Tanguay again, and this is Kris Jensen. One of the questions that you are asking, there is a sheet that she gave you called construction guidelines for Easy Living and when you get to the middle portion it talks about sufficient maneuvering space for bathrooms. It talks about a rectangular space no less than 30" x 48" adjacent to tubs, showers, commodes, and sinks. So that in every place where you are talking about a sink or a bathtub or anything in the bathroom or anything in the kitchen, has to have this clear unobstructed space in front of it of that size. We were before the ZBA, the ZBA has the Zoning Ordinance and the Zoning Ordinance says 10% of the homes have to be ADA. We believe that ADA is really not, while it sounds nice and is an attractive

goal, it doesn't fit in a single-family freestanding building community. It works fine if you build a 48-unit condominium project and they are all going to get built at once, and they are all going to get built on one building permit. And the building gets built, and the builder says OK these are my ADA units and if you want to look at those are part of the inventory you can, and if you are not interested in that you can look at something else. That isn't the way that the Jensen's project works. Jensens sells manufactured housing that comes on demand. So people come and they say "we would like to buy a home in your community", and Jensens says "this is the kinds of things we offer". If a customer came and says "we would like to have an ADA home", Jensens would be glad to do it. But as I am going to explain to you in a little bit, it is going to be about a \$10,000 extra cost to make the house ADA compliant. In the example that I am going to give you, not only is it going to cost them \$10,000 more, lose a bathroom. So instead of a 2-bathroom house, it will become a 1-bathroom house. They are going to lose a breakfast nook, and lose part of their utility area. And all that comes about because ADA wants a 5 ft turning radius in front of all these various facilities. Furthermore in an ADA home, you need to be able to have a wheelchair such that it can pull up underneath all of these sinks and all of these commodes, etc. What ends up happening is you end up losing all of that space, cupboard space or cabinet space. So, no one is looking at Jensens for an ADA home. Jensens has facilities up and down the east coast and they have never had a request for an ADA home. We went to the builder who builds the homes for Jensens, and they didn't do any thorough search, but they said it has been at least 3 yrs. since anybody has asked for one and since we have built one. If anybody came to Jensens and said "we would like and ADA home", they would be glad to provide it. Or if they came to Jensens and said "we would like to have this feature or that feature", Jensens can provide it. But to simply say that you got to go out and get 10% of your homes and make them ADA compliant, doesn't make a whole lot of sense for the product that they are selling. Rather, Jensens when they became aware of this situation, and I am not blaming the Town, but Jensens was not aware of this circumstance. And I am not blaming the Town, it is Jensens responsibility to become aware of it. When they did become aware of it, they started looking into alternatives; what else could we do. How else can we meet the spirit of the ADA, but without making our customers spend \$10,000 more than they want to spend, for a house that has a bathroom less than they want to have, for a kitchen that doesn't have any cabinets or closets, and just not going to be what the people want, or what the people are going to be able to sell when they get out. So, Easy Living was something that they became, that they learned about, that they became interested in, that they learned some more about, and so we went to the ZBA and said "this is what we would like to do instead". Now, I read your Planning Board minutes of a couple of meetings that you had, and you know, one of the comments was made that "it is not hard to make a home ADA compliant to include such things as doorway widths and ramps". Well, if we are talking about doorway widths and ramps, that's easy. We do better than ramps. There aren't going to be any ramps in these homes. They are going to be completely accessible from the street, so there won't need to be a ramp. Everybody is going to have direct access into the house, without the necessity of a ramp and without the necessity of the steps. And if you are talking about doorway widths, we have met all the doorway widths requirements. Let me give you a little bit of information about ADA. The ADA requirement, when you go and get the ADA's requirements, they come in a code of

Federal, as part of the Code of Federal Regulations. It is 92 pages in length. Distributed Page 1 of the requirements to the Board. Read the 1. Purpose from the handout (see handout for details). It says “guidelines”, not that you have to meet every requirement. The ADA was never designed to deal with individual homes, or freestanding individual homes. Rather it was for public accommodations or commercial facilities, but not residential. On the other side of the handout is section 2.2 Equivalent Facilitation read out loud (see handout for details). Before an occupancy permit is issued, the home must be certified to meet the Easy Living standards that Sarah has talked to you about. You can meet ADA without meeting all 92 pgs, but something equivalent. We believe, it is our job to convince the ZBA, that we are doing usability. I have some further materials; distributed to the Board. Here is what a standard home that Jensen builds, here is what an ADA home would look like, and here is what an Easy Living Home will look like. The first sheet, Pinkham Floor Plan, is the standard that Jensen offers in their homes. What you have to the left is an ADA compliant home (ADA ramp and traditional step), and on the right is the standard Pinkham II. Page 2 is the ADA compliant and traditional. Compared the two and you will see what the ADA compliant home would lose. The traditional home provides the maneuverability that Sarah talked about, but not the ADA requirement. The bottom line, you are giving up a considerable amount of morning room, a bathroom, and cabinetry plus the additional cost of \$10,000 to make ADA compliant. The 3rd sheet, Franconia Floor Plan, has the Easy Living concept. You don't lose components with Easy Living. I am not an Easy Living expert, but when I think ADA I think ramps. The last two pages, shows ADA and accessible kitchens and bathrooms. The ADA notion that homes should be accessible is a good idea, but 10%? . . . but we think Easy Living will accomplish that and not cost an additional \$10,000. The call here comes from the ZBA, and I know there were Planning Board minutes previously that were not in favor of waiving the 10% ADA. This won't be a problem setting a precedent. They are freestanding buildings. Homes are bought one at a time by customers. Jensen may incorporate Easy Living in most of their homes (vs. just 10% ADA). We think what this does is it meets what you would want an ADA home to be; meeting the spirit of it. Ultimately the ZBA decides. At the moment, there are no Easy Living Homes at Jensen's Park. They are willing to make the last eight (8) homes Easy Living. If the ZBA grants the Easy Living, there will be no CO issued until the full certification by the Easy Living Home coalition, in the way Sarah described to you.

D. Marshall: Mr. Jensen, how could you have missed this requirement from day one, when you signed the acknowledgement from day one? Now you are thrashing around at the last minute, and now you don't want to comply?

Kristian Jensen, III, President Jensen's Inc.: It is an embarrassment to us at this point, if we would have known about this up front, we would have asked for a waiver. MS&G owned the site. Then May passed, we came in August and our application was approved the next month. I don't know how it got missed, but it got missed. It is now that there are eight (8) homes left.

D. Marshall: Although MS&G owned the site, you were the applicant.

K. Jensen: We did not intentionally ignore it (10% ADA).

J. McHugh: In your presentation, in order to do this, you are talking about \$10,000 in additional costs plus they would be losing a lot of this (components). I find that a little bit difficult to understand. They are tradeoffs. I don't think for units you have built, that there isn't someone who wanted something tweaked a little bit in their plan. I don't quite understand that or accept that; it is just trading off the units that are designed. I don't quite accept that.

K. Jensen: Over 30 yrs with Jensens, you would think we would have fully acceptable ADA homes. We get asked periodically for certain enhancements, but not for a full ADA home. I have never built a fully acceptable home (ADA). It is a frustration of ours. We should be selling more. As far as the money, it does cost more to build an acceptable (ADA) house.

R. Guay: One thing to look at here is what was the intent to put the 10% ADA requirement in our regulations? The benchmark for ADA compliance is for the handicapped. Over 25 yrs of building houses, we have never had a request for full ADA housing. He (Jensen) is absolutely right. We have built a couple thousand homes, none that are full ADA compliant. I think the Easy Living standards meet our intent of what we put in our regulations. We are getting what we really wanted, accessibility. I don't have an issue with that.

Y. Nahikian: The sketch on the first page, I like the intention of this project to facilitate the use of the existing homes. For new construction, you are not going to build a split-level and make it accessible. Of course, you will build a home that you don't need a ramp. Coming to the third page, where the homes you propose are down \$7,000. The word accessibility is too broad and general. For the handicapped in wheelchairs, I don't know how you could use the door (pushing the door outside - 12 inches). The sketches are good to make life easier, but they cannot take the place of the handicapped in wheelchairs for accessibility. If handicapped built, you should build with ADA requirements.

K. Jensen: In the first two pictures, they are manufactured houses with a unified frame system. The bottom of the house to the threshold is 20 inches for ventilation. There are 4-5 steps to get up to the front porch. This is how we build to date. For the Easy Living Homes, we would work with the manufacturer to dig into the front part of house for ventilation. If there is one good thing that came out of this, we discovered Easy Living Homes.

D. Dreffs: For someone who needs a home, whether Easy Living or ADA, is their monetary assistance available to them Sarah?

S. Denoncourt: At this point, the cost is up to the buyer. There are some programs, depending on income. NHHFA provides up to \$15,000 for certain accessibilities. There

needs to be someone to support the mortgage and other costs on their own. Does that answer your questions?

D. Dreffs: The extra \$10,000 price tag, is there financing?

D. Marshall: For the Board's recommendation to the ZBA that they are in agreement that the eight (8) remaining units are built per the Easy Living Homes criteria, are there specifics? You mentioned a checklist? Do all the checklist items would have to be requested.

S. Denoncourt: I would be glad to e-mail Donna the checklist to get to the Board.

D. Marshall: And submit plans to our CEO to look at.

B. Tanguay: I don't know what the CEO would like at for standards.

D. Marshall: The Easy Living Home checklist vs. the actual plan.

R. Duhaime: ADA was created by the Federal Government for non-discrimination of people in wheelchairs. The extra costs may discourage people from purchasing through Jensens. We are allowing them to be built (ADA). You are setting a precedent. I don't want to be the one to say I discriminate against the handicapped. We are not to tweak it (ADA). They are technical things they (ADA) wanted in the first place; that is why. For Easy Living Homes, it is presumptuous that people in wheelchairs can live in these homes.

K. Jensen: We are not turning away people in wheelchairs.

R. Duhaime: At least one unit should be ADA compliant, so they would have some place to move into.

B. Tanguay: If a house is ADA compliant, there is no reason to say that one would be available.

R. Duhaime: You don't want to put in ADA. You want Easy Living Homes.

K. Jensen: We want to sell what people want to buy.

J. Gryval: I have done a lot of research on this. The site on the net is informing. I worked with ADA for five (5) years. I think we do have a problem with the way our ordinance was written. ADA does not apply to single family housing under any circumstances. Our ordinance says requirements, and should be changed to guidelines. There are no existing homes in that complex that are Easy Living now.

K. Jensen: We have not built an Easy Living Home yet sir.

J. Gryval: Easy Living is handicapped? Are all these homes going to be built in one area?

K. Jensen: They are spread out in the last phase.

J. Gryval: We wouldn't want to be accused of segregating (separating in one area).

K. Jensen: I think you will find the homes blend in well. There are three (3) phases in Brookridge. Eight (8) of the designated homes are in phase three (3). If we would have addressed this sooner, we could have spread them out in phases 1 & 2. As I said, we worked with this for 5 yrs. It is up to the Board.

R. Duhaime: Maureen Stimpson, can we get something from her from the State?

B. Tanguay: Maureen came to the first ZBA meeting, but it got postponed. She is a member of the coalition. The goal is to expand availability of accessible homes. She can come as a member.

R. Duhaime: We don't have anything from the Disabilities Council that they are backing this up.

J. Gryval: It depends if you ask Maureen as an Easy Living Home's coalition member, or as the Governor's Commission on Disability.

J. McHugh: Nancy was before me to ask her question.

N. VanScoy: I am fairly new to looking at these things. The 3' door in the Easy Living Home, there is no way to get to the 3' door unless you get through the 2' 10" door. What good is the 3' door? Easy Living doors for the bathrooms and laundry room takes out the natural closets and the bathroom is very small.

D. Marshall motioned for a letter to the ZBA that Jensen's and GSIL met with the Planning Board, and if the ZBA decides to grant the variance for the building permits for 8 units to be in compliance with Easy Living Home requirements, that the CEO is to get a copy of the Easy Living Home checklist and plans to assure the plans are in compliance with the checklist. In that case, the Planning Board would be in favor of the lesser standard accessibility. Seconded by R. Duhaime.

J. McHugh: Question for the Board, I would feel more comfortable if Bart Mayer reviewed this (Elderly and Older Person Housing).

R. Duhaime: If we approve this, would all other communities come in for a variance?

J. Gryval: If it is not a single family home, then ADA could apply.

S. Denoncourt: I am not an ADA expert.

J. McHugh: That is why I would like Bart to review it.

D. Tatem: My comments, I am not as versed with ADA as you are Mr. Chair. For the term to hold in the regulations, I don't think there is any reason why a Town can't say we want it to meet our regulations. The substantially equivalent thing, Bart could review ADA vs. the Easy Living list. The Board may want to take some of the ADA requirements, and some of the Easy Living requirements (i.e. TV jacks, phone receptacles, etc.) Reach a compromise that is palatable to both parties. There are two (2) age restricted housing, both condo and apartment style. Someone on the Board, not here tonight, had a friend who was looking for ADA accessible housing in Hooksett and couldn't find one. \$5,000-7,000 is more realistic vs. \$10,000 for upgrades; \$3,500 for the exterior. Like Joanne said, you are trading off (i.e. move deck there, so move the stairs, etc.). I think the numbers should be looked at more closely.

J. Gryval: Before the motion, I said we should get Bart's opinion

D. Marshall withdraws his above motion. Seconded by R. Duhaime.

J. McHugh motioned:

- 1) to send a letter to the Town Attorney to ask him to:***
 - a) review the Easy Living Home requirements (packet and checklist to be submitted with letter) vs. the ADA requirements to advise the Planning Board if they are substantially the same***
 - b) determine if the Easy Living Home requirements meet the spirit of Hooksett's Zoning Ordinance Article 7 Elderly, Older Person, and Handicapped Housing section B.3.f "Within any elderly or older person housing developments, a minimum of ten (10) percent of the dwelling units shall be compliant with the requirements of the Americans with Disabilities Act (ADA)."***
 - c) Town Attorney to also advise on this inquiry: To the Planning Board's knowledge, ADA requirements may not apply to single family homes, however could the Town of Hooksett still require ADA compliance for single family homes in their Zoning Ordinances?***
- 2) to send a letter to the ZBA informing them that the Planning Board could not provide comments to the ZBA at this time on the applicant's ADA compliance, since the Board is seeking Town Attorney review and advisement. Seconded by R. Duhaime.***

K. Jensen: We need an answer as soon as possible. We have already been delayed by the ZBA.

N. VanScoy: The standard Jensen homes are pre-manufactured homes? And are Easy Living Homes also pre-manufactured?

K. Jensen: Yes.

R. Guay motioned to add #3 to J. McHugh's motion above to state that if the Town Attorney advises that the Easy Living Home 1 a) above is substantially the same, and 1 b) above meets the spirit of the ordinance, then a letter should be sent to the ZBA (without another Planning Board meeting and motion) that the Planning Board is in favor of the Easy Living Home requirements vs. the ADA requirements. Seconded by D. Dreffs.

B. Tanguay: Without delay.

D. Marshall: Although I might agree that ADA does not apply to single family homes, there is nothing that says our community can't say we like those standards and they are going to comply in this case. Bart is going to tell you that. We know what the guidelines are. Are Easy Living Homes and ADA substantially the same?

J. Gryval: That is what we have to decide, are they substantially the same?

Y. Nahikian: What is the point to build a handicapped accessible home, if there is not a handicapped person to buy it? How to enforce that?

R. Duhaime: I will want another Planning Board Meeting to determine the motion for comments to the ZBA.

Vote 3 in favor, 5 opposed; R. Guay motion failed.

Vote in favor, D. Hemeon opposed; J. McHugh motion passed.

SPECIAL EXCEPTIONS

2. GREEN MOUNTAIN REALTY CORP. (plan #09-06)

Benchmark Engineering

180 West River Road, Map 24, Lot 57

Special Exception from Article 18, Section E.1 to allow a wetland crossing for the construction of a driveway.

Jack Szemplinski, Benchmark Engineering: My client is Green Mountain Communications. The site is adjacent to the NERR property, across from Sunrise Blvd. The proposal is for a 3-acre lot adjacent to Rte 3A, to construct an office and warehouse building. We are here before you for a special exception to cross the wetland. Most of the work is already completed. There will be additional gravels and raised elevation for the road. Inside the wetland, we also requested the variance (manmade wetland). This used to be an old sandpit, and quite a bit was excavated out. Above is the elevation for the driveway. There is a little wetland just on the northerly side of parking; we applied for a variance to do work there as well. The brook seeps into the wetland. Lastly, at the intersection of Rte 3A and the driveway, it outlets to Sunrise Blvd. and discharges into the Merrimack River. Up there is the outlet for the detention pond, just north of the wetland. There is temporary disturbance for a culvert. We will be before you with a sit e

plan shortly.

D. Tatem: We met with them (applicant) several times, and they met with Jo Ann and the TRC. The driveway crossing is roughed in. We will only be widening and paving. There is a detention pond culvert to Rte 3A. The wetland they propose to fill, their report states it is a low functioning wetland. The site has been overly excavated. We have no issues.

J. Gryval: All the access is from a private drive.

D. Hemeon: Will this increase water to the Sunrise subdivision? Once it goes through the road, it goes through some properties at Sunrise.

D. Tatem: Will there be a decrease in volume?

J. Szemplinski: It is an isolated wetland, filling itself, and no runoff.

D. Hemeon: If you are paving the area, water can get across the street into people's yards.

J. Szemplinski: This is basically our first step (site plan later).

R. Duhaime: The end of the wetland, that wetland area has erosion stone all down in there. Is it a slit trench to the detention pond from the wetland area? I don't see the elevations. Down the hill to the end, there is now a retention pond to the north.

D. Tatem: I sat down with Jack and commented that the Board won't like you out letting that culvert. That was the first thing we looked at for a different outlet. To get to invert down, they would have to outlet into the road and have a pipe in the roadway. It didn't seem like the better option, since there is minimal disturbance and type of wetland (manmade).

R. Duhaime: Does the wetland dump into the detention pond?

D. Tatem: No, the other way around.

J. Szemplinski: For the infiltration system for the parking lot, we will take care of all of it from the roof. There is really no other way to do it.

R. Duhaime: The retention pond doesn't usually dump into a wetland.

J. Szemplinski: The excavating is shallow. The disturbance is minimal.

R. Duhaime: Stantec, for the drainage calculations, should walk through Sunrise where the two openings are coming through.

J. Gryval: We can request the walk through when he comes back for his site plan.

R. Duhaime motioned to send a favorable letter to the ZBA for the special exception. Seconded by D. Marshall. Vote unanimously in favor.

3. AUSTIN WOODS

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

Eric Mitchell, Eric C. Mitchell & Associates, Inc.: My office prepared these plans for Homes for a Lifetime. The ZBA has requested comments from the Planning Board on the special exception. At a prior Planning Board meeting at the beginning of April, the Board asked us to complete an Environmental Study. We have a ZBA meeting a week from tomorrow night. Because the ZBA was consulted at their next meeting, we were asked to come in advance. The application submitted to the Wetland Bureau was deemed complete. The Army Corps of Engineers asked us to contact the EPA. We are in the review process. The Conservation Commission walked the property. The ZBA walked the property. The Conservation Commission will hold the easement on the open space per the wishes of the Town. The request is with the wetlands application mitigation for an easement holder of standing (Town or some other group). This meeting was put together rather quickly. Dan has some comments. Some may not have been completed.

D. Tatem: There are two (2) comments still remaining. They have started to address the final two comments. We are all set.

E. Mitchell: There are seven (7) wetlands crossings for the roads and driveway.

R. Duhaime: The rest of the Board did not get the updated agenda. Lot 33 is in the wetlands, do you have a driveway permit in that area? Is this a pre-existing use of a lot? We don't want someone to come and build his or her shed in a wetland. You are building a lot entirely surrounded by a wetland and you are asking for that (someone building a shed, etc.).

E. Mitchell: Jiri may have comments. That lot has the least amount of disturbance, and the driveway is in the buffer not in the wetland. That is what the exception is for.

R. Duhaime: Strictly the buffer. When engineering comes through, I would like to see the design of that driveway. Will all driveways be on the site plan?

D. Tatem: They just have to prove driveways can work.

R. Duhaime: Can I ask for driveways on the plan in a motion?

E. Mitchell: When we come back to the Planning Board, we can have the driveways on the plans.

R. Duhaime: The road to the leaching area?

Jiri Hajek, Eric C. Mitchell & Associates, Inc.: It is a retention pond.

R. Duhaime: Where is the disturbance to the open concept area?

J. Hajek: Pointed out the clearings and maintenance on the plan.

R. Duhaime: Elevation and discharge?

D. Marshall: Did you say one of the driveways is going to follow the logging road? Into the wetland or buffer?

J. Hajek: Into the buffer.

D. Marshall: Logging roads are not roads; only temporary easements. There are no permits to cross the buffer. No status. It has nothing that maintains it. A temporary access is for the purpose of logging and disappears when the logging is done. I am going back in the regulations. It has no status. If the crossing is through the buffer and not in our regulations, then you need to seek a special exception to do just that.

E. Mitchell: We are seeking a variance also with the ZBA. Logging, no special status, why cut down more trees and disturb more land?

R. Duhaime: Is the driveway in a request right now for a wetland crossing?

E. Mitchell: To work it into the buffer.

D. Hemeon: You haven't done any drainage?

E. Mitchell: No drainage yet.

D. Marshall motioned to send a favorable letter to the ZBA for the special exception.

Seconded by R. Guay.

Vote in favor. N. VanScoy opposed.

CONTINUED PUBLIC HEARINGS

4. 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

D. Marshall motioned for a 90-day extension from May 4, 2009. Seconded by R. Guay.

Vote unanimously in favor.

Karen O'Rourke, Brown Engineering: This project has been on hold. We talked about the access on Thames Rd, and it became clear it was not an option. The Granite Hill Association is a private road. We have received the NHDOT permit to access 50 ft of access from Rte 3 and 28. We have been before the Board, and have got a lot of comments. We have addressed many, and there are still some left to address. We came tonight to provide an update. We basically have been before the Conservation Commission; one crossing (bridge) over an existing perennial stream. The Conservation Commission's recommendation was that is OK for us to cross with a bridge. We also made an application to DES for a wetlands permit, and received a notice that it was a completed application. Most recently we received a notice that DES needed additional information. Tonight, because the project is in the Performance Zone (PZ), we have a Conditional Use Permit (CUP) for the Board.

J. McHugh: Have we received a copy of the Conservation Commission letter?

K. O'Rourke: Provided copy of letter from Conservation Commission dated April 2009. We mostly just came tonight to provide you an update, and to get your approval on the CUP and waiver for the scale of the plan (existing conditions).

D. Marshall: Have we resolved the issue to merge the two (2) parcels? It is the same ownership for lots 49C and 49D, and they were never merged. It has been 2 ½ yrs as separate lots. Are you going to merge the two lots?

John Wight, applicant: No merger, he is selling one of these lots.

D. Marshall: I thought you were using both of these lots.

J. Wight: We are only use lot 49D.

D. Marshall: What is lot 49C?

J. Wight: The existing shops.

J. Gryval: Someone will end up with non-conforming lot, and won't know what to do with it.

Waiver #1 – Existing Conditions Plan scale 1" = 40'. J. Gryval: Received and read the waiver into the record.

D. Tatem: We have no issues with this waiver.

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

J. Gryval: We have a Conditional Use Permit (CUP) to vote on. Staff, any comments?

D. Tatem: For the CUP, we reviewed it looking at the crossing. It has appropriate side slopes. There is also the letter from the Conservation Commission. We take no exception.

***D. Marshall motioned to approve the CUP. Seconded by N. VanScoy.
Vote unanimously in favor.***

D. Marshall: Are we going to talk about the sign?

J. Gryval: They met tonight with the Aesthetics Committee for the sign, lighting, and landscaping.

D. Tatem: I have two (2) technical comments. For the sign, we recently dealt with this for the Elliot Medical facility. The upper and lower trims have to be included in the square footage. And the lighting plan, the Planning Board looked at the access roads to sites. Lighting should be 3.0 minimum foot-candles.

J. McHugh: For the street name, does the Fire Dept. need to review?

D. Tatem: It will require Fire Dept. review.

J. Wight: We gave four (4) names to the Building Dept.

K. O'Rourke: We will be back before this Board on June 15th.

Open Public Hearing

Nancy Desrocher, resident of Granite Brook mobile home park: I am neighbors with Ridgeback. My main concerns are 1) the flow of the brook, 2) lighting, and 3) some kind of fence out back. It will back up to the homes on Gary Ave. Most of our bedrooms will face it. There needs to be some kind of barrier.

D. Tatem: We discussed the lighting with the applicant and Jo Ann. The applicant agreed to restrict lighting to have it dimmed at 7:00pm (motion controlled).

J. Wight: There will be a motion light for security. We will have a stockade fence, as I previously discussed with you.

D. Tatem: There should be a note on the plan for CEO about the hours of operations and lighting.

K. O'Rourke: We already added the note for the hours of operation and lighting.

D. Tatem: There will be an open bottom box culvert. They will have 2 or 3 underground storage facilities to infiltrate water.

J. Gryval: If we hold the public hearing open, they would like to know when to come back.

J. Wight: We will be back on June 15th.

Bob Desrocher, resident of Granite Brook mobile home park: If you build the bridge, will you fill in the stream?

D. Tatem: No, he is not filling in the stream.

B. Desrocher: The 100 yr water (flood) came up to five (5) homes. I am concerned with any filling.

D. Tatem: There will be nothing touching the wetlands. For the crossing, it is completing the spanning of the stream. I would also not anticipate this project making water issues better, but also not making it worse.

Karen: you asked about a fence, we had chain link, we changed to stockade 7 ft height.

CONTINUED TO JUNE 15, 2009.

5. 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

CONTINUED TO JUNE 15, 2009.

OTHER BUSINESS

Development Regulations – 6/23/09 Planning Board Workshop

J. Gryval: The Development Regulations have been distributed to the Board tonight. Review and edit for updates prior to the June 23rd workshop meeting.

D. Tatem: The lighter text indicates something has been changed, deleted, or added. I added a bunch of stuff into your septic requirements (from other Towns). Please have questions prepared for me at our workshop on June 23rd. I can e-mail you the Development Regulations, so that you can see the lighter text better in red.

Town Council Meeting 5/27/09 – Planning Board Update

J. Gryval: Joanne McHugh and I appeared before the Council and provided updates from the Planning Board.

***D. Hemeon motioned to adjourn at 9:05pm. Seconded by N. VanScoy.
Vote unanimously in favor.***

ADJOURNMENT

Chair J. Gryval declared the meeting adjourned at 9:05pm. The next Planning Board Meetings in June at the Hooksett Town Hall Chambers @ 7:00pm:

- June 15th – regularly scheduled meeting
- June 23rd – workshop meeting (Development Regulations)
- June 30th – workshop meeting (CIP Roundtable)

Respectfully submitted,

Donna J. Fitzpatrick
Planning Coordinator