

Official
As of 08/03/09

HOOKSETT PLANNING BOARD
WORKSHOP MINUTES
HOOKSETT MUNICIPAL BUILDING
Monday, June 23, 2009

CALLED TO ORDER

Vice-Chair J. McHugh called the meeting to order at 7:05pm

ATTENDANCE

Vice-Chair J. McHugh, D. Hemeon, D. Dreffs, B. Ehlers, and Town Council Rep. N. VanScoy.

Excused: Town Administrator, C. Granfield, Chair J. Gryval, D. Marshall, and R. Guay.

Absent: M. Sorel, R. Duhaime, and Y. Nahikian.

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

Also in attendance, CEO, Peter Rowell, and ZBA member, Jim Levesque.

APPRECIATION/SERVICE AWARDS

J. McHugh: We have two Board members who won't be continuing on the Board. They are Daryl Dreffs and Bob Ehlers. On behalf of John, he wanted me to pass on his good wishes and appreciation. It's funny we talked today; here are two good gentlemen who are quiet, however when they have something to say, it is very important. I have something to give you Bob "In appreciation for your dedication and service on the Hooksett Planning Board" (granite paper weight). Thank you Bob.

B. Ehlers: Thank you very much.

J. McHugh: And this one for Daryl, "In appreciation for your dedication and service on the Hooksett Planning Board" (granite paper weight). Thank you Daryl.

D. Dreffs: Thank you very much.

J. McHugh: Jo Ann has some cake for tonight (cake distributed to attendees).

DEVELOPMENT REGULATIONS

J. McHugh: I am going to turn it over to Jo Ann. She has some method to go about this. The agenda goes until 9:00pm. Anything further will be continued to another workshop meeting date.

J. Duffy: June 30th is the CIP Workshop, and the July 13th agenda is full.

OTHER BUSINESS

WALMART

J. McHugh: So do you want to do the Walmart site first?

J. Duffy: Yes. Walmart went to the Aesthetic Committee. Their outdoor living gate windscreen was initially black and they want to change it to a sand color. Black shows too much dirt. I don't have a problem with it. The Board & Aesthetic Committee approved the black color, and I just wanted to check with you for the sand color.

Peter Rowell, Code Enforcement Officer: The shade cloth is completing the wraps and it looks nice.

J. McHugh: I have no problem with it.

B. Ehlers: No problem.

N. VanScoy: No problem. However, the two Aesthetic Committee members (R. Duhaime and Y. Nahikian) are not here tonight.

J. Duffy: It is a windscreen, shade cloth, for wind and shade.

P. Rowell: It is on the wrong side now. It has to go on the inside.

B. Ehlers: And sprinkelered.

P. Rowell: Yes.

J. McHugh: What is the pleasure of this Board?

Board: We are fine with it.

DEVELOPMENT REGULATIONS

J. Duffy: We thought we would go page-by-page, and stop at the pages that were highlighted (red by Stantec). I did go through this, and I have additional comments, as well as Dick Marshall's comments (excused for tonight's meeting).

P. Rowell: There is a philosophical debate, which takes precedent. The Zoning Ordinances or the Development Regulations. At the Zoning Ordinance workshop, zoning ordinances are voted by the Town and Development Regulations should not contradict per the LGC Attorney. There are some spots where they contradict each other.

J. Duffy: If I can give you some examples. In every zone the building height can't exceed 35 ft, unless there is a ladder truck, then the height can go to 75 ft. The Town was negotiating

with CIGNA, and they wanted to build taller buildings and go higher than 35 ft. The Town was trying to get a ladder truck from CIGNA. When we added the building height to the Zoning Ordinances at that time, it was added to all zones for 75 ft (even LDR). What I would suggest in the Development Regulations is that it depends on the number of units in a multi-unit building (i.e. keeps increasing with the number of units to a max of 24 units and 60 ft). Peter is saying there is a conflict, because you can go to 75 ft in the Zoning Ordinance. I would rather go through the Zoning Ordinances next year for each zone. If someone comes in before then for a higher building, the Planning Board can request a waiver. A clause in the Development Regulations, Zoning Ordinance, or State Statute, the more restrictive clause will apply. At first Peter said we should take that out. I checked with Derry and Londonderry and they have that. Bart said not to take it out. Bart said the Planning Board can be more restrictive in some instances. Lot size – Zoning Ordinance says 2 acres, but the Development Regulations says 2 acres zoning, but can't have slopes, and has to have a rectangle 75x100 ft (Planning Board is putting more restrictions). In that case the Development Regulations would be more restrictive.

J. McHugh: Speaking of the height of a building, what about the one on Mammoth Rd.?

P. Rowell: 99 Mammoth Road.

J. Duffy: I think they had other issues such as sewer, etc.

P. Rowell: The Development Regulations can add stipulations to the Zoning Ordinance. The Zoning Ordinance may state landscaping, and the Development Regulations can determine how it should be installed. We can do what we want.

D. Tatem: The building heights are only for multi-families. All other buildings have no restrictions. This was because of Brookview Sr. Housing. Only that one application, multi-unit, is limited.

J. Duffy: I think it is worth looking at next year in the Zoning Ordinances. It was in there since 1994 for one purpose of getting a ladder fire truck.

J. McHugh: Anything else? So we will go page-by-page. Dan any comments on approaching this?

D. Tatem: For the review process, comments from the developers, Jo Ann, or the Board, I have been jotting them down. 95% of the changes are updates (word or sentence). I have added significant changes from other Towns or what I have seen, being the engineer for other Towns, and I will explain them. Then you can decide if they stay or go.

D. Tatem: TOCs (Table of Contents), I did not update yet.

P. Rowell: Referred to Part III; this should just say Site Plan Regulations vs. Non-Residential Site Plan Regulations.

D. Tatem: OK.

J. McHugh: Sections I-1, and I-2 are OK. Section I-3 . . .

J. Duffy: Section I-3, Active and Substantial Development. . . .” when at least twenty percent (20%) of the total building foundations or one building foundation – whichever is greater-“ should be reworded “once road has binder coarse”. We should not be tying this into foundations.

D. Tatem: Have Bart review the updated wording.

P. Rowell: We need it for both site plans and subdivisions.

D. Tatem: What would you say is active and substantial.

P. Rowell: My expertise is not writing ordinances.

D. Tatem: Subdivisions, commercial site plans, and residential site plans.

J. McHugh: Section I-4 . . .

J. Duffy: Section I-4 Buildable Area. This was another way to control growth.

P. Rowell: Septic systems and wells in buildable areas, wellheads or radius?

D. Tatem: Just well head.

P. Rowell: The radius cannot cross the 2-acre lots. It is hard to have a buildable area.

D. Tatem: Ravenwood has this.

J. McHugh: Are you proposing something different?

P. Rowell: You’re taking away from what the landowner can do with his lot.

J. McHugh: Do additional research?

D. Hemeon: They have to adhere.

D. Tatem: 99% have been adhering. Like Jo Ann said, it is another way for growth management. Many towns do not have buildable areas. I agree with Peter, some of that buildable land cannot be used because of that.

P. Rowell: For open space or cluster subdivisions, this will make cluster lots bigger.

D. Tatem: I can look at Austin Woods and Ravenwood and come back to the next meeting.

J. McHugh: Section I-5 . . .

D. Hemeon: Cul-de-sacs; the 1,200 ft distances have always puzzled me. I would rather see 1,200 ft minimum.

J. Duffy: Where are you looking?

D. Hemeon: Just the definition of cul-de-sacs. It should be clear.

J. McHugh: A suggestion is for the esplanade and cul-de-sac to have more of a definition.

D. Hemeon: Clearer definitions. Whether I bring it up now or later.

J. McHugh: Do you feel that both of those need to be more definitive?

D. Hemeon: No.

J. McHugh: So we will discuss down the road. Section I-6 . . .

P. Rowell: Is there a lot coverage definition? It is talked about a lot in the Zoning Ordinance. It may be talked about somewhere else. Is it defined in another definition now?

J. Duffy: No. It should be included in the Development Regulations.

P. Rowell: Another thing, the slope in the Zoning Ordinance says 25% (pg 20 lot area).

J. Duffy: That is for the elderly housing. I don't believe that is in other articles.

J. Duffy: Minor Field Changes – Dale included in roadways, Peter & Jo Ann added for site plans, and change “Town’s Consulting Engineer” to “Planning Board’s Consulting Engineer”.

J. Duffy: Multi-unit Building – change any structure with more than “two units”. . .

P. Rowell: We debated about the site plan with many units (i.e. Jensens). Are those considered units in a multi family project?

D. Hemeon: Right-of-way for roads on local roads? We need to talk about water, sewer and gas on local roads, and ask for a bigger right-of-way. 50 ft, I would like to see 60 ft to get electric out of the way (i.e. power box on your land, cost of plow damage, etc.).

D. Tatem: Does the Zoning Ordinance require it with a right-of-way?

N. VanScoy: Local roads doesn't say anything.

D. Tatem: Local roads with water, sewer, and gas is 60 ft.

J. Duffy: Would you still have the collector at 60 ft.?

D. Tatem: I don't think it will hurt to move it back 10 ft.

J. McHugh: Incorporate into Section I-6.

D. Hemeon: Minor field changes always had public works.

D. Tatem: If it is a site plan, Peter and Jo Ann. If it is a roadway, Dale.

J. McHugh: At Town Council, it is the Planning Board's Consulting Engineer. Section I-7.

D. Hemeon: Delete the Reserve Strip (i.e. 2ft strip of grass).

P. Rowell: When I see reserve strip, I think of a cul-de-sac.

D. Tatem: It is a paper strip.

P. Rowell: For further public use.

D. Tatem: I will take out Reserve Strip.

J. McHugh: Section I-8 . . .

D. Tatem: I will add steep slopes for 25% and suggest changing the Zoning Ordinance to 25% to be consistent with the State.

J. McHugh: Section I-9 . . .

N. VanScoy: TRC, we refer to CEO (vs. Building Inspector), also change to Director of Community Development (vs. Town Planner), and Director of Public Works (vs. Highway Manager).

J. Duffy: TRC, also change to Planning Board's Consulting Engineer (vs. Town's). And definition for Town's Consulting Engineer - . . . the planning consultant selected by the Planning Board (vs. selected by Town Council).

J. McHugh: Section I-10 . . .

D. Tatem: I added section about protection of stone walls, but it is already in Section 6-14.

J. Duffy: Kathie Northrup had been asking for stone wall language. I will send it to her.

D. Hemeon: A lot of these stone walls are not boundaries. Hackett Hill Road is so narrow. Kathie doesn't want any stone walls removed.

D. Tatem: It doesn't cover non-boundary monuments.

P. Rowell: You cannot remove a boundary monument.

D. Tatem: For a lot line adjustment you can (i.e. Beaver Brook).

P. Rowell: What about a stone wall along a public roadway?

J. Duffy: It does say it can be done with written consent of the Planning Board.

D. Hemeon: A guy on the corner of South Bow Road hauled it away.

J. McHugh: Kathie is looking at it as historical. I don't think she had a conversation with anyone (i.e. Peter or Dale). She may have a different attitude towards this.

B. Ehlers: Kathie is aesthetics. We are talking more detail.

J. McHugh: Since the document is not finalized this evening, and we will come back at another meeting (workshop), can we invite Kathie?

P. Rowell: When the Planning Board sees a stone wall, they should look further into it for preservation of any stone wall.

J. Duffy: It is encouraged to preserve any stonewall.

D. Hemeon: I like walls, but when they are in my way, they are in my way (i.e. plow).

D. Tatem: I will take out the edits in Section 6.05.

J. McHugh: Section I-11 is OK. Section I-12 . . .

D. Dreffs: 6.14 - If I build a stone wall for landscaping, am I locked in?

P. Rowell: It should be a historical stone wall.

D. Dreffs: This says if it borders a Town road.

J. McHugh: Historical, a certain age, and I didn't agree with that either. It can't be any old wall.

J. Duffy: I will e-mail Kathie Northrup Section 6.14 Protection of Stone Walls.

J. McHugh: Section I-13 . . .

D. Hemeon: #7 - Is completeness in other Towns almost the same as ours?

D. Tatem: Derry has full staff and a different process. Town's that don't have staff use this completeness criteria. Plans complete are not ready to be approved. Completeness aspects can be all there, but there could be a terrible plan and the Planning Board may tear it apart.

D. Hemeon: If completeness is stricter, then we wouldn't have these plans that aren't ready for approval.

D. Tatem: The utility designs have to be there for completeness (i.e. water and sewer).

D. Hemeon: Half of my frustration is they put all these things on the plan that aren't correct.

D. Tatem: Dale, you can add all technical aspects are done.

J. Duffy: Except we hear from developers that they spend all that money, and then the Planning Board says something different.

D. Hemeon: Example?

D. Tatem: Example: cul-de-sac on plan, then the Planning Board says loop road instead. That would throw all of Stantec's review out the door. Or you say "get rid of 5 ft strip", then the slope has to be redone. I don't care if there is a sidewalk. Plans are as much more your (Planning Board) input than ours (Stantec).

J. McHugh: Manchester presents there's, not at that meeting, not at completeness, but whether they are ready to be approved. They have a discussion on all these plans. I think we have less Dale. We had plans that weren't complete and they still tried to get approval.

D. Hemeon: We have helped ourselves in a lot of areas, but we have problem areas like strips of land. The clearer the rules are, the clearer our meetings will be. We are our worst enemy sometime.

J. McHugh: The power of persuasion is strong. For the Easy Living Homes, there was heavy persuasion, and it depends if we want to adhere to our rules or not. Look at the clock.

D. Hemeon: Some of the stuff we have in the regulations doesn't make sense, and needs to be cleaned out. Definitions need to speak out, spell it out, so when they look at it it's very clear.

P. Rowell: The clearer and more concise, the easier.

J. McHugh: Completeness, what is it that you would like changed?

J. Duffy: Can we review completeness when we get to the checklist section?

N. VanScoy: Section I-12, 6.13 definition, does this need to be changed. If no, then I am good.

P. Rowell: 7 2) should read “application requirements for site plans (vs. non-residential site plans).

J. McHugh: Section I-14 . . .

J. Duffy: 8.03 TRC, 2) delete Code Enforcement Officer , 3) delete Code Enforcement Officer and move “The applicant’s representative will also be advised to send a full set of scaled drawings directly to the Town’s consulting engineer for review at that time.” To #2. 4) delete Code Enforcement Officer, and delete “Exceptions shall be made by the authority of the Town Administrator.” Also, 9.01 should be One (1) copy (vs. three copies). 9.02 3) PDF file for Town Planning Records.

D. Hemeon: Are the electronic version of the plans accessible?

J. Duffy: All plans have been scanned to 2006, and we can send that to you. We are in the process of having 2006-2009 scanned.

J. McHugh: Section I-15 . . .

D. Tatem: 9.03 #1-5, I will take out (then renumber).

J. McHugh: Section I-16 is OK. Section I-17 . . .

J. Duffy: 9.06 #3 should be Town Offices, Library and website.

J. Duffy: Dick Marshall’s comment for 9.07 – if you put fees in regulations, if you go to amend them, then you have to put it in the newspaper and hold a public hearing to amend.

J. McHugh: How to adjust when we need to?

D. Hemeon: For changing fees, you have to go to the Council.

J. Duffy: You have to have a public hearing if you amend a document, but you don’t need to if you are just changing fees.

J. McHugh: You could still have a public hearing open for an hour for comment on fees. If no one is here at that time, still proceed with the change.

J. Duffy: If it is in the Development Regulations, then you also have to post in the newspaper.

J. McHugh: Consensus of the Board?

N. VanScoy: I think if you want more control, take it out and adjust fees as needed.

D. Hemeon: I agree.

D. Dreffs: Agree.

B. Ehlers: Agree

D. Dreffs: Who does our website?

J. Duffy: Evelyn, Town Adm Asst, and a contracted company.

J. Duffy: Replace actual fees with "Please see fee schedule established by the Planning Board and available via www.hooksett.org or call Community Development and Planning (603) 268-0279. Section I-18 . . .Add updates to fee schedule "All fees shall be paid . . . "If the registry . . . travel expense incurred by the Town."

J. McHugh: Section I-19 . . .

D. Hemeon: Monitoring fees - chasing money for escrow accounts (i.e. 3A development). This is such a problem, and it happens over and over and over. I don't really know what the answer is. People moving in are going to be taxpayers of the Town.

J. McHugh: Did they have their CO?

D. Hemeon: Me and Peter handled it, but they still owe Stantec a lot of money. We bend over backwards for them.

D. Tatem: In my opinion, Head's Pond, has paid a substantial amount up front, and they receive invoices every two weeks. We keep a much closer eye on that. I agree completely, when money runs out, we gave 3A a break, and that bit us in the butt. Now, we stop.

D. Hemeon: They moved 3 driveways. There is no money to pay you. He already sold land to someone building a house.

D. Tatem: CEO will not issue any more COs or bond reductions for problems like that (3A).

D. Hemeon: There I go chasing money in Town.

J. Duffy: I send them a conditional e-mail.

D. Hemeon: I feel for the resident, not the developer. For the road there, and the resident put down money, you feel bad for people. Me and Peter are on the same page, and he is not going to give any more Cos (3A).

P. Rowell: It will get worse with the economy the way it is.

D. Hemeon: It isn't every guy, and Peter is right, it is going to get worse. We have been fortunate over the years that Stantec has carried the Town.

D. Tatem: If the Town asks us to work, we will go in the red for the Town. You are a very good client of ours.

J. McHugh: Carol Granfield (Town Administrator) makes that change.

D. Tatem: Peter could stop doing inspections, so they are not moving in.

J. Duffy: A while ago when this was happening, Stantec monitored when an account was getting low. Then Stantec would not due any further work.

J. McHugh: Is it a communication problem?

D. Hemeon: The good times are gone for a lot of these guys.

D. Dreffs: Set a rate for SPC.

D. Hemeon: It is hard to judge if it is good digging. It is the coordinating thing and most guys do not know how to coordinate, or don't have a big enough crew.

D. Tatem: If the site is managed good, they could get ½ back (SPC escrow). For 3A Development, we worked through the snow. Three (3) of our guys (@ 3 hr minimum) showed up, and 3A didn't show up.

J. McHugh: If Carol brings up Public Works.

D. Hemeon: You guys don't hear the other side of the story. I am trying to highlight areas we have problems in Town.

J. McHugh: Section I-20 . . .

J. Duffy: Dick had a comment, 10.03 #1, what is the penalty for the violation of commencing work prior to approval?

P. Rowell: Notice of violation, then may be fined \$275.00 a day, then potential for Superior Court.

J. McHugh: Cease and desist?

P. Rowell: Example, for land clearing, unless it is a public health and safety issue, you won't get a cease and desist.

D. Tatem: Because it is difficult for the Town to fine somebody, kind of like Webster Woods, phase II is under review. Until phase I is cleaned up, work stops.

P. Rowell: The violation must state the issue and the remedy.

D. Hemeon: Webster Woods clearly cut trees and we didn't do anything.

D. Tatem: We inquired on a full bond or reclamation bond. The Board agreed to a reclamation bond. A full bond would have been difficult. They got off easy with a reclamation bond.

J. McHugh: That night they came in, their Attorney said they did nothing. He asked for it in writing, and then said "we will see what we will do or not do". Then Phil said don't worry about the Attorney, we will see what we can do.

D. Hemeon: The Board just wants you (developer) to be honest.

J. Duffy: I just asked Dan if they posted that bond, and Dan said no.

P. Rowell: Who was responsible to ask for that bond, because I haven't seen anything?

D. Tatem: The Board requested it. In Other Ordinances, cutting for a logging operation is per board feet or cordage. In Auburn, you have the logger application with the full forestry plan. We have professional forestry people on our staff. Dale has mentioned numerous times, if you cross that point to need an intent to cut, you need to go before the Planning Board.

J. Duffy: Right now, they fill out an Intent to Cut with the Assessing Dept.

J. McHugh: We should be more explicit with regard to language. Secondly, do you know a Town that has punitive damages?

P. Rowell: Land use situation (District Court), or RSA 676 notice of violation or a cease and desist.

D. Tatem: Thibeault on Berry Hill had his site plan pulled.

P. Rowell: I think the Planning Board has authority to take action to withdraw a site plan.

J. McHugh: How about another option to speak with Bart on that.

P. Rowell: The Town has nothing written. It really should go through the Town Attorney, then Jo Ann and myself, then go to Town Council.

D. Dreffs: Pulling approval doesn't count for Webster Woods, who started work prior to approval.

D. Tatem: Though a bond may have worked with Webster Woods.

J. McHugh: On the street, we are known as being easy.

J. Duffy: 10.04 Retention of Plans, add (1) Community Development, (2) Consulting Engineer, (1) applicant, (1) Police Dept., and add (1) in front of the other departments. Delete Fire Dept.

J. McHugh: Sections I-21, I-22, and I-23 are OK. Section I-24 . . .

D. Hemeon: Explain 11.05 #5

J. Duffy: It is the length of hose for a fire. A block is any street.

P. Rowell: Change the definition of Block to "street block".

J. Duffy: Usually when the Planning Board looks at this, it is for the length of a cul-de-sac.

D. Hemeon: A cul-de-sac off a cul-de-sac is not allowed.

J. Duffy: You may want someone from Fire to review this.

D. Hemeon: Hydrants, block lengths, cul-de-sacs, they don't make sense to me.

J. Duffy: It is 500 ft for hydrants.

D. Hemeon: Every hydrant they pound the Town on rental. There is no need to have them that close. The cistrant is 1,000 ft apart.

P. Rowell: Cisterns will come back to haunt. 20 yrs down the road they will have to be replaced. Fire wants both cisterns and sprinklers.

D. Hemeon: Find out what other Towns have. Peter is right, they are money pits.

**END OF 1ST DEVELOPMENT REGULATIONS REVIEW – SECTION I-1 TO I-24.
REMAINING SECTIONS TO BE CONTINUED AT A FUTURE DATE.**

ETHICS POLICY – BART'S OPINION

J. McHugh: Distributed copy of Ethics Policy. The Town Administrator got an opinion on the Ethics policy.

CIP ROUNDTABLE

J. Duffy: Matt Monahan, CNHPC, will be presenting at the CIP Roundtable on June 30th. Donna sent him all the 2009-2010 CIP minutes and self-audit. He just wants to know which presentation style you prefer.

J. McHugh: Have him go through the minutes and focus on items brought up there.

J. Duffy: The Board left it with the CIP committee (not that night June 30th), to invite the committee to another night's Planning Board meeting.

D. Hemeon: Some CIP members were very upset that when they proposed the CIP, we (Board) made changes.

J. Duffy: The CIP would go to Planning Board, and the Planning Board would change, but still show recommended by the CIP. The CIP committee has to understand that they are a subcommittee (advisory) of the Planning Board.

D. Hemeon: They have to understand that. They did put a lot of effort into it.

J. McHugh: We (Planning Board) can send the plan to the Town Council, and the Council can say no way.

D. Hemeon: It has to be frustrating with all the time they spent, but that is the process.

J. McHugh: There is a bigger issue that the Master Plan needs to be updated. How much of the Master Plan was considered into the CIP.

J. Duffy: When department heads fill out their CIP request, they have to make reference to the Master Plan.

J. McHugh: I know from the School Board perspective, we did not do that. For the Elementary school, they put out a subcommittee for the needs of the school district. It was no longer needed, because the numbers really came down. No Master Plan said that.

J. Duffy: The Master plan is 5 yrs old. We won't have new census information for another two years. We could start on other chapters of the Master Plan.

J. McHugh: One of the members of the CIP had a concern that it did not mirror the Master Plan.

LANDSCAPING

P. Rowell: I noticed the Development Regulations are weak on landscaping, so I pulled information.

FAREWELLS

B. Ehlers: Planning Board, I admire all the work you do.

D. Dreffs: Same here.

*D. Hemeon motioned to adjourn at 9:10pm. Seconded by D. Dreffs.
Vote unanimously in favor.*

ADJOURNMENT

Vice-Chair J. McHugh declared the meeting adjourned at 9:10pm. The next Planning Board Meetings in June and July are at the Hooksett Town Hall Chambers @ 7:00pm:

- June 30th – workshop meeting (CIP Roundtable)
- July 13th – regularly scheduled meeting

Respectfully submitted,

Donna J. Fitzpatrick
Planning Coordinator