

Official
As of 09/14/09

HOOKSETT PLANNING BOARD
WORKSHOP MINUTES
HOOKSETT MUNICIPAL BUILDING
Monday, August 24, 2009

CALLED TO ORDER

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

ATTENDANCE

Planning Board

Chairman J. Gryval, Vice-Chair D. Marshall, Town Administrator, C. Granfield, M. Cannata, F. Kotowski, B. Sullivan, Town Council Rep. N. VanScoy, and Y. Nahikian (arrived 7:10pm), and R. Duhaime (arrived 7:18pm).

Absent: D. Hemeon, and R. Guay.

REPRESENTING TOWN OF HOOKSETT

Town Planner, Jo Ann Duffy, Stantec Engineer, Dan Tatem, and CEO Peter Rowell.

BERRY HILL

Ernie Thibeault, Owner Thibeault Corporation and developer for Berry Hill: Our project was approved for 117 condo units. There was a failed intersection we needed to rework Rte 27/Whitehall Rd and Berry Hill Rd. We took over the project from a failed developer. The binder is down on Rte 27. We got a \$60,000 quote from PSNH to move five (5) poles. The State DOT wanted the top done to have the poles moved. There is a ¾" top. In the Spring 2009, we were going to grind and add another inch of top, however we still had the issue of poles. Continental Paving contacted the State DOT and went through the process of having poles moved this Spring. We negotiated with PSNH for \$49,000 to move the poles. The poles were moved, but the wires were not moved. On May 20th the DOT sent me a letter and cc'd the Planning Board to recommend pulling COs. I spoke to Ms. Duffy and it was voted by this Board to pull COs without notification to us. The project is now shut down, and I have three (3) closings coming up. I have a bond with the State of NH (Rich Radwanski). The road will be done this Fall, and I would like to keep my people working now.

J. Gryval: There is not much we can do until we meet with the State DOT.

B. Sullivan: What standing do we have? The State can ask us to do something, but do we need to comply?

J. Duffy: I talked to Ernie tonight. Berry Hill was approved in 2004 by the Planning Board with the condition of off site improvement work on Whitehall Rd. He couldn't move forward without the work being done. CLD reviewed the work for Whitehall Rd, and Dufresne & Henry reviewed the site plan work for Berry Hill. This Board made no stipulation that off site work had to be done by a certain date. It is unsafe conditions at Berry Hill and Whitehall Rd. In July 2007 Stantec recommended the issuance COs for nine (9) units, because these units would not impact Whitehall Rd. At the pre-con meeting in June 2007, Vinnie Iacozzi gave to Rene LaBranche in writing that off site improvement work would be completed by the end of 2007. There have been several issues back and forth with the State DOT; most recently a letter May 2009 to Arthur Davis at Thibeault Corporation (read letter into the record). Rich Radwanski letter July 31, 2009, Vinnie is asking for relief and Rich was not comfortable that it will be completed this season. Rich states the Town of Hooksett is an abutter and permittee to stop COs. On August 13, 2009 letter from Vincent Iacozzi to Rich Radwanski states roadwork will be completed by September 18, 2009. The Town took a stand because the off site improvement was a condition of the Berry Hill approval by the Planning Board.

B. Sullivan: There was no outlying date to complete the off site improvement?

E. Thibeault: Vincent Iacozzi stated it would be completed 2007-2008. Rte 27 had a roll in the road and a sight distance problem when I took it over from the Pearsons. I don't know how they came up with 9-10 units being OK for COs. COs were held up at that time. Then there was the issue with PSNH. The sight line distance is done.

B. Sullivan: Was there someone who did provide a timeline 2007-2008?

E. Thibeault: I agree the timeline shouldn't be in perpetuity. I stopped the binder regrinding and repaving until the poles are set. We have 3x closings coming up.

B. Sullivan: If there was not a binded date to complete per permits, then we did not due a terrific job by not stating a specific date when to have the off site improvements done; someone did add $\frac{3}{4}$ " top. Can the State DOT legally have the Town stop something (COs), we would lose in court.

D. Marshall: The State can ask, the Town said we will cooperate with DOT and delay occupancy permits. The Planning Board fell down on listing dates for completion. We allowed 9 occupancy permits and the rest when off site improvement was complete. There is a weakness on both sides. What you are doing is giving us a lesson in life to have dates for an applicant to hold to.

E. Thibeault: It will be completed this year.

F. Kotowski: How much delay did you experience because PSNH was unable to get moving on the project? If the cost to you by PSNH were not an issue, would you have been able to complete the work.

E. Thibeault: Yes, if we had come to an agreement with PSNH poles, however PSNH was almost unresponsive.

F. Kotowski: The delay was due to PSNH.

J. Duffy: June 2007, after the pre-con meeting was held, Thibeault wrote a letter to Rene that they would do the off site improvements by end of 2007 (read letter into the record). If not allowed COs, they wanted to at least do 9 units.

E. Thibeault: 11 units have sold and another 10 have been built. The safety issue was the line of sight, and that was taken care of.

J. Duffy: The all season sight distance was an issue.

E. Thibeault: Shoulders are done, vegetation is cut back, paving and regrading are done.

J. Duffy: 107 units approved, only 20 built. I believe there is a bond with the State. Mr. Thibeault could sign a rider that off site improvements will be completed by Oct 1st this year or we can pull the bond.

B. Sullivan: Jo Ann has a very good suggestion.

D. Tatem: The side poles are on, that is not getting widened an additional 4 ft.

E. Thibeault: The binder is down, but not the top.

D. Tatem: They haven't removed the old poles yet.

E. Thibeault: We pulled tape to every pole and they were inches from the pavement. PSNH will not let us pave the top until the poles are moved.

C. Granfield: Mr. Thibeault, are you agreeable to add a rider?

E. Thibeault: The State can pull the bond at any time. I appreciate the suggestion but at the same time, we can pave until Nov 1st and have final paving done then. We told the State there is a small underdrain needed if put the final top without it, we would have to redo. We want to keep people working, sell a couple units, and get the project done. We would ask you rethink your motion to hold up our COs.

J. Duffy: We haven't seen the bond, and this could go on forever. Either the 1) Board can take the advice and Mr. Thibeault agree with a rider or 2) wait until the Sept 14th Planning Board meeting and talk with DOT before then

J. Gryval: Do we agree with an amendment with a deadline sometime this year?

E. Thibeault: Our bond is through the top bonding company in the country. I don't think the State has any standing to ask for it.

J. Gryval: Check the bond and make sure it covers what it says it did and come up with a date for completion.

R. Duhaime: Dealing with the State, we are trying to work with them. Forward progress would be to ask the State their opinion first. The State never asks us for anything, but we always ask the State.

F. Kotowski: 3 places sold, 10 complete (7 could be sold).

E. Thibeault: There is no date on the bond.

F. Kotowski: Would you agree to a date on the bond to have people back to work and resolve the issue with occupancies? Can you guarantee the work will be done by a certain date?

E. Thibeault: The paving deadline is Nov 1st.

J. Duffy: I would advise you to get something in writing and add it to the State's bond. If he agrees to add a rider to the State's bond, then there is leverage.

E. Thibeault: I am not going to give a rider to the bond. The State asked you to hold COs, but they have no standing.

J. Gryval: Work with Jo Ann before our next meeting. I would like to see something done for the next meeting.

B. Sullivan: Mr. Marshall explained what this is. Look at Hooksett – 9 units. The engineer was out there tonight. Move the poles and do the finish coat. Take the DOT out of the equation. Does Hooksett want to 1) stay with only the 9 units or 2) give you an additional 12 units if completed by Nov 1st?

D. Tatem: 11 COs are out there now. He is looking for 14 total.

J. Duffy: The Town said 9 units, and finish the off site improvements before any additional units. The off site is not completed. The State is asking for our help. What if off site improvements are not completed by Nov 1st?

P. Rowell: We have bonds on the project.

D. Tatem: You can't draw from a landscaping bond for a roadway.

J. Duffy: Just add a date to the bond for conclusion.

J. Gryval: The Board will not vote tonight to rescind their vote.

J. Duffy: Does he need to come back here, or are you satisfied with giving me the authority?

J. Gryval: Get together with Jo Ann.

C. Granfield: The Board should make a motion.

F. Kotowski motioned to authorize the Community Development and Planning Director to work out a conclusion with Mr. Thibeault for completion of the off site improvements for the Berry Hill project. Seconded by R. Duhaime. Vote unanimously in favor.

M. Cannata: When will the PSNH poles be moved?

E. Thibeault: They assured me PSNH would move their poles to have final pavement by Nov 1st.

J. Duffy: Also, complaint for Berry Hill “for sale” signs.

P. Rowell: We had a couple of complaints on signage. They need to apply for a variance to have “for sale” signs on private property.

D. Marshall: If they have been before the ZBA and denied, they can't be heard again.

E. Thibeault: The issue is temporary “open house” signs. We do not have a permitted sign at Whitehall Rd and Berry Hill. It was an abutter complaint for realty “open house” signs. They think they are on their property somehow. A permanent sign on how to get to Berry Hill went to the ZBA. This is different for the “open house” signs.

P. Rowell: You can't place a sign on private property.

D. Marshall: Peter, “open house” signs, who monitors?

P. Rowell: I am to monitor. Enforce and if not rectified, I write a legal letter to the person.

C. Granfield: Public property we can enforce, but private we cannot touch.

E. Thibeault: The ordinance is for lease, rent, or for sale signage.

D. Marshall: Signage on the property to be leased or rented, but not on someone else's property.

E. Thibeault: Why wouldn't temporary signage for an hour or two be accepted?

B. Sullivan: At the bottom of hill where I live, there are on average 15 signs. Someone driving by and seeing 15 signs would ask himself “why doesn’t anyone live in those properties?” As a landowner, they are an eyesore. You may not think it is an eyesore, but listening to the neighbors, they have a different view.

J. Gryval: If you have no variance for signage, then you will have to remove them.

P. Rowell: What I am hearing now, sandwich board “model home up hill” signage has to go.

D. Marshall: Yes, if they are in the public right-of-way.

R. Duhaime: Private property is OK.

J. Duffy: What if you lease the land for the sign?

N. VanScoy: Why is Peter involved, unless it is Town land or a complaint?

P. Rowell: It is in the ordinance that you can only advertise a businesses or property for sale on property where the business/sale is located.

REVIEW OF PROJECTS WITH OUTSTANDING ITEMS

J. Duffy: Distributed worksheet of projects that have obtained COs but still have outstanding issues to include the items outstanding and the current status.

1. 198 Londonderry Turnpike

J. Duffy: We need an as built. This is the same owner as the paint store. We never received the as built.

J. Gryval: If the CO is issued before all the conditions are received, then we have nothing over them.

P. Rowell: The surety is for outstanding planning issues. At the Board’s request, we can pull the bond.

J. Gryval: If it is under your jurisdiction to monitor it costs the Town money. If it is under Dan (Stantec) then it costs the developer money. The Planning Dept. cannot put these files to rest.

P. Rowell: Have no bonds, and have all conditions completed before the CO.

D. Tatem: John the regulations would need to be changed. It is almost impossible for some things to be completed before the CO. Landscaping is seasonal; track when bond expires and if not completed pull the bond.

D. Marshall: Is work all done at 198 Londonderry Turnpike?

D. Tatem: Yes.

J. Duffy: Send letter to provide as built within "x" date, or Town will pull bond.

D. Marshall: Who writes the letter?

P. Rowell: I am the one who is in charge of enforcing all of these.

D. Marshall motioned for CEO to notify the applicant in writing that the as built must be received by the Town within 30 days. Seconded by N. VanScoy. Vote unanimously in favor.

2. PIF Technology

P. Rowell: I have asked 3 or 4 times for the landscaping to be completed by a certain date.

D. Marshall: Deadline was July 1st, and now it is Sept 30th.

D. Tatem: And striping still needs to be completed.

CEO to notify the applicant in writing that the landscaping and striping must be completed by September 30, 2009.

3. Granite State Shuttle Service

J. Gryval: It is a mess over there.

J. Duffy: Jenn McCourt will be providing an amended site plan for the 9/14/09 Planning Board Meeting for the expansion of the parking area.

D. Marshall: Move vehicles off grass effective immediately.

CEO to notify applicant in writing to move cars off grass immediately.

4. Elliot Medical Building

J. Duffy: Lighting on side of building heading north does not meet approved plan.

D. Marshall: If not completed by Aug 31st, then enforce.

D. Tatem: Deadline extended, should they be formally notified of the Aug 31t deadline?

CEO to notify applicant in writing to comply with lighting by August 31, 2009.

5. PSNH

D. Tatem: Lighting levels again. Recently there have been 6-9 jobs perfect for lighting, however the rest are not. Walmart's entire site is great, except where Lowes was to pick up lighting. However Walmart is open later than Lowes (Lowes shuts off their lights). At the medical building they know there is a problem. PSNH's lighting person, 1/2 the parking lot is dark and you couldn't see their striping. PSNH agreed a lot of areas are dark.

P. Rowell: He asked for an extension last week.

D. Marshall: Are we granting an extension beyond the 8/28/09 date?

P. Rowell: Another week.

D. Marshall: Mid-Sept. extension.

D. Tatem: The national standard is .2 and Hooksett is .3.

J. Gryval: The regulations say .3.

D. Tatem: We are recommending .2 when we update the Development Regulations.

J. Gryval: We are wasting time and money on lighting. It either meets it or it doesn't.

D. Tatem: Less than .3 is not acceptable. Our concern is safety.

P. Rowell: Stantec is doing the inspections. I am just doing the enforcement.

M. Cannata: Lighting plan, .3 shows where the lights overlap? Is it a radius?

D. Tatem: Every 5 ft is a dot of the meter reading.

CEO to notify applicant in writing to comply with lighting by September 15, 2009.

6. SNHU – wall

J. Duffy: This has been resolved.

D. Tatem: The retaining wall at the academic facility is a significant wall. They received a letter from Peter that everyone but students could access the site. The wall needs to be built per the plan; it is a safety issue. Should that letter be in hand before letting anyone other than contractors on the site?

R. Duhaime: Resolve before the CO; it is a safety issue.

D. Tatem: This came from Michelle Bonsteel as a safety issue. We have been holding as a condition of the CO as a substantial completion item.

7. MTS

J. Duffy: He was going to come in and talk with you about having CEO monitor the remainder of his work vs. Stantec. He was on a previous agenda but never showed or rescheduled.

P. Rowell: Last week I dropped off a letter that the last pile must be gone by Nov 1st.

D. Tatem: Curbing, finished coat of pavement, erosion; the most recent bond lists these items.

D. Marshall: Deadlines are established.

Dan: Letter to PB 2-3 months ago.

P. Rowell: We want the driveway paved even though another developer may tear it up?

D. Marshall: It needs to be paved this year. No guarantee when the other developer will construct.

CEO to monitor November 1, 2009 deadline for compliance.

8. Hooksett Landing

D. Tatem: Light levels and access road to the pond.

P. Rowell: It washed out early Spring. It was stabilized quickly, and still sitting there.

J. Duffy: He wants to finish before the end of this summer. He needs a detailed formal letter what needs to be done.

D. Tatem: Easement from the property to the Town, the catch basin was snow covered and water went down the road. Richie Pichette cleaned up the site within a week. Richie hasn't got paid to finish the job. If the snowplow guy put piles of snow on the catch basin again, same issue will happen.

CEO to notify applicant in writing to comply with lighting and access road within 30 days.

9. Fairfield Inn

D. Tatem: Received revised lighting plan on 7/29/09, and the same day sent 7 comments and have not heard back.

M. Cannata: Fairfield Inn, is there still the chain link fence?

D. Tatem: They tore down that fence and replaced it with the gas stations fencing.

CEO to notify applicant in writing to comply with lighting within 30 days.

10. Walmart

J. Duffy: This is resolved.

11. Cinemagic

P. Rowell: I went out there today, and all the grease is gone and new soil is there. We are recommending this bond be released this Wednesday.

J. Gryval: Are all the problems all cured?

P. Rowell: There was minor erosion in back of the stockade fence, and they stabilized it.

D. Marshall: Are you going to look at it at least one more time before the Council meeting.

P. Rowell: Yes.

D. Tatem: For a bond reduction, we wouldn't recommend the release of loam and seed until the grass is healthy.

J. Gryval: Does Peter check with you before he goes to the Council for the release of a bond?

P. Rowell: Not for landscaping. I don't have a line item in my budget for a consultant to go out.

12. SNHU – Morrissey House

J. Duffy: The stonewall was to be rebuilt back in February 2009. To date the wall is not done.

R. Duhaime: And the trees aren't there either.

B. Sullivan: It is on the plan set?

R. Duhaime: Have a time and date certain to save on staff.

M. Cannata: Put a date certain in the regulations.

CEO to notify applicant in writing to comply stonewall and trees within 30 days.

13. Lowes

D. Tatem: They revised their plan since they got a CO.

P. Rowell: The lighting in the parking lot is fine. They just need to change the lighting plan.

CEO to notify applicant in writing to comply with a lighting plan within 30 days.

14. Berry Hill

P. Rowell: I will enforce the signs.

15. Pennichuck Water

D. Tatem: Erosion issue, I met with them on site and they will clean up to recommend the bond release.

P. Rowell: I will copy the Board on the letters sent from tonight's meeting.

M. Cannata: Does it help or hinder Peter to have this come from a Planning Board's position vs. CEO position.

OTHER ITEMS

<p style="text-align: center;">COMMUNITY DEVELOPMENT & PLANNING DEPT. AND BUILDING DEPT. WORKFLOW LIST</p>

C. Granfield: This is a working document. Two (2) items shifted to Comm. Dev. and one (1) to Building.

D. Marshall: The Building Dept. may have a certain amount of issues left outstanding after they give the CO.

J. Duffy: They are modifying the CO for my signature for compliance.

D. Tatem: After the CO example is the 2 yr bond for hydro seeding, landscaping, and possibly later erosion issues. This has a 2 yr deadline.

J. Gryval: Paving and plantings should be the only things after the CO.

P. Rowell: And there are cars parking on grass.

J. Duffy: That is an enforcement issue not compliance.

P. Rowell: For the construction process, I will do the legal action. When Dan notices something out of compliance, then Jo Ann will do a letter.

J. Duffy: For the examples tonight, I would be writing the letter.

R. Duhaime: You need to catch it before they get their CO.

C. Granfield: During construction, Jo Ann will work with Dan on site compliance monitoring.

D. Marshall: If you shift responsibility from Building to Comm. Dev., it costs more to send out the engineer.

P. Rowell: I don't do any site compliance monitoring.

J. Duffy: If someone has their CO, and didn't complete something (other than landscaping), who follows up on that?

P. Rowell: Bond to get their CO. Comm. Dev. should follow through to completion.

D. Tatem: Read ordinance 18.03 . . .

C. Granfield: Letters will come from Comm. Dev. First.

B. Sullivan: The Planner will sign off on the CO? After the CO, if they don't meet completion, Jo Ann does the first letter then Peter enforces. Who pulls bonds?

Y. Nahikian: A lot of effort is made in the Aesthetic Committee. What is happening from the Planning Board approval to the building permit?

J. Gryval: The plan has to show what the Aesthetic Committee approves.

J. Duffy: The Building Dept. gets copies of signed plans.

P. Rowell: If it is part of the plan set, then it is Comm. Dev. who should make sure it is built per the Aesthetics Committee.

D. Tatem: We do the site only, not the building aesthetics.

P. Rowell: We need to have a comprehensive computer program to track the Planning Board conditions.

J. Duffy: The aesthetics is the actual plan of building, not the conditions/comments by the Planning Board.

D. Marshall: The process checklist, they know what they have to get for completeness to the public hearing. Our engineer reviews the plans and comes up with a list of missing or wrong items. If too many items outstanding, then they should hold off until they are ready and renotify the abutters, then put them back on the agenda. This will save time and money. A few items are either a policy decision or a waiver.

J. Duffy: How would you like to handle this?

D. Marshall: Dan does the review. If there is anything other than a waiver or policy decision, then the applicant is not on the Planning Board agenda until all issues are resolved between Comm. Dev., engineer (Stantec), and the developer.

J. Duffy: Include this in the revised regulations. Now the regulations read “x “days to find the plan complete from application. Bedford plans don’t get to the Planning Board until they are ready for the Board.

C. Granfield: I agree with Dick.

J. Duffy: If it is that way (like Bedford), they already spent all that money for their engineer, and the Planning Board may recommend changes.

D. Marshall: They can present their conceptual first to the Board. If they do their job right, they will cut time in half.

J. Gryval: The developer doesn’t know what their engineer is doing. The Stantec letter should also go to developer.

J. Duffy: That is being done that way now.

J. Duffy: The Comm. Dev. does not hire the Planning Board consulting engineer, it is the Board.

PLANNING PROCESS

J. Duffy: Matt Peterson from Woodland Design sent a letter on how well the planning process goes in Hooksett. The developers like the TRC process.

B. Sullivan: We should not see the same site plan each meeting for a year.

J. Duffy: Bi-monthly they should check in with the Board on how they are doing.

F. Kotowski: A pre-completion meeting?

J. Gryval: We have a TRC meeting. The RSA says enough information to move forward.

J. Duffy: They either meet the criteria on the checklist or ask for a waiver.

R. Duhaime: Some towns have a pre-completion meeting.

D. Marshall: I would caution the EDC when they are floating around talking to developers. They are only hearing half the story.

J. Duffy: I sent an e-mail to the Chair and Vice Chair of EDC to meet with the Chair and Vice Chair of the Planning Board.

Y. Nahikian: The TRC meeting is too technical. They still need a conceptual meeting with the Planning Board.

J. Duffy: I encourage applicants to go before the Board (conceptual discussion).

D. Marshall: Conditional approvals for 120 days, attorneys say it is a legitimate process. Conditional approvals should be met by a date certain or denied (i.e. 90 days).

DEVELOPMENT REGULATIONS

D. Marshall: The Board should look at procedures and leave the technical aspects alone.

C. Granfield: Dan and Jo Ann should compile the suggestions for revisions.

SEPTEMBER 21, 2009 PLANNING BOARD WORKSHOP – DEVELOPMENT REGULATIONS.

OEP CONFERENCE

J. Duffy: Conference is on October 17th @ Loon Mountain. Registration begins 8/24/09.

DAVID BOUTIN

David Boutin: For the Fall zoning amendments, I urge this Board to review zoning districts for Virginia Court. Current zoning allows density that does not fit into the residential neighborhood. A developer wanted to put garden style apartment buildings in the middle of Campbell Hill. I don't believe that is what this Board was thinking when the zoning was established. After 9 yrs on the Manchester Planning Board, they used a master developer agreement that listed the conditional approvals. It had the boilerplate items, then specific conditions that the developer would sign. It was a long-term document that the developer signed. Any department could retrieve the document. Peter raised that question tonight. Thank you for your time and indulgence.

***B. Sullivan motioned to adjourn at 9:55pm. Seconded by C. Granfield.
Vote unanimously in favor.***

ADJOURNMENT

Chair J. Gryval declared the meeting adjourned at 9:55pm. The next Planning Board Meeting in September at the Hooksett Town Hall Chambers, room 105 @ 7:00pm include:

- Sept 14th – regularly scheduled meeting
- Sept 21st – workshop meeting on Development Regulations
- Sept 28th – tentative workshop meeting on water precinct process

Respectfully submitted,

Donna J. Fitzpatrick
Planning Coordinator