

**Official  
As of 10/05/09**

**HOOKSETT PLANNING BOARD  
MEETING MINUTES  
HOOKSETT MUNICIPAL BUILDING  
Monday, September 14, 2009**

**CALLED TO ORDER**

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

**ATTENDANCE**

Chairman J. Gryval, Vice-Chair D. Marshall, B. Sullivan, Y. Nahikian, D. Hemeon, M. Cannata, Town Council Rep. N. VanScoy, J. Mudge, and Y. Nahikian (arrived 7:40pm).

Excused: Town Administrator, C. Granfield, R. Guay, F. Kotowski, and R. Duhaime.

**REPRESENTING TOWN OF HOOKSETT**

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

**ALTERNATES VOTING**

J. Gryval: M. Cannata and J. Mudge are voting tonight.

**CONTINUED PUBLIC HEARING**

**8. 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

*D. Marshall motioned to continue application to October 19, 2009. Seconded by N. VanScoy.*

B. Sullivan: Mr. Chair, I recommend continuance to November 2, 2009 due to outstanding items.

J. Duffy: Outstanding items include DOT permitting, trail easement, Stantec's slope review, and Conservation Commission comments.

*D. Marshall withdraws previous motion and makes new motion for continuance to November 2, 2009. Seconded by N. VanScoy.*

*Vote unanimously in favor.*

*CONTINUED TO NOVEMBER 2, 2009.*

**APPROVAL OF MINUTES OF 08/17/09 & 08/24/09**

*D. Marshall motioned to approve the minutes of 08/17/09. Seconded by N. VanScoy. Vote in favor. J. Mudge, and B. Sullivan abstain.*

*D. Marshall motioned to approve the minutes of 08/24/09. Seconded by N. VanScoy. Vote in favor. J. Mudge, B. Sullivan, and D. Hemeon abstain.*

**DISCUSSION**

**1. 1373-1375 HOOKSETT RD**

Paul Morin, Tarkka Homes, Inc.

Map 18, Lots 33, 34, & 35

Proposal for redevelopment of motel & rental apartments

Paul Morin, Tarkka Homes, Inc.: Bill Bergeron and I are representing the owners and buyers. We came before the Board and asked for input to figure out if the site is viable/workable. We did purchase the property. We took steps to propose development of this site. There are 23 units on the site (provided overview of aerial view). The Town ordered the site bordered up and destroyed or repaired. Development won't happen overnight. A PZ envisioned site. The Building Dept. requested repairs to bring the site in compliance and make occupiable. Mr. Rowell said the repair of the two buildings did not meet what he called code requirements. We thought that it achieves the same result but it is a better interest to the Town. Common to both concepts is the access off Hooksett Road and access off Hunt St. We reduced impacts for the paved frontage. The three back buildings are on the back of both conceptualls. Phase I - three back buildings and access road. Phase II – either 46-hotel units **OR** retail building (requires more parking). Economically it is viable to do tomorrow. We do not have a tenant. We want to leave as much of a developable area. The last time the one theme was that the site in its current condition was unacceptable. The CEO supported the existing buildings be repaired, and whether other buildings have to be raised. Tonight is a new site plan with phase I and phase II. It is a total reclamation of the site within phase I. It will be code compliant, follow the current DES regulations, and be a more marketable site. Board, what would you like us to come forward with?

J. Duffy: I spoke with the Town Attorney since the last time the applicant was here. What would be allowed for non-conforming use, and he looked at it more than before. He can't change to residential use, and can't expand or move unless he gets a variance. A vacant piece of land would not allow a variance. Because the 8 units have current residential use, they can at least try for a variance.

D. Marshall: What was the attorney opinion on mixed use?

J. Duffy: He didn't give his opinion on mixed use. You can't pick and choose non-conformities. If they get a variance on the residential, then it is OK. If it is motel, based

on the past, the Attorney is leery to just say OK, because the motel could turn into the same thing as now (long-term residents).

J. Gryval: If a motel, there should be a stipulation that it is not a permanent residence and set timeframes for occupancy.

P. Morin: Certain buildings are vacant more than others. Peter was calling those grandfathered as of a certain date. At the last meeting with Peter he said there would be a stay. Our approach is a total redevelopment of the site.

B. Bergeron: We have had conversations with the Building Inspector about remodeling.

B. Sullivan: If the Building Inspector stated the site is better for mixed use, please let him know that is not a constructive statement to make to the applicant. You are looking at this lot and moving forward with it. Building market, have you done a lot of mixed sites; commercial and residential?

P. Morin: From Peter, that is only what I took away. I would ask him directly what he said. Mixed use buffer to purely commercial and industrial to residential.

B. Sullivan: Which towns would OK mixed. I am not familiar with mixed in NH.

P. Morin: It would be a rental transitional. Must be affordable to be effective. Those who occupy these units are not too discerning to live in a safe and comfortable place until they go to their next home.

J. Gryval: Jo Ann said he would need a variance.

P. Morin: Yes, we assumed a variance would be necessary. Mr. Chair, I would hope you would now look at the allowed use.

J. Gryval: If you get a variance, there is nothing we can do about that.

P. Morin: There are wetlands and other sites nearby. Concepts for tonight?

J. Gryval: The Board is not happy with residential and commercial on the same site.

N. VanScoy: I like the plans and I am aware this is common and works quite well. You can fix-up the buildings already sitting there without a variance, but I don't think fixing-up will help. Workforce housing; 2 stories and 4 apartments at a lower income. I like the idea and Council should way in on it. Either of these plans would improve Hooksett and the PZ along Rte 3.

B. Sullivan: Hooksett's viability – we lost Wal-Mart, Burger King and other entities on Hooksett Road. Mixed wasn't the PZ spirit.

N. VanScoy: Buffering is an advantage. We don't have residential to support these businesses.

B. Sullivan: Several thousand lots are developed to feed commercial. You would lose a flat piece of commercial land. It could be an office space. Like Bedford, we need to exercise our commercial sites.

N. VanScoy: I would respectfully disagree.

D. Marshall: If you get a variance, was it your intent to have workforce housing?

P. Morin: Yes, possibly even affordable housing.

D. Marshall: All existing buildings will be removed to include cabins, etc.?

P. Morin: We want to reclaim the site and make attractive. When commercial use gets built, that is what is on your corridor. Mr. Sullivan, I believe this does help you get quicker to what the PZ should be.

D. Marshall: If you get a variance, I could live the development of retail/office vs. 46-unit motel. The lot would look well landscaped vs. a large building.

P. Morin: Two possibilities are both allowed under the zoning to attract a viable tenant.

J. Gryval: You can pursue a variance with the ZBA if you choose.

### **WAIVER OF SITE PLAN**

**2. STEPHEN DUBOIS (#09-20)**  
1562 Hooksett Rd, Map 13, Lot 45  
Proposal for a consignment sport shop

Stephen Dubois: Former Steve's Sportsmen's Den, same business there, but now consignment vs. what Steve (Courchesne) had done. The concern is the outdoor area I would like to use. Steve currently sells boats and continues to use the outdoor area. I have outlined my display area.

J. Duffy: The main question from the aerial photo, the display area looks like it is on the grassy dirt area?

S. Dubois: The area is 100% paved 85 ft deep 80 ft wide. I intend to seal coat and stripe.

J. Gryval: Nothing will be displayed on the grass?

S. Dubois: No.

J. Duffy: Are you proposing landscaping?

S. Dubois: I would spruce up what is already there. As far as adding landscaping, no.

J. Duffy: Staff couldn't approve this as a change of use, because according to the site plan it was not approved for an outdoor display area. The business has been vacant for over a year. Is the Board OK with this waiver or does he need a full-blown site plan?

***D. Hemeon motioned to grant the waiver of site plan conditional that the site be seal coated and striped and spruce up the existing landscaping. Seconded by D. Marshall.***

N. VanScoy: It is not the prettiest of grounds. If we are not asking for a site plan, can't we ask for additional landscaping?

S. Dubois: I could offer a dollar figure for someone to come to landscape, however I would have no specifics.

N. VanScoy: Ask for some type of landscaping. Dubois showed an aerial of the existing landscaping. I am good with him sprucing up the existing.

***Vote unanimously in favor.***

### **COMPLETENESS & DISCUSSION**

#### **3. PPNE (#09-17)**

Bemis Savoie Rd., Map 37, Lots 44 & 45

- amended site plan to construct a 75' x 150' freezer addition w/loading dock and drainage improvements
- phasing for addition and drainage above

Jack Szemplinski: The property is 4.8 acres. It is at the very top of the hill. There are runoff sheds in all directions. The back of the property is interstate 93. There is an existing freezer building, wash bay, 20,000 sq ft working building, and 97 parking spaces. It is on Bemis Savoie Rd. on the Manchester-Hooksett line. There is offsite septic, community well, and Manchester Water works provides some water to the site. Site is in stages, most recently 1982, as part of a 4-phase plan. Phases 1 & 2 are built. Phases 3 & 4 still have provisions; existing conditions are in yellow on the plan. Phases 3 & 4 does not meet the requirements of their current needs. They want to build a 75' x 150' freezer type building. We met several times with Town employees. The road is split between Manchester and Hooksett. We are trying to get the catch basins cleaned out. Last Friday, 3,600 gallons of water was flushed into the system and we still could not clean it out. Somebody needs to make decisions between Manchester, Hooksett, and the State DOT (Rte 3A). There are 3 waivers: 1) drainage, 2) landscaping, and 3) lighting.

Ron Nagle, PPNE Project Mgr.: PPNE is a food wholesaler. We have 228 employees. 16-22 trailers are roaming at all times. This expansion is for maintenance costs,

efficiency, and growth capacity to hire future employees. Trailers in back 400+ pallets, with this design I would be able to hold more.

J. Gryval: Is it a cooler or a freezer?

R. Nagle: A cooler at 28 degrees.

J. Gryval: It should be listed on the plan as a cooler.

J. Duffy: We had several meetings with the applicant and engineer. They are complete, but you need to go through their waivers. Phasing of drainage plan, existing that go onto Bemis Savoie Rd, and they have had a discussion with Dale about taking ownership of that road, if they can find out who owns the road.

D. Tatem: Drainage, Jack and I walked the site 1 ½ months ago, no positive outflow. Drainage report has some culverts that are inundated and flow over. The septic field culvert smelled strongly of sewage. The detention ponds are not applicable for this site as long as the downstream is acceptable.

J. Duffy: At the beginning of the project, the Fire Dept. was requiring them to sprinkler the new and existing building. They reconfigured to detach the new building with only a walkway to the existing, therefore only the new building needs to be sprinklered.

D. Marshall: This is a 2,700 ft increase for this addition. Now you are changing the location? We need to look at the drainage waiver and ownership of that road. Nobody wants to claim it.

J. Duffy: They were going to speak to Manchester and Dale was involved.

D. Hemeon: Earlier we put in drainage pipes, and Manchester paved the road. The City states the whole road is in Hooksett. According to their plan tonight, it is in Manchester. I would like to give it as a driveway. The pipes are probably bad in the road, but the sand came from their site. At the TRC meeting, I gave Jack what I had on the roadway.

J. Szemplinski: Manchester is going under reevaluation of boundary lines. That is the best from records.

D. Hemeon: Monuments, preambulation for Hackett Hill Road, Harold Murray was convinced the boundary line was up the middle.

J. Gryval: What is up above?

D. Hemeon: One piece on the left you would land lock.

R. Nagle: We spoke with that abutter and he is OK with our improvements and will be at the public hearing.

J. Szemplinski: Winter is coming really fast. PPNE needs to get this building up and running. Some improvements should be done by the Town or Manchester.

R. Nagle: I don't want a shouting match. I don't know who owns the road, or who owns the manholes. We have offered you a plan with two drainage phases. Whether the structure is in the road or we have capacity to handle it, that is the question. That shouldn't stop us. We want to be a good neighbor. Per the Fire Dept. emergency map, Hooksett owns it.

J. Szemplinski: However, I think we could do enough work so the system works. I don't know if Manchester will complete preambulation. We need permission to work in the right-of-way.

D. Hemeon: You are saying we are preventing you from doing your work, because our drainage is not adequate?

R. Nagle: A 15-inch pipe, phase I and possibly phase II. We are answering the questions as fast as we can.

D. Hemeon: They haven't seen detailed numbers.

J. Szemplinski: We just got the numbers Friday afternoon.

R. Nagle: We are awaiting a letter from Stantec on capacity. We camerad it for capacity. If no capacity, we will do phase II. Our desire is to fix it.

D. Hemeon: I can't spend Hooksett's money on a Manchester Road. Until somebody tells me who owns the road, I am not going to spend Hooksett tax money.

J. Gryval: Complete?

J. Duffy: Yes.

***D. Marshall motioned to find the application complete. Seconded by B. Sullivan. Vote unanimously in favor.***

M. Cannata: What are phases I and II?

J. Szemplinski: Showed flow of water on the plan to the Board:

- Phase I – Clean existing enough to handle and add a couple of catch basins.
- Phase II – Two existing catch basins are plugged solid to the top. We tried to clean them out, but still needs to be finished up. We can't dump anymore water in there and any additional improvements.

J. Gryval: He is willing to do the work no matter who owns the road?

R. Nagle: We cleaned existing basins on Bemis and on Hooksett/Manchester basins 2x this year. We are trying to do the right thing. We will fix it no matter if we own it, Manchester owns it, or Hooksett owns it. We are paying taxes on a road that needs repairs.

J. Szemplinski: Showed the existing conditions. We are not producing any more water.

D. Hemeon: The existing conditions were caused by their site. I cleaned the manholes 7x. You plugged those pipes.

R. Nagle: For the Town right of way area, drainage study water and silt, Jack has come up with a plan to make the water and silt go away.

D. Hemeon: I only have a problem with drainage. I am willing to do the Town' part. Maybe it should be a 3-way with Manchester, Hooksett, and Poultry.

R. Nagle: Jack's plan will alleviate the problem.

J. Szemplinski: The addition to the site won't make any difference to the road.

D. Tatem: I wouldn't give a blanket waiver for the drainage design criteria. I would look at reasonable criteria. I wouldn't make them abide by all the new regulations. It should be analyzed to make sure the water down the street and water by Lowes can be handled. Waiver to pre and post analysis, because of no impervious. Cleaning structure so water can be cleaned before leaving site. Infiltration under size for parking that is there. Leaching basins to be piped. The applicant should come back with specific items to the drainage waiver vs. blanket.

D. Hemeon: Bellemore's pipe size?

J. Szemplinski: Clearing is not 100% complete.

R. Nagle: We ran out of time to get it all out of the pipe.

J. Gryval: Get specific drainage waiver items.

D. Hemeon: How do we resolve the ownership of the road?

R. Nagle: We want to build our addition. If drainage needs to be completed. We can feed 10,000 people for 4 more days as a homeland security site (i.e. a power outage like last December). We had 7 trucks with food to 911, and 3 trucks with water to Katrina.

N. VanScoy: What does Carol have to say about it?

D. Hemeon: I haven't really talk to her yet.



D. Marshall: Acceptance, abandonment, and ownership belong to the Council.

D. Hemeon: In the 1970s, we worked together with Manchester.

J. Duffy: The City of Manchester doesn't want the road, and Hooksett doesn't want the road. Why can't both the City and Town relinquish any rights and revert it to PPNE? Whatever rights, quitclaim it.

D. Tatem: Let him go ahead and build his building, and do work in the Town road for drainage and worry about roadway ownership later.

Marshall: Stantec, correct problem, as long as adequate.

***N. VanScoy motioned to grant waiver #1 – drainage section 3.01 & Article 11.13. Seconded by B. Sullivan. Vote unanimously in favor.***

***B. Sullivan motioned to grant waiver #2 – landscaping section 3.02 & 3.03. Seconded by N. VanScoy. Vote unanimously in favor.***

***D. Hemeon motioned to grant waiver #3 – lighting section 3.05 and Article 16. Seconded by B. Sullivan.***

N. VanScoy: Do they need to add light for additional parking, and will the building have shadows?

***Vote unanimously in favor.***

***PUBLIC HEARING OCTOBER 5, 2009.***

**COMPLETENESS WAIVER AND PUBLIC HEARING**

- 4. JOHNSTONE ENTERPRISES LTD (#09-21)**  
1158 Hooksett Rd, Unit 2, Map 39, Lot 39  
Amended site plan to increase parking spaces for unit 2

Jenn McCourt, McCourt Engineering: This is the shuttle service site and they are asking for a waiver to completeness.

J. Gryval: Update the Board what has been done and what is proposed to be done.

J. McCourt: Pavement and restriping are not done. Landscaping and lighting are done. Last Wednesday the pavement was done. Cars were moved off of the gravel area and onto the pavement area a couple of days after Mr. Johnstone received a letter from Peter

Rowell. He did not complete the striping, because the same day we got Peter's letter, we submitted this plan to the Board.

D. Tatem: It is similar to Hooksett commons for a resubmittal. This went through all the completeness criteria several months ago. This is a separate application to expand their parking lot.

***D. Marshall motioned to grant waiver #1 for completeness criteria part I section 9.06.2. Seconded by M. Cannata.***

***Vote in favor. B. Sullivan and D. Hemeon opposed. Motion carried.***

D. Tatem: For drainage, account for the additional volume 9,010 impervious. Expansion of the site will not meet many items. This is similar to PPNE.

J. McCourt: It is old fill with the original site, and it is impervious at this point. Gravel in the area and putting pavement increases run off a little bit. I provided grading. My client has agreed to cleanout the basin and outlet to increase capacity of the detention pond. There is a large Willow Tree on the banking of the detention pond and we have asked to keep that there.

D. Tatem: We are OK with that.

B. Sullivan: I agree with Jenn for the impervious. The gravel is not cement but close. When it rains it puddles. I like the tree. The basin will work well. It is not a big deal.

D. Hemeon: A lot of work was not getting done the first time around. What will guarantee this will get done now?

J. McCourt: The lights and landscaping were completed right off. He is a small business person. For paving, the lot wasn't working and he was thinking of other ideas.

D. Hemeon: The original approval was in January.

J. McCourt: We had a June deadline. The pavement was not done.

J. Gryval: I took a ride down there and it appeared nothing had been done. I didn't see any lighting.

J. McCourt: The lighting was approved by Stantec and in before the CO.

D. Tatem: They were suppose to widen the gate.

J. McCourt: As part of this plan, we want to take the gate off.

***B. Sullivan motioned to grant waiver #2 drainage design criteria part I section 11.13. Seconded by D. Marshall.***

*Vote in favor. D. Hemeon and N. VanScoy opposed. Motion carried.*

J. McCourt: Lighting, .3 ft candles, the extra spaces are to park vehicles on an irregular basis.

J. Gryval: Why wouldn't you want it lit for vandalism?

Y. Nahikian: Will you have the same amount of lighting?

J. McCourt: We will be adding two lights to the site, but waiving part of the parking lighting.

***B. Sullivan motioned to grant waiver #3 lighting part I section 16.05.4. Seconded by D. Marshall.  
All opposed. Motion failed.***

J. Duffy: We need updated condo docs reviewed by Town Attorney.

D. Tatem: 6, 10 & 11 doesn't show any additional landscaping. It is non-proposed in the back. In February they added trees around the lot. It doesn't meet all the criteria for landscaping.

J. McCourt: #10, gravel areas out there, extremely structural fill like nit-pack. I have done a 6 ft test pit out there, and it is solid fill. To take out 9 inches, the material left is more structurally sound.

D. Hemeon: Typically it is 10 inches of gravel in a driveway with 6 ft of solid fill.

D. Tatem: Is it fill or gravel?

J. McCourt: Fill.

D. Hemeon: Fill will fail overtime.

Y. Nahikian: Any testing completed?

J. McCourt: CVR test for structural strength.

D. Tatem: It is 9,010 sq ft. They completed landscaping from the original plan, but no landscape for the new parking lot.

J. Gryval: If it is in the regulations, they will have to add landscaping.

**Open Public Hearing**

No comments.

**Close Public Hearing**

D. Hemeon: Does your client own the property for the paving area in question?

J. McCourt: Yes.

N. VanScoy: I would like Dale's opinion.

D. Hemeon: The parking area should have 12 inches of gravel (6 crush and 6 gravel – selects to offset frost, etc.). Without this in 5-10 yrs he won't have a good investment for his money.

B. Sullivan: Should we set a timeframe for a conditional approval?

D. Marshall: Once we receive the condo docs and have them approved by our Town Counsel, then the plans can be signed and recorded. The question, how long does he have to accomplish those plans? We haven't started a time limit on conditional approvals. The occupancy permit should not be granted until all those things are done. Unfortunately, you are asking to put landscaping there at the worst time of year.

D. Hemeon: How did he occupy the first time with outstanding items?

D. Marshall: The CEO gave the permit.

***N. VanScoy motioned to approve the application conditional:***

- All review fees are paid-in-full
- \$25.00 LCHIP check payable to Merrimack County Registry of Deeds is submitted to the Planning Dept.
- 2 mylars, 8 paper copies (22x34), 1 paper copy (11x17), and 1 digital
- All outstanding comments from Stantec are addressed to Stantec's satisfaction (see Stantec letter dated 09/10/09)
- Applicant must comply with landscaping, lighting, and parking area paving requirements in the Town's regulations.
- All outstanding Federal, State, and local permits are obtained and submitted to the Town and Stantec
- Town Attorney to review and approve condominium documents
- Applicant agrees to attend a required pre-construction meeting after (a) all bonds are submitted and approved, (b) site plan compliance monitoring escrow is in place and the Inspection Funding Agreement is signed and submitted and (3) the plans are signed and recorded
- Applicant agrees to site plan compliance monitoring
- All waivers noted on plan
- Note on plan "Approval of this plan shall expire three (3) years from the date of the Planning Board approval, as recorded in the Planning Board Minutes, unless the right to develop has vested."

*Seconded by M. Cannata.  
Vote unanimously in favor.*

### **COMPLETENESS AND PUBLIC HEARING**

5. **ADSISBRO, LLC (#09-18)**  
1228 Hooksett Rd., Map 34, Lot 30
- amended non-residential site plan to construct a 4,400 sq ft office building with associated site improvements
  - Conditional Use Permit

Y. Nahikian: I am stepping down from this application.

Chad Branon, Meridian Land Services, Inc.: We are here to discuss a proposal to amend the previous site plan approval from 2006 (Cinemagic + 3-lot subdivision). Originally we were going to use the Piazzni building for a 5,550 sq ft office building. Now we want to construct a new building to total 4,400 sq ft. My client did not renovate the existing building due to the cost. He decided to demo that building and come back and see you with a new site plan. We have 15 parking spaces and your regs require 14 spaces. There is an existing detention basin on the property. We have met with the Community Development Dept., TRC, and Dan (Stantec). Janet Levy @ Central Hooksett Water Precinct (CHWP) reviewed the plans and stated CHWP will not issue anymore letters of capacity. She has approved our plan. There is a leaching system and infiltration under the parking to handle roof run off from the proposed building. There is a 40 ft no disturb buffer impact. In 2006 it was a 25 ft no disturb and 75 ft prime wetland. The new regs are 40 ft no disturb and 100 ft prime wetland. It is a limited buildable area. There is 2,000 sq ft of impact in the 40 ft buffer.

J. Duffy: CHWP has changed their process and won't provide letters that there is capacity until the final plans are reviewed. You would need to waive this completeness item.

D. Marshall: We will have to waive this item for everybody with CHWP. Should we get this requirement out of our regs?

D. Tatem: Other precincts will provide a capacity letter.

*D. Marshall motioned to find the application complete. Seconded by N. VanScoy.  
Vote unanimously in favor.*

J. Duffy: For the Sewer Dept., they need to pay after the Planning Board approval.

J. Gryval: For the slope waiver, this is a hazard for kids running around.

D. Tatem: In my first review letter I analyzed the slopes. It is only a 3-4 ft deep pond.

The stability of the side slopes: new regs 4:1 vs. old regs 3:1. They don't meet the requirements.

J. Duffy: Chad and I went over the drainage, etc. This was a previously approved site plan for an office building. I recommended he doesn't need to go by the new regs and treat this as an amended site plan.

***D. Marshall motioned to grant waiver #1 water capacity letter – site plan checklist. Seconded by N. VanScoy. Vote unanimously in favor.***

C. Branon: Waiver #2 pond side slopes maximum grade of 4:1 no longer requested.

***D. Marshall motioned to grant waiver #3 site specific soil mapping – site plan checklist. Seconded by M. Cannata. Vote unanimously in favor.***

***D. Marshall motioned to grant waiver #4 scale one inch per forty feet – site plan checklist. Seconded by B. Sullivan. Vote unanimously in favor.***

***D. Marshall motioned to grant the Conditional Use Permit. Seconded by N. VanScoy. Vote unanimously in favor.***

### **Open Public Hearing**

Yervant Nahikian, Architect: I have been doing this for 4 yrs now. In the PZ (performance zone), there is flexibility for design. This building fulfills the image of my client and the space. From past experience with the movie theater, I have received very positive responses. This building compliments Cinemagic, because it follows a little bit of the same spirit of the design. It is modern and fits nicely in the PZ (handed out color version to the Board). It is a simple building with the set back limited on each side. I tried to put in requirements that we are expecting other applicants to do; recesses, different materials, etc.

B. Sullivan: It is an interesting design with the glass. The flat roof breaks-up the building dramatically.

Y. Nahikian: It flows all around with the same quality for exposure on all 4 sides.

J. Gryval: I would like to see something consistent with surrounding buildings.

D. Marshall: Are you heating the roof? Our winters are brutal. You are not worried about weight?

Y. Nahikian: No.

Bruce Fillmore, public input: Isn't the 40 ft buffer an intrusion and would require a variance?

C. Branon: We are in the PZ, so we just need a waiver.

### **Close Public Hearing**

J. Duffy: The old structure was in the buffer, and he did get a CUP for the wetland impact.

#### ***D. Marshall motioned to approve the application conditional:***

- All review fees are paid-in-full
- \$25.00 LCHIP check payable to Merrimack County Registry of Deeds is submitted to the Planning Dept.
- 2 mylars, 8 paper copies (22x34), 1 paper copy (11x17), and 1 digital
- All outstanding comments from Stantec are addressed to Stantec's satisfaction (see letter dated 9/14/09 from Stantec)
- All outstanding Federal, State, and local permits are obtained and submitted to the Town and Stantec
- Letter from Hooksett Central Water Precinct stating they have capacity and approve this project
- Letter from Hooksett Sewer Commission stating they have capacity and approve this project
- Applicant agrees to attend a required pre-construction meeting after (a) all bonds are submitted and approved, (b) site plan compliance monitoring escrow is in place and the Inspection Funding Agreement is signed and submitted, and (c) the plans are signed and recorded
- Applicant agrees to site plan compliance monitoring
- All waivers noted on plan
- Note on plan "Approval of this plan shall expire three (3) years from the date of the Planning Board approval, as recorded in the Planning Board Minutes, unless the right to develop has vested."

***Seconded by N. VanScoy.  
Vote unanimously in favor.***

### **PUBLIC HEARINGS**

#### **6. SUPERMARKET (#09-15)**

Interstate 93 & Rte 3A, Map 37, Lots 2-3, 3, 4, 5

- Consolidate 4 lots into one and then subdivide into 2 separate lots
- Non-residential site plan to construct a 76,325 sq ft supermarket
- Determination of regional impact

J. Gryval: On 9/2/09 the Board received a formal letter from Craven Law Firm on behalf of the Nicoloy Tombs 2004 Trust. The letter states the ingress and egress are unreasonable for the Magalloway's proposed development.

Matt Routhier, Allen & Major Engineering: I am representing Reggie Ronzello. Brief overview, site is at exit 10 Rte 3A, south ramp. There are 4 lots total 28 acres, proposing to consolidate 4 lots into two lots, and have a new access road adjacent to the existing off ramp. The proposed supermarket is 75,325 sq ft with 84 parking spaces. There will be a new access road to Central Park Drive. This will allow the existing office building to use the signalized intersection to alleviate traffic. We received a variance for PSNH to maintain the vegetation and 75 ft buffer adjacent to the highway. We met with the Aesthetics Committee for the 3<sup>rd</sup> time tonight and came to an agreement for landscaping and the building architecture.

J. Duffy: We need to determine regional impact tonight.

D. Marshall: Secure a letter from DOT for the limited access right-of-way.

Jim Lamp: The P & S is contingent upon the access provided. The State received approval for a private road.

D. Marshall: This is the first case I have heard where they have broken limited access for other than a public road.

J. Lamp: The State procured it prior to the land for sale. This is not something done for purchases, it is done by the State.

D. Marshall: Is it surplus land?

J. Lamp: Yes. For the Tombs site, our attorney has been in touch with Mr. Craven. Kevin Dandrae from TEC is here. The divided highway with the raised median exists and will stay as is. There is full access to Tombs today and after our development. Our plans show we are not extending the median.

D. Marshall: He is not asking for access to his road from yours?

J. Lamp: No. A representative for the GE office building (United Healthcare) just received the abutter notice. It took awhile because of the size of their corporation. The rep is an attorney located in Nebraska. We explained to her that no action would be made by the Board at tonight's meeting. This will give her time for her review. With the GE office building, there is an association and access & maintenance issues are being worked out with our attorney.

J. Gryval: You are aware Central Park Drive is private?

J. Lamp: Yes, and we are creating an entity with GE for the association.



J. Gryval: What are the impact fees for the roadway?

J. Lamp: I talked to Jo Ann. There were questions at the Aug 5<sup>th</sup> meeting and it was voted for calculation of 379 vs. 340. We were accepted complete prior to the lower fee. The tenant and client would like to know where fees go.

J. Gryval: Would you consider a 10 yr vs. 6 yr impact fee?

J. Lamp: We are more than willing to work with the Town. The Town needs matching fees.

D. Marshall: Impact fees collected on that road can only be used on that road (Rte 3A). We collect them by corridors.

J. Duffy: Last week we had a meeting with DOT, and tried to coordinate Walmart and another potential development with this project. I asked Bart, if we have an agreement with the developer, can we use the Town's share and he thought it was OK as long as they agree in writing.

J. Lamp: We will get a comment letter from DOT for the gap between our site and Walmart.

### **Open Public Hearing**

Jason Craven, Attorney representing Nicoloy Tombs 2004 Trust: My client's (Richard Tombs) frustration with this project is that it abuts all sides of his property. The primary issue initially was a proposed site plan question. I have had conversations with Atty Gartrel who is representing the supermarket. The DOT approval is not final. They are in continued negotiation with Central Park Drive. Two issues are:

- 1) traffic issue – more and more difficult to get in and out of Tombs' site
- 2) final approvals – what impact will be made to the intersection that will create an extension of the median strip

We can't have that discussion until we know what you will do with your property. It will take 1-10 yrs to redevelop. The Board needs to look at these types of projects. Due to Rte 3A at the southbound exit, you are now redirecting traffic from Central Park Drive for safety. Tombs is now being left on their own and this is a safety issue and access issue to the parcel from 3A.

Richard Tombs, abutter: 31 yrs ago, back then 10,20,30 cars per day were going by. Now we can't even get out of our parking. There is an accident almost every day. The tractor trailers every day complain that they can't get out, because of new commercial construction. My site was the Graveyard restaurant and there were 5,000 cars per day. PPNE can't get out on 3A either. All we are asking is an access road from this development, not from 3A. I spoke to the State, and they said they can't do anything until someone gets killed.

J. Lamp: For the subdivision approval, can the Board make it conditional that it will not be recorded if the site plan does not get approved?

J. Gryval: Regional impact?

B. Sullivan: Walmart is so close to the line and has a dramatic impact to the Rte 3A corridor. We are not that close to the line with this project.

D. Marshall: Far into Hooksett is defined as further North on Rte 3A. Regional impact is more than a local significance. There is Hackett Hill, plus industrial park, and housing along Rte 3A who will utilize this site. As a courtesy we should determine regional impact for the interchange area and south. North there is not so much that would have an impact. North would have to be something spectacular to be considered a regional impact.

D. Hemeon: I don't believe we should have to notify Manchester. ¾ mile to the Town line they did bridge work and they didn't notify us.

D. Marshall: This is a matter of courtesy. They can speak in our community.

N. VanScoy: Clarification "regional impact" & "more than local significance" the same?

D. Marshall: Yes, same.

***M. Cannata motioned to find the application a regional impact for the City of Manchester and SNHPC to be notified. Seconded by D. Marshall.  
Vote in favor. D. Hemeon opposed. B. Sullivan abstains. Motion carried.***

***D. Marshall motioned to approve the application for the subdivision conditional:***

- if the site plan application for the supermarket does not obtain approval, this subdivision plan will not be signed and recorded (subject to site plan approval conditions)
- All review fees are paid-in-full
- LCHIP check payable to Merrimack County Registry of Deeds is submitted to the Planning Dept. (amount to be determined)
- 2 mylars, 11 paper copies (22x34), 1 paper copy (11x17), and 1 digital
- All outstanding comments from Stantec are addressed to Stantec's satisfaction (see letter dated 09/14/09 from Stantec)
- All waivers noted on plan
- Note on plan "Approval of this plan shall expire three (3) years from the date of the Planning Board approval, as recorded in the Planning Board Minutes, unless the right to develop has vested."

***Seconded by N. VanScoy.  
Vote unanimously in favor.***

***SITE PLAN CONTINUED PUBLIC HEARING TO OCTOBER 5, 2009.***

**7. AUSTIN WOODS (#08-02)**

South Bow Rd & Mountain View Rd, Map 12, Lots 13, 14-4 & Map 16, Lot 53

- proposal to subdivide Map 12, Lot 14-4 into a 6-lot conventional subdivision, consolidate Map 16, Lot 53, and Map 12, Lot 13 into one lot, and simultaneously subdivide it into 37 residential lots and 2 open space parcels for a conservation open space subdivision.
- proposal for lot line adjustment to provide for the transfer of parcel "A" (15,130 sq ft) from Map 16, Lot 53 to Map 16, Lot 53-1
- Special Use Permit for Conservation Subdivision – Zoning Article 8, Sec. K

Eric Mitchell, Engineer: We have been before the Board the beginning of last year when we submitted plans. Also before the ZBA for special exceptions and variances for wetland crossings, and to the Conservation Commission for open space. It is a 6-lot subdivision for 14-14 LaBonville, and lot 53 & 13 into one lot. A lot line adjustment for lot 53-1. Total project is 37 residential and 6 conventional = 43 lots. There is a 126 acres of open space; roadways, wetlands, and non-usable areas = 93 total acres. 46 lots are permitted. We are proposing 37 lots. 62.8 is required and we have 65.8. 50% open space unconstrained; no wetland easements. We have 31.4 unrestrained at 69%. The 129 acres is all land combined as dry land and 50 acres of wetland. We received a special exception for lots 14-4 and 13 & 53. Requirements for 13 & 53 with the condition to mark the wetland buffer every 50 ft. and configure lots 24, 25 & 26. The buffer changed a year ago to 100 ft; we are looking for latitude from this Board. House lots near other properties are all zoned residential and have residential use. 25-35 ft and sometimes 50 ft width = equal amount of conservation easement (couldn't cut trees); buffers range from 50 ft –100 ft width. In 2008 to TRC we had 47 lots, now we have 43 lots. We comply with the layout for zoning regs, and have completed site walks, etc. This is one of the first times this Board has seen this project in depth. You have made recommendations to the ZBA. 100 acres of open space is in the vicinity of Bow to the North. I would be glad to answer questions you may have. We are not asking for a decision tonight.

J. Duffy: The Conservation Easement has been provided and sent for legal review and to the Conservation Commission for comments. Several problems to include no rights granted in easement for public use and other things to change. It needs to go back to Conservation Commission for the trail system. \$10,000 to Conservation Commission prior to the plan being recorded. They are returning to Conservation Commission on Oct 7<sup>th</sup>. Note 31 – amend to reflect home businesses are not allowed in cluster zoning. Homeowner docs need to be submitted and reviewed by our attorney. Applicant wants to have a discussion with you about lot 26. I originally stated this lot should be eliminated, now it has a shared driveway. The front yard of this lot is a wetland. No info. has been submitted on recreational land for open space, they have since provided a plan to see if the Board is satisfied. Special use permit – application at our July 13<sup>th</sup> meeting. Alteration of terrain permit is pending. Phasing of subdivision – article in zoning limits 12 lots per year, this plan is separating LaBonville piece. He builds 6 houses, and they can also build their 6 houses. This is one application; one subdivision. LaBonville could

not be built if this subdivision was not created. Town Attorney has stated this is one subdivision. If they came off South Bow Road, LaBonville couldn't build until the 4<sup>th</sup> or 5<sup>th</sup> yr.

J. Gryval: There is a lot that still needs to be done here.

E. Mitchell: Conservation Commission meetings continue to get language correct on who will hold the easement, and maintain the trails. The public access was always intended to be there. The \$10,000 maintenance agreement, there is no violation with open space. No problem to note on plan for no home businesses. Lot 26 – Board look at the configuration, it does not have 100 ft x 75 ft. There was never a wetland or buffer impact to put out back. We considered 46 to 47 lots, however we moved the road to preserve per Conservation Commission. We would like to preserve a number of units. Recreation land, ordinance permitted option that it can be put there but it is not a requirement for a recreation land. This development is single family, not high density. If you put in a recreation lot, they tend to be a hang out and not used. The lots are big enough for their own swings, etc. We have a special use permit. AOT originally was denied by the State and we are waiting any day to see if water council will review. Phasing, this is two different projects (conventional and open space) and the road brings the two projects together. This Board does have latitude of 25% in any given year. The loop road is a connector. Part way through to South Bow Road the first year, and all the way through the 2<sup>nd</sup> year. 4 yr total proposed project.

J. Mudge: The road opposite Mt view road is Roy Road. I know this area pretty well. Isn't there a cemetery somewhere here?

E. Mitchell: Yes, Austin family cemetery and it is preserved in open space.

J. Mudge: I almost bought on Mt View Road and some people had well problems. Some people had to drill two wells. What is price range of these homes?

E. Mitchell: Mid \$300,000.

B. Sullivan: Phasing the causeway with a hammerhead?

E. Mitchell: Temporary hammerhead.

B. Sullivan: Dan, are hammerheads allowed?

D. Tatem: As long as phased, but not permanent.

B. Sullivan: Mason Ave. does not align with causeway (same thing with Roy and Mt View Road. My concern is sight line.

E. Mitchell: We did a land swap for a curve. We comply with regulations. Slopes and building can't align up with a 125-150 ft street jog.

**Open Public Hearing**

John Hillis, 19 So. Bow Rd: Article 8 section b objectives – rural character . . . minimizing impact . . . natural environment. For the construction of the road and development attributes of the road, we have had discussions with Mr. Fillmore to preserve certain trees and want these on the plans. Also we would like grass. There is a 12 ft tall road off the slope. It is not on the plan yet. Snow removal – salt and sand should be sloped away from property at 53-1 as they turn. Mitigate that – keep pollutants off our property with fencing. We need clarification for potential of blasting, as an abutter would we get notified. If there is a negative impact to quality of our land or water, it should be rectified by the developer.

J. Gryval: Your property will be inspected before and after.

J. Hillis: Upfront communications, any activities negatively impacting the character and nature will be rectified.

Mark Pillote, 7 Mt View Road: I am opposite the connector road. I am in opposition to this plan. The causeway exit onto Mt View Road is in front of my property: 1) current design does not meet driveway regulation – 50-60 ft driveway to intersection. I have 200 ft of road frontage – exception is for 100 ft or less, 2) Mt View Rd being a cul-de-sac will reduce my value, winter months little benefit for vehicles – lights shining on my house, and 3) hammerheads – permanent dead end streets vs. phased in projects. Mt View Rd is a dead end road, the design of this project is making it a hammerhead. It should not be designed to be phased in with another road. 7 yrs ago my family moved here because we liked the school system and Town. This area is the least congested. We went through a lot of thought and effort (traffic flow, speed, resale value). The developers have a choice for an alternate access road. April 9<sup>th</sup> 2005, LaBonville had a 6-lot subdivision presented at a ZBA meeting off So. Bow Road vs. Mt View Road. I am opposed to this project and ask the Board to take this into consideration.

Brian Soucy, 1 Mt View Road: I am also here tonight for my neighbors, Jason & Jana Pirie at 5 Mt View Road; submitted and read Soucy and Pirie letter into the record.

Ann and Jeff Hill, 10 Mt View Road: We have been coming to these meetings with the Planning Board and ZBA for many years. First it was a 5 or 6 lot subdivision, now it is a much larger subdivision. I don't believe it is good planning. So. Bow Rd, since 6 yrs ago, condition of road gets worse and worse. Planning Board should look at this as an opportunity to improve roads leading to Bow for drainage and Alameda. 5 yrs of construction vehicles going down Mt View Road. This plan is a cheaper way out to accomplish a goal to use land productively as a conservation subdivision. This has always been two separate projects. Was 5-6 lots now a 43-lot subdivision. This will change the entire corner of Hooksett. I encourage you not approve this subdivision as presented. Look at reworking this subdivision to serve Hooksett better than the current design.

Ryan Crosby, Pike Industries: Pike is an abutter. We don't have any specific objections

to the proposed development. The concern is we are an operating quarry and asphalt plant, and we want to make sure potential buyers are aware of noise and blasting. As a neighbor, we are always open for questions or concerns.

B. Soucy: Jo Ann, the road off Mt View is still not approved. Is this putting the cart before the horse to come before the Planning Board before the road is approved?

J. Gryval: The road will be built as submission progresses.

B. Soucy: The cul-de-sac should be the 1,200 ft.

D. Marshall: The road is not a separate entity.

M. Pillote: I have three wells at 2,000 ft in depth. Two are not functioning. There is soft granite in that area.

D. Tatem: Our first review letter has 146 comments, and we have no response back yet.

J. Gryval: Renotify abutters when ready to come back to this Board.

E. Mitchell: Cistern has 15-20 comments. We are willing to come back when the Board wants us back.

J. Gryval: Get the list from Stantec and go through it.

M. Cannata: How long will it take you to resolve the comments?

E. Mitchell: 50-60 comments can be resolved in a few days.

M. Cannata: Date?

E. Mitchell: 2<sup>nd</sup> meeting in Oct?

D. Tatem: Alteration of terrain application was denied originally, and they have appealed. We have not reviewed any drainage because of this.

J. Gryval: My opinion is there is no date certain, therefore renotify the abutters.

D. Marshall: Keep the hearing open, and renotify abutters.

B. Sullivan: When does the clock end?

E. Mitchell: Oct 19<sup>th</sup> for updates.

D. Marshall: When you are ready for an application decision, or a policy decision for this Board, work out with Stantec, then we want to see you. You are wasting our time to give

us just updates.

J. Gryval: When staff feels you are ready, then you will be placed on an agenda and renotify abutters.

E. Mitchell: Does the Board have any comments for buffers, layout or anything like that? If Board has issues with general layout and design? If road is going to shift 50 ft.?

J. Gryval: Go down through the checklist.

E. Mitchell: For recreation space, buffer satisfactory (Conservation Commission), the general layout . . . we would like your feedback.

D. Marshall: I don't believe off set streets align with Mason. You lose a lot. An alternative to hooking into Mt View Road should have been parallel.

N. VanScoy: Lots 24, 25 & 26, I find these are a concern.

J. Gryval: When staff and Board are ready to review, you will renotify the abutters.

E. Mitchell: Time clock for continuance?

***D. Marshall motioned to extend the 65-day deadline to November 16, 2009. Seconded by N. VanScoy.  
Vote unanimously in favor.***

## **OTHER BUSINESS**

### **9. CIP COMMITTEE 2010-2011**

J. Duffy: Dept. Head forms are due to the Finance Dept. on 9/23/09. You need to appoint the CIP committee. We haven't asked anyone yet. Rob will take Chair position, and other members from last year said they would like to be on this year. Jack Mudge will represent the Planning Board.

### **10. PLANNING BOARD RULES OF PROCEDURE**

J. Duffy: Tonight is the first reading.

***D. Marshall motioned to adjourn at 10:55pm. Seconded by N. VanScoy.  
Vote unanimously in favor.***

**ADJOURNMENT**

Chair J. Gryval declared the meeting adjourned at 10:55pm. The September Planning Board Meetings are at the Hooksett Town Hall Chambers, room 105 @ 7:00pm:

- September 21st – workshop meeting (Development Regulations updates)
- September 28<sup>th</sup> – workshop meeting (water precincts' approval process)

Respectfully submitted,

Donna J. Fitzpatrick  
Planning Coordinator