

Official
As of 11/02/09

HOOKSETT PLANNING BOARD
MEETING MINUTES
HOOKSETT MUNICIPAL BUILDING
Monday, October 19, 2009

CALLED TO ORDER

Vice-Chair D. Marshall called the meeting to order at 7:04pm

ATTENDANCE

Vice-Chair D. Marshall, M. Cannata, J. Mudge, F. Kotowski, Town Administrator, C. Granfield, R. Duhaime, D. Hemeon, and Town Council Rep.

N. VanScoy.

Excused: Chairman J. Gryval.

Absent: Y. Nahikian, R. Guay, and B. Sullivan.

REPRESENTING TOWN OF HOOKSETT

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

APPROVAL OF MINUTES OF 10/05/09

N. VanScoy motioned to approve the minutes of 10/05/09. Seconded by J. Mudge. Vote unanimously in favor.

Note: Alternates will be voting tonight.

DISCUSSIONS

1. DEMOLITION ORDINANCE
Jim Walter - Heritage Commission

Jim Walter, resident and representative of Heritage Commission: Kathie Northrup and Sally Humphries from the commission are also here tonight. This is a continuation from the Spring discussion with the Board on the Demolition Ordinance. We are hoping to get this ordinance passed. Since the last meeting, we have heard back from the Hooksett Historical Society and they have given us their support. Since the Spring, there are some new members on the Planning Board. This ordinance would apply to the request of an applicant for the demolition of a historical building of some type in Town. The CEO would be responsible to contact the Demolition Committee. This committee consists of three (3) Heritage Committee members and 2 other members. The committee won't say to an applicant "you can't demolish to build your structure", however this will give the committee time to discuss the history of the building with the applicant and maybe talk him/her out of demolition or changing that building. This will give the committee forty-

nine (9) days to have discussions with the applicant, before he/she would go to the Planning Board. Other towns have picked up this ordinance. We are hoping to protect some of our historic buildings. The Town attorney suggested three (3) options for the ordinance: #1) RSA 674:21 Innovative Land Use Controls, #2) 674.44 2(b) Site Plan Review Regulations – “provide for the harmonious and aesthetically pleasing development of the municipality and its environs”, **OR** #3) 674.36 2(b) Subdivision Regulations – “provide for the harmonious and aesthetically pleasing development of the municipality and its environs”. I think Keene chose option #1. Anyone of these options would work.

M. Cannata: Does this pertain to buildings only?

J. Walter: Yes. Buildings over 500 sq ft and visible from the road.

M. Cannata: Are you protecting the site for keeping a historic plaque?

J. Walter: No, we are trying to stop the demolition of historic buildings.

M. Cannata: Are you protecting the building, or protecting what went on in the building before?

J. Walter: Example is the Ketchup Factory. The building was demolished for Wendy's, and the Heritage Commission put up a historic sign of what was there before. If Wendy's said no to the sign, then we couldn't put the sign there.

M. Cannata: Would you consider having the protection of the site in addition to the building in the ordinance?

J. Walter: Not in the Demolition Ordinance, but in another ordinance.

C. Granfield: You mentioned Keene has adopted the Demolition Ordinance. What are the others in NH who have adopted it?

J. Walter: Only 2 or 3 throughout the State now have it. It is a trend across the nation.

F. Kotowski: Would this ordinance apply to buildings already designated as historic, or would the Heritage Commission determine if the building is historic in nature or not?

J. Walter: The building has to be at least 50 yrs. old. We debated in the Spring about criteria of 75 yrs., however it was decided to go with 50 yrs. Right now, Eagles Nest-Indian Head store was built after WWII. I would consider this building historical, even though it is not 75 yrs. old. The most historical sites have been picked out in Hooksett.

R. Duhaime: I missed the debate on the 50 yrs. vs. 75 yrs.

J. Walter: As the years go by, more buildings will move into the historic category.

R. Duhaime: Strawberry Banke in Portsmouth, NH was built around the 1940s.

J. Walter: Correction, the criteria for the building being visible from the road is now not in the ordinance.

F. Kotowski: Hooksett's map of historic sites, would I be correct to say this ordinance only includes those buildings identified on the map?

J. Walter: Yes. It is a starting point. It applied to anyplace in Town, not just in the Village area. There are not a lot of homes on that list. We would need to investigate into homes.

D. Marshall: Staff, which way is recommended to adopt?

J. Duffy: It is easier to adopt under the Development Regulations. Under zoning, you may find some resistance. In the Development Regulations may flow through the process better. The applicant would need to file an application with the Building Dept. and we could get copy. If zoning then variances are involved, and we may lose the flow toward planning.

2. ALGONQUIN

Joe Jarnutowski

172 Londonderry Tpke., Map 43, Lot 5

Proposal for phase I – expand existing tennis courts to add two more courts, and phase II – construct separate office building(s).

Joe Jarnutowski: I am here with my sister Stephanie. I am interested in pursuing a project at Algonquin. As of last Tuesday, I gave up my presidency of Algonquin, so that I could pursue this project. This will allow me to take personal ownership of rest of property that has been for sale for 2 yrs. Initially I would like to add two (2) tennis courts to the existing facility. Then I would like to construct an office park of 3 or 4 buildings with 30,000 sq ft per building, and a separate conference center.

My questions to the Board (refer to pg 2 of conceptual packet):

- 1) **Wetlands:** manmade when facility was first put up. Would this issue stop the project?

D. Marshall: Wetlands would need to be identified and processed with the State DES. You can't work in a wetland without permits, whether the wetland is manmade or not.

J. Duffy: Also you would need a variance from the ZBA for filling a wetland and a special exception for crossing a wetland.

- 2) **Site grade:** there is a 12 ft. grade delta.

D. Marshall: Are your conceptual buildings plateaued or staggered?

J. Jarnutowski: They are separate. I am now talking specifically for the tennis court expansion; rock wall or slant it back?

D. Marshall: Steep slope Dan?

D. Tatem: 12 ft. cut. 100 ft. from the lot line can be sloped. The State will tell you there is a lot of usable land behind your building to reduce or minimize the impact to wetlands. They will not restrict, if the building is back 50 ft if this results in reducing the wetland fill.

J. Duffy: Have you hired an engineer yet? A lot of these things can be worked through with staff and an engineer.

3) **Sprinkler system:** this is a private club.

D. Marshall: Even if a private club, the Fire Dept. will probably require.

4) **Septic:** Do I have to change to septic?

D. Marshall: That depends on your design.

J. Duffy: Septic is governed by NHDES. The Town doesn't issue septic system permits.

5) **Parking:** We would like shared parking with the office buildings.

D. Marshall: Are you going to subdivide your property?

J. Jarnutowski: Yes at some point.

D. Marshall: If you subdivide, is the frontage on Londonderry Tpk. Sufficient, and will there be enough left for frontage for the rest of the land? You are cutting out the corner where Algonquin is, and the remaining land is another lot. If shared parking, there needs to be an agreement between the two lot owners.

J. Jarnutowski: An agreement can be established.

D. Marshall: What happens when there is a large tennis tournament when the other lot is active? There may not be enough parking. I know a few weeks ago you had a large event, and parking was along Londonderry Tpk. That is not allowed. Shared parking is allowed.

J. Duffy: He has twenty (20) parking spaces today and he needs 272 total spaces. Waivers can be requested.

D. Marshall: On your plan, I see four (4) small building, and one (1) large building.

J. Jarnutowski: The large building is the proposed conference center.

R. Duhaime: Your subdivision line, you cannot have a building cross it.

D. Hemeon: He is getting a feel from the Board tonight. I think it is a nice plan.

D. Marshall: The biggest issue I see is parking. Also, adjust the property line for the conference center.

M. Cannata: For your events, are they all tennis or do you have other events?

J. Jarnutowski: There are other events as well. We would like the conference center to be for meetings, weddings, etc.

M. Cannata: Any concerts?

J. Jarnutowski: No.

J. Duffy: You can schedule to meet with staff to further discuss.

3. MERCHANTS MOTORS

1278 Hooksett Rd, Map 30, Lot 9

Repair of existing signage.

J. Duffy: I met with Michael Sidney and Jutras signs. Merchants Motors would like to change the panels of their existing signage. They went to the Building Dept. for a sign permit, however they have no jurisdiction because the site is in the Performance Zone (PZ) under the Planning Board. The only difference with the sign is that they are bringing it more into conformance. The panels on the top and bottom will be changed to an opaque background with translucent lettering. They are modernizing to LED technology. The Planning Board made restrictions to PZ signage for no flashing, movement, etc. The difference with this sign is that they have a variance from the ZBA back in 1990-1991 for a reader board. They need this Board's blessing, because that is the way it reads in the ordinance.

R. Duhaime: The Town is looking to drop the height of signage for continuity along D.W. Highway. The Merchants sign is in excess of a lot of signs on D.W. You are reducing the lit part, but not really reducing the overall signage.

Bill Smiley, Watch Fire Signs: The Merchants signage is fast becoming an eyesore. The current bulbs cannot be fixed. We want to use newer LED technology. The signage is 300 sq ft now; we propose 208 sq ft. The sign is a landmark in Hooksett for many years. Many activities in Town have been promoted on this signage.

R. Duhaime: For the existing and proposed, the overall signage size and height stayed the same.

B. Smiley: The reader board was outside of poles, now panels are within the poles.

R. Duhaime: You are only making an 8 sq ft reduction.

B. Smiley: Do we leave a sign up that can't be repaired? There is energy consumption savings. There is grant money from PSNH to make these deductions. There is a power reduction of 85% savings. The existing reader board could continue to run for maybe 5 yrs., but we cannot replace the bulbs as they go out. The proposed LED sign can be dimmed down at night. The current sign does not allow dimming. We are proposing sq ft reduction, and some movement towards more conformance and compliance within the PZ.

R. Duhaime: Aesthetics in the PZ signage is monument style and reduce size. What are the size of letters on top?

B. Smiley: 2-ft tall letters.

J. Duffy: They are not here to conform. They are here to modernize and repair. They meet the design conformance with an opaque background with translucent lettering. The structure stays the same. I would like to hear how about LED brightness and dimming.

R. Duhaime: Is it all lit?

B. Smiley: The Merchants top part and awning are lit.

Kathy Jutras, Jutras Signs and Flags: The awning is being converted. The panel is illuminated for letters only on the top and bottom of the signage.

B. Smiley: We were using 30-watt bulbs, now the new LED is 85% energy efficient. We use nits vs. foot-candles. We work with states all over the country to include signage for Amber Alerts. The LED technology allows for dimming and brightness.

D. Tatem: What are your proposed limits on brightness?

K. Jutras: 1,250 on sign with a maximum 10,000 nits.

D. Tatem: 10,000 daylight, and 1,250 at night.

R. Duhaime: Were you asked to make the letters larger at the top of the sign?

K. Jutras: The entire sign doesn't go all the way to the end. The existing sign was designed 20 yrs ago. We have now provided a refreshed look.

F. Kotowski: How many businesses are moving away from the old to the new technology?

K. Jutras: Light bulbs are being converted to LED. I wouldn't be able to count on one hand how many businesses are still using the old bulbs.

F. Kotowski: Graphics are far more attractive.

K. Jutras: Putting up a picture in lieu of words is much more efficient.

C. Granfield: Is the sign stationary or moving?

B. Smiley: It only flips to the next picture, but the actual picture does not move.

D. Marshall: We do not allow any signage movement or flashing in the PZ.

K. Jutras: There are no moving parts, just the sign flips.

C. Granfield: This is an improvement. I would agree with Rob for the Merchants letters at the top to be slightly smaller.

M. Cannata: The change of the picture flip, this can be distracting.

B. Smiley: It flips in the blink of an eye.

N. VanScoy: How quick is the change?

K. Jutras: We can leave the current picture up as long as needed, before we flip to the next picture.

N. VanScoy: Is the change 20 times per minute?

B. Smiley: Industry standard is it will take 8-10 seconds for the new picture. One picture could stay up a while, or it can be changed as needed.

R. Duhaime: In the PZ, for the CVS sign what was the timing for change?

J. Duffy: For CVS, the Board consensus was that you did not want the sign to change for a specific period of time. I would have to look that information up. Merchants Motors is not a new sign. It was grandfathered with a variance. They are only modernizing.

D. Marshall: There is a pre-existing variance that exists.

R. Duhaime: Reduce the letters for "Merchants" at the top of the sign to be the same size letters it is now.

D. Marshall: We can ask the owner who is in the audience tonight.

Stephen Singer: We have had our business in the Town of Hooksett for 40 yrs. We thank you for a great relationship over the years. We are a business that gives back to our community. The Gail Singer Memorial Blood Drive is the biggest in Hooksett, and the entire New England region due to exposure on our signage over the years. We want to be in compliance with anything we do. Whatever it takes to make it right, we will do.

R. Duhaime motioned to send a letter to CEO to grant him authority to issue a sign permit conditional:

<p>Note: The signage has three (3) sections: 1) top – Merchants logo, 2) middle – panel with changeable signage, and 3) bottom – awning website logo.</p>

- Top – size of lettering to duplicate conceptual design dated 6-20-08 **AND** design to duplicate conceptual design dated 10-9-09
- Middle and bottom – size and design to duplicate conceptual design dated 10-9-09
- All sections of the signage cannot have any flashing
- All sections of the signage cannot have any sound effects
- All sections of the signage cannot have any movement with exception of middle section whereby flipping of signage is permitted

Seconded by C. Granfield.
Vote unanimously in favor.

4. NEIGHBORWORKS

Robert Tourigny, Director
313 Londonderry Tpke, Map 25, Lot 39 &
36 Whitehall Road, Map 25, Lot 39-1
Proposal for 18-20 units of workforce housing.

D. Marshall: This site is the Holt property on the corner of the Londonderry Tpk. and Whitehall Road. Jo Ann and I asked NeighborWorks to be here tonight for discussion.

Robert Tourigny, Exec. Dir. NeighborWorks: We presented to the Planning Board a couple of years ago the need for workforce housing. We are a private non-profit group since 1992. We have worked on projects in the center city of Manchester to redevelop neighborhoods. We develop affordable housing for people in the community. In 2000, our Board of Directors decided to reach out to the greater Manchester area. In 2006 we reached out beyond the City of Manchester. Last month we broke ground on a project in Goffstown. We also provide education and financing for first time homebuyers. With me tonight are Jennifer Vadney, Neighborhood Development Mgr, and Jenn McCourt, McCourt Engineering.

C. Granfield: The community it is in, do they still receive tax benefits?

R. Tourigny: The rental pays the real estate taxes. It is taxed like a single-family property in the community.

M. Cannata: Those people who you have helped, do they have foreclosures?

R. Tourigny: Up until this year we have had no foreclosures. Now we have difficult economic times. People we helped made wise decisions how much they could afford. The problem now is the economy has collapsed around everyone else. Today people have lost jobs, had their wages cut, and no one can sell their house for what they owe because of demand in the market. We have had six (6) lost homes (short sales) due to the economy.

F. Kotowski: Having said that, this is a good time for workforce housing.

R. Tourigny: Proposing rentals, yes it is a good time. People are out of home ownership and need rentals. There is always a demand for rentals. The challenge is to work and live in the same community. We are proposing 20 units of rentals. There is stimulus money from NH Housing Finance Authority (NHHFA), and NH Community Development Finance Authority (NHCDFA). The site is on the corner of the Londonderry Tpk. and Whitehall Road, across the street from the PZ. The site is zoned Medium Density Residential (MDR). Workforce housing is allowed in the Zoning Ordinance. We want to develop the site as rentals for workforce housing. We will develop, own and rent the units. We will have a third party property management company. The property is a good location to the PZ and jobs in the area. Our proposal is not large, and is comparable in size to our Goffstown project. The site is relatively flat. The units will be townhouse style with 2-3 bedrooms.

C. Granfield: Workforce housing and the Master Plan, this is a good combination coming forth. A lot of people are having difficulty finding housing and working here.

R. Tourigny: The Economic Development Committee (EDC) task force, we have received their support as well.

D. Marshall: For tonight's discussion, individual Board members can tell you what concerns they may have.

N. VanScoy: What is the lot size?

D. Marshall: 1.65 acres.

N. VanScoy: Conceptually, do 20 units fit in the MDR?

D. Marshall: Workforce housing has its own zoning ordinance (Article 16-A).

J. Duffy: The developer has to provide information to the Board in the planning process to determine workforce-housing eligibility.

R. Tourigny: One criteria for workforce housing is it must be less than 60% of the median income.

J. Mudge: What is the sq ft of the units?

R. Tourigny: 2-bedroom is 1,000 sq ft, and a 3-bedroom is 1,100-1,200 sq ft.

N. VanScoy: A 2-bedroom implies one or two children, and a 3-bedroom implies even more children.

R. Tourigny: The 2-bedroom units haven't drawn families. In Goffstown, the end units have the 3 bedrooms and the interior units have the 2 bedrooms. We will look into the residential component for open space and parking. We were concerned with car accidents at the intersection and cars going into someone's back yard, therefore we created a berm on the south frontage on Londonderry Tpk., and landscaped the east side on Whitehall Road.

M. Cannata: From Nancy's point-of-view of the number of children, I would not want children wandering on either roadway. The berm is advisable.

J. Mudge: Does the driveway have the same curb cut?

J. McCourt: We moved the curb cut to line up with the Deerhead Sportsmen Club, and we removed the curb cut on Whitehall Road.

C. Granfield: Did you explore CDBG funds?

R. Tourigny: CDBG is for infrastructure (i.e. sewer), but not for building because it is a federal grant.

R. Duhaime: I have been on this Board for the last several years and there have been many conceptualls for this property. You may have found something that fits it. It doesn't quite seem to have enough open space. Maybe if you reduce the project by one unit and increase open space, then children will have a place to play, and the site will be environmentally friendly. I like the proposed driveway entrance.

R. Tourigny: Are the 5 unit vs. 4-unit configuration an issue in this Town?

J. Duffy: You will need a special exception.

D. Marshall: I am going to open the discussion up to the audience. Keep in mind, this Board has no concrete plan from an engineer. NeighborWorks just wanted a discussion tonight to get a feel for issues from the Board.

Open Discussion to Public

Mary Farwell, 24 Grant Drive: The proposed number of units seems to be too many for such a small site.

D. Marshall: Workforce housing has no density requirements.

M. Farwell: Can this Board enforce density?

D. Marshall: We need to scale to make workable for workforce housing.

M. Farwell: They need open space for the kids well away from both roads. The site itself looks like it doesn't have enough play space.

R. Duhaime: We don't want 3-story 48 units either.

R. Tourigny: More land, more expensive, more units. This site is smaller. Have a smaller scale and still be feasible. Jenn will work on the site reconfiguration for open space.

CONTINUED PUBLIC HEARING

5. SUPERMARKET (#09-15)

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

Non-residential site plan to construct a 76,325 sq ft supermarket

D. Marshall: I am opening the public hearing. We have a presentation on traffic.

Open Public Hearing

Kevin Dandrade, TEC Traffic Engineer: This site is for the proposed 76,500 sq ft supermarket on Rte 3A across from the I-93 ramps. About a year ago, NHDOT and the Town Planning Commission completed a scoping session. The scope was North of Technology Drive, North and South Bound ramps, Goonan Road and Quality Drive. The projections were for 10 yrs with seasonal adjustments. We scoped during the height of the retail season last year in December. We still factored seasonally by counts from the DOT for trips from and to. We had a consultation with staff, Stantec, and DOT. The SNHPC letter confirmed what has happened to date. Because this project was determined by this Board as a regional impact, SNHPC and the City of Manchester will provide their comments. We are looking at mitigation to the site access. The DOT proposes a new northbound left turn lane and modification of the median. There is no blockage at the existing Tombs property. Tombs will remain having a full access driveway. There are three (3) separate lanes with a shared throughway & left turn. We will carve in the left turn lane on and off ramps and amend the median there. There will be a southbound right turn lane. There are negligible impacts away from the site. We are able to maintain a good level of C service. The mitigation in concept was approved from

DOT in their memo dated August 28, 2009. They still need to make comments on the final design. We are at a point to satisfy comments to date with the DOT, are buttoning up our final design with them.

D. Marshall: Are we in agreement with the traffic report?

J. Duffy: David Debaie, Stantec's Traffic Engineer, is in the audience.

D. Debaie: Yes Mr. Chairman, we are in agreement with the Traffic Report.

D. Tatem: David are there any other technical comments?

D. Debaie: No.

D. Tatem: At today's meeting with the applicant, the offsite improvement plans need to be submitted to the Town for review.

D. Marshall: SNHPC commented as part of the regional impact. They agreed that the traffic analysis is fine. Also, SNHPC agrees with the same permits we requested. SNHPC sent a copy of their letter to the City of Manchester.

R. Duhaime: As a resident of Hooksett, Rte 3A lights with this project will add length to the time of sitting at the traffic lights. These need to be timed appropriately.

K. Dandrade: Today the traffic light system is coordinated from the southbound ramps to north towards Target. We will update timings to optimize from north to south for Rte 3A flow. We will accommodate the additional capacity with turn lanes. At level service C, there is not much to make a B. North to south not likely for much delay. That will be maintained with commitment from DOT and the Town.

R. Duhaime: Shared left hand turn lane?

K. Dandrade: The shared lanes go straight. 30% trips off I-93 northbound, then the same 30% will be exiting straight to go I-93 southbound. Traffic counts: weekday evening 200 left turns with 170 through to I-93 southbound. A comparable amount will turn right.

R. Duhaime: There will be a lot more highway traffic to get to your site. Other communities will travel to get to a Market Basket.

K. Dandrade: It is estimated 8 vehicles will stack per cycle.

N. VanScoy: The existing sidewalk, will you be adding a crosswalk, or does the sidewalk go all the way into the site?

K. Dandrade: Yes, the sidewalk goes all the way to the front of the store.

Sean Cleary, public: I am interested if they are using local contractors for their construction?

D. Marshall: Contractors are not an issue of the Planning Board. Who they decide to use is up to them. I am now closing the public hearing.

Close Public Hearing

J. Duffy: For wetland mitigation, there are fees owed to the Town. I can figure out the fees, and get back to the applicant tomorrow.

D. Marshall: In lieu of roadway impact fees, the applicant has offered a \$259,783.80 gift to the Town with the understanding it is to be used for improvements to the Rte 3A roadway section near the Market Basket location.

D. Tatem: You will need a waiver of the roadway impact fees.

***M. Cannata motioned to grant the waiver for the roadway impact fees. Seconded by C. Granfield.
Vote unanimously in favor.***

D. Marshall: The applicant will need to get a letter to the Town Council for acceptance of the \$259,783.80 gift.

D. Tatem: For the detention pond, and side slope work, it is typical not to get input from the Board.

D. Marshall: Does Market Basket need to be on the Nov 2nd Planning Board agenda?

Jim Lamp: Could the Board conditionally approve pending Stantec's review?

D. Marshall: When Stantec's review is done and comments have been addressed, then the Board can conditionally approve. Conditional approvals are typically pending State permits you have applied for.

K. Dandrade: The DOT permit is pending.

D. Marshall: DES permit?

Matt Routhier: We are waiting on DES to determine if the two (2) dam permits are required.

D. Marshall: Continue to November 16, 2009 Planning Board agenda.

J. Duffy: Permit application numbers are outstanding.

J. Lamp: We have applied for all State permits, with the exception of the two (2) DES dam permits. We have submitted plans to Stantec for the offsite improvements. When Stantec's review is done, we can coordinate getting back on this Board's agenda.

D. Tatem: My review will be completed for the November 16, 2009 Planning Board Meeting.

CONTINUED TO NOVEMBER 16, 2009.

OTHER BUSINESS

6. RULES OF PROCEDURE - ADOPTION

R. Duhaime motioned to adopt the Rules of Procedure with edits below. Seconded by J. Mudge.

Rules of Procedure edits:

C. Granfield: Under **Officers**, it should read Community Development Department vs. Land Use Clerk. Under item 6 **Order of Business**, the Board has introduction of members after the pledge of allegiance, the meetings have been conducted just the opposite. Under **Meetings**, when Board alternates are voting in place of absent members, this should be announced by the Chair at the start of the meeting, so it is in the minutes. Under **Joint Meetings and Hearings**, should read Chairs vs. Chairmen.

N. VanScoy: At the top of page 3, “. . . member has an **excused absence** from regularly scheduled meetings in sequence . . .”, you can't just have one absence to be in sequence.

D. Tatem: What is an excused absence?

F. Kotowski: Planning Board members should have to call the Community Development Department to inform them of their absence so there is a quorum.

D. Marshall: The Town Council rule is three (3) unexcused absences in a row or excused absences but the member misses one quarter of all meetings results in dismissal from the Council. Alternates do not need to contact anyone to be excused.

M. Cannata: I have a problem with alternates not having the same restrictions as a full member. The same restrictions give alternates a sense of commitment to the Board.

F. Kotowski: I agree with Marty.

D. Marshall: OK, then all members and alternates of this Board will have the same rule of contacting the Community Development Dept. if they will be absent to be considered excused.

Vote unanimously in favor.

HARMONY PLACE

J. Duffy: Harmony Place withdrew their variance request to the ZBA.

DOT – RETROFIT TOLL PLAZA

J. Duffy: Referred to DOT letter dated October 1, 2009 re: retrofitting Hooksett Toll Plaza for Open Road Tolling), and the DOT's inquiry if the Planning Board had any comments to questions within their letter.

D. Marshall: **Question #5 water quality concerns**, the Pinnacle Pond should be protected.

R. Duhaime: Jo Ann, do you have copies of changes to the highway?

J. Duffy: I will get them.

D. Marshall: They plan to take out the middle 6 booths, put 4 new booths at high-speed, and then add new booths to the outside area.

R. Duhaime: Should the Conservation Commission look at this? How is the drainage off the highway?

N. VanScoy: Will the affect the exit 11 toll?

J. Duffy: No. It will only affect the main toll on I-93.

LEGISLATIVE CHANGES

J. Duffy: Here are some legislative changes:

- **Minutes time period**: was 144 hrs in some legislation, now all legislation is consistent to state minutes are to be completed within 5 business days of the meeting; we have been doing this.
- **Third party review accounting**: a detailed accounting of expenses must be provided to the applicant; we have been doing this.
- **Temporary extension of vesting**:
 - > approvals on or after January 1, 2007 but before July 1, 2009, the developer shall be allowed 36 months after the date of approval to achieve active and substantial development
 - > approvals on or after July 1, 2005 but before July 1, 2009, the developer shall be allowed 6 years after the date of approval to achieve substantial completion of improvements. This is to help developers during this recession.
- **Appointment of Board Alternate**: The Chairperson of the Land Use Board can temporarily appoint an alternate to the Board until the Town Council is able to appoint.
- **Workforce Housing**: Effective January 1, 2010.
- **Land use violations**: Each violation is one separate offense; \$275 or \$550 per day fine vs. one large fine for all violations

- **Regional Planning Commission:** They have created guidelines for regional impacts. We have received SNHPC guidelines on this.
- **Recording of land use decision:** We should have a final decision to approve or not approve within a certain amount of time. Conditional approvals are sitting in our department for up to one year with no movement. We should establish in our Development Regulations that conditional approvals must be signed and recorded within a certain time, i.e. 6 months.
- **Waivers of subdivision and site plans:** The Planning Board allows waivers. For waivers granted September 1, 2009 and after, the Board must give a reason for granting and it must be in the minutes.
D. Marshall: The applicant gives a reason why they need a waiver in their request.

DEVELOPMENT REGULATIONS - UPDATES

J. Duffy: Dan, Dick, Bob and I are meeting this Friday to review updates to the Development Regulations.

ROADWAY IMPACT FEES

J. Duffy: Dick, John, Dale, David Debaie, Dan and I are meeting on roadway impact fees for the completion of phase I - Townwide Study, and moving onto the phase II – design.

*D. Hemeon motioned to adjourn at 9:20pm. Seconded by N. VanScoy.
Vote unanimously in favor.*

ADJOURNMENT

Vice-Chair D. Marshall declared the meeting adjourned at 9:20pm. The next Planning Board Meetings are in November at the Hooksett Town Hall Chambers, room 105 @ 7:00pm on

- November 2, 2009 – regularly scheduled meeting
- November 16, 2009 – regularly scheduled meeting

Respectfully submitted,

Donna J. Fitzpatrick
Planning Coordinator