

**Official
As of 11/16/09**

**HOOKSETT PLANNING BOARD
MEETING MINUTES
HOOKSETT MUNICIPAL BUILDING
Monday, November 2, 2009**

CALLED TO ORDER

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

ATTENDANCE

Chairman J. Gryval, Vice-Chair D. Marshall, M. Cannata, J. Mudge, F. Kotowski, Town Administrator, C. Granfield, R. Duhaime, D. Hemeon, Town Council Rep. N. VanScoy, Y. Nahikian, and B. Sullivan.

REPRESENTING TOWN OF HOOKSETT

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

APPROVAL OF MINUTES OF 10/19/09

*D. Marshall motioned to approve the minutes of 10/19/09 with edit for attendance.
Seconded by J. Mudge.
Vote in favor. J. Gryval, Y. Nahikian, and B. Sullivan abstain.*

OTHER BUSINESS

1. CIP COMMITTEE 2010-2011

Appointment of additional CIP Committee member.

J. Gryval: We have two applications for the CIP Committee; Marc Miville and Dana Argo. We can't appoint Marc right now, because he is on the Budget Committee and may not be able to be on both committees. Carol is researching this with Town Counsel.

R. Duhaime: I have read the RSA, and a Budget Committee member can serve on the CIP Committee.

C. Granfield: Dana Argo is the School Rep. to Budget Committee, therefore he can be appointed to the CIP Committee. As soon as we get an answer from Town Counsel on Marc, we will let Marc know.

*F. Kotowski motioned to appoint Dana Argo to the CIP Committee 2010-2011.
Seconded by R. Duhaime.
Vote unanimously in favor.*

M. Cannata: What is Marc's status on the CIP Committee?

C. Granfield: The Town Counsel is reviewing the Town Charter to clarify someone serving on two Boards.

CONTINUED PUBLIC HEARINGS

2. 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

Mike Gospodarek, Edward N. Herbert Assoc. Inc.: We have been before this Board numerous times. In summary, we've answered and addressed Stantec's comments. All the sewer utility construction is addressed. The water department is reviewing plans, and we are on track with them. We have our Alteration of Terrain permit and DOT Rte 3 widening permit. We are opening Bernice Street at the Board's suggestion. We will have a 24 ft wide roadway and have removed the gate. There are no outstanding issues.

J. Duffy: Outstanding items include:

- Offsite improvements - you need to add a note on the plan stating when the offsite improvements will be completed. It was recommended this completion would be in conjunction with the project going forward, but prior to any COs issued.
- Trail easement – Kawanis and Conservation Commission wanted an easement through the existing trail. We did receive easement language back, however the Conservation Commission had concerns with the language about maintenance. We are waiting to hear back from David Hess. The Austin Woods subdivision will provide \$10,000 to the Conservation Commission within the maintenance part of the agreement. In the Webster Woods II easement, the Town is responsible for maintenance, and the Town would need to get permission from Miacomet Development, LLC (holder) to maintain the trail. David Hess is not comfortable with that and wants more discussion with the Conservation Commission.
- Aesthetics – we haven't heard back from Yervant and Rob. The phase II units would be the same design as phase I. I think Yervant had some comments for phase II.
- Slope Erosion - we were at the site last week for the Phase I erosion for the steeper slopes. There is at least one abutter here tonight to address that. The developer wants to install gutters for 2 or 3 units to help with the erosion problem. If gutters are installed, then the condo docs will need to be amended on who will maintain them. Also, if the gutters are not maintained, who would handle inside damage issues?
- Bert St. Slope Easement – has the applicant received the Bert St. slope easement from Mr. Beauchesne?

- Gate on Bernice St. – As part of this agreement, the Board wanted the gate removed. Sheet 29 of 67 still shows the gate. This sheet needs to be updated to show the gate has been removed.

Phil LoChiatto: If there is no gate on Bernice St., then no turnaround is needed.

D. Hemeon: I thought the Board wanted a gate.

J. Duffy: Initially the Board wanted a gate. Then further discussion was to have a gate only on Otterson St., and no gate on Bernice St.

B. Sullivan: Access on Otterson St.?

J. Duffy: Only for phase I. Now there is a gate at Otterson St.

M. Gospodarek: Easement documents are under 2nd review. We are not aware of additional Conservation Comments. The plan itself accommodates Walnut Way. The Conservation Commission asked us to lessen the slope. There is some wording, but no real issues with the easements. As for the Aesthetics Committee, your staff and I have been working for months trying to get something from them.

P. LoChiatto: I met with Mr. Nahikian a year or longer at the old Town Hall. I thought we had a good discussion. He wanted different façade treatments for phase II. The existing residents like the consistency of phase I. We would like to keep the design for phase II the same as phase I.

Y. Nahikian: I don't have a good recollection of that meeting over a year ago. With the size of the units being one floor, that is probably why I was asking for different treatment. The Phase I design doesn't mean it is aesthetically pleasing.

P. LoChiatto: There are plenty of abutters here tonight if you would like their comments on aesthetics. We talked to Mr. Duhaime a little bit on landscaping.

R. Duhaime: The issues were on the odd number units that face Bert St. The slopes need to be stabilized, and I thought we were planting screens at the top to stabilize the slope. And we were screening neighbors from Bert Street.

D. Tatem: They are in the process of stabilizing the slope.

P. LoChiatto: The plantings for stabilization have been addressed, as well as the screen from Bert St.

R. Duhaime: Did you pull back from the buffer and give more room in the back of the units?

P. LoChiatto: Yes, because of the slope issues.

R. Duhaime: There is less disturbance behind the units?

P. LoChiatto: Yes.

J. Gryval: Have they addressed the 10% handicap?

J. Duffy: Yes. Phil, can you tell us more about the Slope Easement for the abutter on Bert St.?

P. LoChiatto: We met with Mr. Beauchesne and are in a good discussion phase. If Webster Woods phase II gets approved, then we can finalize negotiations with Mr. Beauchesne for the Slope Easement.

M. Gospodarek: Sheet 29 is an erosion control sheet. We will remove the wood gate. The construction sheets do not have the gate on them.

J. Duffy: Can you tell us more about the proposed gutters for phase I, and the Trail Easement?

J. Gryval: Do they need amended condo declarations?

J. Duffy: No, they are all set with the condo declarations, unless a change is needed for something like the gutters. Then they may need revised documents.

John Cronin, Attorney representing Miacomet Development, LLC: We are drafting a Trail Easement. A maintenance escrow is not required by your regulations. Should the grantee be the Town of Hooksett or the Conservation Commission? It is not a problem for a conditional approval. It will be a fee simple grant of easement, not a transfer of property. The beneficiary of the easement can have the right to maintain. The condo docs are similar to phase I; a) units, b) limited common area, and c) common area. Gutters are classified under common area and the association would repair and maintain them.

J. Duffy: The Trail Easement was reviewed by our attorney and the Conservation Commission. Saturday, I received an e-mail from David Hess that he has issues with this easement. The Conservation Commission is meeting on November 3, 2009. We have collected money for maintenance for past projects. I don't want to speak for the Conservation Commission.

J. Cronin: I can work with Attorney Hess.

F. Kotowski: Relative to the trail, am I correct it is 15 ft wide and part of the roadway for Walnut Way?

P. LoChiatto: The Trail Easement is from Bernice St. to the paved Walnut Way through a small portion (20%) of the rest of the distance to Countryview Condos.

M. Gospodarek: Yes, the trail is 15 ft wide.

D. Marshall: You are not satisfying Attorney Hess's review. It is our new Town Counsel who needs to review the easements.

J. Gryval: Offsite improvements?

D. Tatem: I haven't seen a copy of the DOT permit yet. The Slope Easement is on the abutter's property, therefore it won't work unless they have an easement with that abutter.

D. Marshall: An association member is writing to this Board that he doesn't want gutters?

J. Duffy: Dan thought if the gutters became a problem, they could install heat tape.

P. LoChiatto: 12-15 units now have gutters in phase I. They would be and are maintained by the association.

J. Gryval: Traffic study submitted and updated?

D. Hemeon: The gate on Bernice St., I met with them for the hammerhead. Bert St. residents didn't want traffic increased.

M. Gospodarek: The plan set currently has a turnaround on it with no gate. The Planning Board wanted the complete connection.

D. Hemeon: I don't remember that happening.

J. Gryval: What does Dale's plow do when it hits a private road and needs to turn around?

D. Tatem: All major technical comments we had were addressed. There are only some minor ones, except for that Slope Easement. The applicant provided updated sewer plans and the comments are minor. Slopes for phases I & II, they will address on phase II comments. For phase I, they have provided riprap, gutters, and are working in the right direction. One traffic comment, the review we did was 1 ½ yrs ago and one comment was the left hand turn out of the project at peak hours. It was suggested to have a sign "no left turn" at specific peak hours, however a Planning Board member asked how to enforce it. If you put a sign up, maybe it would raise awareness.

J. Duffy: This discussion occurred a year or so ago, and that is how the Board determined no gate on Bernice St. A "no left turn" sign from Bernice St. is unrealistic to enforce.

J. Gryval: I remember that conversation.

J. Duffy: The applicant said he would not discourage traffic flowing through Webster Woods, even though those roads are private.

D. Tatem: 16 ft - 24 ft wide two-way full access road.

D. Marshall: Liability issue with the condo association. Will they accept any liability for failure to maintain their roadway in inclement weather with people using their roadways as public ways?

J. Cronin: We can post a private sign.

D. Marshall: If posted, then it is a restriction, and then it has lost purpose.

N. VanScoy: I would like to see the private sign.

J. Duffy: Referred to March 9, 2009 Planning Board Minutes for the one way out of Bernice St.

J. Cronin: Posting a "no left turn" sign on private property may not be enforceable by police, but negligence would uphold as a legal basis. We are fine either way if you want the sign or not.

N. VanScoy: Traffic is a big concern here. If one-way out, then it is encouraging people to go that way. A straight road is more appealing for access.

D. Marshall: If one-way out from Bernice St., that removes 95% of non-resident traffic. Who is going to come down Rte 3, to Granite, etc.; it will get rid of non-resident traffic. Now that will put them on Bert St. and they may take a left from Bert St. or left from Granite St. Either left is difficult during rush hour. The compromise is to make Bernice St. a one-way out.

Open public hearing

Don Ingalls, 4 Hickory Court: I live at Webster Woods phase I at the site where a lot of erosion control work is being proposed. As for gutters, there are currently three (3) residents on Hickory Court. We maintain our gutters that are 9 ft in height over the garage. We remove leaves once a year. Hickory Court backs up to a mature forest of Oak, Maples, and Pines that require a little more maintenance effort when leaves fall. Our unit faces northwest and ice and snow accumulates. Gutters will have ice and snow buildup, weigh heavily, and then collapse. I want to assure we don't have to maintain, or pay for repairs to the gutters if something happens. We have a walk-out basement and the distance is 16 ft to the soffit and 18 ft to the gutters. I ask for your consideration. I understand erosion has to be controlled. We had one incident on the roof behind house from 2008 when rain dividers fell off the roof and needed to be replaced. The northwest

location is colder and there are mature trees that prevent the sun to be directed in that area.

J. Duffy: Mr. Ingalls stated he cleans his gutters over his garage and his neighbors do the same. The applicant said the condo association takes care of gutters.

Mr. Ingalls: There are many more mature trees in the Hickory Court area. I was not aware gutters were being maintained by the association.

J. Duffy: I would like to check documents for consistency. We are adding a lot more units there, and we don't want issues for phase II.

J. Cronin: Unit owners call the association to clean their gutters. It is not the individual unit owner who cleans them.

Jerry Ouellette, 11 Dogwood Dr.: Bernice St., if gated, who would be liable for trucks? If Bert St. is open for a one-way, then this would give us emergency way to get out. None of us have a key to get through any gates. If open, have a "no outlet" sign at the beginning next to Otterson St.

Paul Ouellette, Dogwood Dr.: I live next door to Jerry. If you are deciding on a right or left hand turn at 4:00pm, you are going to go right. You have to be pretty daring and a NH native to make a left hand turn. It is a very good place to live at Webster Woods. Our neighbors use our property to walk with children and dogs. The Bert St. exit is very helpful.

Maurice Beauchesne, 46 Bert St.: I am the abutter for the Slope Easement. I met with Phil and the engineer two times to discuss the need for a Slope Easement and turn lane from Rte 3. Our meetings are very productive. We are close to an agreement to grant the easement. None of my concerns are with the additional units. My concern is the offsite expansion improvements for Rte 3. As an abutter:

- 1) will this change my property value with the right-of-way/highway being one lane closer to my property?
- 2) will it change the character of my property? The slope will be more level to Rte 3, almost like part of Rte 3, whereas now my property is more a part of Bert St.
- 3) runoffs? The land is being pushed to the west side of Rte 3 and not being shared on both sides of Rte 3.
- 4) existing fence? The plowing of snow and ice from the road into my existing fence.
- 5) Trees & bushes are being removed for the ROW.
- 6) Utility pole from ROW will be relocated to the edge of my property, close to my Maple tree. They are moving wires from my house to the new pole. The utility company might chop off some of my Maple tree.
- 7) Noise and dust with 93 units and traffic will be that much louder. A secondary access may help with that. If sign "no left turn from Bert St., this will put more traffic on other area roads.

J. Gryval: Is a one-way out of Bernice St. more acceptable than a gate?

R. Duhaime: I don't live far from this project and am familiar with traffic on Hooksett Rd. No matter what time of day, there is traffic on DW Highway. One-way out is the worst of two evils, but I think this gives some means of egress in an emergency.

D. Hemeon: Not gating allows the residents of Webster Woods a way to get out. They don't want to be stacked up (cars) in their project.

D. Tatem: The plan is currently designed for Bernice St. to be a two-way roadway. It originally was a one-way, then a two-way, and now a one-way. They will need to redesign it as a one-way on the plan.

***D. Marshall motioned for Bernice Street to be a one-way out with a paved hammerhead. Seconded by B. Sullivan.
Vote in favor. N. VanScoy opposed.***

D. Tatem: Sign or no sign onto Rte 3?

J. Gryval: A private sign is non-enforceable.

D. Tatem: If someone does make a left turn and a sign is there, they would be negligent. A sign sounds like a benefit.

C. Granfield: It depends on the situation. We have a lot of signs in Town just like that.

B. Sullivan: You can try the sign. I would like people not to take a left.

N. VanScoy: I am not saying I agree or disagree with a sign. I disagree with a sign there and someone not obeying it.

F. Kotowski: Madame VanScoy is on line. A certain percentage of people will obey the sign, and if that saves an accident, that is wonderful. If we don't have a sign, how will we know? Let the lawyers fight on who is responsible.

Jerry Ouellette: A sign "no left turn" from Bernice St., or "no left turn" from Bert St. won't make it any better.

R. Duhaime: Steve Pernaw completed the traffic study. If and when the MSG 400+ homes go in to the north of this project, there will be two (2) lanes merging into one line. When the traffic light turns green it will be even harder to access DW Highway. Taking a left hand turn is risky now.

***R. Duhaime motioned not to have a "no left turn" sign. Seconded by F. Kotowski.
Vote unanimously in favor.***

N. VanScoy: A comment was made that the traffic study was completed 2 yrs ago. There is a lot of traffic on that road, and it has gotten a lot worse. Is a 2 yr old traffic study valuable at this point?

D. Marshall: The traffic study resulted in improvements to make that intersection functional. An updated traffic study would only enforce the improvements. There is no logic to redo the study.

M. Cannata: Dick's comment, window of validity?

D. Marshall: Base year and incremental years out.

N. VanScoy: For erosion, I have heard a lot of talk about gutters. Have there been other thoughts on how to handle erosion other than gutters?

D. Tatem: Yes, rock lining the slope, and diverting some existing water. They are not done, but are going in the right direction. Remaining items include the slope erosion, sewer and Village Water approval, Slope Easement, and some minor comments (i.e. changing the access road and turnaround for Dale).

J. Gryval: Offsite improvements should be done before COs issued.

J. Cronin: We request an approval conditional on sewer, water, trail easement w/maintenance, note on plan offsite improvements before CO's issued, and other conditions the Board deems appropriate.

R. Duhaine motioned to approve the plan conditional:

- All review fees are paid-in-full
- 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 February 20, 2009 from Stantec). Additionally, all erosion issues for phase I and phase II are addressed to Stantec's satisfaction (see letters dated October 2, 2009 from Stantec)
- Town Attorney review and approval of condominium declarations, if amendments are made for phase II
- Town Attorney review and approval of Trail Easement. 1st review 9/28/09, amount due from applicant \$64.00 payable to Town of Hooksett. Further reviews pending Conservation Commission comments.
- Town Attorney review and approval of Bert Street Slope Easement with Mr. Beauchesne
- Seal and signature of wetland scientist to be added to plans
- Gate on Bernice St. to show removed on sheet 29 of 67

- Bernice Street to be identified as a one-way out street
- All outstanding Federal, State, and local permits are obtained and submitted to the Town and Stantec
- Letter from Hooksett Village 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, (c) 10% ADA units have been designated and noted on plan, and (d) the plans are signed and recorded
- *Applicant agrees to site plan compliance monitoring
- *Applicant agrees to remit \$130,666.00 in impact fees 10 days prior to the issuance of the Certificate of Occupancy subject to NHRSA 674:39 (Roadways: \$493 x 53 units = \$26,129; Public Safety/Recreation: single family-\$1,326 x 7 = \$9,282 and \$695 x 7 = \$4,865; duplexes-\$1,298 x 46 = \$59,708 and \$667 x 46 = \$30,682. TOTAL: \$130,666.)
- *No Certificate of Occupancies will be issued until offsite improvements are 100% completed. This statement should be a note added to the plan.
- 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."

Vote in favor. B. Sullivan, D. Hemeon, and N. VanScoy opposed.

3. BROOKVIEW SR. HOUSING (#07-29)

1631 Hooksett Road, Map 14, Lot 32

Revised residential site plan for a proposed 3-story residential structure, with parking underneath, which will contain 42 2-bedroom units of older person housing.

George Chadwick, Keach-Nordstrom: The last time we were here was prior to the Beachesne Drainage Study. At the last meeting, our plan was conditionally approvable pending a couple of items from staff. If the Board recalls, on November 3, 2009, the Board granted us a waiver for the 40 ft buffer.

J. Duffy: Dan & I met with George Chadwick and Steve Keach last week. The last time they were before you was in December 2008. The Board granted the waiver for the 40 ft buffer. There items outstanding:

- 1) sidewalks along Hooksett Rd - George checked with the DOT ROW and the DOT prefers no sidewalk in their ROW. The applicant offered to build a sidewalk on their land. We will need an easement.
- 2) Village water precinct (VWP)approval

G. Chadwick: We did meet with VWP and they are still reviewing our plans. VWP has a change of reviewers and now the new reviewer is looking at our plans.

J. Duffy: Outstanding items:

- 3) condo docs for sidewalk maintenance
- 4) drainage study – the fee was split into 1/3 each by the Town, Brookview Sr. Housing, and Harmony Place.
- 5) 10% ADA compliant note to be added to plan
- 6) sidewalk design reviewed and approved by Stantec

J. Duffy: There is also the typical comments from Fire Dept. hydrant 75 ft of main, building sprinklered, and fire alarms.

G. Chadwick: We concur with comments from staff. In consideration of 1/3 drainage payment by my client, we request the conditional approval with a 3 yr active and substantial development timeline vs. 1 yr due to the economy.

R. Duhaime: For Harmony Place, the fire trucks needed access the property and needed the garage height. After discussing further with Hooksett Fire that it is a substantial cost to have the height, Fire was willing to bring down the height a few feet.

G. Chadwick: It is overkill for 13 ft. height garages, however on our project we would be spending money on retaining walls out back.

R. Duhaime: Aesthetics is to keep the building height down.

G. Chadwick: To minimize the mass of our building, we have larger trees and a gazebo out front, and we pushed the building further away from the road.

N. VanScoy: The drainage study stated that the existing stormwater infrastructure could not support additional stormwater without improvements.

J. Duffy: This project had no impact to the Beaulac Development. The Harmony Place project had an impact. That is why this project did not have to participate in improvements to the Beaulac Development.

N. VanScoy: There is no stormwater or runoff in this area?

J. Duffy: Correct.

B. Sullivan: This project has been around since 2005. Why didn't water give you final approval?

G. Chadwick: We obtained allocation approval back in the beginning, and it was reviewed by Stantec at that time. I believe we had answered all of VWP's reviewer's questions. The precinct could not find any paper our project, and asked if their new reviewer could re-review our plans.

B. Sullivan: So you had to go through the review all over again? For 4 ½ yrs you have had no approval for water, now you are trying to get water? How can a project go from 2005-2009, and something as simple as water is still outstanding? I don't like conditional approvals.

G. Chadwick: A member of the precinct is here. We can ask him.

Joe Hebert, VWP Superintendent: Brookview Sr. Housing has been around since 2005. We have had a lot of changes at the water precinct. We already gave Brookview the water quantity. We are working with Stantec and Bruce Lewis to assure the applicant meets our conditions.

M. Cannata: You want 3 yrs out on a conditional approval?

J. Hebert: We only go out 2 yrs for water. Bruce Lewis is reviewing their plans to see if they need a booster station. Brookview is located at the lowest pressure zone.

Y. Nahikian: The Fire Dept. wanted 13 ft high garages, but now they have accepted lower?

J. Duffy: For Harmony Place, the Fire Dept. didn't need the garage height as high. This applicant chose not to change his design.

Y. Nahikian: I highly recommend the applicant lower his building by 5 ft.

D. Tatem: I spoke about this with George. He has 7 ½ ft for the garage. The back of the site has wetlands and steep slopes. It is not aesthetics but technical. If he lowered his building, he wouldn't catch the slopes with wetlands. We looked at engineering and lowering the building, but it is impossible with back slopes and retaining walls. The peak of the roof will stay the same.

Y. Nahikian: Would your architect consider lowering the peak of the roof.

G. Chadwick: He did.

Y. Nahikian: The gables are for the height of the building.

B. Sullivan: Is there a possibility you might have to put a pump house in because of pressure?

G. Chadwick: The pump house is already designed in the plans. If it is not needed, we will just take it off the plans.

D. Hemeon: What is the drainage underground size?

G. Chadwick: We are detaining greater than a 50 yr storm.

D. Hemeon: The calculation for a 25 yr storm, what is the rate of release from the tank into the ground?

D. Tatem: They have an overflow; same set up as CVS. The overflow goes out into the street drainage.

D. Hemeon: How fast is the system draining? How long does it retain?

D. Tatem: Drains at 6 inches per hour.

D. Hemeon : To the swamp north of the property?

R. Duhaime: To the container system under the parking lot.

G. Chadwick: The size is 325 x 88, and peak rate and volume are held back with chambers

J. Gryval: I would feel a lot better with a 2 yr approval vs. 3 yr.

G. Chadwick: We are requesting 3 yrs.

J. Duffy: I don't have a problem with the 3 yrs., because the legislature just changed it.

Open public hearing

Dick Sullivan, 7 Morgan Dr: How can we access the Beaulchesne Drainage Study?

D. Tatem: It was completed in March and April and available in the Planning Dept.

D. Sullivan: And the groundwater study?

D. Tatem: Dale is scheduling a meeting with residents of the Beaulchesne subdivision within a month, and we will go forward from there. The project closer to you, Harmony Place, got approved and agreed to donate or fix the drainage on your side of the street, and the Town would do the work on the other side at the same time. Things have changed with Harmony Place.

D. Sullivan: Ms. Duffy, the holding tank, if released, where does it release?

D. Tatem: There is a 30-inch culvert north of Pleasant View Dr., and an existing subsurface stream channel at Pleasant St. and Morgan Dr. to Grant Dr. to Main St.

D. Hemeon: We are looking at an expansion down the road.

D. Sullivan: When?

D. Hemeon: The Harmony Place project has fallen through. We would need to petition a warrant article on the ballot to get funding. This year is tough for funding.

Dave Chiappetta, 17 Pleasant View Dr.: I have concerns with the traffic flow discussed in the previous development tonight (Webster Woods II). Also, we didn't move to Hooksett, NH to overlook a 3-story building that is overpowering and won't do anything for this Town. And it won't satisfy the neighbors. How can we find out information on the water? I ask the Board that no approval be given this evening.

Joan Lydon, 7 Morgan Dr.: Clarification, is the holding tank underneath dispersing water into the ground vs. pipes?

D. Tatem: It is similar to a septic system. It flows to a chamber system and then slowly dissipates into the ground.

J. Lydon: What is the rate of absorption into the ground?

D. Tatem: Our Geohydrologist has said it won't affect your groundwater. If there is a major rain event whereby every area in Hooksett floods, then it could backup. With this development, there will be less water through the pipe after construction. Every drop of water, including runoff, goes through this culvert. That is why the Town did not require Brookview Sr. Housing to do additional drainage improvements. Harmony Place could not prove their project would not impact your neighborhood, and that is why they had to do work across the street.

J. Lydon: Is there anything in writing anywhere, that if Brookview Sr. Housing's drainage system turns out not to be enough, we have some remediation?

D. Tatem: The studies are on record and completed by Keach-Nordstrom. This project was held to higher standards. We can't promise anything if there is a rain event that happens that we have no control over. They have met the State criteria.

Mary Farwell, 24 Grant Dr.: Dale explain the relationship, if any, for the piping of our neighborhood.

D. Hemeon: The Town hired Stantec to complete a drainage study of the Beauchesne Development. Harmony Place received Planning Board approval and agreed to provide \$150,000 to have the Town do the work to upgrade pipes already in the ground.

M. Farwell: Just on one side of the neighborhood.

D. Hemeon: Yes. The other side of the neighborhood would cost about \$500,000 and is a much bigger project than the Town could handle. The Beauchesne drainage will need to get updated. Have a warrant article for a 3-4 yr period. Overflow down to Pleasant View Dr. cuts in at the side of the street at Al Beauchesne's old house, then goes down Morgan Dr., to Pleasant St., down to Grant Dr., and then out by Donati park. The recent major flood was due to hay bales blocking the drainage.

M. Farwell: Is it a practice of this Board to go out multi-years for approvals. Do you get yourself into setting a precedent?

B. Sullivan: The legislative extension is only good for projects approved through July 1, 2009.

Alex Buchanan, Attorney for applicant: The State legislature recognized that developers are having problems with this economy. I have no idea why they didn't go past July 1, 2009 approvals. This Board can grant 2 yrs or 3 yrs in consideration of the watershed study.

Waiver request 3 yr active and substantial development period vs. 1 yr.

R. Duhaime motioned to grant a 3 yr active and substantial development period. Seconded by D. Marshall.

J. Duffy: The Town gives 3 yrs before the approval lapses. The only thing we would be changing is the active and substantial development period to 3 yrs vs. 1 yr.

G. Chadwick: We didn't suggest this as an ultimatum. It was started as a good will gesture for the watershed study. We were held hostage for a period of time due to the Beaulchesne Drainage Study, when we were not impacting that development.

N. VanScoy: I would be much more comfortable on the 3 yrs, if it were not attached to the drainage study money.

B. Sullivan: George and the applicant, I understand the economy is tough. We have had issues with past projects on the active and substantial development definition.

R. Duhaime: I just wanted to make sure the \$3,000 this developer contributed to the Beaulchesne Drainage Study did not get lost in the discussion. The ZBA gave a variance that made this such a difficult site. I feel for the abutters. We worked on these plans over and over again; too many units on the wrong site.

A. Buchanan: I would like to remind this Board that our project has been around since May 2005. There were a lot of delays with ZBA meetings, and gathering water data that we didn't have on this project in context of the Beaulchesne Development.

D. Hemeon: Additionally, part of the delay was with the abutter Mr. Yee.

R. Duhaime withdraws original motion for 3 yr active and substantial development period. Seconded by D. Marshall.

***C. Granfield motioned to grant a 2 yr active and substantial development period. Seconded by N. VanScoy.
Vote in favor. D. Hemeon opposed.***

D. Marshall motioned to approve the plan conditional:

- All review fees are paid-in-full
- 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 October 31, 2008 from Stantec).
- Sidewalk design reviewed and approved by Stantec
- Town Attorney review and approval of condominium declarations for sidewalk maintenance
- Town Attorney review and approval of Sidewalk Easement.
- All outstanding Federal, State, and local permits are obtained and submitted to the Town and Stantec
- Letter from Hooksett Village Water Precinct stating they have capacity and approve this project
- Letter from Hooksett Sewer Commission stating they have capacity and approve this project
- Beaugesne Drainage Study Stantec fee split 3 ways 1/3 Brookview Sr. Housing, 1/3 Harmony Place, and 1/3 Town of Hooksett
- * 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, (c) 10% ADA units have been designated and noted on plan, and (d) the plans are signed and recorded
- *Applicant agrees to site plan compliance monitoring
- *Applicant agrees to remit \$92946.00 in impact fees 10 days prior to the issuance of the Certificate of Occupancy subject to NHRSA 674:39 (Roadway \$493 x 42 units = \$20,706; Public Safety: \$1,141 x 42 units = \$47,922; Recreation: \$579 x 42 units = \$24,318. Total impact fees: \$92,946.)
- All waivers noted on plan
- Written waiver request for 3 yr active and substantial development period vs. 1 yr. Board granted 2 yr period.
- 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 in favor. B. Sullivan and D. Hemeon opposed.

OTHER BUSINESS

Raymond Guay – Service Award

J. Gryval: Raymond Guay has resigned from the Planning Board, effectively immediately.

B. Sullivan: I would like to thank Ray for his dedication and hard work on this Board. He will be missed.

***B. Sullivan motioned to formally thank Raymond Guay for his dedication and service to the Hooksett Planning Board. Seconded by D. Marshall.
Vote unanimously in favor.***

J. Gryval: We will add the presentation of service award for Raymond Guay to a future Board agenda.

Austin Woods Site Walk

J. Duffy: A site walk for the Austin Woods Alteration of Terrain Permit has been scheduled for Nov 13th and Nov 14th @ 9:00am.

Conditional Approvals

D. Marshall: Conditional approvals are a necessary part of doing business for every Planning Board. Conditions may be a single item or ten items, but we shouldn't say "no conditional approvals".

D. Hemeon: This Board is never consistent with conditional approvals.

B. Sullivan: The Board just conditionally approved the Brookview Sr. Housing project and they may need a pumping station?

D. Hemeon: This Board has bent over backwards with developers.

B. Sullivan: Over the past 8-10 yrs, this Board has been better with conditional approvals.

1373-1375 Hooksett Road

J. Duffy: Distributed letter - we have received input from Town Counsel on 1373-1375 Hooksett Road "Peterbrook Motel" site.

B. Sullivan: 2nd pg states rezoning would permit residential use.

D. Marshall: Our Town Counsel is suggesting you don't do this. Commercial use is to be determined later.

J. Duffy: There are eight (8) units that are now vested.

D. Marshall: The developer wants the eight (8) units to be moved and expanded.

J. Duffy: I believe the developer is applying for the December 2009 ZBA. We met at Bart's office a week ago. The developer wants 12 residential units plus and office building. Bart said the Planning Board couldn't do anything about it. The developer could try to get a variance on the eight (8) units move them and make them larger but with no density increase.

D. Marshall: We (Board) need to claim jurisdiction because this site is in the Performance Zone (PZ). We should send a letter to the ZBA to claim jurisdiction under Article 26 and let them step away. If the ZBA gives us jurisdiction, then we can make the developer take down all the residential and make the site all commercial.

J. Duffy: Article 26 is for non-conforming.

B. Sullivan: If the site is within the PZ, we have the write of zoning.

F. Kotowski: Let the ZBA know what is going on.

J. Gryval: We could request a joint meeting.

N. VanScoy motioned for the ZBA to request a joint meeting with the Planning Board prior to making any decision on 1373-1375 Hooksett Rd., Map 18, Lots 33, 34, & 35. Seconded by C. Granfield.

Vote unanimously in favor.

C. Granfield: The applicant requested to meet with our legal counsel, and the applicant paid for the legal fees.

Hooksett Landing – Starbucks Pad

D. Tatem: The Starbucks pad at Hooksett Landing previously met the lighting requirements and we approved it. Since the pad removal, I drove by the site tonight and the lighting is dark where the pad was. The Starbucks' building lighting was to light that area, however now that they are not building and there has been no replacement lighting where the pad was, it does not meet the lighting requirement. Mr. DiGueseppi had stated he wants his money back. I just wanted to make the Board aware of the lighting issue.

Martin Cannata – Planning Board Member

D. Marshall motioned to recommend Martin Cannata be appointed by the Town Council as a full member of the Planning Board. Seconded by B. Sullivan.

Vote unanimously in favor.

J. Gryval: We will have Martin added to an upcoming Town Council agenda for his appointment.

R. Duhaime motioned to adjourn at 9:50pm. Seconded by B. Sullivan.

Vote unanimously in favor.

ADJOURNMENT

Chair J. Gryval declared the meeting adjourned at 9:50pm. The next Planning Board Meeting in November is at the Hooksett Town Hall Chambers, room 105 @ 7:00pm on November 16, 2009.

Respectfully submitted,

Donna J. Fitzpatrick
Planning Coordinator