

Official
As of 12/07/09

HOOKSETT PLANNING BOARD
MEETING MINUTES
HOOKSETT MUNICIPAL BUILDING
Monday, November 16, 2009

CALLED TO ORDER

Vice-Chair D. Marshall called the meeting to order at 7:00pm

ATTENDANCE

Vice-Chair D. Marshall, M. Cannata, J. Mudge, F. Kotowski, Town Administrator, C. Granfield, R. Duhaime, D. Hemeon, Town Council Rep. N. VanScoy, B. Sullivan, and Y. Nahikian (arrived at 7:05pm).

Excused: Chairman J. Gryval.

REPRESENTING TOWN OF HOOKSETT

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

APPROVAL OF MINUTES OF 11/02/09

F. Kotowski motioned to approve the minutes of 11/02/09. Seconded by N. VanScoy. Vote unanimously in favor.

APPRECIATION/SERVICE AWARD

1. RAYMOND GUAY

D. Marshall: I would like to recognize Ray Guay with pleasure and disappointment. Ray has faithfully served the Hooksett Planning Board for 7 yrs. He served as Chairman and I served under him as Vice-Chair. We will miss him.

R. Guay: Thank you.

OTHER BUSINESS

2. CIP COMMITTEE 2010-2011

Appointment of additional CIP Committee member.

D. Marshall: Marc Miville has requested appointment to the CIP Committee 2010-2011.

N. VanScoy motioned to appoint Marc Miville to the CIP Committee 2010-2011.

Seconded by B. Sullivan.

Vote unanimously in favor.

DISCUSSIONS

3. 225 HACKETT HILL ROAD

Stanley H. Prescott, II
Map 22, Lot 42

Conceptual to subdivide 9 acres with 280 ft of frontage into 2 lots; lot #1 will have 138.70 feet of frontage with 4.72 acres and lot #2 will have 141.80 feet of frontage with 4.86 acres.

Stanley H. Prescott, II: I am a land surveyor representing Philip J. Scarponi, Jr. who lives in Portsmouth, NH. He owns 9 acres on Hackett Hill Roads east side. There is 280 ft of frontage in the Low Density Residential (LDR) zone. For 2 acres, 200 ft of frontage is required. This property has been an adverse possession case in the Merrimack County Superior Court. The case was never heard by the Court, because the Judge asked the two parties to come to an agreement. Mr. Scarponi would like to have 4.72 acres of the 9 acres identified in green on the plan. Mr. Lionel MacEachern would like to have the 4.86 acres of the 9 acres identified in orange on the plan. We realize we don't have the required property frontage, and that we can go to ZBA for a variance. We wanted determine if this is something the Planning Board will endorse.

B. Sullivan: Can you detail the width to the narrowest portion of the orange area?

S. Prescott: It is 62 ½ ft.

B. Sullivan: There is 32 ft of unusable property with setbacks. How big is the usable plot?

S. Prescott: 140x400 ft; your regulations require a 20,000 sq ft buildable area.

R. Duhaime: There is the green ranch across from Corriveau Dr.; Mrs. Chagnon's old house. I am familiar with the property. The old house is on Mr. MacEachern's property. You are looking for two (2) buildable lots?

S. Prescott: It is Mr. MacEachern's ranch. He bought the Chagnon piece. Neither piece has title to this land.

R. Duhaime: He wants another building lot?

S. Prescott: He thought he was purchasing the whole lot and only got a portion.

R. Duhaime: The orange lot is the bigger lot by 1/10 of an acre.

B. Sullivan: I am talking about the green lot to the left. What is the usable land?

S. Prescott: 75% of the green lot is usable.

B. Sullivan: You could put two (2) houses on the green lot by setting the 2nd house back a bit.

R. Duhaime: How did you come up with these lot lines?

S. Prescott: Merrimack County Superior Court said there is some adverse possession, and that the two (2) owners should come up with a negotiation. If this Board doesn't like it, we will have to go back to court.

Y. Nahikian: You represent the owner of the green lot?

S. Prescott: Phil Scarponi now owns the green and orange lots. Mr. MacEachern has adverse possession of the orange lot.

D. Marshall: The Chagnon piece?

S. Prescott: Mrs. Chagnon and Mr. MacEachern both occupied their lots for adverse claim. The case is against my client who owns the whole thing.

Y. Nahikian: What does your client want?

S. Prescott: Mr. Scarponi wants the green area, and Mr. MacEachern would get the orange area.

Y. Nahikian: And these are buildable lots?

D. Marshall: Both lots don't have the required frontage and would need a variance. Do we send a letter to the ZBA that it doesn't meet our requirements? If you look at that whole area, there is only 100 ft of frontage for the subdivision. There are cases when you bend a little.

Y. Nahikian: I have no conflict of interest, because I don't own abutting land and I don't vote as an alternate on this Board. 20 yrs ago, I owned the land below Mr. MacEachern as a developer. We presented a subdivision to this Board, but unfortunately we were only allowed to build one house. Mr. MacEachern and we didn't agree, and we lost the whole lot for that single house. The property line was questioned by Mr. MacEachern.

S. Prescott: On the other side of the coin, I understand fully where you are coming from.

Y. Nahikian: We lost a lot with Mr. MacEachern.

S. Prescott: Mr. MacEachern has occupied this property.

Y. Nahikian: The point is we didn't have 150 ft frontage, so we couldn't have our subdivision.

R. Duhaime: What is Mr. MacEachern's existing lot to the south?

S. Prescott: Another 9-acre lot with 280 ft of frontage, but Mr. MacEachern says differently. Lot 5 of the 13th range is really lot 2 of the 13th range.

R. Duhaime: Will the frontage be shared?

D. Marshall: He doesn't have to combine his lots, nor does Mr. MacEachern have to combine his lots.

R. Duhaime: Is 280 ft a rough estimate?

S. Prescott: I can't speak for Mr. MacEachern.

D. Marshall: South of the orange area, is this still in limbo?

S. Prescott: Yes.

D. Marshall: Why are we trying to make a legal decision? If they get a variance, Mr. MacEachern could walk away with a buildable lot.

B. Sullivan: For an elegant solution, let the courts decide. That way we didn't let them change the frontage, the courts decided. Someone else in the area could say "I have 144 ft, why don't you do that for me?".

R. Duhaime: The Norm Leads, Jr. lot is north of this. It was a 2-lot subdivision with one lot being substandard for the entrance. The ZBA did grant him a variance. Mr. MacEachern's interest is to make his frontage known. If he can make all these lots with 200 ft of frontage, then this Board will find he doesn't have clear title.

B. Sullivan: I don't think we should over analyze this. I don't have a problem with a court saying "this is what you have to do". This is a discussion phase. I don't think we should over analyze.

D. Tatem: The lot configuration is oddly shaped. Without knowing the topography or wetlands on the site, what can you do with the property? Is that the best configuration line?

D. Marshall: Nevertheless, they are making two (2) substandard lots no matter how they draw the lines.

R. Duhaime: In the letter from Attorney Matthew J. Lapointe, there may not be a settlement. Mr. MacEachern is saying he owns the back of the lot, and Mr. Scarponi is saying "give me the front of the lot".

S. Prescott: Mr. MacEachern said "this is what I want". He likes wildlife and the pond.

Between the two of them, this is what came to be. The Judge said “go in the back room and negotiate”. A line right down the middle won’t work. If this proposal is not in the best interest to the Town, we will go back and talk to the Judge.

B. Sullivan motioned to send a letter to Mr. Scarponi that his lot is non-conforming and that he should go back to the courts to resolve. Also an unfavorable letter should be send to the ZBA that the courts should decide. Seconded by R. Duhaime.

M. Cannata: Will you be going back to court as an appeal?

S. Prescott: If we came here and it couldn’t be settled, we would go back to court to settle.

F. Kotowski: I don’t think this Board should ever become an arbitrator. You should come back to us, once it is resolved by the courts. I understand you didn’t come here for us to do that.

B. Sullivan rescinds the above motion. Seconded by R. Duhaime.

B. Sullivan motioned to send a letter to Mr. Scarponi that the subdivision proposal outcome is not in the best interest of the Town, and that it should be settled in court. Seconded by R. Duhaime.

Vote unanimously in favor.

4. 1393 HOOKSETT ROAD

Jeff Gaudette

Map 18, Lot 16

Conceptual for storage of approximately 30 winterized, registered and shrink wrapped boats on trailers.

J. Duffy: Jeff Gaudette owns the property next to the Brickhouse and the property north of that. He wants to store up to thirty (30) winterized boats.

D. Marshall: What is the size of the boats?

J. Duffy: He didn’t mention the size. When I went out to look at this site, the property to the north of this site has a lot of junk out back. I talked to Peter about the condition of the site. You made Owen’s Marine take their boats off the unpaved area. There is a stockade fence along the G&M Coop mobile home. G&M Coop owns the fence. For the topography, G&M Coop may be able to see the stored boats.

C. Granfield: Why are we talking about this site without Mr. Gaudette here?

D. Marshall: We should tell Mr. Gaudette that we need a site plan.

M. Cannata motioned to table this item. Seconded by F. Kotowski.

M. Cannata rescinds the above motion. Seconded by F. Kotowski.

*M. Cannata motioned to send a letter to Mr. Gaudette that the Planning Board determined this is a non-discussion item, because Mr. Gaudette did not appear before this Board for the discussion. Seconded by F. Kotowski.
Vote unanimously in favor.*

CONTINUED PUBLIC HEARING

5. **CONTINUED TO DECEMBER 7, 2009**
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

*R. Duhaime motioned to continue this application to December 7, 2009. Seconded by C. Granfield.
Vote unanimously in favor.*

CONTINUED TO DECEMBER 7, 2009.

OTHER

Maurais 2-lot subdivision (plan #09-08)

J. Duffy: The Planning Boards approval required a fence for the 40 ft wetland buffer. The area has been turned back into lawn. If there is a 40 ft buffer fence, it goes right through the center of the new house and the house next door. It would cut the side yard in half. We went out and looked at the site, and thought it better to eliminate the fence. If you move the fence to the tree area, then you are encouraging disturbance of the wetlands. I recommend eliminating the fence, so the 40 ft wetland buffer is still there. Will the Board allow us to say the fence does not need to be built?

D. Marshall: This is all on one lot?

R. Duhaime: Why was the fence designed that way?

J. Duffy: The Board asked for the fence, to protect the 40 ft wetland buffer.

D. Marshall: Staff is recommending we remove the condition of the buffer fence.

*N. VanScoy motioned to amend the original approval from the May 18, 2009 Planning Board meeting to remove the condition of a buffer fence from the application for a lot line adjustment (plan #09-08).
Seconded by R. Duhaime.
Vote in favor. B. Sullivan abstains.*

CTAP MONEY

J. Duffy: \$10,000 in CTAP money is left to be used by 2010. For the Access Management Study, the Board previously said to hold off. We recently received the completed Rte 3A Corridor Study. Now we would like to do an Access Management Study. I wanted to know if the Board is in favor of this study. I am worried with the traffic on Rte 3A. I looked through the Master Plan, and it states that the Town should attempt to maintain the rural character. Turning lanes on Rte 3A are by Main St., Pine St., Hackett Hill, Cross Road, and the DPW and Transfer & Recycle station entrance. In the future, more developments will go in by Exit 10, and Rte 3A will be a mess. For an Access Management Study, the State has to go along and determine curb cuts. I don't know how much we will get for \$10,000 towards the completion of a study. I spoke with David Preece at SNHPC to see if Bow will get involved to share the cost.

D. Marshall: This should be a Southern and Central NH Regional Planning Commission plan.

J. Duffy: The study must be fully paid by August 1, 2010, or we lose the money.

B. Sullivan: MTS and the storage facility on Cross Road have added traffic. Rte 3A is growing faster than Rte 3 for the amount of density. We should move forward with this.

B. Sullivan motioned in favor of the \$10,000 CTAP to be used for an Access Management Study for Rte 3A. Seconded by R. Duhaime.

D. Hemeon: What if it costs more?

J. Duffy: SNHPC is working with Bow and may get another \$10,000.

D. Hemeon: Get Manchester involved too.

F. Kotowski: What if the money is not spent?

J. Duffy: We must pay the contractor by August 1, 2010, or we lose the money.

F. Kotowski: Or the money will be taken away? This is a no brainer.

B. Sullivan: It would be worthwhile to do the parts from Hackett Hill Rd. to the Pizza Man.

J. Duffy: We have to fill out an application, get it approved by DOT, and sit down with David Preece for the scope of services. Dick Marshall will be helpful in this process.

D. Tatem: You may be able to spend impact fees too.

D. Marshall: If Bow jumps in, you may be able to get a lot completed.

Conservation Commission Updates

R. Duhaime: As the Planning Board rep. to Conservation Commission, I wanted to provide the Board with updates. The Conservation Commission is in celebration of the completion of Clay Pond. They used LCHIP grants. Bear Paw is working on the Bear Brook and Pawtuckaway State Parks to make them one area of open space. There would be over 500 acres if everything goes through. The Town is looking to settle on it shortly. Some money is being returned via the mitigation fund. They had more than enough money for this project and it was under cost. The only thing they don't know is that they may have leftover fees. There may be extra money the State doesn't have to spend in Hooksett.

M. Cannata: Did MSG buy in on any of that?

R. Duhaime: MSG's land is totally separate.

M. Cannata: They were floating an asset to connect to Bear Brook.

R. Duhaime: Audubon is handling MSG, and Bear Paw is handling Bear Brook & Pawtuckaway. They were curious on the Webster Woods trail easement maintenance; where the pavement ends there is a gravel section.

F. Kotowski: I am now speaking from a Kiwanis member standpoint. What happened with the first piece of trail was that the Town Council appointed the Kiwanis Club as the Town Agents for trails development. The trail extends from Pleasant St. behind Countryside Condos and through Webster Woods. The goal is to get the trail system though to the village and connect with the railway ROW. This is just a bold view of our project. The trails now in place were made possible, because MSG built the first piece. Kiwanis obtained a DRED. Grant to extend the second piece of trail. There is nothing to maintain until the trail is built.

Y. Nahikian: How do you build the trail?

R. Duhaime: Webster Woods agreed they would level the trail. They will make it accessible. After that, the Town would maintain it.

F. Kotowski: Mountainview, they will ease that.

D. Marshall: Once the trail is built, who maintains it?

F. Kotowski: Does the Town want passive recreational trails or not? Sidewalks or not? Does the Town want residents walking on Rte 3 without sidewalks?

J. Duffy: Webster Woods, one condition was the trail easement is to be worked out with the Conservation Commission. David Hess had complained about the maintenance

language of the trails. Webster Woods II is going back to the Conservation Commission in December 2009 to discuss the trail easement.

D. Marshall: The Planning Board just works on an easement for a specific trail area, then it is out of our hands. Government should decide the building and maintenance of the trail.

School Board – High School

B. Sullivan: A few weeks ago, residents attended a meeting for a Hooksett High School. Has the Town made any decisions on this?

C. Granfield: No, they haven't made any determination.

Trails

D. Hemeon: The Conservation Commission, once they acquire land, should give it to Parks & Rec and they should come up with a maintenance agreement. The only land they ever gave Parks & Rec is Lambert's Park. Land is needed for recreation in this Town.

F. Kotowski: Trails today are linear parks.

Public Comments - Market Basket

Michael King, Manchester resident: For the traffic study, was the youth corp on Hackett Hill included in the study?

D. Marshall: Manchester is keeping informed of up to 10 individual lots for research in that area.

M. King: The area is off of Front Street and proposed for 200-300 jobs. In the Rte 3A corridor you have Market Basket, Walmart, Lowes and now this youth corp.

D. Marshall: The study looks at 5 yr increments for a period of 20 yrs in that area. The Planning Board in Manchester informed us they have 10 lots up on Hackett Hill for many square footage of development.

M. King: When they come forward with their study, can you take that into consideration.

D. Marshall: Like we informed them of Market Basket's impact, we can tell them how they will impact us.

M. King: Your part of Rte 3A, you have done very well. Why doesn't Manchester work with Hooksett? At the last Planning Board meeting I attended, there was a question pending for year over who owns the roadway at Poultry Products.

D. Marshall: We don't care who owns the roadway, because PPNE wants to take it.

M. Cannata: Did this Board determine the supermarket as a regional impact?

D. Marshall: Yes, and we already received regional impact information from SNHPC.

Planning Board Mileage Reimbursement/Stipend

C. Granfield: I don't know if you call your funds mileage reimbursement or a stipend. Last year it was determined it is taxable. I wanted to get the feeling of this Board if it is something you utilize. We are in the process of looking at budget money all over. The Conservation Commission, ZBA and Planning Board have these funds available. I have sent letters to these Commissions/Boards asking if this is something you are interested in continuing to receive. I am in the budget mode.

R. Duhaime: I have attended a few seminars (i.e. Lincoln, Hudson), and have added up mileage on my vehicle.

D. Marshall: When I started on this Board it was at \$50.00. Now with the price of gas it is up to \$200.00

B. Sullivan: We attend a lot of meetings and workshops. If these funds were put into a fund for a Volunteer Appreciation function, I would not go to the function. I am not inclined to give you back the \$200.00.

C. Granfield: What I am hearing is this Board wants to continue with it.

M. Cannata: My position, I would be happy for it to stay where it is, however I would want to be reimbursed for mileage beyond 25 miles for seminars. I would like reassurance the funds would be available for mileage.

***B. Sullivan motioned to adjourn at 8:15pm. Seconded by N. VanScoy.
Vote unanimously in favor.***

ADJOURNMENT

Vice-Chair D. Marshall declared the meeting adjourned at 8:15pm. The next Planning Board Meetings in December are at the Hooksett Town Hall Chambers, room 105 @ 7:00pm on:

- December 7, 2009 – regularly scheduled meeting
- December 21, 2009 – regularly scheduled meeting

Respectfully submitted,

Donna J. Fitzpatrick
Planning Coordinator