

**Official
As of 01/11/10**

**HOOKSETT PLANNING BOARD
MEETING MINUTES
HOOKSETT MUNICIPAL BUILDING
Monday, December 21, 2009**

CALLED TO ORDER

Chair J. Gryval called the meeting to order at 7:07pm

ATTENDANCE – PLANNING BOARD

Chair J. Gryval, Vice-Chair D. Marshall, M. Cannata, F. Kotowski, Town Council Rep. N. VanScoy, D. Hemeon, B. Sullivan (arrived 7:30pm), & Y. Nahikian (arrived 8:00pm). Excused: J. Mudge, R. Duhaime, and Town Administrator, C. Granfield.

REPRESENTING TOWN OF HOOKSETT

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

APPROVAL OF MINUTES OF 12/07/09

D. Marshall motioned to approve the minutes of 12/07/09. Seconded by N. VanScoy. Vote unanimously in favor.

WAIVER REQUEST

- 1. WP HOOKSETT ASSOCIATES, LLC (#09-24)**
Ocean State Job Lot @ Granite State Marketplace
1328 Hooksett Rd., Map 25, Lot 78
Waiver request to Article 10-A (I) 3(d) table of Performance Zone sign standards for signage on building

Tim Sullivan, Barlo Signs of Hudson, NH: Ocean State Job Lot (OSJL) is seeking to occupy the old Walmart building. It is a 32,500 sq ft building. It is 725 ft off the Rte 3 corridor. The waiver request is for the overall size for the set of letters on the building for visibility. Walmart signage was 416 sq ft with 5 ft letters, and two sets of 30-inch letters on the ends. We started with 5 ft letters and scaled down some. For OSJL, there will be 4 ft letters for the “OCEAN STATE” and 6 ft letters for the “JOB LOT” for a 174 total sq ft. The overall mass is a tasteful size without going over the top with 8 ft letters. We are allowed a 25 sq ft sign, however this won’t be visible from the corridor. What we are proposing is not terribly out of line.

D. Marshall: The old Walmart site is only 32,500 sq ft?

J. Duffy: They are only taking the right hand side of store.

D. Marshall: How big is the old Walmart?

J. Duffy: They are only taking 1/3 of the total sq ft.

D. Marshall: What about another store's sign for the remaining 2/3 of the total sq ft? Will OSJL be in the middle?

J. Duffy: They will use the main entrance, and only occupy the right hand side of the store. He didn't say if another tenant came in, how they will enter the building.

D. Marshall: They are occupying the same location as Walmart, but Walmart was using all of the building. This gentleman is only using 1/3. What about the tenant for the other 2/3? Some sort of agreement needs to be made that they can't enter at the same location.

D. Hemeon: The only other access is through the garden center, and that is out of the way.

Terry Welkins, OSJL representative: The main entrance is for OSJL. If the other 2/3 is leased out, another entrance would be cut out.

D. Tatem: Do you know the dimensions of the Subway sign? I was sitting stopped in traffic on Hooksett Road and could see their sign clearly.

J. Gryval: Is this type of sign was OSJL uses for all of their buildings? You would think they would come up with a better design.

D. Hemeon: What is OSJL?

T. Sullivan: It is like a Walmart. They sell anything from bath towels, to electronics, to garden tools.

D. Marshall: Is it like a Big Lots?

Y. Nahikian: Do you always use two different sizes in your signage (one size for "OCEAN STATE" and a bigger size for "JOB LOT")?

T. Sullivan: Yes.

M. Cannata: What is the closest store?

T. Sullivan: We recently opened a store in Portsmouth, NH.

T. Welkins: OSJL sells distressed merchandise from large inventories. At one point, you could go in and buy navy seal inflatable rafts. We have good bargains.

M. Cannata: Are you familiar with Zylas?

T. Welkins: Yes. OSJL has higher-grade merchandise.

M. Cannata: Are you replacing the frontage sign on the road itself that was once occupied Walmart?

T. Sullivan: Yes, we are replacing that face also. Would we need a waiver for the facing plate?

J. Duffy: You don't need one.

F. Kotowski: Walmart's signage was 416 sq ft. You will occupy about 1/3 of the Walmart sq ft. Would it not be a welcome thing to say scale your sign down 1/3 of the original Walmart size, so that when other tenants come in we don't rake them over the coals?

T. Sullivan: For the size of the fascia if we scale down our signage, then the sign would look even smaller than it already is. Our concern is Rte 3 visibility. 139 sq ft is 1/3.

N. VanScoy: 174 sq ft of 1,383 is 12.6%.

M. Cannata: I would like to see a representation to keep within the PZ requirements.

T. Sullivan: We did a 25 sq ft signage (distributed to Board).

Y. Nahikian: What are the Shaw's or other existing stores signage dimensions? Walmart was an anchor store, but if he is only using 1/3 he should be proportionate to other signs there.

J. Gryval: You are asking for 7x the size limit.

D. Marshall: The 25 sq ft permitted is based on distance from the road.

T. Sullivan: 16 maxed out at 20 sq ft.

D. Tatem: 150 ft or more from the road, public or private ROW may increase signage size.

J. Duffy: For more than three tenants, signage is limited to 25 sq ft.

D. Marshall: They are 725 ft from the roadway.

J. Duffy: Last year we modified the PZ signage to 25 sq ft.

J. Gryval: What if we allow double the signage size?

J. Duffy: If you would rather get more information on the existing signage dimensions, I believe they are not looking to open until May 2010.

T. Sullivan: The pet store next door has a larger sign.

D. Marshall: You would be better to get the information on dimensions of the existing signage.

N. VanScoy motioned to continue the application to January 11, 2010 and at that Planning Board Meeting the applicant is to provide the Board with the signage dimensions for the existing stores at the Granite State Marketplace. Seconded by F. Kotowski.

M. Cannata: Would you consider accommodating other tenants?

T. Sullivan: If we were to take more space, would our sign size change?

M. Cannata: If you bring in another business, what is the signage dimension?

T. Sullivan: If another tenant moved in and we subdivided the space, they will either go with the required 25 sq ft signage or ask for a waiver.

Vote unanimously in favor.

CONTINUED TO JANUARY 11, 2010.

DISCUSSION

2. **NORTHWOOD POWER EQUIPMENT (plan #09-23)**
PMT Realty Trust (Harold Towne), owner, & Jon Rokeh, Rokeh Consulting, LLC
290 West River Rd (Rte 3A), Map 17, Lot 10
Proposal for a 5,000 sq ft retail tractor business with outdoor display areas and signage along I-93.

Jon Rokeh, Rokeh Consulting, LLC: Harold Towne, owner, is with me as well. It is a 4.88 acre site on Rte 3A (West River Rd) and I-93 runs behind it. This site has been in a couple of different formats before you. We are proposing a 5,000 sq ft retail business for selling tractors. The building is the same as my client's Northwood site and another site in Maine. We are proposing the same building. This site is an old gravel pit area. The lower end of the site is the entrance. The MTS business is on top of the hill. There is a detention pond off the backside of MTS and to the southerly side of this property. This site would be a small retail outlet for the larger site in Northwood. The Northwood site is where the tractors will be setup and prepped for sale to this site. We will have a long display area out front; parallel to West River Road. The open detention area goes to a treatment swale and then to the roadway drainage system. 25 parking spaces are required

for a 5,000 sq ft building. This site has municipal water and septic. We amended the display area per comments at the TRC meeting. The 25 ft setback requirement for landscaping in front of our commercial site blocks out the entire frontage. We want people to see our display in front, so we may ask for a partial waiver. An apartment complex to the right across the street would be looking at our site. Our site is in a commercial zone. We don't have 4-sided access, so we will sprinkler the building. We couldn't get a full 25 ft clearance so we moved the building, and regraded the slope. A bench slope was required. For access to the site, we have availability for any type of vehicle. If we have an occasional large semi-trailer, we have the room. The dumpster location is in the backside and out of the way from everything. There is a landscaped island away from the parking lot. For cars and tractors the area is paved and impervious, because we are in an aquifer protection zone. We will have an oil separator system. The access to the site off Rte 3A. There is an existing paved entrance. I met with DOT for a new entrance, and we will check the sight distance both ways. The DOT said it looked fine for the location and to make an application to them. I held off on the Planning Board application, because I went through the TRC and then wanted to have a discussion with you tonight. From the TRC meeting there are two identification signs: 1) on Rte 3A, and 2) next to the hill off I-93. We know the I-93 sign will require a variance and grading will make it visible. The State of NH said the I-93 signage is for the business use on the property only and not allowed for another business use. The State has no issue with the I-93 sign. We only have an issue with the Hooksett sign regulations. I talked to the Police Dept. for I-93 signage for the idea of an Amber Alert and they liked the idea, but can't write a letter of support. For the slope, we will have a compost blanket that will be sprayed on once graded. The State of NH considers that to be a stabilized slope. This is our overall proposal.

J. Duffy: I am just happy they removed the display area at the top of the hill.

J. Rokeh: We had a driveway area up by the I-93 drainage. We had a little parking area to have display tractors along I-93, but we decided to scrap that.

J. Gryval: The sign on I-93, that was originally a billboard; what size?

J. Rokeh: When we go for a variance, it will be a big sign not a billboard.

D. Marshall: The I-93 sign will be a variable message sign? You are a power equipment company and want signage northbound on I-93 for directions where to get off, but you want to make a variable sign?

H. Towne: Yes sir.

D. Marshall: And the State agreed to this?

H. Towne: For argument sake, let's call it a billboard. The State of NH said we can put a sign there because we are 1,000 ft to the exit. It could be federally funded. The signage must be for the use of the lot, and not for other lots' usage. As far as having it be an

amber alert, there are 150,000 cars a day out there. Yes we have done a lot for the States before. We have flown helicopters to find missing people. I am a lifelong resident of the State.

D. Marshall: Too bad the proposed I-93 sign is not in another Town.

B. Sullivan: Will the signage power be underground or poled?

J. Rokeh: Underground.

B. Sullivan: What is the proposed signage for the front?

J. Rokeh: Like the existing sign at the Northwood site.

B. Sullivan: I don't see this as a very progressive sign at the least. Have you thought of something rather than stick poles? A good example of signage is the Hooksett Landing strip mall sign in front of the 99 restaurant.

J. Duffy: The Rte 3A corridor only allows a monument sign.

J. Rokeh: Along Rte 3A, we are not looking for a variance.

M. Cannata: For the billboard sign, is it the State that backed off on the Amber Alert potential?

J. Rokeh: No, it was the Police Dept.

H. Towne: My sister just retired from the State prison system. We would give control to the State for the I-93 signage, so they don't need permission from us to update. They would be on there digitally.

M. Cannata: On the I-93 sign if it is illuminated and variable, I have a problem personally with "hot lights"; brilliant reds, yellows, and orange). They are horrible to look at or read.

H. Towne: We are working with the State for an Amber Alert. What would they need at 65 mph north and south? We want to try to design a sign that meets the State's and Town's needs and desires, so long as we can do our advertising. The State wants readability of a sign at 65 mph.

Y. Nahikian: I am not familiar with this project. It is a vacant lot? What is the vegetation, trees?

J. Rokeh: There is existing scrub stuff here and there.

Y. Nahikian: Regrading will not affect too much. What is the elevation on Rte 3A?

J. Rokeh: Elevation is 4 ft higher for the display area, and 4-6 ft to the building.

Y. Nahikian: Don't we try to hide the display from Rte 3A? And this gentleman is trying to display his tractors?

J. Duffy: There are no special landscaping requirements for display areas.

J. Gryval: Work on your signage.

D. Marshall: You have your excel and decel lanes.

J. Duffy: For the I-93 signage, are you planning to go to the ZBA prior to applying to the Planning Board? If you are not going for the variance first, then don't show the sign on the plans at all.

H. Towne: Does the Board have a preference where we go first?

J. Rokeh: Does the Board want us to come first for Planning Board approval or with signage all at once?

D. Tatem: Get the variance first because this will be needed for on the plan for access. It is more cost effective to design all in one shot.

J. Gryval: I would like to see the whole plan, the whole story, and no piece-by-piece. I want to see the whole thing before we start. How much repairing will be done there?

J. Rokeh: The Northwood site would do repairs and maintenance. We don't have a lot of room on this site. Tractors will be prepped in Northwood and brought to this site.

J. Gryval: What are you storing at this site?

H. Towne: 55 gallons of oils and lubricants. Our tractors are for homeowners; Cabodas. Farmers are not making money. This store is set up for retail sale to your neighbors. Our tractors are a little bit bigger than a lawn mower. The Northwood site would do all the pre-delivery. This site is mainly for display. We won't have chain saws or small riding lawnmowers. This store is 100% tractors. We will have a delivery door off the road so trucks can come in with parts. Repairs won't be done at this facility. It is too hard to replicate mechanics gages, etc.

D. Hemeon: No lawn mowers?

H. Towne: No, we have Massy Ferguson tractors. For pollution control, each tractor will have one gallon of diesel fuel, and most tanks are under the hood. We are sensitive to the aquifer here. Used tractors on this site will be no more than 2 yrs old.

M. Cannata: Staff, do you prefer a full plan?

J. Duffy: Dan, for engineering purposes, prefers they get the I-93 signage variance first, and then come back with the sign on the plan for this Board. There are other things to consider like underground wiring for the I-93 signage. At the TRC you mentioned you would have outdoor wood furnaces for sale?

J. Rokeh: I spoke with Harold and he will not have the furnaces at this site.

D. Tatem: Refer to Article 19 Groundwater Resource District for drainage criteria.

J. Rokeh: We are only taking 12% of the site.

D. Tatem: Article 19 talks about how many gallons and types of storage etc.

J. Gryval: We thank you very much.

CONTINUED PUBLIC HEARING

3. SUPERMARKET – MARKET BASKET (#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.

Jim Lamp, J & Co.: At our last meeting here, we had some items to check off to see if we can get a conditional approval. We have submitted to the State for permitting, and to Stantec for offsite work. We also received a letter from the State DOT that they have reviewed our plans, approve the original traffic study, and they don't see anything. The DOT final review will be done in 4 weeks. We also have been speaking with Steve Buckley, Town Counsel, regarding easements. There are two easements: 1) Central Park Drive, and 2) PSNH . We have preliminary language on both easement, however they will not be finalized until we receive final approval by this Board. We need the conveyance of property first. We itemized all DES permits; we received the Alteration of Terrain and wetlands permits, and the septic is pending. We also met with the dam bureau, and at this point are doing calculations and looks like it will be considered a low hazard dam. This is regardless whether there is water, because of the embankments. The dam item will be resolved shortly.

D. Marshall: Your driveway?

J. Lamp: The DOT will have their final comments in 4 weeks.

J. Duffy: The only comments I have, in your packet for tonight's meeting I included a suggested motion if you conditionally approve. Also there is the 65-day deadline that expired on 10/07/09, and they submitted a request to extend to 01/05/10. First thing is to extend the deadline. Second is the roadway impact fee waiver; our new Town Attorney needs to review and approve prior to the plans being signed and recorded. This is in the listed suggested motion. Also, the Town Council will need to approve this impact fee item as well.

D. Marshall motioned to extend the 65-day deadline to January 5, 2010. Seconded by B. Sullivan.

Vote unanimously in favor.

B. Sullivan: There is a \$259,505 gift vs. a roadway impact fee?

J. Duffy: Impact fees collected are only good for 6 yrs and for the developer's share of the project. This agreement would allow us to hold the funds forever and use it as the Town's share for the hourglass project along Rte 3A.

D. Tatem: The developer has asked to give a gift to the Town. If the Town would agree, the developer would want that money used to benefit their location as well.

D. Marshall: The area is exit 10 south within the Town lines.

M. Cannata: Who else might be contributing to the hourglass?

J. Duffy: The State has money collected from Lowes and Walmart totaling \$300,000. We also have \$400,000 collected by the Town for the same area.

D. Marshall motioned to grant the waiver for the roadway impact fee in lieu of the Town receiving a one-time cash payment gift of \$259,783.80 from the developer with details of such gift to be in a written agreement reviewed and approved by the Town Attorney and Town Council. Seconded by F. Kotowski.

Vote unanimously in favor.

B. Sullivan: I understand why we would want the money. An example is the Rte 3 roadway system. We had a great plan for the corridor, however some of the roadway has 2 lanes and some one lane; it makes no sense. I agree with the intent of the applicant working with us and benefiting his area in front of his property. We should tie this into the plan for Rte 3A.

J. Duffy: Manchester, Bow and SNHPC are looking at the entire Rte 3A corridor. Their findings should be completed in June 2010.

Open Public Hearing

Robert Murphy, Jr., Wadleigh, Starr & Peters, P.L.L.C.: I am here on behalf of the Nicole Tombs 2004 Trust and Richard Tombs. Tombs is a direct abutter with this property. My client has been in operation since 1978. He has 10-20 tractor-trailers daily making a left-hand turn to access the highway. The supermarket study has eight cars stacking up at their light, and this will result with my client's trucks having a problem making a left-hand turn. In prior testimony we requested to have access to the market's driveway. Then we could come out at their light. We had discussions but there was no acceptable offer for access off their driveway. They wanted the offer to be revocable at their discretion. Since Walmart opened, the traffic situation on Rte 3A is much worse. My client has developments of properties on either side of him. So, Willow St. in Manchester is what Rte 3A will become. The traffic on

So. Willow St. is not working well. We would like a condition from this Board to the developer that there should be continued negotiations for access to their driveway to cure my client's problem going forward.

D. Marshall: You would need to address this with the State of NH. We don't issue driveway permits.

R. Murphy: My client needs to access the driveway to their site.

D. Marshall: That is an issue for you not us (Board).

R. Murphy: It is an issue for you because there are traffic issues on Rte 3A for our tractor-trailers.

D. Marshall: With the supermarket, your access is the same as what it is today.

R. Murphy: No sir, there will be traffic volume from this project for points north and south and from the highway. The market is a needed amenity for this Town, however it will cause a problem for Tombs. I ask you make a condition for the developer to give us access from their driveway, so we can come out at the light.

B. Sullivan: Rte 3A is a State highway. The State has already, or will shortly, provided an access for a driveway permit. At that time did you talk to the State?

R. Murphy: I have not, and I don't know if Mr. Tombs has.

B. Sullivan: How do you connect the dots?

R. Murphy: Will my client's access be safe regardless of what the State of NH does?

B. Sullivan: For roadway impact DOT will have their engineer. The supermarket is well within the guidelines of NHDOT, and you want us to impose an access condition? You are not the first lawyer who has come before this Board for your client. The previous lawyer was concerned about an island/median on Rte 3A. Now you are concerned about cars stacking up at the light. How can we impose Mr. Tombs will on this applicant?

R. Murphy: This project is just one piece. Tombs access may be to take a right around a median. What the State does in the future, I understand you can't control. North of 93 there is stacking of traffic, south are gas stations, and then the Tombs' property. Traffic is a compounding issue project by project by project. You could look at this project as affecting traffic as a condition.

B. Sullivan: The Town is working on future ideas of changing this road to alleviate some problems. Is DOT looking at a different methodology?

J. Duffy: DOT has a conceptual.

B. Sullivan: I would suggest Mr. Tombs gets a copy of the DOT conceptual. We won't have control over the DOT.

M. Cannata: Do you perceive what is happening for traffic issues is causing your client a hardship?

R. Murphy: Yes.

M. Cannata: Categorically?

R. Murphy: Yes, it is only going to get worse.

J. Lamp: As was referred to in Attorney Gartrell's offer letter dated 10/19/09 to Mr. Tombs, we spoke briefly with Mr. Tombs to provide him access for his current uses. We took what was requested by Mr. Tombs and said that would be fine. Our only concern for his request for access was that his site not be used for different development that would impact signals and timing of our light. We would provide access for Mr. Tombs for his use today. Yes we are giving Magalloway Realty access for future use for a hotel. We need to protect ourselves with Mr. Tombs for: 1) use, 2) location, and 3) timing. If they are really concerned about their trucks, we offered them 2 yrs to permit and build their opening. As far as hardship for current use, I doubt that. We have been very open and have provided a reasonable offer.

J. Gryval: I remember this one very well, and obviously they didn't agree to your offer.

D. Tatem: On Oct 19th the applicant wrote to them (Tombs). Jim have you heard back from them?

J. Lamp: Not until today. Their response was they don't want limited access; basically every point in our offer was nullified.

Donald Gartrell, Gallagher, Callahan & Gartrell, Attorney representing applicant: The Town received a copy of that letter.

B. Sullivan: To summarize, there is an abutter issue with your cars stacking up and affecting his access. Your offer to Mr. Tombs: 1) put his access tied to yours, 2) for use Tombs' provides now, 3) applicant reserves the right, if another store, to withdraw access if not the same use . . .

J. Lamp: We don't want the issue of 100s of cars affecting the timing and signaling of our light, because of Mr. Tombs' access to our site.

B. Sullivan: We heard from Mr. Tombs' representative with his client's truck issues. You provided an option, and he is not interested in that offer based on his letter today. We are not talking hardship now. His land would become very valuable with unlimited ties for access.

D. Tatem: Is the Tombs' access pretty easy to build or tough for them to build?

J. Lamp: We would provide them access at the point given to us from Mr. Tombs. The access is straight up back between Central Park Drive and our building.

Y. Nahikian: How many feet of your driveway will they use?

J. Lamp: Not many, but what if Mr. Tombs' site is used for three fast food restaurants with that traffic going through our lights (referred to Atty. Murphy letter dated 12/21/09)?

R. Murphy: The seven-point offer from the October letter is an illusionary access that they can take away from Mr. Tombs' at any time. There is no reason why it can't be limited in some other way; i.e. no competing supermarket or some other sort. It can be permitted and constructed in 2 yrs, however the real issue is the potential redevelopment of Mr. Tombs' site. I don't disagree we rejected there offer. We invite further conversation for both parties. We didn't unconditionally reject, we would like open dialogue.

D. Gartrell: There is an underlying premise in these letters. Central Park Drive was offered as a public way and it was rejected twice. The road we are creating for the supermarket is not going to be accepted as a public way. When they reject every element of our offer and it does not adversely affect them right now, it seems like a total rejection. Saying we should do something or the Board should do something is unfair.

J. Lamp: The Oct 19th offer letter states that if Mr. Tombs sold or leased his site, but the uses remain the same the access is still OK. If the use changes to significantly affect the supermarket traffic signal, then we can take the access away. We thought this was pretty well stated in the original letter.

D. Tatem: The last time we met with the applicant, their offer letter was almost 2 months old and they were talking about pulling their offer due to no response from Mr. Tombs. To the applicant, if you get a conditional approval tonight, does your access offer still stand?

J. Lamp: Yes our offer still stands. They would have within 2 yrs of the supermarket occupancy of the building (from CO), to permit and build their opening.

Michael King, resident of Manchester, NH: My question is the traffic studies, does that include the proposed 200-300 full-time jobs in Manchester on Dunbarton Road? That is only 6 miles away from Hooksett's side of Rte 3A.

J. Gryval: Dan?

D. Tatem: I will defer to the traffic engineer.

Kevin Dandrae, traffic engineer @ TEC, representing applicant: I completed the offsite design plan stamp for Rte 3A. The development this gentleman just mentioned is not included. The DOT Study, and Town staff received over a year ago. The Dunbarton Road

development is not within the scope of the study, and not in the scheme of what we are talking about here. Another previous statement was our study was completed prior to the occupancy of Walmart. I personally observed the traffic in the last 2 months for that area and the traffic is less than what the Walmart study projected.

J. Duffy: SNHPC, for regional impact of this project, agreed with the numbers in Stantec's review. We have received nothing from Manchester in writing of any concerns.

M. King: The reason why I ask these questions, I am very for the Market Basket and want to make sure everything works good and doesn't become a big traffic cluster. Personally I think they will do a lot of damage to Walmart's business and reduce Walmart's traffic.

J. Gryval: Manchester was notified.

D. Marshall: For the old UNH building, Manchester will have to carry the burden south of Hackett Hill and maybe even North.

Close Public Hearing

D. Marshall motioned to approve the application conditional:

- Refer to subdivision approval letter dated 9/23/09
- All review fees are paid-in-full
- LCHIP check payable to Merrimack County Registry of Deeds is submitted to the Planning Dept. (\$25.00 per plan set and per easement)
- 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 12/03/09 from Stantec)
- All outstanding Federal, State, and local permits are obtained and submitted to the Town and Stantec
- Letter from Manchester Water Works stating they have capacity and approve this project
- Submittal of final PSNH Easement. This easement is subject to final review and approval by Town Attorney
- Submittal of Reciprocal Access Easement for Central Park Drive. This document must contain the following language: "Waiver of Layout of Roads as Public Highways: That Magalloway, Ronzello, GECFBP and Getty do hereby irrevocably waive any and all common law and statutory rights to lay out or dedicate Central Park Drive as public streets or highways." This easement is subject to final review and approval by Town Attorney
- Approval of new street name by the Town Council must be received and shown on the plans prior to signing and recording of the plan set
- Payment of \$1,878.80 must be received by the Town of Hooksett at the pre-construction meeting for wetland mitigation
- Applicant agrees to attend a required pre-construction meeting after (a) all sureties are submitted and approved, (b) site plan compliance monitoring escrow

- is in place and the Inspection Funding Agreement is signed and submitted, (c) retaining wall and/or bridge/structure shop drawings are submitted, (d) the plans are signed and recorded, and (e) signed as-builts are provided to the Town and Stantec
- Notes must be added to the plans, requiring all offsite improvements to be completed and approved prior to issuance of Certificate of Occupancy
 - Submittal of agreement concerning gift of \$259,505 in lieu of roadway impact fees to be used toward the Town's share of the roadway improvements to the Route 3A corridor between I-93 overpass and the northern boundary of the Wal-Mart property with no time limitation, subject to approval of the Town Council. Agreement subject to final review and approval by Town Attorney. Gift to be submitted ten (10) days prior to the issuance of the Certificate of Occupancy.
 - Applicant agrees to site plan compliance monitoring
 - Applicant agrees to remit \$38,162 for public safety impact fees ten (10) days prior to the issuance of the Certificate of Occupancy subject to NHRSA 674:39
 - 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 B. Sullivan.

Vote 5 in favor, 1 opposed (N. VanScoy). Motion carried.

M. Cannata: Just a suggestion and not part of the motion, I would encourage further dialogue between Mr. Tombs and this applicant to negotiate access.

OTHER BUSINESS

Zoning Amendment Workshop

J. Duffy: A Zoning Amendment Workshop hosted by the Planning Board will be on January 25, 2010 from 6-8pm. The ZBA and Conservation Commission are invited to attend.

Cinemagic

B. Sullivan: Cinemagic has 14 theaters. I was recently there and there were hundreds of people on one side of the foyer. This is breaking the fire law. I want to see Cinemagic in front of this Board again.

D. Marshall: At application, we were told the overflow parking lot was not needed. Now it is being occupied every weekend. What are they going to do when their other lot comes in for that parking?

D. Hemeon: I thought Fridays and Saturdays was supposed to have police details.

D. Tatem: Hooksett Police Dept. told Mark Adam they will not let them have private detail there.

D. Marshall: Chief Agrafiotis said he will not put his men out there for safety reasons. We need to do more traffic counts. Hooksett Police already notified Cinemagic there is no parking on Rte 3.

J. Duffy: Do you want the Fire Dept. to do an inspection on a Friday or Saturday night?

Board: Yes.

As-Builts

J. Duffy: Dan and I had a discussion with Peter on COs and as-builts. I can't get an answer on certifications for setting bounds. Peter says he can't find the bounds. He just needs a certification from a surveyor that all bounds have been set. He doesn't need to go looking for them. He needs to ask for this every time he issues a CO; it is in our regulations.

D. Tatem: Certified plot plans are approved, but no bounds are set and they are getting approved anyway. I am not sure if Peter reviewed or if these examples are older. It is easy to do. They have to be stamped by a surveyor that all bounds are set at the house corners and located appropriately. In the regulations, this needs to be done prior to CO. I recommend a letter from this Board to CEO to enforce the bounds requirement.

D. Marshall: The plan is signed by the surveyor "I have set the bounds". Peter doesn't go out and look, but just puts in the file. If plan says "no bound set" then no "CO" is issued.

***D. Marshall motioned to send a letter to the CEO to enforce the regulation of setting bounds. Seconded by N. VanScoy.
Vote unanimously in favor.***

Zoning Ordinances – "25 ft residential use buffer"

J. Duffy: Last year we changed the Zoning Ordinances that there should be a 25 ft buffer whenever abutting a residential "use, zone or district". It is subject to approval by the Planning Board. Example is the proposed dance studio next to the Pizza Man site on Rte 3A. They are saying they already have an established parking lot. Do we need to provide a 25 ft buffer along Rte 3A, because across the roadway is residential? MTS did not. Northwood Power Equipment would be another project required to have the 25 ft setback for display area. Matt Peterson asked me today if he would need a variance for the dance studio. I told him I didn't think so, but needed to speak to Peter about it. Would you require the dance studio to have a 25 ft buffer along Rte 3A when the residential is broken by the roadway, or do they just need the 10 ft setback?

D. Marshall: Just the 10 ft setback is needed.

*F. Kotowski motioned to adjourn at 9:00pm. Seconded by D. Marshall.
Vote unanimously in favor.*

ADJOURNMENT

Chair J. Gryval declared the meeting adjourned at 9:00pm. The next Planning Board Meeting is at the Hooksett Town Hall Chambers, room 105 @ 7:00pm on January 11, 2010.

Respectfully submitted,

Donna J. Fitzpatrick
Planning Coordinator