

**Official
As of 04/05/10**

**HOOKSETT PLANNING BOARD
MEETING MINUTES
HOOKSETT MUNICIPAL BUILDING
Monday, February 8, 2010**

CALLED TO ORDER

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

ATTENDANCE – PLANNING BOARD

Chair J. Gryval, Town Administrator, C. Granfield, M. Cannata, F. Kotowski, J. Mudge, Robert Duhaime, Town Council Rep. N. VanScoy, D. Hemeon, and B. Sullivan (left @ 10:00pm).

Excused: Vice-Chair D. Marshall.

Absent: Y. Nahikian.

REPRESENTING TOWN OF HOOKSETT

Town Planner, Jo Ann Duffy, and Stantec Engineer, Dan Tatem. In the audience Code Enforcement officer, Peter Rowell.

J. Gryval: Alternate J. Mudge will be voting tonight.

APPROVAL OF MINUTES OF 01/11/10 & 01/25/10

N. VanScoy motioned to approve the minutes of 01/11/10. Seconded by J. Mudge. Vote unanimously in favor.

N. VanScoy motioned to approve the minutes of 01/25/10. Seconded by F. Kotowski. Vote in favor. B. Sullivan abstains.

PLANNING BOARD – ENTERED MEETING WITH TOWN COUNSEL 7:05pm

PLANNING BOARD – EXITED MEETING WITH TOWN COUNSEL 7:35pm

COMPLETENESS

- 1. CRANTON VERNON, LLC (#09-27)**
“The Hamlet on Avon” Thames Rd & Avon Rd (8 Avon Rd), Map 14, Lot 14-3
Subdivision plan to create 8 fee simple lots for the construction of 7 detached single family workforce housing dwellings.

J. Gryval: We will move this application first on the agenda tonight.

Mark Derby, Attorney at Cleveland, Waters and Bass, P.A.: I represent the Plus 55 LLC mortgage on the Cranton Vernon property, and will also talk on behalf of the Cranton Vernon project. We recommend the Board find this application complete per sections f & g of the workforce housing ordinance that the Town adopted. Our position is that we do not need variances for density and setbacks. The Planning Board has the sole prerogative under statute to determine what is reasonable under workforce housing for single family homes. Read portion of section f - relationship to other ordinances and regulations "No portion of this ordinance shall nullify the provisions of any other town ordinance provisions fire and life safety protection . . .". we interpret the ordinance that it is not necessary to waive provisions of the zoning ordinance, because the statute gives the Planning Board that authority except for . . . fire and life safety protection . . . If you were to require an applicant for single-family workforce housing to go to the ZBA for a variance, they would be subject to the 5 variance criteria; interest of community, undo hardship, etc. To give reasonable opportunity for workforce housing, a single-family applicant that would have to go to the ZBA would only bring up costs. Workforce housing is supposed to be affordable. The question is the application complete under the workforce housing ordinance? Does the Planning Board review it under statute and under the workforce housing ordinance without the requirement for variances through the ZBA? Hooksett is to be commended for putting forth this ordinance at an early date. Is there a distinction between workforce housing multi and workforce housing single family? Multi has no internal setbacks, and there is not as much of a need to formally waive items for multi family. For this project, 7 individual single-family housing units on 8 different lots with the 8th lot reserved for later. Driveways have been moved away from the intersection and so forth. Our engineer is here tonight, should the Board have any questions. Tonight is just the legal issue for completeness. I know you talked this evening with Atty. Buckley on this subject matter.

J. Duffy: Besides the issues addressed, we did receive a letter from CHWP that there is no capacity at this time based on the 1/14/10 TRC meeting. The applicant for the Cranton Vernon project may possibly be looking to purchase water capacity from Granite Hill people. I received letter from the Granite Hill trust, they have filed for bankruptcy. We received a letter today from Atty. Edmund Ford. Hooksett Development LLC holds water rights to their project. They could transfer water, but would have to go through bankruptcy court. In the meantime, the applicant has changed his design to individual wells on each lot vs. public water. The well radius will overlap. We have no regulation to prohibit that. Easements are also needed. The Conservation Commission would like to meet with the applicant. For fire, buildings separated less the 30 feet apart needs the State Fire Marshall's approval. The applicant's maximum house price is \$231,930. We do not go by Hillsborough County/Manchester, we fall under Merrimack County and that has a price limit of \$224,000 with a maximum family income of \$74,900.

R. Duhaime: This is not the type of subdivision to have small little lots with single-family homes and make it workforce housing. These should be conforming square footage lots.

J. Gryval: The Board was under the impression we had the authority for waiving zoning for multi-family and commercial. As far as single-family homes, you will need to go to the ZBA for that.

M. Derby: Water capacity was mentioned earlier. That could be addressed. I respectively suggest you are misinterpreting single-family workforce housing. The statute applies and gives this Board the power. This Board is not waiving the zoning ordinance. You are implementing the ordinance on your own through the site plan process. You are determining what is reasonable under the ordinance.

J. Gryval: Even if that is true, there are still 17 comments you have not addressed.

B. Sullivan: Bypassing the 17 items, we recognize the difference between multi family and single-family workforce housing. We recognize we want you to go back to the ZBA for the single-family variance. We are setting a gradient between one or the other. In addition to the 17 comments, I am going to turn to the Town Planner and will have the 18th comment for water. We need a solid plan that one neighbor would not be contaminating the other neighbors water supply (well).

M. Derby: The water issue can and will be worked out. I can tell you there is a dispute whether Hooksett Development LLC has the right to use the public water. For the site plan review we are now talking about wells, but for the purpose for the application being complete the water has been addressed. I understand we have a difference of opinion on the variance.

J. Duffy: There were 17 items in Stantec's completeness letter dated January 25, 2010. In Stantec's 2nd completeness letter dated January 28, 2010 there was one comment. The Board needs to make a decision on the completeness.

B. Sullivan motioned to find the application complete. Seconded by N. VanScoy. Vote unanimously opposed. Motion failed and application is incomplete. It is the administrative determination of the Hooksett Planning Board that under Section 16-A (F) of the Hooksett Zoning Ordinance the Board has been delegated the authority to waive the strict requirement under Article 5 of lot sizes of 32,670 square feet and frontage 150 feet where a proposed workforce housing project contemplates construction of multi family units or mixed commercial and multi family units. However, since the Cranton Vernon LLC proposal is to construct single-family homes, the Board would not have the authority to waive lot size and frontage requirements for single-family homes and a variance from the ZBA would be required.

DISCUSSION

2. GRANITE HILL MARKET

1560 Hooksett Road (Dale Road & US Rte 3), Map 13, Lot 46-1

Proposal for a new 3,000 sq ft convenience store/gas station site plan.

Matt Peterson, Woodland Design Group: I am representing Elie Elchalfoun for the proposed redevelopment of the Granite Hill Market. There is an existing convenience store and restaurant to total 2,800 sq ft with 4 gas pumps and canopy (only 2 ½ pumps in operation). The site has double egress at DW Highway and Dale Road. It is paved from front to back and only has a little bit of green space. My client would like to continue to use the site for what it is already approved for. He owns a similar site in Allenstown. This site is further south and would mean less competition for him. He wants to tear down the existing building and carry through the facades similar to Market Basket, WalMart, and KFC/Taco Bell. The final architectural drawings will be brought through the Board. He wants to use the same 3,000 sq ft store, pull it back into the restaurant section, replace the pumps, and pull back the Dale Rd entrance. He will have the same access point off DW Highway. Tonight we wanted to get the Board's feel for the site, before we go too far with the project and addressing the Groundwater Acquirer District. This is a non-conforming use, therefore we would be allowed to maintain or improve the existing. We would be cleaning up the site for the improvement. In the PZ zone, street trees are required. There is frontage on both Dale Road and DW Highway. A treeline setback on both of them would put a lot of the site out of use. Is it just street trees along the PZ corridor vs. the side street? PZ requires 15 ft street tree plus 15 ft landscape.

J. Duffy: The street tree requirement is along DW Highway not the side street for corner lots.

R. Duhaime: This would be a great improvement. The initial landscape was either removed or not maintained.

M. Peterson: We still would like to put street trees down Dale Rd, but not with the 30 ft PZ requirement.

B. Sullivan: For this site, there is not much use to do something else. There is a draught for gas and convenience stores in this area. This is a logical place to have one. I would suggest to the Board that this project would improve the current use.

D. Hemeon: I agree the site would be cleaned up. I do question some plantings for sight distance on Dale Road to Rte 3. A one-inch caliber tree is small at planting, but in a few years at maturity would it become a sight issue. Get the plantings out of the sight distance.

F. Kotowski: Will the restaurant be taken out?

M. Peterson: Yes and they would have something like a coffee shop (Dunkins or Honey Dew).

N. VanScoy: Yes this would be a continuation of the use and an improvement to the site. I drive this road everyday. For the grade, the access to the gas station from Dale Rd. is very close to the intersection.

J. Duffy: He may need to get a variance, because gas stations are not an allowed use in the aquifer district. Under Article 26 3 (a), he cannot enlarge or increase or move the existing structures.

M. Peterson: I refer to Article 19 (i).

P. Rowell: You also fall under Article 26. They can use the footprint there, but as soon as you move or alter it they will need a variance.

R. Duhaime: Sq ft to sq ft, will the new structure be similar?

M. Peterson: Identical but no survey done yet. Our goal is to be similar.

B. Sullivan: If a variance is required, would it help if this Board sent a favorable letter to the ZBA; a letter of recommendation?

J. Duffy: Non-conforming use is on pg 116 #2 in the Zoning Ordinances. Get together with Peter on this.

B. Sullivan: Will the developer replace the tanks in the ground?

M. Peterson: Yes.

WAIVER REQUEST

3. **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: At the last Planning Board meeting there was a concern on the size of the OSJL signage. We got together with the Aesthetic Committee to review the size of the sign, position of the letters, and other accents. Based on the committee discussions, we adjusted the "OS" letters to align with the top of the "JL" letters. We also reduced the total sq ft from 174 sq ft to 115 sq ft. The letters are now 3 ft "OS" & 5 ft "JL" sets. Allowed were 18" and 30" letters. We added a band at the top and bottom of the façade. The bands are 12" wide and 1" deep and will be painted to match the accent color on the side panels. For lamination, it was recommended we check out the Cinemagic sign. Our proposed signage is face lit with channel LED letters and is the same design as CVS, Walgreens, and Cinemagic. I hope the Board finds the adjustments we made to be favorable.

C. Granfield: I appreciate you working with the Aesthetic Committee. The changes you made looks great.

R. Duhaime: The only thing I wanted to mention is the two back aprons should match the bands in color.

B. Sullivan: I appreciate you opening your thoughts and spending time with us.

F. Kotowski motioned to grant the waiver for the PZ signage standards on the building conditional that the signage not exceed 115.3 sq ft, that the existing color of side panels (aprons) and signage bands match in color, and the existing fascia color be changed all per the Barlo Signs design submitted to the Board on February 8, 2010. Seconded by N. Van Scoy.

Vote unanimously in favor.

PUBLIC HEARINGS

4. CHARLES & DEBORAH HOLT (plan #09-26)

36 Whitehall Rd. & 313 Londonderry Turnpike, Map 25, Lots 39 & 39-1

Site plan for the proposed construction of a 16-unit residential development in 4 buildings under the workforce housing regulations.

Jenn McCourt, McCourt Engineering: The project is on the corner of Whitehall Rd. and the Londonderry Tpke. It is zoned MDR. Our proposal is for 16 units of workforce housing within 4 buildings with 4 units each. We've been working diligently for the tax credit. All utilities are underground (electric, cable, municipal water and sewer). Water approval is pending final plans. Sewer approval is pending final revisions and we are just about there. Fire approval, they have sent a letter of approval conditional that all units be sprinklered. Landscaping, we worked with the Aesthetic Committee on this and are working on the final edits to the plan. There will be one driveway off the Londonderry Tpke. There will be a berm along the Londonderry Tpke. with plantings to make the buffer. We are providing picnic tables and a recreation area. There will be snow storage on site. Drainage, there are 2 large underground detention areas and the overall volume remains the same. Stantec & DOT have reviewed and they are just about ready to issue the DOT permit. We will need a waiver for drainage. We don't have the 2 ft per second. We made the site as steep as we can. There is a short run of pipe and the system will have to be maintained via a maintenance schedule. There is no way to add more water to the pipe. It is a small area that it is catching. We are asking for a waiver on that. Parking is now green, but if ever needed it can be paved over. There is one handicapped parking space. We are asking for another waiver for the roadway impact fee. In lieu we would like to provide the Dot a 15 ft easement. This would allow them to add another lane on the Londonderry Tpke. Dan can speak more on this, because he had conversations with the DOT. This is a workforce housing project and we are desperately trying to keep costs down.

D. Tatem: The site is at the intersection of 2 roads with an existing 10 ft from the edge of pavement. David DeBae, our traffic engineer, said the corner is very close. I talked to DOT. If we collect \$13,000-\$14,000 for impact fees, right now there is very little money for that corridor and the fee might get returned. The State would benefit by this easement

and the Town would benefit with a possible left turn lane on the Londonderry Tpke. heading towards Candia. Rich Radwanski and Bill O'Donnell at DOT said a 15 ft width easement would allow for this possible left turn lane. They were verbally in favor of the easement.

B. Sullivan: This is one of the most dangerous intersections. What was the grade level of the road?

D. Tatem: I did not have an in depth discussion with the DOT on that.

B. Sullivan: We have been talking about this site for 6 yrs. There have been proposals for commercial use. I would definitely go for the land easement.

D. Tatem: An easement is worth a lot more. Both Rich and Bill were very appreciative. This would have to go to the Town Council for approval for the easement vs. impact fee. Tonight I recommend the Board grant the waiver of the impact fee with the condition that the Council approves it or if denied the applicant would have to pay the roadway impact fee.

R. Duhaime: For drainage, will the roadway all be curbed if they widen the intersection?

D. Tatem: The property and design would stay the same.

R. Duhaime: If the State widened the roadway, they would curb it?

M. Cannata: The Town Council would need to know the rationale for waiving the impact fee in lieu of the easement. To Rob's point, a curb is not the same as sidewalk and this distinction needs to be made.

B. Sullivan: I think the Londonderry by-pass is going to explode.

D. Tatem: We take no exception to the drainage waiver. Jenn just needs to submit the waiver in writing. For the parking waiver, there should be a note on the plan that if parking becomes an issue, they would have to come back to this Board.

N. VanScoy: Explain the drainage.

D. Tatem: The drainage is dictated by the outlet pipe. On private property there is a catch basin not an open culvert. Jenn has put grease hoods on all the catch basins. The drainage is not optimum but manageable.

R. Duhaime: What is the length of the pipe?

J. McCourt: It is a 34 ft pipe.

R. Duhaime: We would like to see the waiver for parking for aesthetics.

Open Public Hearing

Gerry and Joan Holleran, 42 Whitehall Road: We abut this parcel on both sides. We are on the 28 by-pass side and the Whitehall Road side. If you look across this parcel you will see it is primarily our property. We are pleased that Neighborworks is the developer. We visited some of their other project on Mast Rd in Goffstown, Demitria Ave in Manchester and down by St. Anne's church. All the projects were neat and well maintained. Neighborworks is well run. We visited the Planning Dept. last week and looked at the recent plans. We are pleased with the berm and plantings shown, not only for the look but it will also cut down noise. Our concern is the illumination of the driveway and to keep children away from the busy intersection. The made a reduction in the number of units from 20 to 16, but that still seems like a lot of units. This is a 1.65-acre MDR parcel and 10 units would be enough. 16 units is a lot of building and asphalt on this lot. We trust this Board will assure our property will not be affected by drainage and snow removal.

Richard Monteith, 58 Sherwood Drive: I came in a little late tonight. I am a former teacher and principal in Hooksett. My concern is the children and being so close to 28 by-pass. This scares the daylights out of me. A child in another town was hit on a similar type of road 6 weeks ago and is still in the hospital. It was no ones fault; the kid ran across the street. It just bothers me.

P. Rowell: This is the first workforce housing we have been dealing with. I picked up the performa and one thing I couldn't locate is the sq ft construction cost.

Robert Tourigny, Neighborworks: It is on the sheet; \$105 per sq ft.

P. Rowell: What is the annual expense and annual income?

R. Tourigny: The project is designed to break even. Rents are 50% of the area median income.

P. Rowell: Ok, everything was here. I just needed to find it.

Close Public Hearing

D. Hemeon: 16 units and the end units have 3 bedrooms.

R. Tourigny: 8 3-bedroom units on the ends and 8 2-bedroom units internal.

M. Cannata: For the gentleman's concern of children, what about having a small fence on the corner of Hooksett Rd and Whitehall Rd?

R. Duhaime: If the State gets ROW and widens the road, maybe the State would be interested in a fence.

B. Sullivan: How many buildable units do we stick on an area. 1.3 kids per unit for this project equals 16 kids. There is not even an area for a kid to throw a basketball around. I am concerned from a good planning perspective. I don't want just a house sitting on land. Is it a viable place to live?

J. Duffy: Your 1.3 children, studies have been done that it is actually .83 children.

B. Sullivan: 16 lots would be 12 kids.

J. McCourt: One benefit is that the Fire Chief wants me to provide an area for a turnaround. This can be used for a basketball area and the area in back is for picnic tables. There is a 20 x 40 ft paved area for kids to play. Also, we are paying a recreation impact fee. You have a performa that we are not making a profit. That is what the law and ordinance put in place.

C. Granfield: You are applying for tax credits and such. Is the CDBG funding still something you are looking at?

R. Tourigny: First is the tax credit application, and yes we are still considering going to the Town Council for the lot grant.

R. Duhaime: I have seen many different applications for this site. I am very happy to see the abutters are happy with this project. It fits this site. I would like to see a few less units, but I like the project overall. Now we have the 15 ft easement for potential widening and that is a win-win for the Town.

G. Holleran: We have been dealing with this issue since 1998. We have always been in favor of residential. We are not opposed to housing here. We are opposed to commercial applications.

Waiver #1 – Parking Part I Section 15.01.25.b. J. Gryval: Received and read the waiver into the record.

*N. VanScoy motioned to grant waiver #1. Seconded by F. Kotowski.
Vote in favor. B. Sullivan abstained. Motion carried.*

Waiver #2 – Drainage Dev Regs Part 1 section 11.13.2)19. J. Gryval: Applicant to submit written waiver request.

*R. Duhaime motioned to grant waiver #2. Seconded by N. VanScoy.
Vote in favor. B. Sullivan abstained. Motion carried.*

Waiver #3 – Roadway Impact Fee – Article 30.E.2. J. Gryval: Applicant to submit written waiver request.

R. Duhaime motioned to grant waiver #3 conditional the Town Council granting waiver of \$13,920 roadway impact fee in lieu of applicant providing a 15 ft setback easement to NHDOT as indicated on the plan set. Should the Town Council not grant the waiver, the applicant agrees to remit the roadway impact. Seconded by N. VanScoy.

Vote in favor. B. Sullivan abstained. Motion carried.

B. Sullivan: I don't know why the DOT would want an easement.

D. Tatem: I got a verbal OK by DOT.

R. Duhaime motioned to approve the application conditional:

- All review fees are paid-in-full
- \$25.00 LCHIP check payable to Merrimack County Registry of Deeds is submitted to the Planning Dept.
- 2 mylars, 11 paper copies (22x34), 1 paper copy (11x17), and 1 digital
- All outstanding comments from Stantec are addressed to Stantec's satisfaction (see letter dated February 4, 2010 from Stantec)
- 99-yr deed restriction for workforce housing
- Conditional Use Permit
- All outstanding Federal, State, and local permits are obtained and submitted to the Town and Stantec to include the DOT permit
- Letter from Central Hooksett 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, designated, and (c) the plans are signed and recorded
- Applicant agrees to site plan compliance monitoring
- Subject to the Town Council granting waiver of \$13,920 roadway impact fee in lieu of applicant providing a 15 ft setback easement to NHDOT as indicated on the plan set. Should the Town Council not grant the waiver, the applicant agrees to remit the roadway impact – see next bullet for details of remitting impact fees.
- Applicant agrees to remit \$55,488 in impact fees 10 days prior to the issuance of the Certificate of Occupancy subject to NHRSA 674:39 (Impact Fees: Roadways: \$870 x 16 = \$13,920; Schools: \$931 x 16 = \$14,896; Public Safety: \$1,100 x 16 = \$17,600; Recreation: \$567 x 16 = \$9,072. GRAND TOTAL: \$55,488.).
- 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 C. Granfield.

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

5. ALL OR NOTHING, LLC (#09-12)

254 West River Road, Map 17, Lot 36

- site plan for the proposed construction of a 1-story 5,600 sq ft building next to the existing pizza shop
- demolition plan to show the necessary demolition of an existing house. This is required in order to construct the 1-story building.

B. Sullivan: I am stepping down from this application.

M. Peterson: Distributed current copies of plan sets. Sheet 1 is the existing conditions. The site is on the corner of Cross Rd and West River Rd by the Pizza Man. There is on-site septic and an on-site well. We have changes on both of those. We are taking the existing site and making serious renovations to include the current landscaping, circulation, and curb cuts. Sheet 2 is the demolition plan and pavement, etc. We will be removing the existing well and will tie into municipal water. Sheet 3 is what we would like to see for this site. The applicant has been working on this project for awhile. This project enhances this corner and the corridor. It is a 5,600 sq ft dance studio currently located at K-Mart Plaza at the lowest part of the parking lot (flooding). Anything we do to the right of the Pizza Man (where demo occurred) would have to come back to this Board. The dance studio designer/architect has already drawn up plans for the Pizza Man. We are here tonight only for the dance studio, parking layouts, etc. If the Pizza Man wants to make changes to his site, he will have to come before this Board. There is a lot of residential traffic that comes down Cross Rd. It seems to make sense to have access from Cross Rd to eliminate some traffic off Rte 3A (West River Rd). There was another concept for the ballet school that was closer to Cross Rd but had no parking. With moving the ballet school to the left of the Pizza Man this allows for parking spaces and still will have the same view. There will be a one-foot detention basin with gradual grass so there is no parking right in front of the building. We split up the site very nicely. Sheet 4, drainage, is the most critical sheet. There is no drainage there. The site is in the aquifer district and this has extra requirements. We will put in forebays for treatment, and have detention basins. There will be a retaining wall in back for 2nd side of access. Last Wednesday I met with the Fire Dept. (M. Hoisington) and he is working with us for access. Stantec has done their review and I will address those comments. The next couple of sheets layout the rest of the site. We will bring water from across the street and we are all set with that; just need the final sizing of the pipes for fire suppression. For utilities we will work with Stantec. There is an existing pole on site, but your requirements are for underground utilities. There are two proposed septic. We will stabilize the entrances. We are working with Certified Erosion Control out of Goffstown. They blow the slope and guarantee it will be stabilized in 24 hrs. Stantec wants final numbers. Sheet 7 of 11 is the colored version blown up. Randy Knolls does all of our landscape plans. Both views show green in front and landscaped. The next couple of sheets are the lighting plans and construction details. We met with the Aesthetic Committee. For architectuals we decided to have the entrance at the northeast corner of the building for visibility on both sides. For the frontage of the building along Rte 3A, we will broke up the 100 ft length by carrying the architecture from the front to the side for signage. The side windows were

smaller; we added three. The review letter from Stantec one comment was about parking. The requirement is 26 spaces and we show 45 spaces. The dance school needs 9.33 spaces and we have 15 spaces in front. The restaurant (pizza) is based on seats. We balanced the usage of the property with green space and landscaping. I don't think you will see we overdeveloped the site. Why take away parking if you still have green space? If the utility pole doesn't have electrical, could we go overhead or down and under?

J. Gryval: Is this application complete?

J. Duffy: We found it complete at the last meeting on January 11th. For roadway impact fees, this type of use is not in our schedule of uses. We will need traffic counts to determine how many new counts for this use. We will need these figures from Matt.

D. Hemeon: I like the plan. My only question is drainage. For the retention pond by the ballet school, I assume the culvert crossing Rte 3A is for overflow out of the retention pond. The culvert that crosses the road never had an outlet. Water would cross the street on the Pizza Man site to a manhole where houses do not exist at Meadowcrest. This past summer, Meadowcrest residents paid to have the manhole extend to the brook.

M. Peterson: The system is dead ended.

D. Hemeon: The State had a culvert with no manhole. The Paquettes made a manhole with clay pipe but that didn't work. Any water south of this building site floods those people out. Those 3 people, theoretically it is there pipe. I believe the pipe is on their property.

R. Duhaime: Since the last time we spoke, what are the retention wall heights and setbacks? Highest point of the wall?

M. Peterson: 9.5 ft and 7.5 ft.

R. Duhaime: Has the access changed for fire?

M. Peterson: Yes, two sides.

R. Duhaime: You moved the parking area farther back in the hill for dumpsters and for the Fire Dept. to turn their trucks around. What is the left hand side wing?

M. Peterson: It used to come straight, now for the freeboard we bent the wing slightly. You won't see the wall, only if you are coming south.

R. Duhaime: 25 ft setback cutting in, tree canopy, you lose the first 20 ft. Are you going to replant something there?

M. Peterson: We agreed to screening atop the slope. The depth of the detention basin is 2 ft; 3:1 slopes with grass in front.

J. Duffy: Matt is the proposed use for the retail building?

M. Peterson: No tenant. Last month the house was ½ demolished. The area is 960 sq ft and there is nothing for it right now. If this will hold up the process for the dance school, I will take it off the plan set.

J. Duffy: It is currently misleading. Either take it off the plan set or add a note on the plan that if the 960 ft will be used, they will come before the Board.

N. VanScoy: Traffic turning into Pizza Man backs up traffic. Parking spaces, having extra spaces for business doesn't hurt, but I always think green space is preferred. Additional grass is beneficial to the business.

J. Mudge: I am familiar with this property and have had previous retail dealings. This is a good design. It is good to come off Cross Road. I like everything about it.

R. Duhaime: This is a redevelopment of the site. At the Aesthetic Committee, site improvements will happen now, even if the Pizza Man proposed improvements doesn't get approved right away. For the other half of this site, we will come back later. We will get rid of a few parking spaces and leave the area graveled and grassed.

M. Cannata: It is a great use of property and upgrades that whole corridor.

D. Hemeon: For retention ponds, we need to know water retained before and after.

M. Peterson: Pre and post drainage.

D. Hemeon: I would really like you to look at this area for drainage. You have a 15" pipe going into a 12" pipe.

R. Duhaime: For underground wiring, this site in time with the landscaping would hide the wire. It would be nice underground, but I have no preference.

J. Duffy: Parking, I would be looking at caution. A dance studio creates the need for a large number of parking spaces. Every dance studio I have seen, the parking lots are filled. Maybe Matt can get us some information on parking for the site the dance studio is located now.

M. Peterson: Where we are putting spaces the area is already cleared. There are no trees there now.

Open Public Hearing

Tom Cote, 246 West River Road: I own the property to the south of the Pizza Man. My property would be where the retaining wall is located. I am looking for shrubs. My

property is secluded. The owner for this application came by and spoke to my wife and suggested I voice this. The other thing is lighting. There is also ponding on Rte 3A between my property and Rte 3A.

Martin Coronis, owner of 254 West River Road; All or Nothing LLC: Everyone is concerned about water. The Mother's Day flood a few years back, across the street at Meadowcrest was under water, but my property was dry. We have good sand over there.

J. Gryval: We will continue the public hearing.

D. Tatem: This parcel lies within the Groundwater Aquifer Protection Area. Dale that sort of answers the drainage. They have to decrease cubic and volume. There is a 4 ft separation to the bottom of the ponds. They will need a variance to Article 19. We talked with Jo Ann about it. They need to go get a variance; same situation as Market Basket. Typically if variances are known, they come before you. Can they go get the variance now?

J. Gryval: Have them get the variance first.

N. VanScoy motioned to continue the application to March 15, 2010. Seconded by R. Duhaime.

Vote unanimously in favor.

CONTINUED TO MARCH 15, 2010.

CONTINUED PUBLIC HEARING

- 6. PAUL A. MAURAS (#09-22)**
Mauras St. off Mammoth Rd, Map 45, Lot 33
Subdivision plan for 3 lots.

F. Kotowski motioned to continue the application to March 15, 2010. Seconded by R. Duhaime.

Vote unanimously in favor.

CONTINUED TO MARCH 15, 2010.

OTHER BUSINESS

- 7. GRANITE HEIGHTS SOUTH/HOOKSETT DEVELOPMENT (#06-28)**
Request for extension for active and substantial development.

Edmund Ford, Atty. representing Chapter 7 Trustee for Hooksett Development LLC.: On January 25th I began involvement with this project. Since that time some people believe this project is coming to a deadline. Other people believe the project has met all the requirements of the deadline. I am required by the bankruptcy code to preserve. I ask the

Board to extend this project for active and substantial development for a period of 12 months per RSA 674:30 IV – the Planning Board may for good cause extend the period. The 3 yr period will expire. I had conversation with Atty. Buckley. We can go through the courts to give myself some time. Both he and I have been involved in this case in the past.

J. Duffy: I initially met with Atty. Ford last week and thought he could come to this Board and ask for the extension of his 3 yr limit. The State statute just changed to allow for longer time periods. After speaking with Atty. Buckley, there is nothing that allows for granting an extension for a plan that is about to expire. Because it is in the bankruptcy court, everything freezes. Atty Ford should ask the court for tolling relief; referred to Shephard's Hill case. He still wanted to come tonight and ask for relief. Your attorney is saying you have no authority to give the extension.

B. Sullivan: I see no basis to give an extension. I would strongly suggest that we do not offer an extension. I have no problem with this project, but I don't think the extension is necessary. I agree with our attorney and don't want to set a precedent.

J. Duffy: The law in affect at the time was 3 yrs.

E. Ford: Planner Duffy says there has been no work up there, but I would prefer to ignore that argument completely.

J. Gryval: If everything is frozen by bankruptcy court, I see no reason we have to extend it.

E. Ford: As fiduciary, I press that issue either frozen or not frozen. I can't sell the project for as much money unless I prove it is frozen. I am here in an attempt to avoid uncertainty. Otherwise, I would only be able to litigate.

***R. Duhaime motioned to approve the extension for the active and substantial development deadline. Seconded by C. Granfield.
Vote unanimously opposed. Motioned failed.***

Announcements

J. Duffy: Announcements:

- 1) Village District – residents within the proposed village rezoning district are invited to attend a discussion on February 18th @ 7:00pm in Chambers with myself, and reps from SNHPC and the Village Committee.
- 2) Cinemagic Traffic – meeting scheduled on February 16th @ 2:15pm with Police, CEO and DOT.
- 3) CTAP Rte 3A Access Management Study – has been approved and will go forward
- 4) Open Space Committee – Frank Kotowski has volunteered to sit in as Planning Board rep

8. Finalize proposed 2010 zoning changes for 1st hearing (2/22/10)

PROPOSED ZONING AMENDMENTS 2010

ARTICLE 2

Amendment No. 1

Are you in favor of the adoption of Amendment No. 1, as proposed by the Hooksett Planning Board, for the Hooksett Zoning Ordinance to amend Articles 4, 5, 5A, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16, height requirement, which currently reads, “building height shall not exceed thirty-five (35) feet when a Hooksett Fire Department ladder truck is unavailable. If a Hooksett Fire Department ladder truck is available, no building shall exceed seventy-five (75) feet in height.” The new language shall allow for a maximum building height of forty (40) feet in all zones for residential use, forty-eight (48) feet for in all zones allowing multi-family use and seventy-five (75) feet in all commercial and industrial zones.

The purpose of Amendment No. 1 is to modify building height for residential, multi-family and commercial/industrial use. Residential building height would increase by 5’, multi-family building height of 24 units or less would increase by 8’, multi-family building height of more than 24 units would decrease by 12’, and commercial/industrial building height would remain the same.

Amendment No. 2

Are you in favor of the adoption of Amendment No. 2, as proposed by the Hooksett Planning Board, for the Hooksett Zoning Ordinance to add a new Article 16-B for a Mixed Use Village District, which will encourage a blend of residential, personal services and small scale commercial, office, financial and medical uses consistent with the character of a village center.

The purpose of Amendment No. 2 is to create a new zone for the “Village” area of town. This zone will allow for a mixed-use of residential and small-scale businesses in order to begin to recreate the Village as the center of the community.

Amendment No. 3

Are you in favor of the adoption of Amendment No. 3, as proposed by the Hooksett Planning Board, for the Hooksett Zoning Ordinance to amend the definition for Accessory Building and add definitions for Bed and Breakfast, Conditional Use Permit, Farmer’s Market, Personal Service Establishments and Small Scale Neighborhood Oriented Retail in Article 22?

The purpose of Amendment No 3 is to amend the definition of Accessory Buildings by defining size, location, height, etc., and to add five new definitions to Article 22.

Amendment No. 4

Are you in favor of the adoption of Amendment No. 4, as proposed by the Hooksett Planning Board, for the Hooksett Zoning Ordinance to amend Article 18 Wetlands Conservation Overlay District, Section E. Special Exceptions, to allow for the relief from

the wetland forty (40) foot buffer through a Special Exception, providing that a Wetlands Functions and Values Assessment for impact to the wetlands and wetland buffers may be required.

The purpose of Amendment No. 4 is to allow for consideration of a special exception from the Zoning Board of Adjustment for impact to the wetland buffer, which may also require a Wetlands Functions and Values Assessment for all wetland impacts.

Amendment No. 5

Are you in favor of the adoption of Amendment No. 5, as proposed by the Hooksett Planning Board, for the Hooksett Zoning Ordinance to amend Article 7, Elderly, Older Person and Handicapped Housing, Section B.3.f), “Within any elderly or older person housing developments, a minimum of ten (10) percent of the dwelling units shall be compliant with the requirements of the Americans with Disabilities Act (ADA) to now read: “Within any elderly or older person housing developments, a minimum of ten (10) percent of the dwelling units shall be compliant with the design requirements of the Architectural Barrier-Free Design Code for the State of NH”,.

The purpose of Amendment No. 5 is to require 10 percent of the units within an older person/elderly project be designed to meet “Barrier Free” codes for architectural purposes.

Amendment No. 6

Are you in favor of the adoption of Amendment No. 6, as proposed by the Hooksett Planning Board, for the Hooksett Zoning Ordinance to amend Article 7.B.3.a) to eliminate: “The Zoning Board of Adjustment may allow a density of six (6) dwelling units per acre for a single development. Soil conditions, slope, the suitability of the land for such construction, or its location may dictate less than the maximum density” and replace with: “The Zoning Board of Adjustment may allow a density of three (3) dwelling units per acre for a single development. Soil conditions, slope, the suitability of the land for such construction, or its location may dictate less than the maximum density”.

The purpose of Amendment No. 6 is to reduce the density of elderly, older person and handicapped housing to from six units per acre to three units per acre.

Amendment No. 7

Are you in favor of the adoption of Amendment No. 7, as proposed by the Hooksett Planning Board, for the Hooksett Zoning Ordinance to replace Article 16-A with new verbiage to be consistent with the State Statute?

The purpose of Amendment No. 7 is to amend the Workforce Housing Ordinance so that it is compliant with the State Statute.

Amendment No. 7

J. Duffy: I had a discussion with Steve Keach who co-authored a guidebook for NHHFA to help communities go through the workforce housing process. This is so confusing to begin with. We can take the existing ordinance out and replace it with this new one that covers more for statute.

P. Rowell: Part of the workforce housing ordinance allows the Town to opt out of workforce housing if the Town has its fair share.

J. Duffy: We needed to determine what section we fell into and a whole list of criteria. Peter I think you did a really good job putting the numbers together, but I am afraid that if we did go to court the numbers won't hold up. SNHPC just hired Bruce Mayberry to do a fair share analysis.

P. Rowell: I did not mean this to be a definitive study. I was touching base with assessing and there are over 1,000 homes valued under the workforce housing criteria. We keep pushing workforce housing ahead, but from day one we may already have our fair share of workforce housing.

Steve Keach: Peter is correct. The statute does create latitude for a municipality to achieve compliance with an affirmative defense the Town has an adequate supply. Unfortunately the legislative bill fell short to define what is fair share. Until the court determines what is fair share, even if every home in Hooksett is affordable/workforce housing, we cannot take that defense. Similarly this is Ben Frost' position. SNHPC is just getting their feet wet and will have the assessment published in 2011. That housing needs assessment is what the regional planning commissions must do every 5 yrs. You may have a hook to hang your hat on at some point in the future, but I think it is very risky to do that at the present time. The 2004 Master Plan population section 6 recommendation - three advocates for affordable/workforce housing. There has been no significant change to housing since that Master Plan was adopted. Until the day comes for defining "fair share", I can't recommend you take that stance. I did put Conditional Use Permit (CUP) into the ordinance to enable you to decline to a take permit if you meet that fair share. 5-6 yrs ago when elderly housing was exploding, how many projects were approved and not started; the supply exceeds the demand. We have provided you with language to shut off. While I agree with Mr. Rowell that you may already have your fair share, I would not recommend that stance.

P. Rowell: Why can't the Planning Board define fair share?

S. Keach: The statute speaks to fair share for your region. That is not defined.

P. Rowell: We are in the Merrimack County region. We should be able to put it out there.

S. Keach: You need to advance a warrant article this week, and I don't think your current ordinance list the criteria.

D. Hemeon: But this new one doesn't list the criteria anyways.

S. Keach: The new Article 16-A covers everything but the fair share section. Until the statute or legislature changes or there is litigation it is undefined. I am not convinced that you have the ability to say no to workforce housing.

B. Sullivan: I would agree with your view. What percentage do we need?

P. Rowell: 4.8% is poverty and I doubled that figure to 10%. We have 4,700 dwelling units with 10% being 471 units. There are 1,088 properties valued under \$170,000. 450 units are valued under \$150,000.

D. Hemeon: I am afraid we are going to get hammered with workforce housing. I agree with Peter; I think we have enough now.

S. Keach: I have created a situation intentionally with a CUP to allow someone breaks to make their project work, but it also always you the Board to say no to workforce housing. Under your existing ordinance, you do not have the ability to say no.

J. Gryval: Unless we think we have our fair share?

R. Duhaime: Bow doesn't have its fair share. Allentown yes. I don't think Hooksett would have a hard time to defend itself. I think we have more than our fair share.

M. Cannata: Is what you are presenting to us a defensible position to say no?

S. Keach: Yes, absolutely. If nothing else, this should keep your legal bills down this year. The sections of the updated ordinance are: A) Authority, B) purpose statement for the affirmative defense, C) definitions and D) applicability. The combined acreage is for low (LDR), med (MDR) & high (HDR) residential, and urban (URD) & MUD 2&5. Residential development minus LDR, you are still left with 51.4% land area residentially zoned or the majority. This ordinance removes LDR which is about 48.4% of the Town area. I don't believe high density should be in the LDR area. The statute is for multi-family available in the community, in our Town, except LDR or URD.

D 2) special benefits i.e. URD only allows single-family not multi-family, therefore only single-family workforce housing is allowed.

D 3) CUP can provide dimensional or administrative relief vs. through the variance process

D 4) if a URD workforce housing applies for multi-family, would need a ZBA variance (multi not allowed in URD)

D 5) cost of housing - you influence but do not dictate the value of land through zoning. You do not dictate construction costs. You cannot dictate financing in the public sector like Mr. Tourigny is getting his financing. You cannot guarantee success. Not every piece of land is created equal.

E) CUP is what is missing from your existing ordinance. Standards should be very objective.

These shift the burden of risk onto the applicant.

J. Gryval: I agree we need workforce housing. Has our attorney seen this ordinance?

J. Duffy: I sent it to him, but he hasn't fully reviewed it.

C. Granfield: We are at a time standpoint.

J. Duffy: We don't usually give the Town Attorney the articles until they are ready for the first hearing Feb 22nd. At that time the Board can motion to send the article to the voters, amend the article, or pull the article. The 2nd hearing is March 8th, if needed.

C. Granfield: Jo Ann, do you understand workforce housing enough to explain it to the public?

J. Duffy: Yes. The first thing is to keep it simple and not complicated.

D. Hemeon: What are the surrounding towns' density rules?

S. Keach: Popular choice is a fixed density bonus or inclusionary ordinance. Amherst has had an affordable housing ordinance for about 10 yrs. There is a 20 dwelling unit limit per development in Amherst.

R. Duhaime: What about MUD districts?

S. Keach: MUD 2 & 5, I think you can develop workforce housing in those areas. There is a portion of the Town that does have municipal utilities and some that don't in the same zone.

J. Gryval: I still don't see how they can tell us when we don't have enough workforce housing, when they haven't determined what is enough.

Amendment No. 3

P. Rowell: Accessory buildings is in the definitions. This is in conflict in the body of the ordinance under zoning districts.

C. Granfield: Next year for scheduling, devote two meetings for zoning prep and nothing else. Staff should get together before hand and come with recommendations.

Other Business

N. VanScoy: If someone abstains or voted against something, this Board does not state why?

C. Granfield: Any time your vote is "abstain" or "no", you have to state why.

D. Hemeon: For abstaining, our attorney said in the past this is to be done if there is a monetary benefit.

C. Granfield: Stating the reason why, I would encourage that.

***R. Duhaime motioned to adjourn at 10:50pm. Seconded by F. Kotowski.
Vote unanimously in favor.***

ADJOURNMENT

Chair J. Gryval declared the meeting adjourned at 10:50pm. The next Planning Board Meeting is at the Hooksett Town Hall Chambers, room 105 @ 7:00pm on February 22, 2010. This will be the first public hearing for the proposed 2010 zoning amendments.

Respectfully submitted,

Donna J. Fitzpatrick
Planning Coordinator