

**Official
As of 07/12/10**

**HOOKSETT PLANNING BOARD
WORKSHOP MEETING MINUTES**

DEVELOPMENT REGULATIONS

**HOOKSETT MUNICIPAL BUILDING
Monday, June 14, 2010**

CALLED TO ORDER

Chair J. Gryval called the meeting to order at 7:05pm

ATTENDANCE – PLANNING BOARD

Chair J. Gryval, Vice-Chair D. Marshall, Town Administrator, C. Granfield, D. Hemeon, Town Council Rep. N. VanScoy, F. Kotowski, Robert Duhaime, B. Sullivan (arrived 7:10pm), and B. Perry (arrived 7:15pm).

Excused: Y. Nahikian and M. Cannata.

ATTENDANCE – ZBA

Chair C. Pearson, Vice-Chair Roger Duhaime, J. Levesque and J. Gorton.

REPRESENTING TOWN OF HOOKSETT

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

Proposed Development Regulation Updates

Section 17 - Demolition Regulation (pgs I-73 to I-76)

D. Tatem: Section 17.05 (g) Development Review Committee changed to Demolition Review Committee.

J. Duffy: David Boutin and Kathie Northrup worked on this regulation and went to the Town Council back in April. The Town Attorney said since this is land use it can be incorporated in either the Zoning Ordinances or Development Regulations. We thought it best to incorporate into the Development Regulations. If someone wants to demolish a building shown on a site plan, the Building Dept. would notify the Heritage Commission. The Council could not fill the Heritage Commission wishes.

C. Granfield: What is written here is not an ordinance as of yet. We received a letter from our former Town Attorney Bart Mayer that yes we could go forth as either ZO or

Development Regs. We should verify this with the current Town Attorney to see if it is the appropriate place within the Development Regs.

P. Rowell: For Section 17.03 (b), I can sit down with the Planning staff to work out instead of bogging down the meeting here.

B. Sullivan: Section 17.03 (b) should be 75 yrs.

Planning Board: Consensus 75 yrs.

P. Rowell: It leaves me with making the determination.

B. Sullivan: I thought the same thing; that it adds another thing in your long list.

P. Rowell: There should be input from more people vs. just me. I would see the demo permit. I get concerned that I would make the determination.

J. Duffy: Read further, the Demolition Committee makes the determination. You would just notify the Committee; you would not make the decision.

P. Rowell: Jo Ann, Dan and myself need to sit down in a meeting format and come to some conclusion.

Section 5 - Definitions – Active and Substantial Development (pgs I-3)

J. Duffy: Build 20% of foundations or one; whichever is greater. We thought that was pretty restrictive. We looked at other communities; Rochester and Londonderry.

D. Tatem: Distributed wording from Rochester and Londonderry. Rochester is clear and references the RSA in both sections. Londonderry talks about specifics and holes can be found in it. I like Rochester better. We can pull a couple of other towns.

J. Duffy: Bedford is the same as ours.

J. Gryval: You like Rochester.

D. Tatem: I don't like one foundation; i.e. road could be complete but not a sold house. Tying a foundation to a site plan makes sense, but not for a subdivision.

B. Sullivan: Londonderry is too specific and Rochester is too smooth.

D. Tatem: I can come up with a combination of the two. We will e-mail it out and you can send me comments and we can review it briefly at the next meeting.

Section 18.09 1 (a) - Surety Release Process - COs (pgs I-79 to I-81)

J. Duffy: Section 18.09 1 (a) CO and when it gets issued. Now for a site plan, the building and site get built and there are always issues outstanding. Then it is a big emergency to get their CO for the grand opening. We give the CO and get a bond for the remaining site work, however the remaining site work does not get completed. There is a problem with cashing the bond in and not getting the value, and then we would have to go on private property to complete the work. In Londonderry, all site work must be completed before the CO is issued. If seasonal for landscape & paving, the developer would have to go back to the Board and get permission to complete those. We are wasting a lot of staff time with Peter and I chasing these things down. Someone may say we may scare businesses away, but Londonderry is our #1 competitor and they don't seem to have a problem.

D. Tatem: We also do work in Londonderry and in ten years there have only been a few extensions and they only bond for landscaping.

J. Duffy: we know they can continue to renew the bond.

P. Rowell: I have no problem with that. We will have the Community Development Dept. sign off before a CO is released.

D. Hemeon: Is all work done?

D. Tatem: Yes, lighting, paving, top coat and striping.

D. Hemeon: Site plans only?

D. Tatem: Yes. We don't want them to topcoat for a subdivision.

B. Sullivan: Example, Demoulas comes in for a waiver of trees and 6 months goes by we cash the bond?

J. Duffy: The only thing you would do that for is the final coat of paving and they would pull the bond or LOC.

B. Sullivan: Example, Demoulas has a large parking lot to be done by September, but now it is December.

J. Duffy: I don't think that will happen.

B. Sullivan: How would a municipality do anything, even if you have the money?

D. Tatem: Both the Town's old and new Attorney were comfortable with you going on a private site to pull the bond and complete the work. Bob, a site open 7 days a week, you can't shut down for two days for paving. Sites like MTS are open 5 days a week and have a

bond for the topcoat. It is easier for someone like MTS to extend their bond vs. completing the work.

D. Hemeon: Paving should be bonded in November and December.

C. Granfield: It is a good idea to have deadlines, so they know what to expect.

Section 10.03 (1) – Expiration of Conditional Approvals (pgs I-20 to I-21)

J. Duffy: For expiration of conditions, currently there is no timeframe to get conditions in. Their approval will expire in 3 yrs, but we would like to put a deadline of 90 days to receive conditions. If they can't meet that, they can ask the Board for a one-time extension. After that one-time extension it would automatically expire.

J. Gryval: Having no timeframe makes a lot of extra work.

Robert Duhaime: The more they drag-on, they hope the conditions will go away. This is a good idea to have a timeframe.

B. Sullivan: Is there something in the RSA for conditional approvals and how long they last?

J. Duffy: Ours says 3 yrs from the date of approval then it expires; this includes conditional approvals. That is our rule. The State active and substantial is within 12 months then vested for 4 yrs.

D. Tatem: They should respond to the Community Development Dept. within 90 days in writing. If they don't reply, call them in for a public hearing. This is something for the Town Attorney to review. We have a project now that I haven't seen a set of plans in over a year.

J. Duffy: A conditional approval to submit conditions within 90 days may go by too quickly. If left at 90 days, we may see people coming in all the time for extensions. If you have 6 months, that is a more realistic timeframe.

Section 10.03 (2) – Plan Resubmittal Time Limits (pg I-21)

C. Granfield: Dan, that section needs to be reviewed and requested from one entity. Too many people are involved; Planning Board, Community Development Dept., Town staff, and/or Town's consulting engineer.

P. Rowell: It says Community Development or Stantec. All letters should get generated from Community Development not Stantec.

B. Sullivan: I didn't think ZBA or Building Dept.; just Planning Board.

J. Duffy: They have already had their first review by Stantec. There may be comments made at the Developer Meeting, Stantec's letter, and the Fire Dept. may have sent the developer comments or met with them.

B. Sullivan: Wouldn't that go through the TRC?

J. Duffy: No, Mike Hoisington just had a meeting with applicants. I always get copied.

B. Sullivan: Too many people and it gets out of control.

J. Duffy: After everyone has met, the outstanding items to be worked out are usually the Fire Dept. or Dale. I always get info back from them.

B. Sullivan: Who is ultimately responsible, if my plan is going to get rejected because someone in Town wanted something done?

J. Duffy: I don't just have an e-mail. I incorporate dept. comments into my Town Planner comments to the Planning Board. Dan sends his comments to the applicant.

J. Gorton: Is this for the conditional approval running out and time limit established?

D. Tatem: No, that is in a separate section 10.03 (1). I am talking about section 10.03 (2) for plans not conditionally approved yet.

C. Granfield: It all has to come to one dept.

J. Duffy: I don't want to have to act on behalf of others. Example if the Fire Dept. is good with an application, they should send inform the applicant and I get copied.

B. Sullivan: All info. goes into one basket.

Robert Duhaime: Where is this Community Development Dept.? The Town Planner is for the Planning Board. If something falls through another dept., the Town Planner is aware of it and it comes back to the Planning Board.

C. Granfield: It should come out of the dept. head.

F. Kotowski: I have heard the developers talking about not knowing what other departments are doing. It should be one dept.

N. VanScoy: I like the sentence. I think it just needs another sentence for who is responsible to keep track, so the applicant knows who to go to.

J. Gorton: It should be issued from only one entity.

J. Gryval: The Fire Dept. reviews and they send comments to Jo Ann.

B. Sullivan: If there was a much larger staff. Can we all step back and look at what we are dealing with? Community Development has a staff of two and one Town engineer. I agree with Frank, but need to be realistic as to what we can actually do. I don't think we are in a situation for a single point of reference.

Robert Duhaime: I know who the Town Planner is, but I don't know what the Community Development Dept. is.

B. Sullivan: For the last sentence, if we agree the system is working fine, then it is the Town Planner

Section 18.03 Acceptable Form of Surety (pgs I-76 to I-77)

J. Duffy: In the past Dale has had problems with cashing bonds. Dale suggests just having LOC or cash. State law says you can ask for any of those things. Bart always said we can't eliminate taking bonds, but other towns are doing it.

D. Hemeon: The last bond I pulled I got .10 cents on the dollar.

J. Gryval: Take bonds out and ask the Town Attorney.

Section 19.03 Responsible Officer (pg I-82)

J. Duffy: Peter has had questions why he is even involved in this ordinance in the first place. Legally his job is enforcement.

C. Granfield: This is a legal question with our Town Attorney.

P. Rowell: I checked with the LGC legal staff and they said the Town Council can appoint anyone to do enforcement.

D. Tatem: Letters of violation?

P. Rowell: I only have the power to issue a notice of violation. The Town Council can give Jo Ann the power to enforce.

D. Tatem: In the Town of Pelham, the Building Inspector just does inspections and the Community Development Dept. does enforcement.

J. Gryval: Jo Ann what do you think?

J. Duffy: There are so many hours in a day.

C. Granfield: Dale now has buildings.

J. Duffy: What do you want to do with this for now?

C. Granfield: I don't think the Planning Board cares who enforces.

Robert Duhaime: Section 19.02 Penalties and Remedies for Enforcement refers to cease and desist orders. I don't think the two of you (Peter and Jo Ann) should switch jobs.

J. Duffy: I feel like the last 2-3 yrs I have been the one holding the stick. The Town Planner should be the person to negotiate, not enforce.

Robert Duhaime: If she knows something is not falling into place, she could let Peter know.

F. Kotowski: Job descriptions, I don't think we should be doing that. It is Carol's job. It has nothing to do with this Board.

Section 12.02 (9) – Inspection and Acceptance – Underground Utilities (pg I-52)

J. Gryval: Utilities should be underground within the roadway limits.

D. Tatem: A residential subdivision prior to the building permit, that way they are saying they don't want the road dug up for the last lot.

B. Sullivan: Controlling line; building permit not issued unless three things done. Nothing about underground utilities per say.

J. Gryval: We have a subdivision now.

D. Hemeon: We want sewer manholes outside of the pavement. I would like to see electrical out of the ROW.

D. Tatem: There are always utilities installed in roadways, because houses are on either side.

Final Planning Board Comments

N. VanScoy: I just have a couple of typos.

Y. Nahikian: Building height definition 1st paragraph correct. We should set a limit so we cannot mix decorative with too much in one paragraph.

D. Tatem: I copied and pasted that section out of the Zoning Ordinance.

Y. Nahikian: You cannot tell a church to reduce the building from the height of the steeple.

P. Rowell: The building codes changed in 2009. I had marked it up to go over with Dan and Jo Ann.

J. Duffy: For now we can't change that until next year's zoning. Then we can change the Development Regs to match the zoning.

Y. Nahikian: Pgs I-13 and I-14 TRC and Aesthetic Committee have non-binding recommendations. TRC is more technical. For Aesthetics you are sending the message that you have to go in front of them, but it can't be enforced. I think we should say the Planning Board should consider discussions, opinions, and recommendations made by the Aesthetic Committee. There is definitely two aspects: 1) financial, and 2) Town point of view for aesthetics.

J. Duffy: Just remove the sentence entirely "non-binding".

C. Granfield: List Town Planner in sections vs. Community Development. Dale, I-22 municipal services winter maintenance?

D. Hemeon: I don't think the Town should be doing this (plowing) until the road is turned over to the Town. I am plowing Heritage V and not getting paid. Same with trash pick up.

J. Duffy: I don't think you can remove it. We should put something for subdivisions prior to road acceptance.

D. Hemeon: I am supposed to get paid by developers by Sept 1st. I now maintain 7 or 8 roadways. The only developers who pay me are MS&G and Mountainview.

D. Tatem: The Town of Stratham got sued because emergency vehicles could not get to a homeowner. I think this should be reviewed by your Town Attorney.

C. Granfield: I agree that the Town Attorney should review roadways and trash pickup.

J. Gryval: Pg I-26 buildable area, how do you determine a percentage?

D. Tatem: #1 = 13,000 sq ft and #2 = 20,00 sq ft; we are doing that now.

J. Gryval: Pg I-13 TRC should read "for completeness" vs. (completeness).

D. Tatem: Section 8.01 TRC "non binding", I will cross out that too.

J. Duffy: If conditions warrant, another TRC meeting may be required at the discretion of the Town planner

J. Gryval: Pg I-9, three roads for parent parcel.

B. Sullivan: Pg I-28 #4, residential driveway widths, why don't we go with 14 ft. and have them ask for a waiver?

D. Hemeon: In a subdivision you won't find 12 ft, there probably 10 ft.

B. Sullivan: We already have a max, just list a minimum.

J. Duffy: Anything if driveway over 300 ft.

B. Sullivan: radii #4

Dan: 5-12.

Robert Duhaime: White Rabbit catering has a sweeping driveway that looks like 30 ft.

B. Sullivan: Peter, do you see a lot of sweeping driveways? Radii is a tough thing.

D. Tatem: 38-43 because of trucks.

D. Hemeon: All Town roads are a class 5.

D. Tatem: State road are class 4.

Robert Duhaime: With a cape cod berm, you can drive tractors on it for commercial sites.

B. Sullivan: Pg I-29 #13, road in excess 300 ft, should we require underground utilities?

D. Tatem: All subdivisions must be underground. No utility poles.

J. Gryval: Any other comments from the Board?

D. Hemeon: All set.

F. Kotowski: All set.

Robert Duhaime: Aesthetic Committee pg I-14; section III-3 – erosion stone is overly used as stabilization. Slopes higher than “x” must have capability to have landscaping.

D. Tatem: Zoning requires setbacks for septic systems. The Town does not review septic design, because it goes to the State. There is no mechanism for an enforcement step here. You could be a pre-review town. If you had staff to do it, I would recommend it.

D. Hemeon: I have received a high number of phone calls from residents that their leach fields are failing. They are not getting built properly. Peter do you check those?

P. Rowell: The State inspects after a leach field is in before it is covered. There is no bed bottom inspection of completion with matting. It was on the proposed fee schedule \$30.00 for me to inspect.

D. Hemeon: I am not talking 4 or 5 septic. I am talking 20-30 septic.

P. Hemeon: It is a staff issue.

D. Hemeon: You feel for homeowner who has to pay another \$15,000-\$20,000 to fix their septic.

D. Tatem: Northwood pre-reviews septics. I would recommend that. If that could be pre-reviewed for a subdivision design. The State requires 4K reserved for septic system, so the system can be moved if it fails. In Rye it is 24 inches. I recommend two test pits 50 ft apart so you know you can build over the other test pit if the first system fails. Exempt would be existing lots of records; only the State can deny a non-buildable lot if not 12 inches.

J. Duffy: If the State requires 12 inches, we put new lots at 18 inches?

D. Tatem: To add this in here would only be for subdivision design.

J. Gryval: Any comments from the ZBA members here tonight?

C. Pearson: Pg I-32 structural designs – variances water crossings, would you see stamped drawings?

D. Tatem: That comes in at construction.

P. Rowell: The ZBA won't worry about how a culvert will be constructed.

C. Pearson: We don't know how they are going to cross it.

D. Tatem: Austin Woods, we did a review for the ZBA and we had 20 comments on three crossings. I would never recommend that you approve a variance without an engineer review.

C. Pearson: We have an applicant now, and we don't know what they are putting in. Without having information, we seem inadequate to make a decision.

J. Duffy: You (ZBA) can always ask for an engineering review.

P. Rowell: ZBA is looking at the crossing not the design. The Planning Board looks at the technical aspect for the culvert size and construction.

D. Tatem: How open is the sq ft of impact approval by the ZBA? Without a review, you don't know sometimes.

J. Duffy: Dale for stones you didn't want to store it. Diane would be willing to store the stones.

D. Hemeon: Kathie Northrup doesn't want any stone walls removed.

J. Gryval: I thought that was a State law.

J. Duffy: Only if it (stone wall) is a property line.

D. Hemeon: Most of the walls they say are property lines are not accurate. Plows go into them.

D. Tatem: If a stone wall is removed, have them reset it in places and if they can't let them bury them. Pg I-50 impervious lot coverage lists different zones. Section 11.19 pg I-50 wetland delineation markers on steel post; Conservation Commission can sell the posts to developers with the Town logo. This type won't fall off trees. We can check the posts during construction monitoring.

P. Rowell: Along with wetlands, add conservation easements too.

D. Tatem: Yes. Also, as-builts, section III-15 clarifies what needed in an as-built. Section III-14 #3.18 is more strict with more units. It is a chart.

B. Sullivan: We don't want a plain gable roof that is 100 ft without a break.

Y. Nahikian: We end up having a higher roof with a 10-12.

D. Tatem: ADA parking.

J. Gryval: what are the State requirements?

D. Tatem: I don't know.

P. Rowell: There are some requirements in the building codes.

Robert Duhaime: Curbing details I-63.

D. Tatem: SNHU academic facility – pg III-15 added in.

***Robert Duhaime motioned to adjourn at 9:15pm. Seconded by J. Mudge.
Vote unanimously in favor.***

ADJOURNMENT

Chair J. Gryval declared the meeting adjourned at 9:15pm. The next Planning Board Meeting is at the Hooksett Town Hall Chambers, room 105 @ 7:00pm on June 21, 2010.

Respectfully submitted,

Donna J. Fitzpatrick
Planning Coordinator