

Official
As of 07/12/10

HOOKSETT PLANNING BOARD
MEETING MINUTES
HOOKSETT MUNICIPAL BUILDING
Monday, June 21, 2010

CALLED TO ORDER

Chair J. Gryval called the meeting to order at 7:08pm

ATTENDANCE – PLANNING BOARD

Chair J. Gryval, Vice-Chair D. Marshall, Town Administrator, C. Granfield, D. Hemeon, M. Cannata, J. Mudge, and F. Kotowski.

Excused: Town Council Rep. N. VanScoy, B. Sullivan, R. Duhaime, and Y. Nahikian.

Absent: B. Perry.

REPRESENTING TOWN OF HOOKSETT

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

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

APPROVAL OF MINUTES OF 06/07/10

D. Marshall motioned to approve the minutes of 06/07/10. Seconded by C. Granfield. Vote in favor. J. Mudge abstains.

DISCUSSION

1. ECONOMIC DEVELOPMENT COMMITTEE (EDC) - UPDATE
Bill Sirak, Chair

Bill Sirak, 5 Briar Court: I am the Chair of the EDC. Distributed and reviewed the goals and objectives of the EDC:

Core Services

There is the Exit 11 TIF district to be expanded upon. The Committee would like to hire an EDC Chair. Fred Bishop coordinated 15-20 community business interviews with pluses and minuses. The feedback was very valuable for additional businesses coming to Town. Several years ago the Planning Board was getting beaten up unfairly by some developers. I had a meeting on my deck with some Planning Board members and developers for a positive discussion. I learned over the last several years through the Hooksett Ambassador Program about developer complaints. I then talked to Jo Ann

Duffy or Carol Granfield to hear the rest of the story and I hear a different slant to the story = lesson learned. The problems were more just breakdown in communications.

Communications and advocacy

The issue is very limited staff and money to do those things. Cooperatively DRED and SNHPC and METRO, collaborative position, Hooksett and 13 communities surrounding Manchester area. METRO is an investor model business willing to send us to trade shows for “Why come to Hooksett and the greater Manchester area”. Competition with other Towns is not an issue. Developers are looking for specific sites, highway, water, and sewer. We have national developers interested in Exit 11 because of the location, traffic, and the river. EDC can facilitate the process as easy and welcoming as we possibly can. You and other depts. play a key role.

Fiscal

With limited staff, you are lucky to have Carol Granfield and Jo Ann Duffy and their staff that support them. Jo Ann is looking at short-term contracted services. Exit 11 is a lot of behind the scenes with the Liquor Commissioner, DOT, and the Governor’s office. Appraisal’s are being done, etc. An update to the Exit 11 project is to come this Fall. We are a volunteer organization to give you free advice and counsel.

M. Cannata: Thank you for your hard work and commitment. For the contracted services you refer to, what is the expertise you are looking for?

B. Sirak: Getting #s for the TIF. I am not comfortable looking at that data as a volunteer. We need someone with expertise to look at it and are realistic within the parameters. We also have to look at this project for the best interest for the Town of Hooksett to include projected costs and taxes.

WAIVER REQUEST - SIGNAGE

2. MERCHANTS MOTORS (#10-08)

1278 Hooksett Road, Map 30, Lot 9

Waiver request to Article 20 B.3 for off premise advertising on their existing signage.

Michael Sydney, Merchants Motors: We were here at the last meeting for discussion. Tonight we are hoping to get approval to use our new sign at Merchants for off-premise advertising for local businesses in the Hooksett and Manchester districts. We would like to create and display Amber Alert messages. We would like to be granted this permission to help local and regional businesses due to the economy. A portion of our advertising fees will be given back to the Town for sports.

Open Public Hearing

Close Public Hearing

D. Hemeon motioned to grant off-premise advertising on Merchants Motors existing signage at 1278 Hooksett Road conditional:

- ***no political advertising***
- ***10% of advertising fees will be given back to the Town of Hooksett for recreational sports***
- ***Signage will have Amber Alert or equivalent emergency notification system***

Seconded by J. Mudge.

C. Granfield: I see this agenda was posted as “Waiver Request – Signage”. Were the abutters notified? There will be no political advertising. What is the portion given back for recreational sports?

J. Duffy: Yes, abutters were notified.

M. Sydney: 10% of advertising fees will be given back to Town for sports.

C. Granfield: This will help the businesses due to the economy. Like it or not, people do look at that (Merchants) sign.

D. Marshall: I caution this Board. We do set a precedent unlike the ZBA. If this is granted, when Walgreens comes in and ask for the same (or someone else with that type of sign), you will be hard-pressed to deny them. You have to be careful, you are setting a precedent.

M. Cannata: Are we setting a precedent because the sign is changing or because of the off-premise?

D. Marshall: Off-premise; Walgreens can ask for the same thing, because they have that type of sign.

M. Cannata: Is the Amber Alert a given?

M. Sydney: My father-in-law has given to the Town on so many projects. We have been responsible citizens.

M. Cannata: You don't have closure on the Amber Alert?

M. Sydney: No not yet; the Town of Hooksett has a different system. We are working on that with Hooksett Safety.

M. Cannata: Are you confident it will happen?

M. Sydney: Yes.

D. Hemeon: Is the 10% for recreation for HYAA?

M. Sydney: It will be give to the Town and you can choose what the Town opts for.

C. Granfield: It will be given to the Town.

F. Kotowski: For the Amber Alert, have you specifically made contact to Chief of Police and Fire?

M. Sydney: I have spoken with the Fire Dept.

F. Kotowski: Have you received any real response from them?

M. Sydney: I didn't follow-up with them. I will work with the Fire and Police Depts.

C. Granfield: The Amber Alert is with State DOT. Our Hooksett alert is through Code Red Emergency Management.

Vote unanimously in favor.

SPECIAL EXCEPTION

3. PAUL A. MAURAS (#09-25)

“Falcon Brook”, 49 Mammoth Road, Map 45, Lot 33-2

Special exception from Article 18, section E.1 to allow two (2) wetland crossings for the construction of a roadway to access the majority of the buildable/ non-wetland/ non-wetland buffer land.

Matt Peterson, Woodland Design Group: We presented this special exception at the last ZBA meeting. We also went on a site walk the Thursday after the ZBA meeting. I showed the ZBA that we did the lot line adjustment first, then the 4-lot subdivision. I showed the buildable land as if it were phase I. Buildable area is 70,000 sq ft prior to 1st wetland crossing, 56,000 sq ft in the middle, and past the 2nd crossing is 186,000 sq ft. We are proposing a 30-unit workforce housing project for the back half. The total wetland impacts for the 1st and 2nd crossings are 1,386 sq ft. I outlined the impacts to the buffer. The total of 10,425 sq ft encompasses the retaining walls on both sides. Dan has gone through this application in the last day or so.

D. Tatem: I met with Matt this afternoon and have a couple of comments for the ZBA application. The plans need to be stamped by an engineer and wetland scientist. Also add culvert sizing. The ZBA requested 3x5 box culverts to fit under the proposed roadway. It is a riprap covered impact area. Address impact #1 on the left, the driveway that leads to those, the first 4 units may be able to be rotated to draw access out of buffer. Matt's plan reduces the wetland impact as much as it can be, but rotating would help the buffer. If the applicant addresses those items, then we recommend a favorable letter from this Board to the ZBA.

M. Peterson: Yes, we agree with Dan's comments.

J. Gryval: We will need a revised letter from Dan before we can recommend this special exception to the ZBA.

D. Marshall motioned to send a favorable letter to the ZBA on the special exception conditional that all outstanding comments from Stantec are addressed to Stantec's satisfaction (see Stantec wetland impact review letter dated June 21, 2010). Seconded by C. Granfield.

Vote unanimously in favor.

PUBLIC HEARINGS

- 4. PMT REALTY TRUST - NORTHWOOD POWER EQUIPMENT (#09-23)**
290 West River Rd (Rte 3A), Map 17, Lot 10
Site plan for the proposed construction of a 5,000 sq ft retail tractor business with an outdoor display area.

Jon Rokeh, Rokeh Consulting, LLC: I represent Northwood Power Equipment, PMT is the owner. They sell retail Masse Ferguson tractors. Our plans have changed so that we won't have any display area up above or have a billboard as part of our application. The existing conditions were updated in the spring. For wetlands, we received a letter from Peter Schauer that there are no wetlands on the site. The site is just an old gravel pit. Our full design includes grading for parking, utility layouts with municipal water and private septic. We have State approval for septic. We received Village Water OK. Natural gas is available for heating. We spoke with National Grid and they will provide natural gas to our building. Hooksett regulations state no more than 3:1 slope. We propose a 5,000 sq ft building. The regulations state 25 ft and I have that and access for deliveries via the overhead door. There is also a dumpster area. The front display area is for small tractors and it is gated so no one drives in the display area. We have one ID sign at the entrance. For water improvements, we met with the Fire Dept. and they wanted a proposed hydrant at the entrance; 6 inch water line. The whole building will be sprinklered, because we couldn't provide 4-sided access. This afternoon all comments were done with Stantec. For the landscape plan, we had Bob Pollock design it. I met with the Aesthetic Committee before tonight's meeting. They commented to add a couple more shrubs out front and a gable at the entrance. The building itself meets the committee's requirements. The last permit is for the DOT and I have been going back and forth with Scott Looney @ DOT. Dan asked to pour the outlet of the detention pond into the catch basin. This is the last outstanding thing and DOT will get me that permit.

J. Gryval: Dan, are your comments taken care of?

D. Tatem: Waiver for #1, 7,15,18,21, = he has agreed to add notes, 22,23 also agreed to. 29 he just discussed, 30 is aesthetics, and 32, 35 he has agreed to do. Outdoor lighting has been addressed. They have cleaned up 95% of the comments.

J. Gryval: What are the 5% still outstanding?

D. Gryval: One comment discussed tonight, is there a need for a traffic study? Typically a project this small you wouldn't do a traffic study. Also he needs to show the AASHTO sight distance vs. State.

J. Gryval: Outdoor lighting?

D. Tatem: All set.

J. Duffy: We met with the applicant at 6pm tonight and Yervant suggested changing a little bit of the roofline over the entrance. Rob was sick, so he has not looked at the landscaping plan; we suggest this as a condition of approval for Rob to review.

Waiver requests:

- 1) environmental impact analysis
- 2) wildlife
- 3) traffic study
- 4) recreation
- 5) public service
- 6) fiscal impact
- 7) visual impact and historic significance documentation
- 8) plan scale 1:50

D. Marshall motioned to grant waivers 1,2,3,4,5,6,7,8 above. Seconded by M. Cannata. Vote unanimously in favor.

Open Public Hearing

No comments.

Close Public Hearing

D. Hemeon: What is the nearest hydrant on Rte 3A?

J. Rokeh: 350 ft from Bayview Terrace.

D. Hemeon: We pay the precinct for hydrants.

D. Tatem: I think the private site vs. the Town would pay for it.

M. Cannata: DOT permit status?

J. Rokeh: Rich Radwanski said the guy working on it went on vacation.

D. Tatem: I have been following the DOT correspondence and I am OK with it.

D. Marshall motioned to approved the application conditional:

- All review fees are paid-in-full
- LCHIP check payable to Merrimack County Registry of Deeds is submitted to the Planning Dept.
- 2 mylars, 8 paper copies (22x34), 1 paper copy (11x17), and 1 digital
- All outstanding comments from Stantec are addressed to Stantec's satisfaction (see letter dated 6/17/10 from Stantec)
- All outstanding Federal, State, and local permits are obtained and submitted to the Town and Stantec
- Letter from Hooksett Village Water Precinct stating they have capacity and approve this project
- Landscape plan be reviewed by Robert Duhaime
- 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, and (c) the plans are signed and recorded
- Applicant agrees to site plan compliance monitoring
- Applicant agrees to remit * \$ based on sq ft in impact fees 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 F. Kotowski.

Vote unanimously in favor.

5. Southern NH University (SNHU) (#10-04)

North River Rd, Map 33, Lot 67

Proposal to construct a 1-story operations center (26,711 sq ft footprint and a 6,156 sq ft mezzanine), associated access, and parking.

J. Duffy: There is no new information since the last meeting. Donna just gave me a packet of information the applicant submitted tonight from the City of Manchester.

J. Gryval: Are there a lot of outstanding issues?

J. Duffy: Fire Dept. - how will parking and the street be identified? Still waiting for calculations for impact fees; houses demolished, etc. Traffic report - more is needed; significant delay for traffic exiting onto North River Road.

J. Kevan: We submitted our final drawings and Stantec commented, but we haven't responded yet. The main thing I would like to get out of the way is the additional traffic

study and how significant is the access from the parking lot from the Board's perspective. We kept the traffic study simple with one day of counts and a brief analysis on how it functions.

D. Marshall: The Board needs to be ensured the access for the building and parking is opposite alignment to the other side of the street. Tractor trailers – there should be sufficient turning radius to allow them to turn around without going into the southbound land, and the same for southbound trucks going in. Also coming out north onto North River Road that move must be able to be made. The parking lot turns have to adequately be addressed, because that is where your students are. For geometrics, I would like to see that as part of the study. In the study for traffic, show what is there now and what will be there when this site opens.

J. Kevan: Some Board members were concerned with access through the parking lot and cars backing out of parking spaces. The school looks at it that the access road would push through and become a loop road. When that happens they will stop the access through the parking lot. I agree on the radius for trucks. The rest of study, level of service in queing or backing-up during peak times, and evening peak delay for taking left out. We provided that to Dan. Is a signal warranted? Are left-turn improvements necessary? We have no problem with providing those.

D. Tatem: There are a lot of specific technical items and Jeff and I met. He said he has no issue addressing them (105 total comments). My biggest comment is traffic. I met with my traffic engineer and my boss, and if the Board OKs access through a parking lot, we (Stantec) will not OK. And for warranting a traffic signal, from a technical review standpoint, we need additional information from the applicant on what to do for this intersection.

J. Kevan: We know we will not get an approval decision tonight. We are just looking at what type of traffic study is needed. Left turns with delay are in the parking lot not in the ROW. In this college campus, there are other areas to cut through parking lots to get to other locations on campus.

C. Granfield: One thing when they are talking to engineering, there needs to be flexibility with what's there as a University and for what they want to do down the road. Perhaps it can be moved forth comprehensively with parameters.

D. Tatem: We will get additional information from them, and then have our traffic engineer and some Board members review it.

D. Marshall: North River Road is a collector road servicing Rte 3 to Manchester.

J. Duffy: Left turns coming out of that parking lot is backed-up for 4 minutes.

C. Granfield: Obtain a letter from Manchester that they have no issues.

J. Kevan: North River Road has no impact; it is the left turn lane coming out of the parking lot that has delays within the parking lot during peak times.

D. Hemeon: The beginning of the entrance is in Manchester.

C. Granfield: If the predominant portion is Manchester, why do we have Hooksett make the determination?

J. Duffy: Manchester Highway letter dated 6/1/2010 David Winslow no potential issues; AASHTO single unit.

J. Kevan: There is a 2nd letter 6/7/2010 no issue as long as we modify the radius.

D. Tatem: My last question is the 4-minute delay from the parking lot, has Manchester scene this traffic report? There should be another letter from Manchester saying they reviewed it and are OK.

J. Duffy: I believe the final plans will need to be signed by Manchester and Hooksett.

F. Kotowski: The entrance to the parking lot in Manchester, why are we worried about it?

D. Marshall: Another site example, say Manchester decides to develop all the property on Hackett Hill, then we should be concerned. Just because it crosses boundary lines, we shouldn't close our eyes. We need to make sure we have spoken with Manchester and they are fully aware of the site issues.

M. Cannata: Jo Ann, SNHU comment #5 last section last sentence last paragraph?

J. Duffy: Our engineer had a concern, as well as fire, for E911. I personally don't have a concern. I went down to the parking lot. In future, they will not have two isles of parking.

J. Kevan: Longterm is the loop road and that will eliminate 75 parking spaces with landscaped islands on either side. To build 500 ft of road at \$200,000 now, that is money they just don't have.

J. Mudge: Trucks to the new facility, where are they going now? At various locations?

J. Kevan: Yes various locations. We are not eliminating truck trips, just relocating them to this new site.

J. Gryval: Get a letter from Manchester; something definite that they looked at the traffic study.

J. Kevan: Is driving through a parking lot reasonable? Stantec would not support this due to normal engineering practices. Is the Board OK with it knowing the University's future intent?

J. Gryval: As long as it is written vs. verbal.

J. Kevan: We will add a note to the plan.

D. Hemeon: I would like to see the finished project on a plan sheet.

J. Kevan: We included a Master Plan sheet, however for any college it is a work in progress. The loop road ties the whole thing together. The access road would become a blvd. with a side parking lot.

D. Hemeon: For future development, provide a broad picture. What draws the line when they will build the loop road? Is it full build out then the loop road?

J. Kevan: The loop road will be built at their next significant development. I will try to pin down a note on the plan for the trigger.

D. Marshall: The loop road, where does it come out?

J. Kevan: Onto East Side Drive.

D. Marshall: Then there are the same two points of access to North River Rd (collector road). Care has to be given for this road.

J. Kevan: We didn't do a big traffic study for this site, because it is the same people already working on campus just relocating to this new site. At the TRC, we were told to just complete a brief traffic study.

Open Public Hearing

No comments.

D. Marshall motioned to continue public hearing to July 12, 2010. Seconded by C. Granfield.

Vote unanimously in favor.

PUBLIC HEARING CONTINUED TO JULY 12, 2010.

WAIVER REQUEST - SIGNAGE

6. **WP HOOKSETT ASSOC. LLC (KC SIGNS) - TRACTOR SUPPLY CO. (#10-05)**
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

Robyn Casey, KC Signs: Distributed photos of the proposed signage. It is an illuminated channel sign at 95 sq ft.

J. Gryval: The max allowed is 25 sq ft.

J. Duffy: Yes they are allowed 25 sq ft and they are asking for 95 sq ft. They met with the Aesthetic Committee last week for the building sign & pole sign and Rob and Yervant gave an OK to both.

R. Casey: OSJL at the old Walmart was recently approved for 115 sq ft signage.

C. Granfield: This is smaller. I don't have a problem with this.

R. Casey: Tractor Supply Co. signage is illuminated LED channel letters; black during the day and red at night.

***D. Hemeon motioned to grant the waiver for Tractor Supply Co. signage to allow 95 sq ft on building. Seconded by C. Granfield.
Vote unanimously in favor.***

CONTINUED PUBLIC HEARINGS

- 7. WP HOOKSETT ASSOC. LLC - TRACTOR SUPPLY CO. (#10-05)**
1328 Hooksett Rd, Map 25, Lot 78
Amended site plan for the proposed remodeling of a portion of the former Walmart retail space to a new Tractor Supply Co. store to include a proposed 15,000 sq ft fenced outdoor display area.

Dan Fuchs, WP Realty and Chris Tymula, MHF Design.

D. Fuchs: We met with the Aesthetic Committee for signage and the outdoor display area fencing material last Monday. We also met today. The committee recommended the black vinyl coated chain link fencing and requested we add landscaping to the parking lot.

C. Tymula: What we have done, we revised plans based on Stantec comments and for landscaping. We added landscape islands surrounding the fenced area to include Azaleas and dwarf Cypress to blend with the existing landscaping. We will have granite curbing with mulch and the end caps will have landscaping. Aesthetic islands or full banks, for storm water flows we went with end caps.

D. Fuchs: If Tractor Supply Co. ever pulls out, landscape vs. two long islands.

D. Tatem: They are meeting with Central Hooksett Water Precinct tomorrow for capacity. We asked Chris for an e-mail from the water precinct. We already have a letter

from sewer. For the outdoor display area for items not in boxes, most Tractor Supply Co. stores carry wood pellets and salt storage in their display area. Pallets of items vs. items of two of the same item (i.e. tractor).

J. Gryval: Pallets with something for sale or stacking? Bags of items taken out with a forklift?

D. Hemeon: We have a hard time with landscaping. Every winter the more islands and plants get smashed every year by the plow trucks. It is a foolish thing to have landscaping in the middle of a parking lot.

C. Tymula: We don't disagree. Landscaping was recommended from the Aesthetic Committee.

D. Hemeon: Creative landscaping vs. islands getting smashed; who owns it to fix it?

D. Fuchs: WP Realty owns the property.

J. Gryval: Pallets?

D. Fuchs: Tractor Supply Co. does not store empty pallets, nor are they storing items they are selling in the store.

D. Hemeon: Will you have wood pellets?

D. Fuchs: Yes.

D. Marshall: I read the Town Planner comments; no storage of goods on pallets in the outdoor display area.

J. Duffy: That area is supposed to display items for sale vs. storage.

D. Marshall: I can't draw that line like you can. Salt for water filters are out there and they are storing it all. The same for fertilizer.

D. Hemeon: Will you have 100 pallets of wood pellets?

D. Fuchs: Larger goods are typically displayed and actively being sold in the outdoor display area. I understand; how many items do you display out there?

D. Marshall: I am not concerned with tractors or lawnmowers (machinery). My concern is pallets of salt for water filters. How many pallets will be out in the display area? Is it all the supply you have for sale in that area or will it be kept somewhere else?

C. Tymula: The outside display is for large bulk items. They do have an inside warehouse to rotate stock to bring outside.

J. Mudge: I passed by the Merrimack store last week, and nothing but sale items was outside. It looked OK to me.

C. Tymula: Outside has large items like farm and equestrian stuff.

J. Gryval: There should be no storage of empty pallets.

J. Duffy: I tried to explain to the Aesthetic Committee that they were only to look at the fencing material and signage. Then they got into a discussion that if they weren't installing rot iron fencing that the chain link would require beautification (landscaping). They weren't supposed to look at landscaping, because this is an old approval from years ago. If the Board OK's the chain link fence, then there should be landscaping per the committee's recommendation.

J. Gryval: I haven't seen the landscaping plan.

J. Duffy: We (Aesthetic Committee) met again this evening, but Rob is ill. He had a pdf and hard copy of the landscape plan, but hasn't had a chance to look at it.

C. Granfield: I think if matches the other landscaping, there is a likelihood it won't be there in a year because it is hard to maintain.

J. Duffy: Do we take a bond for landscaping?

D. Hemeon: For landscaping we are constantly sending staff out to monitor and it gets damaged within one season. Owners are constantly changing the landscaping every year. Landscaping in the middle of a parking area is not needed.

M. Cannata: It is overkill to say the least. With bonding and people involved, I can't see it.

C. Granfield: It is not necessary.

C. Tymula: Is the Board saying no landscaping around the fencing?

F. Kotowski: Would you be landscaping your building the same as Shaws?

C. Tymula: We are not doing anything on the perimeter.

F. Kotowski: You will use the same stuff around the fencing as what is used around that plaza?

C. Tymula: Yes.

C. Granfield: Or they can adopt an area of Town to beautify.

J. Gryval: Also make sure the sidewalk area is clear for the handicapped.

M. Cannata: Snow storage?

D. Fuchs: Showed snow storage area on plan.

J. Mudge: That area is near the fence near Owens

D. Marshall: You are taking 90 spaces for the outdoor display area. Snow should be removed off site. Take it and dump it in the detention pond area.

D. Fuchs: I know in the past it has gone into the detention area.

D. Marshall: I agree there needs to be a note on the plan for no snow storage in the parking area. Parking is based on sq ft. Now you have some vacancies, however when you are all filled, you will need the parking. You are taking 90 spaces now, with snow an additional 20-30 spaces? You need to remove snow to the detention pond.

D. Fuchs: Historically the detention pond is where the snow went.

Open Public Hearing

No comments.

Close Public Hearing

D. Marshall motioned to approved the application conditional:

- Refer to conditions of approval for use of an outdoor display area in letter dated 5/24/10
- Refer to approval for 95 sq ft building signage in letter dated 6/28/10
- All review fees paid-in-full
- LCHIP check payable to Merrimack County Registry of Deeds is submitted to the Planning Dept.
- 2 mylars, 8 paper copies (22x34), 1 paper copy (11x17), and 1 digital
- All outstanding comments from Stantec are addressed to Stantec's satisfaction (see letter dated 5/10/10 from Stantec)
- All outstanding Federal, State, and local permits are obtained and submitted to the Town and Stantec
- Letter from Hooksett Central Water Precinct stating they have capacity and approve this project
- Letter from Hooksett Sewer Commission stating they have capacity and approve this project
- No storage of goods (pallet) is allowed in the fenced-in outdoor display area (make note of this on plan)

- No snow storage in parking spaces - snow to be placed in detention pond area (make note of this on plan)
- Fencing material to consist of black vinyl coated chain link for outdoor display area (no landscape required around this area)
- Sidewalk area have a clear path for handicapped accessibility (make note of this on plan)
- All waivers are noted on plan
- Note on plan "Approval of this plan shall expire three (3) years from the date of the Planning Board approval"

Vote unanimously in favor.

8. NEW SUNSET REALTY, LLC (#10-03)

"Mega X", 1560 Hooksett Road, Map 13, Lot 46-1

Site plan for the proposed construction of a 1-story 2,800 sq ft convenience store/gas station/coffee shop.

J. Duffy: Matt improved his plans and eliminated the fire lane in the ROW. He added a lane in the drive-thru to allow customers to get out of line if they didn't want to stay. Matt and I spoke over the weekend. He is showing a 10 ft buffer to a semi-residential use. He needs a 20 ft buffer. He will need another waiver request. The traffic study for the coffee shop is based on no seating within the shop. They are still not sure if it will be a Dunkin Donuts. Not 100% sure for their signage plan. He will ask that his signage be handled differently at a later date with the Board. He needs a waiver for the retaining wall in the 10 ft buffer. He has made an agreement with the north abutter for a 6 ft fence on top of the wall. We have also received Village Water comments.

D. Tatem: Outstanding items include letter from water and sewer, waiver for 20 scale drawing, and waiver for no street trees at the request of Dale. Just do one landscape waiver. The signage whole package includes the street and canopy, and this may be over what is allowed. For the two minor note changes, they have agreed to do those. The only thing up for discussion is the dumpster is in the drive-thru area. If the dumpster is there, then cars can't get thru. There should be restrictive notes on the plan for when the dumpster can be emptied.

Waiver #1 – Article 10-A section H.3 (1) Landscape Performance Standards – minimum planting requirements = street trees

D. Marshall: Have you met with the Aesthetic Committee.

M. Peterson: Yes we met with them and they were all set.

J. Duffy: The rear buffer needs more landscaping.

D. Marshall motioned to grant waiver #1 above to omit street trees. Seconded by C. Granfield.

Vote unanimously in favor.

Waiver #2 – Article 10-A section G.1 (c) Access Management, Circulation and Parking Performance Standards = lots with frontage on Rte 3 and a local road

D. Marshall motioned to grant waiver #2 above to allow access from Rte 3 entrance. Seconded by J. Mudge.

Vote unanimously in favor.

Waiver #3 – Development Regulations Section 11.09.11 Driveways, Entrances and Exits = 100' between driveways and intersections

D. Marshall motioned to grant waiver #3 above to allow entrance into the site 55' from the intersection and move the existing exit from the current 60' from the intersection to over 105'. Seconded by J. Mudge.

Vote unanimously in favor.

Waiver #4 – 25' buffer required between abutting properties.

F. Kotowski motioned to grant waiver #4 to allow for a 10 ft buffer and to have a retaining wall with a 6 ft high vinyl stockade fence on top of the wall in the 10 ft buffer. Seconded by C. Granfield.

Vote unanimously in favor.

Waiver #5 – scale drawing 1"=40'

D. Marshall motioned to grant waiver #5 to allow plan scale of 1"= 20'. Seconded by J. Mudge.

Vote unanimously in favor.

M. Cannata: If there is a problem with the dumpster location and you have to move it, where would you put it?

M. Peterson: The drive-thru is 16 ft all the way around. There is now another lane and the dump truck can use the 2nd lane to go around. Fire opened at the entrance to 20 ft to get out of the Row for the fire lane. It is the same pump as before.

J. Duffy: Only thing outstanding is the final resolve for the architect of the building with the Aesthetic Committee. You would need the understanding to come before this Board at a later date for signage.

M. Peterson: After the last meeting, my client wasn't sure if the Board would go forward with this project, therefore he didn't come up with a sign package.

D. Marshall: Do you need action to approve this tonight? If yes, you know you can't do anything on your site until you meet the conditions of your site approval and we approve your sign package.

M. Peterson: We are not worried about coming back for the signage.

Open Public Hearing

No comments.

Close Public Hearing

D. Marshall motioned to approve the application conditional:

- Applicant must appear before the Board for a hearing on their signage package
- All review fees are paid-in-full
- LCHIP check payable to Merrimack County Registry of Deeds is submitted to the Planning Dept.
- 2 mylars, 8 paper copies (22x34), 1 paper copy (11x17), and 1 digital
- All outstanding comments from Stantec are addressed to Stantec's satisfaction (see letter dated 06/17/10 from Stantec)
- Aesthetic Committee must review and approve the building architecture and landscaping
- All outstanding Federal, State, and local permits are obtained and submitted to the Town and Stantec
- Letter from Village Water Precinct stating they have capacity and approve this project
- Letter from Hooksett Sewer Commission stating they have capacity and approve this project AND that the commission will provide the north abutter (Map 13, Lot 45) a 20' sewer easement connecting to Dale Road.
- Applicant to install a 6 ft high vinyl stockade fence on top of the retaining wall in the 10 ft buffer for the north abutter (Map 13, Lot 45)
- 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) the plans are signed and recorded, and (d) signed as-builts are provided to the Town and Stantec
- Applicant agrees to site plan compliance monitoring
- Applicant agrees to remit \$3,108 for roadway impact fees ten (10) days prior to the issuance of the Certificate of Occupancy subject to NHRSA 674:39 (no public safety fee due to no change in square footage)
- 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 M. Cannata.

Vote unanimously in favor.

OTHER BUSINESS

9. RAVINIA COLD STORAGE (#07-04)

Extension of 3-year approval for a non-residential site plan.

Bob Baskerville, Bedford Design Consultants: I am representing Ravinia Cold Storage. Ed Doherty, manager, is here with me tonight. They have two large freezer facilities in Londonderry for food storage. In this economy they have maintained, done well, and are profitable. For credit, the banks are changing terms and the developer is now seeing a loosening and believe they can start construction. All of the State permits have been renewed. For a project this large, getting financing was the issue. We request an extension to start construction this year.

D. Marshall: To June 21, 2011?

B. Baskerville: Yes, unless the Board wants to extend longer.

D. Marshall: DOT permit is only for one year.

D. Marshall motioned to grant a one-year extension to the 3-year approval (06/18/07) for the non-residential site plan to June 18, 2011. Seconded by F. Kotowski.

Vote unanimously in favor.

Veanos

J. Duffy: Described the proposed changes to the old Burger King site for the new Veanos restaurant to include pergola with columns, dining patio, and signage.

D. Marshall: The proposals can be made through the Building permit process conditional the patio area meets Stantec's satisfaction for drainage.

Market Basket – Tombs Door Access

J. Duffy: Distributed letter to the Board that Tombs Door is pursuing Market Baskets offer to use Market Drive has their access road conditional per Tombs.

Owens Marine

J. Duffy: Distributed CEO's Letter of Remedy to remove trailers on their site.

Fairfield Inn

J. Duffy: Monitoring landscape for bond release.

Market Basket

J. Duffy: Waiting for final site plans tomorrow morning. If OK, they will get signed and recorded. We have a 2pm pre-con meeting scheduled.

10. UNIVERSITY HEIGHTS (#06-34 Apartments & #06-36 Marketplace)
Extension of 3-year approval for non-residential site plan and apartments

J. Duffy: University Heights has two issues:

- 1) two site plans (apts & marketplace) - one expired in March and the other in July – they are requesting an extension to the 3-year approval due to the economy
- 2) relief for Crawford and University Heights – phase IB does not have roadway bond or site bond and the Building Dept. gave out permits. LOC is not a bond. We have had negotiations with the developer over two weeks and heavy negotiations last Friday. I spent most of today on this. They agreed to a \$30,000 cashiers check for the library sign. There is a foreclosure Wednesday and we don't know who the owner will be.

J. Duffy: Jeff Burd is the owner of 3A Development and Duke Pointer is representing the mortgage holder along with partners under Green View Management. In the agreement we included Dale's street sweeper. He was supposed to be paid a year's lease, however he was only paid about \$92,000. This agreement is for \$500.00 per permit towards the \$20,588 total due to Dale. At 7pm tonight, we still had an issue with the dam and parking. We asked for the LOC to be in place before any more COs are issued. There are two more houses to close at the end of June. This project started with one developer and as the project went along, now there are multiple owners. They requested we take out the 2 lots, but our attorney said no.

Stephen Buckley, Town Counsel: I have had a number of discussions with staff, mortgage holder and Mr. Pace. There are some concessions on the Town's part and some on 3A Development's and/or its mortgage holder.

J. Duffy: We made a modification for two lots for COs in the agreement in front of the Board members.

S. Buckley: Lots 95 and 109 COs are pending the performance bond for phase 1B and to memorialize two pieces of drainage work described by Dan Tatem and Dale Hemeon. The necessity for the Board to make a decision on waiver 12.027 is to not give the COs unless certain work is done. In meeting with your chairman, the proposal was further modified. If the Board agrees, they will get COs for lots 95 and 109, then no CO's until the \$230,000 performance bond is made. Once the bond is put up and drainage is complete in area 1, then three more COs can be issued. Once drainage in area 2 is completed, no further hold up for COs for the rest of phase 1B. They are paying to the Town for a library sign through an arrangement through the library trustee and mortgage lender. The agreement reached is \$41,000. If this is all approved tonight, you will have a check for signing. I added a paragraph for the nature of the agreement for money for leasing a street sweeper. Some money was received, and the balance will be received over time at a rate of \$500.00 per CO. I am not prepared, nor do I recommend this agreement. I facilitated and put language together, and the final signed version will be recorded at the registry of deeds.

D. Marshall: Was the street sweeper a lease purchase or an actual purchase?

D. Hemeon: When we purchased it, it was a 5 yr lease. MSG gave us \$38,000 for the first payment of the sweeper. Former Town Administrator David Jodoin refinanced a deal with 3A Development. Beaver Brook would need to make a \$30,000 payment toward the sweeper. 3A made \$9,000 in payments and still owe \$30,000.

S. Buckley: Every CO \$500.00 even if multiple owners. I drafted it for phase 1B.

D. Marshall: Phase I work has to be done by Sept 15, 2010.

D. Tatem: Lets say the drainage work is not done by Sept 15th, there needs to be some mechanism that the LOC will be used to finish the work.

S. Buckley: That wasn't the conceptualization. I also have put in paragraph c bottom of 2nd page that no matter what, certain work has to be done in its entirety by Oct 15, 2010 (wearing coarse by Oct 15, 2013). In an ideal world, the Planning Board would require completeness by certain date and tie that date into the performance bond. The LOC is by the NH Banking institution vs. out of state. If asked is this agreement a good idea for the Town? It is hard to say. You are putting 2 lots in play with the promise they will give you bonding and drainage in area 1. If that is not done, then you have 2 taxpayers not getting their road plowed, etc. This is a policy decision. Do you not let them close vs. a taxpayer not happy?

J. Gryval: Is the library happy?

J. Duffy: The library issue is still being resolved before the Board votes.

Matt Broderick, volunteer Library Trustee: We spoke Friday and worked out a new agreement for 3A funding the signage with a \$30,000 check that was supposed to come today. Duke brought the check in today, but we have not received it free and clear. We are in the process of working out our own funding agreement.

J. Duffy: When this all started last week, I had conversations with Mr. Pointer and wanted to include the library sign in this agreement as well as the street sweeper. Mr. Pointer did not want to include the sign, but have a separate agreement for the library.

Mary Farwell, Library Trustee: I just received the check. It is made out to the Library and Mr. Buckley subject to Green View Management and the Hooksett Planning Board 6-21-10 approval.

C. Granfield: If the Planning Board approves, then your check is OK.

F. Kotowski: Originally you folks were expecting \$41,000.

J. Duffy: They were expecting \$56,000; with this check they will have \$41,000.

F. Kotowski: To our attorney, how does that check clear if we don't approve tonight?

S. Buckley: It doesn't clear and I hand the check back to Mr. Pointer.

J. Duffy: The Notice of Decision if approved by the Planning Board tonight will be recorded at the registry.

S. Buckley: I asked Green View Management to subordinate the mortgage to decision as 1st place.

D. Marshall motioned to approve the proposed notice of decision conditional:

- Town Counsel clarify and finalize the agreement
- 2 COs can be issued for lots 92 and 105 upon issuance of Notice of Decision (phase 1B)
- 3 CO's can be issued once we have bonding and drainage is completed in area #1 (phase 1B)
- no limit on COs once drainage is completed in area #2 (phase 1B)
- a one year extension be granted for the 3-year approval of the apartments (#06-34) and the marketplace (#06-36)
- AND 3 yrs EXTENSIONS for apt AND marketplace

Seconded by C. Granfield

J. Duffy: We added a 3 yr limitation so plans expire in 3 yrs (adopted 2007). Ravinia was the first one granted. Atty. Buckley said the Planning Board can go more than a 1 yr extension.

J. Gryval: Any possibility no success with this agreement?

S. Buckley: What happens between now and Wednesday? There are other subordinated mortgagees.

C. Granfield: Would this agreement be null and void if the foreclosure happens?

S. Buckley: What you have at risk here are two COs who become two taxpayers.

M. Cannata: The homeowners being discussed (4), are we subjecting ourself to litigation?

S. Buckley: There is a potential the road or drainage is not completed. Yes there is an obligation by the Town to make good on deficiencies. More likely there will be intermittent fixes; like your DPW fixing poor drainage. You are doubling your exposure by doubling from the existing 2 homeowners to giving into more COs. Worst-case scenario, \$230,000 for 4 homeowners is not likely, but grieved homeowners can say draw the line.

M. Farwell: The Library Board of Trustees would like to thank Mr. Pointer for stepping up to the plate. His \$30,000 offer will meet our needs. Mr. Buckley will sign and I will leave with the check. I also want to thank Jo Ann Duffy; without her this would not have happened.

She has great institutional knowledge with 3A development. We wanted to publicly thank her, and thank the Board.

Entered non-public session (10:00pm)

*D. Marshall motioned to enter a non-public session. Seconded by F. Kotowski.
Vote unanimously in favor.*

Exited non-public session (10:10pm)

*C. Granfield motioned to exit the non-public session. Seconded by F. Kotowski.
Vote unanimously in favor.*

Vote unanimously in favor.

*D. Marshall motioned to adjourn at 10:20pm. Seconded by C. Granfield.
Vote unanimously in favor.*

ADJOURNMENT

Chair J. Gryval declared the meeting adjourned at 10:20pm. The next Planning Board Meeting is at the Hooksett Town Hall Chambers, room 105 @ the **new time of 6:00pm** on July 12, 2010.

Respectfully submitted,

Donna J. Fitzpatrick
Planning Coordinator