

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

**HOOKSETT PLANNING BOARD  
MEETING MINUTES  
HOOKSETT MUNICIPAL BUILDING  
Monday, September 13, 2010**

**CALLED TO ORDER**

Chair J. Gryval called the meeting to order at 6:00pm

**ATTENDANCE – PLANNING BOARD**

Chair J. Gryval, Vice-Chair R. Duhaime, D. Marshall, M. Cannata, J. Mudge, D. Hemeon, F. Kotowski (left 9:10pm), B. Perry (arrived 6:05pm left 7:35pm), Y. Nahikian (arrived 6:10pm), and Town Council Rep. N. VanScoy (arrived 6:35pm).  
Excused: Town Administrator, Carol Granfield.

**REPRESENTING TOWN OF HOOKSETT**

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

J. Gryval: Alternates Y. Nahikian and B. Perry will be voting tonight in place of C. Granfield (excused, and F. Kotowski (left 9:10pm).

**APPROVAL OF MINUTES OF 08/16/10**

*D. Marshall motioned to approve the minutes of 08/16/10 with edit by F. Kotowski.  
Seconded by M. Cannata.  
Vote in favor. D. Hemeon abstains.*

**MEETING WITH TOWN ATTORNEY**

*D. Marshall motioned to enter non-meeting status at 6:05pm. Seconded by R. Duhaime.*

**Roll call**

**N. VanScoy – yes (arrived at 6:35pm)**

**M. Cannata – yes**

**Y. Nahikian – yes (arrived at 6:10pm)**

**B. Perry – yes**

**J. Mudge – yes**

**J. Gryval – yes**

**R. Duhaime – yes**

**D. Marshall – yes**

**D. Hemeon – yes**

**F. Kotowski – yes**

**Vote unanimously in favor.**

*D. Marshall motioned to exit non-meeting status at 7:10pm. Seconded by R. Duhaime.*

**Roll call**

**N. VanScoy – yes**

**M. Cannata – yes**

**Y. Nahikian – yes**

**B. Perry – yes**

**J. Mudge – yes**

**J. Gryval – yes**

**R. Duhaime – yes**

**D. Marshall – yes**

**D. Hemeon – yes**

**F. Kotowski – yes**

**Vote unanimously in favor.**

**CONTINUED PUBLIC HEARINGS**

**1. MERCHANTS LEASING – AUTOZONE, INC. (#10-09)**

1279 Hooksett Road, Map 25, Lot 46

Non-residential site plan for the proposed AutoZone, Inc. remodeling of the existing 13,300 sq ft (+/-) furniture store and demolition of the adjacent 2,900 sq ft (+/-) restaurant building on the site in order to construct new sidewalk, parking and landscape areas.

John Sokul, Atty. @ Hinckley, Allen & Snyder: Good evening. I represent the Singer Family and am the NH counsel for AutoZone. Jeff Kevan, TF Moran, is here with me tonight at the AutoZone NH civil engineer. Also here tonight are Curtis Sigler from AutoZone, Inc. and Erin McCloskey, Bergmann Assoc. We were here about a month ago and started site plan process. We have been back and forth with the Town's engineer (Stantec). The scope of this project is very small; 3,000 sq ft demolition and remodel of the former Granite State Furniture store to allow AutoZone to go in there. There is nothing that extends, expands, or enlarges the non-conforming. In fact, efforts have been made to conform more. These buildings are lawful non-conforming uses. For demolition, there are 53 parking spaces now and proposal 53 parking spaces after the demo. This number of parking spaces will make the other buildings on site more in compliance. For drainage, there are no new drainage pipes or culverts. This project will reduce the impervious and provide additional treatment. The Drainage Report is limited in scope to the area of the demo. The applicant has made efforts to address other site plan requirements. Most of site is paved and improved. They will provide landscaping and updated lighting. Board, this is a very small project in scope. If the restaurant was not going to be demolished, we could have used the existing buildings without the Planning Board process.

J. Kevan: For parking pulling in and out from road in front, we eliminated those. Parking west side 10x18 with 24 ft isle. North side spaces 9x18 gets us to 53 spaces and pulls pavement and grading away from wetland northeast corner of property.

F. Kotowski: How many spaces are you gaining by 9 ft spaces on the north side?

J. Kevan: We have 53 spaces before and after. At 10 ft, we lose one parking space.

F. Kotowski: So you would be at 52 spaces?

J. Kevan: Yes.

J. Gryval: I would like spaces 10x20 as the regulations require. For the length, most AutoZone customers will have pick-up trucks.

J. Kevan: Other areas in Town, 9x18 spaces are almost standard. 60 ft bay total width, with 18/24 ft that gives the footage for the bay.

J. Gryval: Cars are getting banged up in Town with the narrow spaces.

J. Kevan: The front spaces are 10 ft wide. The alternative is to go with 10 ft on the side and lose one space.

R. Duhaime: The bay, what is the total ft on the north side pavement?

J. Kevan: 42 ft. Many spaces now are 9x18.

**WAIVER #1 – Reduce 10x20 parking spaces.**

***R. Duhaime motioned to grant waiver #1 to reduce 10x20 parking spaces. Seconded by D. Marshall.***

D. Tatem: 18 ft in depth with 24 ft isle width; can you get an extra 2 ft there if they deny your waiver tonight?

J. Kevan: We could if we lose green space.

D. Tatem: Are there spaces you cannot get with a 24 ft isle width?

J. Kevan: By the isle way, if we reduce the landscape strip in front, when DOT does their taking the spaces will be up against the sidewalk. I don't believe we can meet the requirement.

D. Tatem: The new parking area on the side they can meet. However the front parking with the DOT project they can't meet. We recommend they revise the parking spaces to 10x20, and then give leeway to those spaces they can't change. Should this motion be tabled?

J. Kevan: The dimensions in front can't be modified. 24.4 ft drive isle (could reduce by .4ft), 2 parking spaces and where the DOT sidewalk will be, those dimensions won't change.

Y. Nahikian: What is the front landscape width?

J. Kevan: 5-6 ft. When DOT comes in, they are placing a sidewalk in that area.

Y. Nahikian: So no landscaping in that area?

J. Kevan: Correct and this is out of our control.

R. Duhaime: The plan for the front facing DW highway has a 4ft width and existing landscape. Is that correct?

***R. Duhaime motioned to withdraw motion for waiver #1. Seconded by. D. Marshall.***

Y. Nahikian: I can't see not having any landscaping.

R. Duhaime: I asked for the DOT overlay plan sheet of what they would be taking.

J. Gryval: We won't be able to do act on the parking tonight.

J. Sokul: What ever the parking number is, it will be less than the regs.

J. Kevan: AutoZone not applying standard Town regs of 1 per 250 sq ft. We are basing our numbers on what AutoZone needs.

B. Perry: At the last meeting, you mentioned other AutoZone sites were in the low 20 spaces. What are the demographics from other stores?

J. Kevan: High teens to low 20's. There is pavement behind the Chinese restaurant that we could stripe and put 10-12 cars for employee (not in a position for customers to use).

D. Marshall: What you are asking is custom design parking for AutoZone. If we approve this, there will need to be a condition that the parking is only for AutoZone and whoever may change the site use in the future would have to come back to this Board.

**WAIVER #2 – not provide required number of parking spaces.**

J. Gryval: Come back for this waiver.

**Waiver #3 – not provide a drainage study**

J. Kevan: Drainage waiver, Dan asked us about installing a water quality unit for treatment to the front of the property. Rich Radwanski @ DOT didn't want a structure put in, because DOT will be do improvements in that area. We are agreeable to that. We don't believe we need a waiver.

J. Gryval: Your waiver(s) is not specific enough to act on.

R. Duhaime: To not ask for some improvement for drainage, and water treatment for this site? How can you improve the drainage on the site?

J. Kevan: It is an improvement; it is decreasing 1/10th CFS. We are providing more green space on the site and less coverage.

R. Duhaime: Does that include the taking by the DOT?

J. Kevan: Yes.

J. Sokul: This site is fully paved. We are in here (Planning Board) because of the demolition of the 3,000 sq ft building area (Topic of the Town restaurant). We know there is a flooding issue in this area. This project is not large enough for the flooding issue.

R. Duhaime: If we let every other applicant go . . . back in 1988 the site is different than today's drainage issues and there may be future problems. The State is taking care of some of it.

J. Sokul: Look at sites in Hooksett increasing impervious and clear cutting by the acre. We are helping or maintaining status quo.

R. Duhaime: You are grandfathered on some conditions. We should not wait 50 yrs from now for improvements. Improvements should be done over a period of time. Can we get some improvements now?

J. Sokul: We could have put another tenant in what is there now. Instead we tried to make things better.

J. Kevan: Stantec letter dated 9/10/10 #4 (not provide additional studies), 5 (not delineate wetlands), 6 (not show items within 100' and 200' of site), 7 (not show existing and proposed municipal water infrastructure); we have withdrawn these waiver requests. #8 (CUP); we have addressed and the wetlands are delineated on the site.

R. Duhaime: Conservation Commission letter dated 9/13/10 #3 condition is the fill in the back of the site.

J. Sokul: Schauer (SEC) sent letter to the Conservation Commission on 9/9/10.

J. Gryval: The question is whether there is or is not fill in that ditch. We will hold-off on #8 (CUP) until we hear from RK Associates.

J. Kevan: Stantec letter dated 9/10/10 #11 (improvements in relation to the current flooding issues in the local area and pending DOT widening of Rte 3) right now the site

is using sheet flow as drainage. If we are decreasing run off on our property, why would we put in structures to capture it?

R. Duhaime: There is flooding at this location.

J. Kevan: The quantity of flow meets your recommendation. Before and after development we have not increased runoff. We are providing less impervious surface on the site.

J. Duffy: They are eliminating roof run off from the demolition of the Topic of the Town.

R. Duhaime: But then you are adding pavement.

J. Kevan: Are we supposed to go above and beyond?

R. Duhaime: A small percentage is not a lot to ask for.

J. Duffy: Our engineer takes no exception to waivers #3 & #11.

R. Duhaime: You are telling me 1/10<sup>th</sup> CFS is an improvement?

J. Kevan: Stantec letter dated 9/10/10 #13 (temporary construction easement) 14 (water and sewer infrastructure added to sheet), 15 (surveyor of record sign and stamp sheet), 16 (monuments), 17 (proposed DOT work sheet); we will address. #19 (truck turning) will occur when no cars are in the parking lot. #20 (treatment for stormwater) we said we would be glad to work with DOT when they are putting in their improvements. #23 (existing and proposed municipal water infrastructure), 26 (sidewalk detail), 27 (concrete toe); we will address. #28 & 29 (landscaping) we are working with an existing facility. If we did front landscape, it will be removed with the DOT project. For the interior landscape, we would need to take out parking spaces.

D. Marshall: Overlay sheet C1B, the front of AutoZone will lose 4 spaces. You can't put landscaping there?

J. Kevan: We can look at that.

D. Marshall: Low shrubbery or something.

J. Kevan: Is the Board in favor of landscape in those 4 spaces?

J. Gryval: You will take care of monumentation with Dan?

J. Kevan: Correct. Stantec letter dated 9/10/10 #31 (light fixtures), 32 (lighting design), 33 (CRI index for outdoor lighting), 34 (boundary determination); we will address. #35

(trip generation), 36 & 37 (trip generation comparison), 38 (parking calculations), 39 (traffic/parking study). To be discussed at next meeting.

D. Marshall: What is not on the plan is signage.

J. Kevan: Two signs are coming down based on the DOT project. Next time we will come back to you with additional information on signage.

D. Marshall: You are not moving them? If you are taking them down, you are looking at a monument sign.

J. Kevan: Correct.

D. Marshall: If you keep the signs you can update the panels. If you remove the signs, the new signs must be monument.

M. Cannata: Snow storage?

J. Kevan: We haven't shown it. I will make sure we show it. Most will be hauled off site, similar to the existing situation.

J. Gryval: Staff comments or questions?

J. Duffy: No, only that the Board should take action tonight on #8 (CUP). You have a letter from the Conservation Commission dated 9/13/10 that they are recommending approval.

### **Open public hearing**

David Baker, RK Associates: For #8 (CUP), we did attend the Conservation Commission hearing and requested that fill over the property line behind the former Granite State Furniture store be removed to the extent on RK property for flood storage capacity. That was endorsed by the Conservation Commission. We just received a letter from SEC; figure 1 shows what is left of the drainage ditch after the addition to Granite State Furniture. It is to the benefit of everybody (State, Town and property owners) to increase that retention pond. We would not agree the fill removal should be waived. When we were before this Board for our RK site plan (#07-30), we at least doubled our retention pond. At the 8/16/10 Board meeting, we specifically stated we rejected a waiver for a drainage study from Dalton Brook along Rte 3 to Benton Road. They should do the full study and they should look at how to make it better. As far as we know Merchants is still objecting to the Rte 3 project. Until the DOT project, when and if it goes forward, this project should stand-alone. For parking spaces, we want to remind this Board that there is also the Chinese restaurant, cigar and paintball store parking demands that need to be factored into this site. We have 10 lbs of building in a 1-pound site. We need to reach an agreement for overflow parking onto RK's site. We received an e-mail from Jo Ann Duffy, Town Planner, that no meeting has taken place to discuss these issues with Merchants. At this point, there is no DOT project at this time. This is in the

Performance Zone (PZ). For our RK site (#07-30), we wanted to do landscaping, improve parking and resolve these issues. AutoZone is a national retailer and what we need in this area. We are losing tenants due to flooding. 1/10<sup>th</sup> CFS is better than before, however there is give and take with Planning Boards to balance the interests.

Ari Pollack, Atty. @ Gallagher, Callahan & Gartrell: We are the counsel for RK Assoc. I concur with everything Mr. Baker said. For the DOT improvements in this area, we have heard Merchants say they are making an effort to work with DOT, however Merchants has filed an appeal to the DES permit for the DOT project. This makes me question whether they are making an effort. We ask the AutoZone application (#10-09) be tabled until it is determined the fate of the DOT project.

D. Baker: In closing, as a courtesy for our RK project (#07-30), we sent MRAC our RK proposal. We again ask for MRAC to send update plans to RK (also requested at the 8/16/10 Board meeting) or a formal Right-to-Know (RTK) request will be completed with the Town.

J. Gryval: What about the meeting between RK & Merchants?

J. Duffy: The meeting was to include the Planning Board Chair & Vice-Chair, Town Administrator, applicant, Dan (Stantec) and myself.

J. Gryval: How does the applicant plan on getting his issues resolved?

J. Duffy: The letter from the Conservation Commission dated 9/13/10 has 3 items with one of those items being a question on fill. The Commission feels the applicant has met all their concerns and are in favor of this project. If this Board does not feel the CUP has been addressed, then the Board should speak with the Conservation Commission. If the Board addressed every abutters concerns, approvals would not be made.

D. Marshall: Fill in the wetland?

D. Baker: We submitted copies of plan #81-09 at the last Board meeting on 8/16/10. Jo Ann submitted copies of a more recent plan from October 11, 1989. Note #3 on the 1989 plan shows the furniture store addition with no physical buildings on the site. We see no records of a furniture building. They don't have enough room for truck circulation, parking, etc. If there weren't property permits, that is a problem. The fill happened sometime between the 1981 and 1989 site plans.

J. Duffy: The plan from 1981 does not show a building extension. In 1989 we found a plan that shows the parking reconfiguration. We couldn't find anything in between.

D. Marshall: MRAC put fill on RK's property?

D. Baker: The fill happened between the 1981 plan and the 1989 plan. We have no problem with building addition, if the Board says it was approved. The fill is at the



property line. It was not there before and we want it removed to enlarge the retention area. I don't think the plan from 1989 talks anything more than on site and off site parking.

J. Sokul: I was not part of the Conservation Commission presentation. A plan was presented to the Conservation Commission from 1973 (K-mart - RK plaza original plan). In 1984m Singers acquired the Merchants Plaza property.

R. Duhaime: Fill on the east side of the wetland?

J. Sokul: He is saying the Singers filled the wetland, but he doesn't have any proof. We have our Conservation Commission approval and don't need to go back to them.

J. Duffy: If in fact fill was put in, that was almost 30 yrs ago. Why is this issue being brought up now?

D. Marshall: This could go back to the Rivard's hotel (now Merchants Plaza site). For a healthy discussion, before wetland laws came about, your entire site (RK) was a wetland.

D. Baker: We knew that and did more than needed for our site. In the first demolition plan, encroachments and setbacks were per the current ZO and Dev Regs. Between 1981 and 1989, it looks like the circulation in the back was an issue and got paved. The applicant before you removing the fill would make this situation better.

J. Sokul: If there is fill on RK's property and they want it removed, they are free to take it.

R. Duhaime: The Conservation Commission had a 2 hr discussion on this subject. Is this a code enforcement issue?

J. Gryval: The fact is the Conservation Commission already approved the CUP. No one can prove who put the fill in.

D. Baker: We ask again for electronic plan submissions from the applicant.

J. Gryval: Applicant, will you be willing to provide updates to RK?

A. Pollack: Copies of submissions made to the Board; large plans.

J. Duffy: We received updated plans on Sept 3<sup>rd</sup>.

J. Sokul: We will give copies of large plans at RK's cost.

A. Pollack: How can this project take shape when there is an appeal pending the DOT construction project? Will DOT improvements be made?

J. Sokul: We have a very small site and are taking down a very small building. We are allowing a quality tenant to go in and are improving several non-conformities. I think we are very close to an approval. Is there any way to get a conditional approval tonight? At the request of a Board member, we gave the plan sheet showing the proposed DOT improvements. As for drainage, we are downstream from RK. They are built in a bowl. RK doubled the size of the stormwater. We satisfied ourselves and we wouldn't get flooded. There are two pipes they use to drain their property and we are not touching those. It is miniscule what we are asking for. We have been working with the Town engineer. A lot of conditions on the site are grandfathered. Most issues are technical.

J. Gryval: The consensus of the Board, they seem to feel and I feel that there are too many issues to grant a conditional approval tonight. A couple of conditions I could live with, however here there are too many. I don't see anyone on this Board disagreeing with me.

J. Duffy: Are you going to act on the CUP tonight?

D. Marshall: The CUP was supported by the Conservation Commission, therefore I have no objection.

#### CUP

*D. Marshall motioned to grant the CUP. Seconded by F. Kotowski.*

*Vote 5 in favor (M. Cannata, Y. Nahikian, J. Mudge, D. Marshall, F. Kotowski); 4 opposed (R. Duhaime, J. Gryval, N. VanScoy, D. Hemeon). Motion carried.*

#### Continuance

*N. VanScoy motioned to continue the public hearing to October 4, 2010. Seconded by D. Marshall.*

*Vote unanimously in favor.*

#### ***PUBLIC HEARING CONTINUED TO OCTOBER 4, 2010.***

#### 2. **CONTINUED TO OCTOBER 4, 2010**

##### **CROWN COMMUNICATION, INC. (plan #09-11)**

210 Whitehall Road, Map 15, Lot 86-1

Site plan for the proposed construction of a 150' multi-user monopole tower. The ground space is 10,000 sq. ft. of which a portion will initially consist of a fenced wireless communications compound area measuring 2,500 sq. ft. At the compound area, AT & T proposes to install: a) 12' x 20' equipment shelter inside the fencing, and b) 4' x 11' diesel powered generator on concrete pad outside the fencing (used for back-up power only in the event of an emergency).

*D. Marshall motioned to continue the public hearing to October 4, 2010. Seconded by F. Kotowski.*

*Vote unanimously in favor.*

***PUBLIC HEARING CONTINUED TO OCTOBER 4, 2010.***

**DISCUSSIONS**

**3. STONE WALLS – KATHIE NORTHRUP**

Kathie Northrup, Chair of Heritage Commission: Distributed poster of Hooksett stonewalls. The Danbury NH stonewall ordinance and NH Historical resources are examples. From the previous revision on stonewalls, I do like the additional paragraph from Charles on “natural resources”. You received packets of material from Donna, and you have the poster in front of you. The posters are for fund raising and to try to raise awareness to people in Town who may not know about stonewalls. The quotes I chose are from being serious to funny sayings. This is most of research I did. Stone wall protections, Division of Historical Resources and other resources like that. There is a benefit of having something (regulation/ordinance) on a local level. For future planning, stonewalls are important. There were a couple of articles in the Providence Journal and Boston Globe last year, and a story about thefts of stonewalls. RSA has a misdemeanor and treble damages. The Heritage Commission is working on an inventory to see if developers are required to show their natural features on the plan. This won’t come up every day, because we have lost a lot of stonewalls already. I grew up on Whitehall Rd. when it was all farmland. Now there only remnants of the stonewalls. Because of the small amount remaining, I would urge that we make every effort to keep the walls. Hooksett at one time was an agricultural community, but not now. Today it is a blend of old and new. Stonewalls are the closest thing to ancient ruins. They are endangered in Hooksett. I contacted the Conservation Commission and Tim Johnson expected a favorable recommendation from the Commission when it comes up on their future agenda. The Historical Society sent Jo Ann a favorable letter signed by Jim Sullivan, President. In signing this, it says Hooksett is committed to saving the stonewalls. “Who Past This Way” and “Please Don’t Erase the Past”. I encourage you (Board) to pass this reg/ordinance.

J. Duffy: Copies you have tonight for the Development Regulations are just the most recent changes. You already received the ordinance presented tonight which will be incorporated into the regs. Once regs adopted, a developer will need to abide by them.

K. Northrup: For logging, when they are done they should put the stonewall back.

J. Gryval: Good walls make good neighbors, but we can’t ask a landowner with a stone wall going down the middle of their property not to develop it.

K. Northrup: The ordinance is only for those stonewalls visible from a roadway.

F. Kotowski: Thank you for coming tonight. Recently we had an applicant and I had to ask “what are you going to do with the stone walls?”. Newington requires any stonewall removed for any legitimate reason be retained in the town for repair of other stonewalls.

D. Hemeon: What if to do my roadway project I have to move them?

K. Northrup: You will know the practical application. Would you bulldoze them?

D. Hemeon: Bow Road has a lot of stonewalls.

K. Northrup: The Merrimack Town Planner said there is nothing you can do for a property owner who wants to remove the stones. We can suggest what to do with the walls. They have been there for 200 yrs. If a road needed to be widened, just push the stonewall back.

D. Hemeon: As long as the homeowner is OK with that.

K. Northrup: Stonewall posters are available in the Town Clerk's office for \$15.00.

D. Marshall: Where is this located in the regulations?

J. Duffy: Section I-12 in the proposed Development Regulations.

K. Northrup: I thank you for your time.

J. Gryval: Thank you Kathie.

#### **4. TRAILS & WALKING ROUTES – HOOKSETT KIWANIS**

John Pieroni, Hooksett Kiwanis: Presented a slide show. The Kiwanis has been in Town for 10 yrs now. We received \$16,000 from DRED and \$8,000 from the Kiwanis. Why have trails? For health benefits (exercise, circulation, and breathing) and walking is for all ages and income levels. The Hooksett trail made a national website "rails to trails" (a 20 yr organization). NH has 63 trails/488 miles and that is more than ME and MA. There is a statewide effort to connect trails from Lebanon to Salem. Hooksett is part of the overall State effort. Hooksett's effort to connect trails from Pleasant St. down to the Town pond, from Dube's pond to the Manchester Water Works property around Tower Hill, from a branch by Farmer Rd., from the end of Pleasant St. down to CIGNA, and from the Heritage Trail along the river's railroad bed. "Rails to trails" includes both high speed and low speed rails. Frank could speak on a State level on grants. Farmer Rd. is a key site. If we could get access there, that would be a wonderful enhancement to the Town of Hooksett. For Planning Board future considerations, also include connecting sidewalks. I thank you for your time.

M. Cannata: John, what is your priority?

J. Pieroni: Head's Pond "Town's pond" and some route down to Dube's pond. The railroad bed has problems with MSG excavation. The 2<sup>nd</sup> priority is Farmer Rd.

Mike Horne, Chair Parks & Recreation: From University Heights to the parking lot down to Head's Pond, we want to see if there is a way to link those together whether its Post Rd to Granite St. We appreciate what you did for Webster Woods.

M. Cannata: The priorities you both mention, are there funding issues or easement issues?

M. Horne: There is an easement issue with the Head Cemetery sidewalk and fence. Having short sections of trails is not that good, making a loop is better.

D. Hemeon: On Bert St. there is a disputed piece of land.

M. Horne: The Bert St. to Granite St. piece tax map shows it is Town property. That happened 20 yrs ago.

D. Hemeon: Mr. Vaillancourt's piece is a paper street, so technically it still belongs to the Town. If it doesn't remain the Town's, it would have to go back to 4 landowners.

J. Duffy: Can we receive a copy of the trails map from Manchester Water Works for the Farmer Rd. projects?

F. Kotowski: The key thing on the trails group is to get the money and get the hands to build and link them together. Kiwanis gets the money. We have been successful the last 3 yrs with federal highway grants. The Planning Board's job is to look at every developer who comes to us with a substantial development that may be in the way of connecting/easements. MSG has done a marvelous job from Pleasant St. to the new Town pond. We did a great job on the Webster Woods plan.

D. Hemeon: Mike and I went down there last week. We don't have the Town pond rights yet, but when MSG develops Head's Pond we should include this.

J. Gryval: The Snow Mobile Club was getting some of these trails.

M. Horne: It is a combination of the two, and Head's trail is for non-motorized use. The Portsmouth-Concord rail line goes to Candia.

J. Gryval: There are quite a few miles of NH trails for snowmobiles.

M. Horne: There is a State effort to connect Lebanon to Salem. Maybe it could be snowmobiles in the winter and walking in the summer. I thank you for your time.

J. Gryval: Thank you.

## **5. PSNH – MAP 25, LOT 80 CONCEPTUAL OFF LEGENDS DRIVE**

Allison McLean, PSNH Affairs Specialist – Transmission: With me here tonight are

David Plante, PSNH Project Mgr., Carol Burke, PSNH Maintenance and Construction Supervisor, and Nick Golon, TF Moran. I would like to say thank you to the Board and thank you to Jo Ann for her time and guidance. We have a proposal for a new PSNH maintenance facility in Hooksett. We are in the process of exploring several options for the site evaluation process. We are looking at this proposal and have some concerns with solutions and want guidance from the Board.

D. Plante: Thank you Board. We work for the transmission side of the PSNH business. Currently our business is segregated. We have our Manchester facility, however the construction and maintenance is in 3 separate locations. We are exploring have a new facility to consolidate these locations into one. We have narrowed our search to 3 sites, with one being adjacent to the Hooksett Safety Center on Legends Drive.

N. Golon: In researching this potential site, our biggest concern is site access. There is an existing 60 ft ROW (road A), however 200 ft of frontage is required. We would like some direction from the Board on how we can provide appropriate access to this lot. The site is an existing non-conforming lot. We want to extend the road with an appropriate turn around and permit the plan as such. Board do you concur or will we have to extend the road and dedicate to the Town for frontage?

D. Hemeon: I spoke with the landowner, David Corriveau, and there should be no problem starting their driveway at the end of the road with a hammerhead. The Safety Center was from a part of land donated by Mr. Corriveau. I have no problem with having a hammerhead.

D. Marshall: The frontage is 60 ft.?

D. Hemeon: With a hammerhead it is 200 ft. Put the hammerhead on your property with an easement to the Town to turn around for plowing and the Town will maintain it.

J. Duffy: This is a lot of record so it doesn't need the 200 ft.

D. Marshall: It is a land locked lot of record. They should go for a variance.

D. Tatem: The lot has existing frontage.

D. Marshall: It has to have frontage on an existing street for a class 5 roadway. If the hammerhead gives you 200 ft of frontage that is fine, if not go for a variance.

D. Hemeon: This won't be a problem.

N. Golon: PSNH doesn't own this property now.

J. Duffy: Referred to ordinance on non-conforming lots. This road is shown on a subdivision plan for the Safety Center and it has been deeded to the Town.

D. Marshall: If it is safer to define the frontage, get a variance and it legally becomes frontage for that property.

J. Duffy: The 200 ft hammerhead, that gives them frontage and it is deeded to the Town.

D. Hemeon: A hammerhead is cleaner and easier.

M. Cannata: What I am hearing is a variance will create a problem somewhere?

D. Hemeon: Have a hammerhead with a lot line adjustment. The Planning, Highway and Building don't have a problem with this concept.

N. Golon: This is a 19-acre site. We need every square inch for the short and long term. If we take away site area for a hammerhead, this may be detrimental to this project.

D. Hemeon: Are there Fire Dept. comments on the hammerhead?

J. Duffy: Police and Fire felt this would be taking too much of their land at the Safety Center.

J. Gryval: With 19 acres, a hammerhead would make a difference?

D. Tatem: If they do a hammerhead, they would need a waiver because the regulations require a cul-de-sac.

D. Plante: The hammerhead is for plows to move at our fence line specifically at storm time.

D. Hemeon: A hammerhead is cheaper than a cul-de-sac, and this will give you the frontage you need.

D. Plante: We now have our information we were looking for from you tonight.

D. Tatem: Who built the road for the Safety Center?

D. Hemeon: The construction company for the Safety Center.

D. Tatem: 220 ft to extend the Town road is at their cost.

D. Plante: We want the Town to own everything up to the property line and grant relief for easement rights.

D. Hemeon: Ron Corriveau @ MSG will know. I will contact him tomorrow.

Dave Corriveau, Map 25, Lot 80 property owner: Pavement ends 80-90 ft east-west before the property line.

J. Duffy: Road A is deeded to the Town up to the end of property line where Corriveau begins. It is not paved all the way.

N. Golon: We haven't worked through all of the conceptual. We will extend the road with a hammerhead and deed it to the Town.

R. Duhaime: What are the foot prints of the buildings?

D. Plante: 50,000 sq ft warehouse (single story with a 25 ft clear space), and a 12,000-13,000 sq ft office for the initial project.

M. Cannata: Will this affect the 1250 Hooksett Road PSNH location?

D. Plante: No that is a distribution center.

A. McLean: The new facility does not replace the 1250 Hooksett Road site.

### **OTHER BUSINESS**

#### **6. WEBSTER WOODS II (#07-37) – EXTENSION REQUEST**

Residential site plan to improve and develop phase II of "Webster Woods" to include 23 duplex ranch style buildings totaling 46 units and 7 single ranch style units for 55 & older person housing:

- One year extension of the 11/02/09 approval
- One year extension for vesting rights

John Ratigan, Atty. @ Donahue, Tucker & Ciandella: I represent Webster Woods. We submitted two separate letters; 1<sup>st</sup> by Eric Nickerson dated 9/8/10 and 2<sup>nd</sup> by me dated 9/9/10 to clarify our extension requests. November 2, 2009 is the approval dated for phase II and the 1 yr anniversary is coming up for this project. My client is finding it difficult, based on the economy, to get loans. This is a foreclosure market. My client would like an extension for a period of one year. The Board's conditional approval expires 3 yrs from the date of approval (11/02/12) unless vested. We are also wanting an extension on back end for the vesting.

D. Marshall: When are you going to fix Webster Woods phase I?

J. Ratigan: We need DES approval. Our DES submittal is in. We have been told we can't start phase II until phase I work is done.

D. Marshall: You understand I have a lot of reluctance to extend phase II until I have assurance what will be done.

J. Ratigan: We understand we have a problem out there. We have made submissions. When we have the DES permit, we will be good to go. There may be residents of Webster Woods



phase I here tonight. The site is in an unfinished state and it will be much improved when finished. There will be more members of the Homeowners Association to share the cost. Not only is the extension supported, it will benefit the phase I owners. The Planning office is aware we are in the process of permits and as soon as we get them we will proceed.

M. Cannata: Will they be permits to do something?

J. Ratigan: My client will have permission to do the work and DES will monitor it. I am not sure if Planning needs to also monitor. We have every incentive to get the work done.

M. Cannata: After you get the permits, what is the date for completion?

J. Ratigan: I don't know. My client hasn't scheduled workers, and won't do so until he has the permits.

M. Cannata: That is too bad you don't know. We would like a completion date.

D. Tatem: At the end of April 2010 I completed a site walk with DES. They determined several months back that the developer needs an AOT permit. When were your plans submitted for the initial or revised plans?

J. Ratigan: I don't know the answer to that.

D. Tatem: We have been working with Mike's office for years.

J. Duffy: Also they need to submit a Dredge and Fill permit with the Town Clerk. I think they have until 9/21/10 to submit.

J. Ratigan: Submissions are imminent.

D. Marshall: If submissions are imminent, then permitting is remote and in the far future. The State will take time. We are not looking at a short-term answer.

J. Ratigan: Excavation work will not happen in winter, it will be done in the Spring.

D. Tatem: The State may require excavation during a low flow period.

R. Duhaime: Webster Woods II conditional approval states phase I issues must be completed.

J. Ratigan: If you want to hurt residents of phase I and make this project less viable . . . I represent municipalities and I advise my clients on reasonable expectation for extensions. They ran into problems with phase I, worked with the Town engineer and thus it is reasonable to ask for an extension on this project.

R. Duhaime: We try not to make things continue over a period of time. I don't see a benefit to extend phase II without assurances. We want a signed plan, but that isn't the case.

J. Ratigan: I am hesitant to commit to something without speaking with my client. My client has every incentive to get this done, because he can't start phase II.

R. Duhaime: You have no bond on phase I.

J. Ratigan: You don't bond for private improvements. Improvements are needed on private property for phase I issues.

R. Duhaime: Phase II will be bonded and that is private.

J. Duffy: Members of the Homeowner's Association are here tonight.

J. Gryval: Come up and state your name please.

Don Ingalls, 4 Hickory Court: Good evening. My wife and I have resided at Webster Woods phase I since 2008. We are concerned with the issue of erosion at Webster Woods:

- 1) sedimentation erosion of wetlands and sediment down to further wetlands
- 2) slope stabilization in phase I – everyone has recognized problems with this phase. I would like to present photos to the Board from March 2010 to present. They show the advanced erosion. A complaint was filed by the Town to DES in April 2010. I saw a plan from Herbert/Gove to DES dated in late May 2010 and I received it in late June/beginning of July 2010. It shows remedying soil, but does not show anything for the slope stabilization.
- 3) large trees – they are close to two of the properties. A pine tree with a base of 2 ½ ft was hit by lightning a few years ago and is now rotting. I brought this to the attention of Miacomet this year. What I have been told since is they will take care of the tree, however they said they want a plan to take care of everything they take it down. 6 months have gone by since then and when the wind blows the residents are concerned the tree will come down naturally. We aren't opposed to Miacomet getting an extension, but we would like the work in phase I to be remedied before they get an extension to phase II. In the November 2, 2009 conditions it states approval is good for 3 years, however part of the conditions for phase I were included in phase II. I have a letter that I will submitting to planning for erosion problem from March 2008. We are now in September 2010 and nothing has been done. Referred to John Turner memorandum from 2009, still nothing is done. The October 2, 2009 Stantec letter references Turner's memo. October 10, 2009 Herbert stated corrective actions that could be done. Then phase II received a conditional approval on November 2, 2009. 2 Hickory Court photos were the basis for the Town's complaint to DES. I ask you delay any request for extension to phase II, until phase I erosion issues are complete.

J. Mudge: How big of an area is it?

D. Ingalls: 800 – 1,000 linear ft with a 30 ft ravine. I invite the Board to come out to the site.

Y. Nahikian: How does one issue for phase I affect the phase II approval?

J. Gryval: Phase II conditions are tied to phase I, read conditions of approval for phase II dated November 2, 2009. Their attorney just said he is not sure when it will be done.

N. VanScoy: I also have a concern with what their attorney has brought to us. He does not seem to have a clear picture of what has occurred and the status. There should be at least stabilization if no improvements are made at this point so it won't get worse while waiting for approvals.

R. Duhaime: The phase II conditional approval on November 9, 2009 has 20 conditions. Nothing has been met?

J. Duffy: No.

J. Ratigan: Mr. Chair, that is not true. They have a deadline of September 2010 to get something done.

J. Duffy: Fall went into winter into spring . . . we sent Stantec out in April 2010 and nothing has been done and we filed a complaint with DES. The State asked Miacomet for an AOT permit, however they couldn't produce it. Now the AOT and Dredge & Fill have not been submitted to my knowledge.

D. Marshall: With a conditional approval since 11/2/09, it doesn't appear Miacomet is in a rush to complete anything.

J. Ratigan: Mr. Chairman, not a lot of residential real estate has been going on; no cash flow, no sale of units, and no lending. You can have the best intentions in the world, but the spicket gets turned off. We have our approval and don't have to do anything for a year. To the benefit of the unit owners we want to continue onto the second phase. If approval for phase II goes away, how likely will it be to get resources to get worked done? This is not a pleasant situation. It is a market where you can't sell anything. We are asking for compassion for someone who wants to keep this project moving along.

D. Hemeon: Let's bring them back on October 4<sup>th</sup> conditional that they provide a timeline of what they are going to do and that they have applied for their permits. If you do go belly up, the Town will have an obligation to help these residents. We don't want to see you fail, however we need to know there has been something done.

D. Ingalls: I thought it was 3 yrs from date of approval?

J. Duffy: They also want 1 yr from the active and substantial development timeframe.

N. VanScoy: Compassion from this Board? Show compassion to the present property homeowners who have allowed you to get to phase II.

Jerry Ouellet, 11 Dogwood Dr.: I am indirectly affected by phase II because it is behind my house. I can't say more than what Don said. I agree with Don and want it as public record.

Y. Nahikian: Don't you have an obligation to fix phase I?

J. Ratigan: DES has done an enforcement action for the erosion.

J. Duffy: No AOT was submitted for this project, and that is a major flaw. That leads me to have doubts with this developer in the first place.

*D. Marshall motioned to continue the extension request to October 4, 2010 conditional that applicant 1) be present at the Board meeting, 2) provide a timeline of what they are going to do, and 3) that they have applied for their permits. Seconded by N. VanScoy. Vote unanimously in favor.*

***EXTENSION REQUEST CONTINUED TO OCTOBER 4, 2010.***

**7. CIP COMMITTEE 2011-2012 – APPOINTMENT OF MEMBERS**

*D. Marshall motioned to appoint the following individuals to the CIP Committee 2011-2012: Robert Duhaime, Jack Mudge, Marc Miville, Dana Argo, and John Pieroni. Seconded by N. VanScoy. Vote unanimously in favor.*

**8. WORKSHOP MEETING WITH TOWN COUNCIL 10/13/10**

J. Duffy: Carol wanted to change the workshop to Sept 29<sup>th</sup>, however that is the last night of the Farmers Market. How about October 6, 2010?

Board: Consensus to request October 6, 2010.

N. VanScoy: I will bring back to the Council October 6<sup>th</sup> as a date for the workshop. At the workshop, we should discuss the Aesthetics Committee.

**9. REVIEW OF PROPOSED CHANGES TO DEVELOPMENT REGULATIONS**

J. Duffy: Read through the updates for the next meeting on October 4, 2010.

D. Tatem: I can draft something up for the next meeting on "Intent to Cut" so the Board knows it is in the regulations.

*R. Duhaime motioned to adjourn at 10:25pm. Seconded by D. Marshall.  
Vote unanimously in favor.*

**ADJOURNMENT**

Chair J. Gryval declared the meeting adjourned at 10:25pm. The next Planning Board Meeting is at the Hooksett Town Hall Chambers, room 105 @ 6:00pm on October 4, 2010.

Respectfully submitted,

Donna J. Fitzpatrick,  
Planning Coordinator