

**Official
As of 10/18/10**

**HOOKSETT PLANNING BOARD
MEETING MINUTES
HOOKSETT MUNICIPAL BUILDING
Monday, October 4, 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, Town Administrator, Carol Granfield (left @ 9:20pm), D. Marshall, M. Cannata, J. Mudge, D. Hemeon, B. Perry (arrived 6:20pm, left @ 8:00pm), Town Council Rep. N. VanScoy (arrived 6:05pm), and T. Walsh.

Excused: F. Kotowski.

Absent: Y. Nahikian.

REPRESENTING TOWN OF HOOKSETT

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

J. Gryval: Alternate T. Walsh will be voting tonight in place of F. Kotowski.

APPROVAL OF MINUTES OF 09/13/10

D. Marshall motioned to approve the minutes of 09/13/10. Seconded by M. Cannata. Vote in favor. C. Granfield abstains.

WAIVER REQUEST

- 1. NEW SUNSET REALTY, LLC (#10-03)**
“Mega X”, 1560 Hooksett Road, Map 13, Lot 46-1
Waiver request to Article 10-A Performance Zone (PZ) signage height, square footage, and number of signs.

Doug MacGuire, Woodland Design Group: I am here today to discuss signage for the Mega X site. You have approved the project, but we have not talked to you about signage. On the existing plan there are currently two freestanding signs; Gourmet Rays 13 ½ ft height and Granite Hill Market total 126 sq ft with a max height of 18 ½ ft. We want to eliminate these two sign and have one monument sign at a height of 15 ft to total 100 sq ft in size. The design is the same shape and has no exposed area; it is one structure. Below is the future tenant 20x80. I would like the section below the future tenant to be considered as the 11 sq ft base of the sign, therefore the usable part is 89 sq ft. His Allentown existing signage is 23 ft in height and over 100 sq ft. We want the Board to know we are considering your regulations in designed this sign and have

reduced the height by 8 ft (proposed 15 ft). He wants name recognition to open several future stores.

J. Gryval: The Allenstown size of the sign is not adhering at all to our regulations.

D. MacGuire: We are well aware that sign does not conform with Hooksett. Both Sunoco's in Hooksett are past the height requirement. The existing signage max is 18 ½ ft in height and we are reducing it to 15 ft.

D. Marshall: The sign in Allenstown, sitting in front of that sign is Maverick Cigarettes and that is not an allowed sign in Hooksett.

D. MacGuire: Understood and I can put a note on the plan to that effect.

R. Duhaime: Are the emblem and future tenant included in sq ft?

D. MacGuire: Yes. Total includes all of structure, not just the usable signage.

R. Duhaime: logo is 50 ' and there is the logo on the front of the building two logos on the canopy that stands out a little bit. Where is the 4 ft one located?

D. MacGuire: 4 ft on the building. Mega X logo is on the front and one on each side. The logos on the canopy are more of an aesthetic item and it breaks up the look.

R. Duhaime: You added 4 ft to the freestanding signage to add the emblem. If you remove it, the sign would be at 9 ft height. You already have logos in other areas on the site.

D. MacGuire: For a gas station, the signage and logos are standard for the elevation. I understand that is not what you are looking for, and we were trying to find some middle ground. Industry standard is 23 ft in height and we came down to 15 ft. We came down from his competition in that area.

D. Marshall: Those other businesses are grandfathered.

J. Duffy: When the applicant first came in with his initial design, he came in with 20 ft high. We discussed it and he came down to 15 ft. He has 2 existing 18 ½ tall and 13 ½ tall pole signs. This would be a compromise to the existing. He could use the existing signage and just replace the panels.

R. Duhaime: When he knew he was approved for his site, he knew he would have to comply with PZ signage.

J. Duffy: I thought this is a good compromise to what is out there now.

C. Granfield: This is a better compromise in lieu of having two existing signs. Make the logo smaller on the freestanding. You have other logos around the site.

D. Marshall: Staff, lets say the Board grants waiver for this . . . both sides of canopy and freestanding?

J. Duffy: Doug and I only discussed the freestanding. Our ordinance doesn't include what is allowed on a canopy. They came in with what their desire is. It is a building on a corner lot, so he can have two signs on each side. He is asking for three signs on the front side facing Hooksett Rd. He is asking for more sq ft but less number of signs.

J. Gryval: Rather than discuss each sign separately, let's group the signage all at once for discussion.

N. VanScoy: Monument sign, if you are required to make it smaller what would you do? I see design possibilities where the design can be smaller. The logo could come down a foot in diameter. The height is a major point. I don't see why the logo can't be next to Mega X.

D. MacGuire: The applicant believes he is giving up a lot on the sign already, as you see from his other signage in Allenstown.

N. VanScoy: This is a busy intersection already. It is hard to turn left, because you don't know what is coming towards you. I question the freestanding sign location and being able to see coming out of roadway (Dale Rd).

D. Marshall: When a site is removed and redone, we are trying to have businesses comply to PZ.

J. Duffy: LED lighting, that is not addressed in the ordinance. I wasn't sure if he needed a waiver or if the Board will find this is typical for gas stations.

C. Granfield: If it is not in the ordinance, it would need a waiver.

J. Duffy: I asked Doug to be prepared to submit a waiver for LED.

C. Granfield: If we are starting to have LEDs, you will have waivers from others.

B. Perry: What are the dimensions of the two existing pylon signs?

D. MacGuire: Total 126 sq ft with max height 18 ½ ft. (building: Gourmet Rays 36 sq ft, Granite Hill Market on Dale Rd. side 54 sq ft and Granite Hill Market on Hooksett Rd. side). Applicant is asking for 15 ft with total of 100 sq ft for monument signage and this is including the base (11 sq ft base taken out = 89 sq ft of usable space). The ordinance allows for 32 sq ft sign per tenant per side of building = two signs on front (Hooksett Rd) and two signs on side (Dale Rd). We propose three signs on the front of the building =

Mega X 17 sq ft, logo 25 sq ft, and future tenant 18 sq ft. We are under size on all three building signs. The proposed total building sign is 60 ½ sq ft. We have dropped the building signage in half from what is there now. We will have no signage on Dale Rd. The waiver request is for a 3rd sign on the front of the building (only allowed two).

R. Duhaime: This is tying into the canopy and monument sign.

D. MacGuire: All three building signs are under size from the allowed 32 sq ft. For the canopy: existing large size on the pumps and two outer – 28.3 sq ft, smaller 6.25 sq ft = TOTAL 69.1 sq ft. We are proposing one Mega X on the front of the canopy; 81 ft long and two smaller canopies. I read in the ordinance that signage is based on what is there. The logos are 13 sq ft each; actual 68.42 sq ft. This is a slight reduction in the existing canopy signage, and more than 50% reduction on the building signage. I understand it is not comparing old (existing) and new.

D. Marshall: Sign “self-service” that exists, that didn’t need to be there. Mega X signage is all over.

D. MacGuire: The canopy has a small yellow LED accent band, but it doesn’t stand out as you may be thinking. Mega X on the canopy would be the same type lettering as the sign itself; individual letters.

R. Duhaime: The accent band all around canopy, you want to light it?

D. MacGuire: Yes. The applicant thought the accent was aesthetic vs. signage.

R. Duhaime: It is what looks good for the Town of Hooksett. We drive by every day.

Waiver #1 – monument signage height and total sq ft and building signage addition of a 3rd sign on front of building.

D. Hemeon motioned to grant waiver #1 above. Seconded by N. VanScoy.

M. Cannata: Jo Ann, the motion vs. what our requirements are, how much of an exception are we making?

J. Duffy: The height for a freestanding is 10 ft and they are asking for 5 ft over what is allowed. For the sq ft freestanding including the base he is asking for 100 sq ft and is allowed 32 sq ft.

M. Cannata: Can we justify that down wind when we have other developers come in?

J. Duffy: He already has two existing signs 13 ½ ft and 18 ½ ft in height.

D. Hemeon: Those two existing signs are bigger than allowed. For the canopy, only have the letter dimensions not the whole blue section.

J. Duffy: They are allowed 128 sq ft total for both sides, and they are proposing 60.5 sq ft for one side and with no sq ft for the other side.

R. Duhaime: 145 sq ft for all signage including canopy?

J. Duffy: Not including canopy.

N. VanScoy: Where will the monument sign be on the site plan?

D. MacGuire: Centered on the Hooksett Rd. front side of the site.

Vote unanimously in favor (waiver #1).

Waiver #2 – LED signage lighting.

J. Duffy: We need a motion for LED. They will also have to add the address # and road name to the monument signage.

R. Duhaime: Staff, does the ordinance say anything about LED lighting?

J. Duffy: PZ doesn't address it.

C. Granfield motioned to grant waiver #2 above. Seconded by D. Hemeon.

R. Duhaime: Dan, what is the brightness for LED lighting?

D. Tatem: I can't tell you on that.

J. Duffy: CVS signage discussion?

M. Cannata: It was noted as amber color for brightness.

Vote unanimously in favor (waiver #2).

J. Gryval: If you choose to request a waiver on the canopy, you will have to come back to the Board.

J. Duffy: Final signage will need to be added to the site plan and recorded at the registry of deeds.

COMPLETENESS

2. **MICHELLE FERMIN (#10-12)**
50 Whitehall Rd., Map 25, Lot 31
Subdivision plan for one new building lot from the subject parcel.

J. Duffy: It is complete.

D. Marshall motioned to find the application complete. Seconded by N. VanScoy. Vote unanimously in favor.

PUBLIC HEARING SCHEDULED FOR OCTOBER 18, 2010.

CONTINUED PUBLIC HEARING

3. 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.

J. Gryval: It looks like everything we asked for you have provided. You have three waivers.

Waiver #1 – 10x20 parking space dimensions.

D. Marshall motioned to grant waiver #1 above. Seconded by N. VanScoy. Vote unanimously in favor.

Waiver #2 – total suspended solids calculation.

D. Tatem: This waiver is for the water quality unit at DOT's request to improve run off to the back of the site.

D. Marshall motioned to grant waiver #2 above. Seconded by J. Mudge. Vote in favor. Opposed by N. VanScoy. Motion carried.

David Baker: I have comments on each of these waiver requests.

Waiver #3 – 81 parking spaces for the total site.

N. VanScoy: I don't like the idea of this motion. There is room for a 2nd tenant.

J. Kevan: We provided the number of spaces per your regulations for a restaurant and for a 2nd retail space (10 spaces). AutoZone needs 19 spaces and we provided them with 22. This is based on AutoZone's parking needs at their other locations. My understanding is the parking is for AutoZone and if they leave and become a different tenant, not for the abutting open tenant.

D. Marshall: If AutoZone leaves and is not the tenant and another tenant comes in their place, that new tenant would have to come before the Board for parking spaces. They included spaces for the abutting tenant and the Chinese restaurant. They are lacking spaces for AutoZone.

D. Marshall motioned to grant waiver #3 above conditional that it applies only to AutoZone as the tenant and that if AutoZone leaves and a new tenant replaces them, the new tenant would have to appear before the Board to address parking. Seconded by R. Duhaime.

Vote in favor. Opposed by N. VanScoy. Motion carried.

John Sokul, Atty. for Merchants: I will have Jeff Kevan run through the comments from the last hearing.

J. Kevan: Provided overview of proposed DOT project.

J. Sokul: We will do our site for approval pre-DOT. Someone on the Board asked for what it would look like post DOT and that is what Jeff just went over.

J. Kevan: For the DOT project driveway relocation, we would need to take out landscaping.

R. Duhaime: We already granted you a waiver for spaces. What if you place street trees in the island now, so they won't have to be removed later?

J. Kevan: I can do that. See hand-out for pre and post DOT project.

D. Tatem: There will be a surety for construction, future landscaping and water quality.

R. Duhaime: Street trees every 50 ft?

J. Duffy: I just want to remind the Board that this site is grandfathered and PZ requirements do not apply.

R. Duhaime: Are the trees on the north side spaced evenly?

J. Kevan: We placed landscaping where we could. You have a sign there and a tree would negate viewing of the sign.

J. Sokul: You are changing an existing site with existing non-conformities. This is a good plan under those circumstances.

R. Duhaime: Improvements in the wetlands north and south of the parking lot?

J. Kevan: North corner will have a level spreader and treatment area. South we are just removing unnecessary pavement and decreasing the impervious. We will stripe a couple of spaces out there.

Open public hearing

David Baker, RK Associates: Based on our work, this area of Town flooding is always called “K-Mart flooding”. Showed site of 800 acres (1.2 sq miles) Dalton Brook flows through K-Mart then through to Merchants. We are not solving K-Marts flooding, we are solving the Town of Hooksett’s flooding. Article 26 – non-conforming paragraph 3 – lots of common ownership; Merchants Plaza LLC owns the other two sites and they haven’t addressed those for parking, and landscaping. This is an undivided parcel.

J. Duffy: The Town has not actively pursued merging lots. The State law recently changed and will not permit Towns to merge lots that are non-conforming.

D. Baker: I am reading your zoning ordinance adopted May 2009. There will be notes on the plan for limits on analysis and various requirements. They should comply with the PZ standards for the entire lot. I want to point out this is for Merchant’s economic reasons. They want to wait for the DOT to do the work for them, however they are appealing the DOT coming. We would like to see AutoZone coming, but they need to address the site better. For the record, we oppose the parking and drainage waivers being granted. I colored contour lines of the existing conditions. I will pass along pictures of water running over the wooden bridge. At grade 296, the water is part in our parking lot and now they want to sheet flow to the back of the AutoZone building. They should do a full drainage analysis pre and post. I am distributing photos both pre and post Benton Rd culvert. Page from AutoZone plan, drainage area A blue arrows shows sheet flowing to the rear. They reversed it to the back half where RK is located. Again it is not “K-Mart flooding”, it is “Dalton Brook flooding”. If this project is going to dam or cause more flow back to us, we are not happy with that. We want relief next to the diner. Now it is stacked with trees and this is where the flow breaks out. Without a full drainage study, flow from the wetlands will hit their landscape buffer and exasperate flooding onto our property. They said re-tenanting the existing building, therefore no need for a drainage study. I know why they don’t want to do a study on those pipes. AA Pipe Service in 2008 completed a camera study and said the piping will need to be repaired. When we came before you on our RK site plan (plan #07-30), Merchants asked us to fix the pipe on their property and we said we would do a drainage study. The Benton Rd pipe had a Beaver Dam. They are not doing “me” any favors for this problem, they are doing a favor to “all of us”. Again I am not talking about just AutoZone. I am talking to them about researching the flooding/pipe issues. Hazard mitigation, February 2004, part of master plan = natural hazards step 5 determine actions to be taken on K-mart area culvert upgrade, new hazard mitigation strategies – 10 bullets one being K-mart area culvert upgrade. We have suffered over the years. It is easy to identify the area cut on Rte 28 and Rte 3 in half as K-Mart problem. We are talking about flow from Dalton Brook. One thing we know Mother Nature will send water through these pipes. It costs the Town of Hooksett money in emergency services and in abatements (businesses leaving). This is a perfect opportunity for this Board to have the applicant meet the standards of the

PZ. We don't find a building permit for the addition to the furniture store. The October 1989 plan that Jo Ann provided shows the existing retention pond where now there is grass. I manage 20 retail properties. I don't have time to plan the Singer Family sites, but I did show the driveways along Rte 3. DOT project is asking landowners to donate driveways. They should also comply with PZ. If they eliminate driveways there will be more room for parking. Plan you have ignores your guidelines and regulations and I argue the pre-existing non-conformities. I think you know our point of view on this. More could have been done by this applicant and we are following this application closely.

J. Gryval: We are familiar with the flooding in this area. Are you saying AutoZone will increase water to your area?

D. Baker: If they knew DOT was coming, they would donate the ROW, drainage, and pipes should be investigated.

J. Gryval: We understand those flooding problems, but AutoZone is not adding water so how can they be held hostage?

D. Baker: Drainage and parking can be looked at by this Board.

D. Tatem: Which of the pipes is RK required to maintain?

D. Baker: After RK's (plan #07-30) conditional approval, once they showed us the beaver dam, we agreed to repair one section of the pipe. We are not implementing our site plan approval at this time. We want to make sure our 2 million in renovations to RK won't go under water. The culverts are based on photographic evidence and is not working.

J. Gryval: We understand that however they are not adding water, so how can we hold AutoZone hostage?

D. Baker: They asked for a waiver of drainage study, yet their plans show they are reversing the drainage. When did our plans pre and post drainage and we submitted to the point they were satisfied that any improvements we will do to RK won't negatively impact their property. We ask them to go back to the drawing board and do a drainage study. If you choose not require it, I won't speak for this committee.

R. Duhaime: Whose pipes are these?

J. Sokul: That issue on the pipes, it is surprising Mr. Baker would bring up again. That was thoroughly reviewed in 2008. I brought in an easement on behalf of Merchants to allow RK to install pipes through the property for the AutoZone site.

D. Baker: It was an overflow pipe.

J. Sokul: There was some dispute with RK once the pipe was installed who will maintain it. This went to your Town Counsel and your Counsel came back that RK is to maintain it as part of their site approval (plan #07-30). To try to dump this on us now, that is incredible.

J. Gryval: We know about the problem, what does that have to do with AutoZone?

D. Baker: There is a river that runs through this property. Merchants has not accepted that. Counsel did not say how long we would have to maintain the pipe. It is not just K-Mart's flooding problem; it runs through our area and their area. They did as limited as possible on this site. The other pipe, not Rivard's pipe, shows collapsing.

J. Sokul: Since then we have submitted a drainage report. It was limited in scope. To get up hear and say we didn't submit one is not a fair comment.

J. Gryval: From the engineering firm they state this site does not add water.

J. Kevan: What this development does is remove 3,300 sq ft of impervious and reduce the rate and flow. The building high point in the back flows to the rear. Pavement has the same flow pattern. We provided additional treatment in the area of parking and removed pavement in the southern end to reduce impervious.

R. Duhaime: Do you think these pipes carrying Dalton Brook are overdesigned?

J. Kevan: I haven't looked at that.

R. Duhaime: It is not over designed. He has an easement on one pipe. He owns the other pipe. Merchants has a stake in it and Hooksett wants to see this problem solved. I am trying to figure out where you are going with this. Are you going to give them easements on those pipes? Are you going to give the state DOT ROW to get their project moving?

J. Sokul: Last Fall for the Benton Rd. culvert the Town needed easements. Who gave these easements? The Singer family. Down further Merchants gave another easement to the Town.

J. Gryval: Is anything with AutoZone going to increase water?

D. Tatem: Not as they have designed it.

J. Duffy: I wanted to remind everyone that this is an existing site with an existing retail use that was used for a furniture store. If they had not been taking down the restaurant and adding parking, Peter and I could have handled this through a change in use. It was suggested by our attorney that this will not fall under the PZ because it is an existing site. I believe this applicant has gone above and beyond for this project. This area floods, however there are other areas in Town that flood too. If this site was vacant and they were proposing a new structure, the application would be treated entirely differently. I

would urge the Board to move forward with this application. Anything new such as additions would fall under PZ.

Close public hearing

D. Marshall motioned to approve the application conditional:

- All review fees are paid-in-full
- \$50.00 LCHIP check payable to Merrimack County Registry of Deeds is submitted (\$25.00 for plan set and \$25.00 for easement)
- \$30.00 check payable to Town of Hooksett for recording of mylar cover sheet (already collected for recording fee of mylar site plan sheet).
- 2 mylars, 8 paper copies (22x34), 1 paper copy (11x17), and 1 digital. Provide an e-mail pdf of the cover sheet and site plan sheet to review for recordability prior to submitting hard copy originals.
- All outstanding comments from Stantec are addressed to Stantec's satisfaction (see letter dated September 29, 2010 from Stantec)
- All outstanding Federal, State, and local permits are obtained and submitted to the Town and Stantec
- Letter from Central Water Precinct stating they have capacity and approve this project
- Letter from Hooksett Sewer Commission stating they have capacity and approve this project
- Add surveyor's stamp to plan set
- Add DOT permit # to cover sheet
- Submit original signed Temporary Construction Easement for recording with mylar plan set (easement approved by Town Attorney on 9/20/10).
- Submit check payable to Town of Hooksett for recording of Temporary Construction Easement (\$12.00 1st pg, \$4.00 each pg thereafter plus \$1.99 postage return). This check can be combined into one check for other fees due to the Town of Hooksett.
- 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."
- 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, and (c) the plans are signed and recorded
- Applicant to provide contractor contact information for coordinating the pre-construction meeting.
- Applicant agrees to site plan compliance monitoring

Seconded by R. Duhaime.

Vote in favor by M. Cannata, J. Mudge, C. Granfield, J. Gryval, D. Marshall, and T. Walsh. Opposed by D. Hemeon, R. Duhaime and N. VanScoy. Motion carried.

PUBLIC HEARING

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

210 Whitehall Road, Map 15, Lot 86-1

Non-residential 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).

Earl Duval, Duval, Klasnick & Pastel LLC: I am here tonight on behalf of Crown Communication and Atty. Klasnick. With me tonight are Jim Donahue, Crown Communication, Shannon McMannis, AT&T, Evan Phyllis, Eng and Peter Newt, Bay State Design. Sheet A-3 elevation plan, sheet A-2 proposed ground space 10,000 sq ft 100x100 ft, within 2,500 sq ft compound surrounded by a chain link fence (3 strands of bob wire to prevent climbing). There will be a 12 ft access gate into the compound. Also a 12x20 prefab equipment shelter; ice bridge cabling to the monopole. AT&T will have an emergency powered back-up generator on a 4'x11' concrete pad. Electricity will be in the compound out to the pole on Whitehall Rd. The transformer for the electric will be on a 4'x4' pad just outside the compound for access by the electric company. Sheet C-1 shows the existing drive. There will be a gravel extension all the way to the facility. The drive meets all State and Town requirements to include an emergency turn around. For maintenance there will be no full-time staff at the site. Cell techs will make routine visits 1-2 times per month to check on equipment.

J. Duffy: One question, will you be plowing every time it snows?

Jim Donahue, Crown Communication: That was brought up at the TRC. At most sites they don't plow. They did say if it was a critical site, they would plow because of the carriers' needs based on snow events. They would wait until the end of the storm.

J. Duffy: Co-location Agreement for the Town. I spoke with the Fire and Police Chiefs. At first the applicant offered emergency above 149' and below 115'. Chiefs said they use Ossipee Mtn. Electronics and they said Hooksett is good for right now. They suggested a 15 ft antenna whip space at the highest point on the tower is best. The applicant has come back and allowed for the highest point on the tower. Equipment and radios, 30"x30" space for equipment in the building. After speaking with Dan Klasnick, we will have space for the Town to build their own cabinet. We did receive abutter letters.

J. Duffy: They have 15 waiver requests. Also make sure there is a set back for the fall zone.

D. Hemeon: How long is the lot? Where will the tower be?

J. Donahue: 1,000 ft deep and the setback is 199.79 ft back from the property line.

D. Hemeon: And about 800 ft from the road.

Open public hearing

J. Gryval: A special exception and a variance for the side setback were granted by the ZBA in February 2010.

Doris Duhamel-Labbe, 31 Farrwood Drive: I am not a direct abutter but the tower will be in my site view when I open my front door. The statement that property values won't decline; this wasn't determined. The ZBA used a 3rd party appraiser who worked for AT&T on several occasions and therefore it is a conflict of interest.

J. Gryval: The Board and I read your letter and it will be made part of the record.

D. Duhamel-Labbe: The pictures you have are showing the site now, not after the trees are removed to build the tower. I want to make sure the existing conditions are put back. The noise levels are not determined when the generators go on. Also camouflaging, their attorney lied to the ZBA. The applicant never talked to us. Take the points in my letter into consideration.

R. Duhaime: At first I mentioned camouflaging, but residents were not interested at that time.

J. Donahue: It was at the October 5, 2009 Planning Board meeting.

D. Duhamel-Labbe: You are talking to residents that are not engineers. We are not being heard. There is an Aesthetic Committee in Hooksett. Can they be made to go there now?

C. Granfield: Back in October 2009, I said what about the look of a tree for camouflage. I don't think it had do go back to the Aesthetic Committee.

J. Donahue: Camouflaging is done in many ways. The tree heights are 65 ft, and the tower is a 150 ft pole. To make the pole into a tree, it doesn't look that great. We looked into type of flagpole, but the pole would have to be higher. We could paint light blue at some point on the pole to blend into the sky. For the tree look, I think you will regret that decision.

D. Duhamel-Labbe: Town of Candia just put in a cell tower at 100 ft in height. Have you looked elsewhere?

J. Donahue: We looked at great detail for a site and the height.

D. Duhamel-Labbe: Ours has to be 150 ft?

J. Donahue: Yes.

D. Duhamel-Labbe: Candia also allowed for electric backup vs. gas.

D. Marshall: Battery operated? They drain quickly.

E. Duval: The generator will only be used in case of emergency for an extended period of time. It will run once a week for 15 minutes at a time favorable to the area. If another carrier came in, they would run their's at different times.

J. Donahue: Not all carriers have generators. AT&T and Verizon have generators.

J. Mudge: What type of muffling system?

E. Duval: As a condition of approval, the carrier would comply with any noise ordinance you have.

Fernande Daigle, landowner of proposed tower site: Last year there was a balloon test in July. Neighbors were all invited on our land to view. I stayed behind in my yard on my swing and I never saw the balloon. I can reassure them, I doubt it will be in their eyes all the time. Our lot is industrial and this is one thing we should be entitled to have.

Bobby Beaudet, 23 Farrwood Drive: I want to support what Doris has mentioned. The people who have given up their land for the site say they won't see it and all will be well, however every doorway on Farrwood Drive stared up to that balloon. Every one of us will see the tower and hear the noise. There is probably nothing we can do that will make a difference. We are the little people.

R. Duhaime: When the Farrwood Drive development application was before this Board, abutters came to us and were in opposition for increase traffic impact, etc. We do listen to all the people. Your subdivision surrounds an industrial area. This area does need a cell tower and unfortunately it is in your back yard. We do hear you.

D. Duhamel-Labbe: AT&T isn't solving the problem. There were other sites and there was no need for them to claim hardship or get a variance. I am not satisfied. They could have used the two nearby water towers.

D. Hemeon: My trucks have no communication in that area.

M. Cannata: What were the other sites and why didn't they work?

J. Donahue: The other locations in Hooksett didn't work for zoning and line-up.

D. Marshall: We all live with cell phones and we need to make provisions for this.

WAIVER REQUESTS:

- 1) Section 11.09 driveways, entrances and exits
- 2) Section 15 parking standards
- 3) Section 16 outdoor lighting standards & 3.05 lighting
- 4) Section 3.02 & 3.03 landscaping design criteria
- 5) Section 3.04 architectural design requirements
- 6) Section 3.06 flood protection
- 7) Section 3.08 fire prevention and protection
- 8) Section 3.09 sanitary sewerage system
- 9) Section 3.15 general requirements
- 10) Checklist – plan requirements
- 11) Checklist – existing conditions plans and abutting property information
- 12) Other – additional studies/traffic studies
- 13) Checklist – proposed site plan information
- 14) Section 11.13.2.9 – total suspended solids
- 15) Section 11.13.2.35 (slope 3:1) and 11.13.2.36 (slope loamed and grassed)

D. Marshall motioned to grant waivers #1-11 above. Seconded by N. VanScoy. Vote unanimously in favor.

D. Marshall motioned to grant waiver #13 above. Seconded by C. Granfield. Vote unanimously in favor.

D. Marshall motioned to grant waivers #14 & 15 above. Seconded by N. VanScoy. Vote in favor. Opposed by J. Gryval. Motion carried.

D. Marshall motioned to grant waiver #12 above. Seconded by N. VanScoy. Vote unanimously in favor.

D. Tatem: 4:1 slope is in our regulations. We thought a 3:1 slope for this site with fabric and stone lined was OK. Due to the location of the site, we didn't take into consideration kids running around it.

J. Gryval: There are safety hazards to go too steep.

D. Marshall motioned to approve the application conditional:

- All review fees are paid-in-full
- \$75.00 LCHIP check payable to Merrimack County Registry of Deeds is submitted (\$25.00 for plan set, \$25.00 Co-location Agreement, and \$25.00 Drainage Easement)
- \$30.00 check payable to Town of Hooksett for recording of mylar cover sheet (already collected for recording of mylar site plan sheet).
- 2 mylars, 8 paper copies (22x34), 1 paper copy (11x17), and 1 digital. Provide an e-mail pdf of the cover sheet and site plan sheet to review for recordability prior to submitting hard copy originals.

- All outstanding comments from Stantec are addressed to Stantec's satisfaction (see letter dated September 30, 2010 from Stantec)
- All outstanding Federal, State, and local permits are obtained and submitted to the Town and Stantec
- Co-location Agreement: submit original signed agreement for recording with mylar plan set. Agreement to be noted on site plan sheet and include that the applicant will provide the Town of Hooksett: a) 30" x 30" concrete pad within the fenced compound, b) waterproof box/enclosure to house radio equipment, and c) 15' of antenna whip space at the highest point on the tower (applicant had offered space above 149' or below 115')
- Drainage Easement: submit original signed easement for recording with mylar plan set. Agreement to be noted on site plan sheet.
- Submit check payable to Town of Hooksett for \$150.00 to cover Town Attorney reviews and approvals of a) Co-location Agreement and b) Drainage Easement
- Submit check payable to Town of Hooksett for recording of Co-location Agreement (\$12.00 1st pg, \$4.00 each pg thereafter plus \$1.99 postage return) and Drainage Easement (\$12.00 1st pg, \$4.00 each pg thereafter plus \$1.99 postage return).
- Applicant agrees to paint the cell tower above the tree line in a sky color for camouflage.
- 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."
- 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, and (c) the plans are signed and recorded
- Applicant to provide contractor contact information for coordinating the pre-construction meeting.
- Applicant agrees to site plan compliance monitoring

Seconded by C. Granfield.

J. Duffy: Co-locator equipment will be in the building itself, but then there will be others there too. The Town may want their own waterproof box.

J. Donahue: For Town access we could have a 3'x3' or 4'x4' prefab enclosure and have your equipment in there.

E. Duval: Have a 30"x30" spot within the fenced compound.

D. Hemeon: How many carriers will you have?

J. Donahue: 4 carriers: AT&T shelter, Verizon shelter, and two more spaces for shelters.

C. Granfield: Will you build the Town's 30"x30" enclosure on a pad?

J. Donahue: It is very common for Towns to ask for space on a tower. We would be willing to help.

C. Granfield: Just something basic.

R. Duhaime: Even if you did a 4'x4' cement pad.

D. Hemeon: Would it be helpful to know what Ossippee Mtn. wanted?

C. Granfield: He will consider helping the Town based on cost.

R. Duhaime: Camouflage with paint.

M. Cannata: On the plan you will indicate where the said pad will be?

J. Donahue: Yes.

J. Gryval: Camouflage with paint?

J. Donahue: We will paint from the tree line.

D. Hemeon: Does the area have hardwoods or pines?

J. Donahue: Mostly hardwoods. Our pole will be galvanized steel.

D. Duhamel-Labbe: Can there be a noise study? Can they be insulated to be more muffled?

J. Gryval: We can't make anyone do more than our regulations.

M. Cannata: If the driveway is not plowed until the end of a serious storm, and then there is a fire? What if the safety vehicles can't get there? What is the security in the buildings in the event of a break-in of some sort. Are you alerted?

J. Donahue: AT&T has an open door alarm to their network.

M. Cannata: It is all in house not through local Police Dept.?

J. Donahue: In house.

D. Duhamel-Labbe: Plant new trees or shrubs to bring back to the existing conditions.

J. Donahue: We are still 100-120 ft from the cleared section to the back property line. Photos show aerial of foliage. It is 80-100 ft to the other residential property lines. To the

west it is 20-27 ft higher than ground elevation from property line to tower. There will be some clearing done for drainage requirements.

D. Duhamel-Labbe: What you are saying is nothing will be done?

D. Marshall: 120 ft to back property line from tower?

J. Donahue: No, from the buffer.

Vote unanimously in favor.

OTHER BUSINESS

5. REVIEW OF PROPOSED CHANGES TO DEVELOPMENT REGULATIONS

D. Hemeon: I think Yervant should do aesthetic at TRC.

D. Tatem: Have applicants give general aesthetic comments at TRC. Would Rob go as well?

D. Hemeon: We have a good landscape ordinance that probably just needs to be tweaked.

R. Duhaime: Yervant didn't like length of TRC meetings and not getting paid.

J. Gryval: Abide by our regulations or redesign per Aesthetic Committee.

C. Granfield: In our regulations, if they have a landscape architect, who are we to say we want to change the design?

D. Hemeon: Either we have Yervant on staff at TRC or we don't have an Aesthetic Committee. That committee has no enforcement.

J. Gryval: We have to decide what we want the Aesthetic Committee to do.

M. Cannata: Have Yervant make a tablet "criteria" to follow of what the Town would like to see.

D. Hemeon: We need aesthetics in the regulations so it can be enforced.

J. Gryval: We should just point out what is not in accordance with our regulations. We should set-up some architectural rules and hire someone at the applicant's expense.

C. Granfield: Use basic aesthetics of other towns.

N. VanScoy: Our desires should be part of the regulations and then we don't need an Aesthetic Committee.

J. Gryval: Get input from other towns and they either abide by our regulations or ask for a waiver.

TOWN COUNCIL AGENDA 10/6/10

N. VanScoy: Topics for discussion from my list include sidewalks, open space, crosswalks, surface water and ground water, phase development, roads (private or towns), property markers on existing deeds, and discussion on impact fees.

CRANTON VERNON

J. Gryval: We have received notification from our Town Counsel that the Town has won the court case.

NOTICE OF VIOLATION – DEMPSEY PIPE

J. Gryval: We have received notification from CEO of this violation.

*M. Cannata motioned to adjourn at 9:35pm. Seconded by R. Duhaime.
Vote unanimously in favor.*

ADJOURNMENT

Chair J. Gryval declared the meeting adjourned at 9:35pm. There is a Town Council hosted workshop meeting with the Planning Board on October 6, 2010 @ 6:00pm. The next regularly scheduled Planning Board Meeting is at the Hooksett Town Hall Chambers, room 105 @ 6:00pm on October 18, 2010.

Respectfully submitted,

Donna J. Fitzpatrick,
Planning Coordinator