

**Official  
As of 12/06/10**

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

**CALLED TO ORDER**

Chair J. Gryval called the meeting to order at 6:05pm

**ATTENDANCE – PLANNING BOARD**

Chair J. Gryval, Town Administrator, Carol Granfield D. Marshall, M. Cannata (arrived 6:25pm), J. Mudge, D. Hemeon, Town Council Rep. N. VanScoy (arrived 6:20pm), T. Walsh, F. Kotowski, Y. Nahikian (arrived 6:10pm), and B. Perry (left 8:15pm).  
Excused: Vice-Chair R. Duhaime.

**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 R. Duhaime.

**PROPOSED DEVELOPMENT REGULATION CHANGES**

J. Gryval: Tonight is the public hearing on the proposed changes to the Development Regulations. There was an ad in the Union Leader and Hooksett Banner; hard copies available at Town Hall. Kathie Northrup, I will let you go first because I know you have to leave.

**Open public hearing**

<b>17 – Demolition Regulation &amp; 6.13 Protection of Stone Walls &amp; Preservation of Natural Resources</b>
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K. Northrup: I am Chair of the Heritage Commission and have two initiatives: 1) stone wall and 2) demolition which was discussed with the Board in May 2009 and October 2009. Section 17.03 Criteria (demolition), I would encourage you to go back to 50 yrs vs. 75 yrs. Concord and Keene are trailblazers on this. For a 1959 home with no architectural significance, the review is over. Indian Cliff was built in 1940's and part of Hooksett tourism. That would be worthy for a second look if new owners wish to tear down the existing buildings. "Visibility from a public way", I thought we took that language out from the final draft, but it is back in. Otterson Way/ Courchesne, sometime within the year if may not be visible. Leaving in "visible language" makes it seem that if you can't see it, it's not worth saving. It is much cleaner to leave "visible" language.

J. Duffy: Kathie had a few other minor typographical, I-63 2<sup>nd</sup> line “properties and/or” would be removed. 17.05 Demolition Review Committee Responsibilities “business and calendar”, it should just say calendar.

J. Gryval: Any more comments?

D. Tatem: Are you going to make any changes based on her recommendations?

J. Gryval: We usually take in the recommendations and comments and discuss later.

### 19 – Logging/Land Clearing Requirements

John O’Neil, licensed forester employed by Manchester Water Shed: We have been providing forest management for the City of Manchester for a total 8,000 acres. We have managed for sustainably for water quality. We provide good forest management and there is a lot of recreation as a by-product. When you mention widening and land clearing, I don’t see how our timber harvesting “pure forest management” falls under this item. What we are doing is agriculture not development.

J. Gryval: I am not so sure.

D. Tatem: I spoke with Kerry Cote from the Town of Auburn. She said you provided a master plan of logging.

J. O’Neil: Yes, which I also provided to Hooksett’s Conservation Commission.

D. Tatem: She said you work with Auburn all the time.

J. O’Neil: It is a 10 yr plan.

D. Tatem: There are definite options for removal. I spoke with the Town’s Assessor today. I think you would fall under this intent. Intent is to protect a lot of Town roads. The road mgr. (Dale Hemeon) has a lot of issues. He has no recourse once roads are damaged. You are on site all the time. It could be “Bob & Amy” private landowners who want to clear to pay for taxes.

J. O’Neil: There is a minimum wetland impact for logging. Conservation gets copy of what we submit to the state. Driveway entrance, we usually work with road agent to see what they require. Service management and tree farming concerns me; thinning on your own property for 10 acres and hire private logger.

D. Tatem: That is now out of the regulations. RSA’s don’t allow intent to cut under Planning Board.

J. O’Neil: It is an informal notice.

D. Hemeon: I am very concerned about Manchester Water Works. Loggers broke one of my culverts.

J. O'Neil: Is the road a class 4 or 6?

D. Hemeon: Class 5. My point, I don't care if you are foresting everything, I just want to know if you go over a Town road. I have never heard from you and I am Hooksett's road agent.

Y. Nahikian: Did you say the Town of Hooksett and Auburn have the same ordinance?

D. Tatem: Auburn is very basic; an applicant there goes before the Planning Board for a general discussion.

J. O'Neil: It has become a notification process.

D. Tatem: Intent to Cut is just issued by Assessing in this Town and no one ever knew about it.

J. O'Neil: It was a dry year this year. There are situations in spring; summer or fall dry.

Y. Nahikian: No limitations how much they can cut?

D. Tatem: RSA has criteria.

Y. Nahikian: Don't you think Hooksett should limit cutting?

D. Tatem: It is the law to allow a landowner to cut.

B. Perry: Section 19 any suggestions? If we codify this and we talk about flexibility? A logger or member representing the whole community? When this Board leaves, sometimes things change. We should come as close to codification as we can.

J. O'Neil: Your most recent draft has the appropriate erosion control (silt fence). As a practice you look at the specific job. I am not a fan of silt fence, because it often gets left there. We typically use hay. Article 12 Dredge and Fill Permit is need if logging in stream crossings. That is more strict than the State. I would be against Article 12.

D. Hemeon: Do you think the State's rules in place are alright?

J. O'Neil: They are alright. The Co-op Extension did a study for compliance with the rules.

D. Hemeon: When you are doing a large job for City of Manchester, do they check on you?

J. O'Neil: Yes.

D. Hemeon: I don't think it is the people who are managing the properties. I think it is the loggers themselves. They leave stumps behind. We have no bonds in place. Personally in Hooksett we have had a lot of damage on Town roads.

J. O'Neil: Some of them may have got loggers for the money and off they went and left the piles behind.

D. Hemeon: They log for the wood and chips, but it cost me a small fortune to clean up the mess. Loggers up North have a lot of pull in Concord.

J. O'Neil: With your proposed criteria, you could still have a mess.

D. Hemeon: I don't think anyone on this Board wants to stop landowners from logging.

J. O'Neil: I tell landowners that logging is ugly and a mess. It is a change.

D. Hemeon: I think the concern in Town is paying for the damage left behind from some loggers. Damage to roads, culverts, and other items. For stone entrances they are hauling mud. It is still a cost to the taxpayers of Hooksett to make the repairs.

J. O'Neil: I hope you are talking about the exception and not the rule.

D. Hemeon: I have seen more bad than good in Town.

F. Kotowski: Would you agree that we are heading in the right direction by having the landowner come to the Planning Board and have a plan prepared by a forester?

J. O'Neil: Having a dialogue with a person is more important. For the Intent to Cut the Town has 30 days to sign it. During that time you can find out more about the property. Land clearing and forestry are two different things.

D. Hemeon: Part of our problem is that the Intent to Cut would go to the Assessing Dept. and no one was notified.

C. Granfield: This just changed.

M. Cannata: Who would you recommend be involved in the dialogue? Landowner, logger and? If owner doesn't know these are the things you need to discuss with your logger, who fills in that informational gap?

J. O'Neil: The Co-op. Having that material available at the Town hall would be handy. There is plenty of literature for people to look up on the website.

M. Cannata: I see a communication gap and a need to know where to go.

J. O'Neil: Who is your local forest person?

C. Granfield. It would be good to have the material at the Assessors office for when they come for the form.

D. Tatem: One of the intents of this is for a reputable logger who comes into Hooksett and tells Dale. Also if there are prime wetlands on site and they want to log, is there a plan that has to be given to the State to alert them to check it out?

J. O'Neil: There have been changes in prime wetlands. For any stream crossings or wetlands the Forest Ranger visits the site. If no permit, have a mylar up on the tree showing Intent to Cut. For a minimum wetland permit, DES gets involved.

D. Tatem: If something is going to go wrong, they come out after the fact. What if no permit with the State?

J. O'Neil: Town gets Intent to Cut and sees the prime wetland. This should be triggered by the Town.

Jeff Eames, Fort Mountain Companies: We have an office in Allenstown and are a fairly large logging contractor. We haven't done a lot in Hooksett, but have some projects coming up. As I mentioned I am a logging contractor. We buy a million down to south of NH up to north. The landowner will be paying for a licensed forester \$500-\$1,000. Getting involved with laying out wetlands will require soil scientist. We are not licensed to layout wetlands. Sometimes we may be contacted with a licensed surveyor. These laws today can be interpreted by a Board. Then 10 yrs later the laws are totally different than what they are proposed now. Silt can be very expensive. Off site storage, some machines are parking in back at night to save fuel. Back to total board feet, we have to file a form to the Dept. of Forestry, Jessie Brenshaw. The form already has information on it that you are now asking to collect. We have been involved with wetland redelineation and that cost to the landowner is a lot of money. #12 NHDES Dredge and Fill, we have to file with DES for any encroachment on a wetland. At that time your Conservation Commission is receiving that. Maybe there needs to be a little organization within the Town. There is also Dale's concern with the Town roads. There is the timber sale brochure, Intent to Cut form, and a form to ask for a road bond. Dale's frustration is dealing with some logging contractors who didn't perform the way they should. We have some work coming up in Hooksett, but it is on a State road. Planning Boards these days are not busy. If a landowner wants to get on the Board's agenda, how long will that take? You people have an obligation to protect the residents, but it shouldn't be a penalty to the landowners. Every ordinance that we have to follow through turns out to be an expense to the landowner. I am a contractor and have cut a lot of wood in the area.

D. Marshall: I don't mind a little redundancy if already required by the State. A lot of things you keep saying are an expense to the landowner. They do logging now but the

expense is from all the Town taxpayers now paying for one taxpayer's logging damage. We are protecting the Town. When I came on this Board 38 yrs ago, our Development Regulations were only a few pages long. Now regulations are over 200 pages. We are here to protect the Town and all of the taxpayers not just a few for logging. If we are not meeting that intent and we need to make changes, then that is fine. But I am not going to make the process so loose that you just come in and fill out a form and off you go. That is not going to happen. We meet twice a month and as agendas get busy we may meet 3 times a month.

F. Kotowski: Brochure some towns put out, applications and so forth. Did you bring examples on who does it?

J. Eames: Epsom, Raymond and the Town of Auburn uses a packet not a brochure.

F. Kotowski: It may be worth us getting some copies. Folks like you, good loggers, you know what you are doing and you know what requirements we have. Maybe this brochure or packet is the first step.

J. Eames: I just found out about this meeting this morning, so I wasn't prepared to bring copies of brochures or packets.

D. Tatem: Loggers in general, are you required by State to be insured or bonded?

J. Eames: Bonded. State government or landowner or water works, they ask to see a performance bond. Contract written on behalf of landowner.

D. Tatem: Amount?

J. Eames: \$2,000 for any damage done to roads. We may cut wood in Allenstown, but access is from the Deerfield roads. Therefore the road agent in Deerfield would not know about us logging, since it is an Allenstown project.

J. Gryval: Thank you.

D. Hemeon: When you asked the logger to give you a performance bond on your property, how much?

J. O'Neil: Bond for payment of products. At any point \$30,000-40,000 awaiting payment. Bonds are in excess of \$25,000. He has insurance for damages.

D. Hemeon: Any dollar amount for the damages?

J. O'Neil: Insurance for a million dollars. Different contractor cutting in Auburn and trucking through Candia; \$200,000 cash bond neighbors concerned about damage.

D. Hemeon: The Town Council just voted to allow a logger to go through a Town road for a land-locked piece. We should inform residents what is going on.

J. Eames: Dale I recommend you talk to Alex Cote.

D. Hemeon: Realistically a \$2,000 bond amounts to nothing to fix a road.

J. O'Neil: Sounds like the main concern is damage to roads.

D. Hemeon: I have one issue where they are coming out on a Town road. They should not be destroying roads that then taxpayers have to pay for them. I don't have an issue with the companies or what they do.

D. Tatem: A lot of this came to be because of Dale's problems and the lot across from 99 Restaurant. There is nothing in here that we who drafted it want to be above and beyond the RSAs. The Town of Hooksett wants to protect their roads. You come in to the Board and provide a brief overview. Then we can tell the landowner if there is a prime wetland for its protection and you can't disturb within 100 ft.

J. O'Neil: Article 12 should be a minimum impact notification not a dredge and fill. 100 ft buffer around prime wetlands, these changes went into affect about a year ago.

D. Tatem: Item 11, 482-A:11 IV.

J. Duffy: This all came about because Dale wanted to protect the roads. Like the gentleman said, it is a lack of communication within the Town. We just started getting a copy of the Intent to Cut, but we don't get any plan or delineated prime wetland area. I think that can be improved for information provided to Assessor. I did have a concern and spoke with Dan this afternoon for Joe homeowner who cuts some wood and doesn't want to get a plan. I have our Town Atty. opinion and can provide this to you now or during your deliberations.

J. Gryval: During deliberations.

Bryan Nowell, Regional Forest Ranger & Captain for Central Region and ranger who covers Hooksett: I worked for the Town. Notice she is talking about, DRA has some real issues for wetlands and road bonding. I have worked with 120 towns in my 25 yr. career and have put some sort of checklist together. One thing on the notice of Intent to Cut to assessing, they should review and check for back taxes within 30 days. When they check their computer they should check prime wetlands. Even though wetlands are on the property, a minimum wetland permit is not necessarily required. I may not be crossing a brook. Yes we do enforce the timber harvesting in town. The timber cut at By-pass 28 and Hooksett Rd., they received a violation per 227 J9. They were in violation of the buffer and they had to pay a fine. I was just called up today to look at a logging company on By-pass 28. Harold Murray works for me and he is the warden in Town. We do watch the properties very closely. Harold attended a workshop on Nov 4<sup>th</sup>. This

workshop was also offered to planning, zoning, police officers, me, wetlands and from the LGC Atty. Dale talked about Demers and Corriveau Dr. I have been very engaged with Valley View, Goffstown Rd., and Hooksett Rd. There are rangers out there enforcing it. I cover 12 towns as a captain and there are 5 of us who cover 6 counties and see the good, bad, and ugly. Jeff sat and helped write with LGC. It is tough enough to do logging with State regulations, dry and wet seasons. I cannot also enforce local regulations. It will have to be your zoning, Dale. Do you have any questions on forestry?

D. Tatem: When I was reading the RSA, a State road has a 150 ft buffer. 50% cut the same size trees. If in your opinion that property owner spent a ½ hour before the Board and showed the buffer, do you think that could have been avoided? As you see the big sign up front marketing and I think it was revenue based on tax card. State DOT thought it would be great to open up the sun. Bottom on Intent to Cut, they sign saying they have come familiar with 227 J. That document has some good reading if they read it before they sign it. We all find stuff after the fact.

D. Hemeon: Say I hire a logger and he cuts on the other property, is that a private issue?

B. Nowell: Negligently flagged a wrong area or purposely went across because oak trees across are better? There is also civil. Logger on Goffstown Rd. was settled with a civil. Forester flagged one line and surveyor flagged other line.

B. Nowell: 20 chords of wood are exempt for personal use and I don't need to file an Intent to Cut. If I bought a house and cleared less than 10,000 board feet and 20 chords of wood again I don't need to file intent to cut.

D. Marshall: RSA 79:10 would be referenced in our regulations and therefore under that RSA it would list the exceptions.

D. Tatem: Same instance, site plan like University Heights, clear distinct lines and that is different because it is in the site plan. That site also needs to get an Intent to Cut, but the Board is already aware of it.

B. Nowell: Henniker has a good packet. Anyone who wants to walk a logging operation, I would be glad to take them to the job.

N. VanScoy: The buffer you are talking about is for State roads?

B. Nowell: All the way down to class 6 roads. Hard road to travel with stonewalls, and roads.

Y. Nahikian: I do not have a lot of knowledge. Is harvesting selective cutting?

B. Nowell: High profile cutting on By-pass 28, if they were going to convert, stumped it and less than 1,000 ft.



Y. Nahikian: We are not talking about clear cutting?

B. Nowell: No clear-cutting unless for a development like Market Basket.

Y. Nahikian: Hooksett is a fast growing Town and our cutting should be different than Berlin based on demographics.

D. Hemeon: Last Council meeting, they asked landowner (Demers) and he said "aggressive cut". I am just curious if you have heard that term?

B. Nowell: No, but I have heard "liquidation cut". I know where Corriveau Dr. sits. I imagine cuts become aggressive when there is adversity with landowners and abutters.

M. Cannata: Are abutters required to be notified if logging is going on? If I have logging going on next door to me, I am up the creek.

B. Nowell: Hopefully neighbors have open communication and Town depts. have open communication. I try to work with Assessors since they are the primary contact for me. Thank you.

Kurt Demers, Hooksett: Article 3 buffer along property lines, is that only for logging or for all house lots?

D. Tatem: Only for logging. The setbacks for homes are different.

K. Demers: It should be different for logging, that doesn't seem fair.

D. Tatem: There are no sideline setbacks, only frontage.

B. Nowell: Only harvesting abutters, 25 ft back from land of another.

K. Demers: Trees can be cut to the line. Yet if someone comes in and buys a house lot, they can clear cut to the line? That doesn't seem fair. Can that be eliminated?

D. Marshall: Why? If there is a logging operation like on the hill, leaving the 25 ft hides the hill.

K. Demers: It is a renewable thing. To restrict cutting an 80 ft pine tree and leaving in 25 ft area. There is wind and other trees that will blow over. I don't see the logic but to the abutter. The landowner owns to that line yet the homeowner on the other side can do what he wants.

J. O'Neil: Land holdings, buffer restriction unusable unprotected forest land. It is our land for 135 years. To take out of timber production is a real problem.

Jason Stalk, NH timber association: We represent the landowners, loggers, foresters and sawmills. There is a cost to regulation. As landowners keep as timberland it is an added cost that pushes to the development. \$1,000 here and a couple thousand there, those costs add up and taxpayers are trying to pay their taxes. Landowners and/or their heirs dispose of their asset. I think I understand the intent to preserve open space and see forested trees. But by adding on regulations, you don't accomplish that. I heard a lot about roads and that is heard across the State. The RSAs currently have explicit and broad language and doesn't cap it. It requires bonds on it and road agents across the State require bonds. Sand pit, gravel pit, there is language already that covers that. My concern is when I look that intent was not to exceed the regulation. We only have best of intentions. 5-10 years from now we may not be here and what will be the interpretation of the intent? Before you start writing ordinances, I have read them and worked on them. Dale has tremendous authority to enforce road bonds in that language. I will be brief and I won't go on any further. There are a host of technical changes, no cut vs. basal area cuts, buffers. My recommendation is that if there are road and infrastructure concerns, get the silver culture out of here. In conclusion, we do co-host rules, Brian talked about a municipal workshop. We co-sponsor to help folks know what is already on the books. Workshops, fieldtrips, and forestry tours to educate on some challenges landowners face in holding onto their forestry.

C. Granfield: We do receive them and they are distributed to the depts.

J. Gryval: Thank you.

J. Duffy: Peter's comments 3-14, he thinks all administrative provisions should be together. However one section covers both, then another section for subdivisions and another for site plan.

J. Gryval: I think it is easier to understand the way it is.

***D. Marshall motioned to close the public hearing. Seconded by F. Kotowski.  
Vote unanimously in favor.***

### **Close Public Hearing**

J. Duffy: Referred to Atty. Buckley's letter on timber harvesting.

D. Marshall: New reg. on logging, take off last sentence of #1, keep #2 and drop off #3; then all you are doing is a necessity to meet. We made reference of the law RSA 79:10.

J. Duffy: Law says Intent to Cut signed within 30 days or attach conditions. Why can't the Board approval be part of that? Todd said the only reason if there are back taxes and Assessing can require a bond. Key factor, as soon as Assessing gets it, applicant immediately gets it on the Board's next agenda.

D. Marshall: And there is no requirement to notify abutters and we can put them on first on the agenda.

***D. Marshall motioned to amend the proposed section 19 Logging/Land Clearing Requirements to take off last sentence of #1, keep #2 and drop off #3. Seconded by C. Granfield.***

***Vote unanimously in favor.***

***D. Marshall motioned to amend the proposed section 17 Demolition Regulation to remove 75 years and replace with 50 years. Seconded by N. VanScoy.***

***Vote unanimously in favor.***

***D. Marshall motioned to amend the proposed section 6.13 Protection of Stone Walls & Preservation of Natural Resources to strike building visibility language. Seconded by N. VanScoy.***

***Vote unanimously in favor.***

**Sections 11.20 Traffic Impact Analysis Requirements and Architectural Design**

D. Marshall: Short traffic impact analysis vs. full? Is there anywhere in RSA that defines full?

D. Tatem: Whenever someone does a full traffic study everything is there.

D. Marshall: #6, report stamped by engineer for traffic issue.

D. Tatem: How about if we say “expertise in this field”?

D. Marshall: Short analysis is not problematic.

D. Tatem: Half is in the plans and they just need to put it into the study. Jo Ann got an e-mail from Yervant today.

***D. Marshall motioned to incorporate section 11.20 Traffic Impact Analysis Requirements and #6 into the proposed Development Regulations. Seconded by C. Granfield.***

***Vote unanimously in favor.***

D. Marshall: 2B design requirements should be formatted/indented.

J. Duffy: Use the e-mail version I just handed out tonight.

***D. Marshall motioned to incorporate section Architectural Design into section 3.05 of the proposed Development Regulations. Seconded by J. Mudge.***

***Vote unanimously in favor.***

Section 8.04 Aesthetics Committee

C. Granfield: Nancy the verbiage in section 8.04 Aesthetics Committee, was that an appointment by the Planning Board or Town Council? This is what it is doing, but by what appointment?

N. VanScoy: I think the Council would like the Planning Board to tell them what to do and I think the Planning Board wants the Council to tell them what to do. Since I have sent out the information, I have not heard back.

C. Granfield: I took it to mean that an applicant does not have to be present to get the Aesthetic Committee comments.

Y. Nahikian: Aesthetics was discussed for 5 min each project at TRC, that is why we came up with the Aesthetic Committee. If you guys do this during TRC I cannot do that, unless you pay me for my time. I volunteer for the committee. Between the TRC and PB, some of those applicants were not doing what I recommended. The way we are doing now outside the PB, we communicate with Jo Ann and the applicant knows how to proceed with their project.

N. VanScoy: I certainly have no recollection who was at the meeting, but they thought to add the preferences to the regulation. We now have an architect and landscaper, but you don't know who we will have on the committee in years to come. So we shouldn't have an official Aesthetic Committee under a separate meeting. Some members of the Board thought their comments were just as important vs. just two members of the Board.

Y. Nahikian: Aesthetics you can give a subjective opinion. But if you bring to meeting like Planning Board, it is difficult for the Board to make sure they fall within the requirements.

D. Marshall: Since the Council wants the Planning Board to take the aesthetics over, why don't we have something in our regulations that the Planning Board shall establish a sub-committee who will review prior to applications those issues dealing with aesthetics? We can do it without being in the regulations under rules of procedure.

Y. Nahikian: From within or outside the Board?

D. Marshall: 3 person committee, one at least has to be from the Board because it is a sub-committee of the Board. We can file a memo, or better yet have it under rules of procedure.

D. Hemeon: I think it should be done at TRC. We can't replace Yervant, because no one has his expertise. As for Rob, I think we have good landscape criteria. I think we should pay Yervant, but I don't know how to pay him.

D. Marshall: If Yervant gets paid, then he can't do other business in Town.

D. Hemeon: I don't think we should have them meeting an hour before the Planning Board.

J. Duffy: This started with Pat Rueppel as the Beautification Committee, because Rob was spending too much time discussing landscaping at the Planning Board. When meetings started at 7pm, we (committee) used to meet before at 6 pm. Now that we meet at 6 pm, we have to meet on an off night and I have to come in for another late night. And if it is a sub-committee, there has to be minutes.

C. Granfield: This is bigger than it needs to be. They can review comments that are sent to them. I don't know if you need additional meetings.

Y. Nahikian: Overall they (applicants) like it and it makes their life easier with Rob and I.

J. Gryval: I recall when landscaping was not required but requested. If it happens at the Board meeting, Yervant and Rob could comment and Board members could add their comments.

D. Marshall: A lot of times if they are meeting with Aesthetics Sub-Committee under rules of procedure, 99% of the issues are resolved. If you turn it back to the Planning Board to review landscaping and architectural, you will reduce the number of agenda items due to time constraints.

C. Granfield: Jo Ann can do the aesthetics review and include in her Town Planner comments.

D. Tatem: Your landscape regulations, it is simple for me to check. For architectural, do we leave that up to a design architect or someone else/

J. Duffy: Rob is looking at it almost like a landscape designer.

D. Marshall: Staff, does this meet all requirements of landscaping? If yes, then end of that discussion.

D. Hemeon: I see some plants on sides of roads that don't seem right like trees in sight distance. If Rob has concerns he should get together and re-write what he would like to incorporate.

F. Kotowski: I don't think this Board should get into debates with applicant. The Chair should cut that off. It is between staff to assure they meet criteria. The thing I hate to see is a discussion we need to rehash.

J. Gryval: If it is in the regulations and Dan reviews that, it shouldn't be done between two people (Rob and Yervant).

M. Cannata: If the applicant doesn't meet these sections for aesthetics is it a variance?

J. Duffy: It would be in the Development Regulations, therefore a waiver request to the Planning Board.

J. Gryval: If we handle it as a waiver, we can approve it or not.

J. Duffy: To sum up, are you saying to take out section 8.04 from the Development Regulations?

N. VanScoy: "preferable" has no enforcement.

D. Tatem: Ravinia site, now they would need a waiver for aesthetics.

Y. Nahikian: The way it was in the beginning, Jo Ann remembers University Heights was my first experience. They hired an engineer clear cutting huge property leveling on one end and I asked for changes and it looks better. Aesthetics isn't just about buildings.

J. Duffy: I think I hear the outcome is that 8.04 is coming out of Development Regulations and will be handled by the Planning Board.

Y. Nahikian: So there is no more committee? If you have two individuals, volunteers and anyone can join the group, what do you gain from eliminating this committee?

J. Gryval: It could be handled a little differently and have the same outcome.

N. VanScoy: I don't think the Board has decided whether to have an Aesthetic Committee or not. What has been decided is to take section 8.04 out from the Development Regulations. Every member of the Planning Board should be able to have an opinion on the aesthetics. I would hate to have two people out there, when someone across the table may not want to see that. It is important that the whole Board has the same weight of input. We all know your background and would take your expertise. Having a committee, next year we could have no one on the committee. Instead of decisions being made in separate meeting, they should be made with the whole Board.

Y. Nahikian: The Board can always give their opinion. There are 6-7 yrs of study for architects. There are reasons behind things. We tried to minimize the height. When Rob comes, he tries to beautify more.

N. VanScoy: I don't see why it can't happen here before the full committee.

D. Marshall: I look at the Aesthetics Committee as someone who pre-screens for us. Yervant from an architectural point-of-view and Rob from a landscape point-of-view. If we decided to start discussion from ground zero, I don't have the hours to spend. I would

like to get the Aesthetics Committee out of the regulations and handle it via rules of procedure. And this Board will make decision how this will apply.

F. Kotowski: I believe all decisions by a Board should be made from the full Board. I know they are volunteers. If I differ views from Yervant or Rob, it is very difficult for me to disagree with them at the Board meetings.

J. Gryval: If we have regulations the way it is proposed, we won't be starting from ground zero and Dan can say whether the criteria has been met or not.

M. Cannata: Jo Ann and Dan, filter what we want the developer to do. I am not reacting to where the Aesthetic Committee is.

F. Kotowski: Rob is sitting here and Yervant is sitting here and if there is something blatant from staff, Rob or Yervant they will comment.

J. Gryval: I will abstain from voting on this; no leverage one way or other.

***D. Marshall motioned to take out section 8.04 Aesthetics Committee from the proposed Development Regulations. Seconded by N. VanScoy. Vote in favor. J. Gryval abstains.***

***D. Marshall motioned for staff to research and present back to the Board alternate approaches (series of suggestions) through rules of procedure for the Board to maintain some form/intent of the Aesthetic Committee with the Board making a future decision based on the suggestions. Seconded by J. Mudge. Vote in favor. Opposed by D. Hemeon, C. Granfield, and F. Kotowski. J. Gryval abstains. Motion carried.***

J. Duffy: I think the Board has put this on my shoulders to determine if we have an Aesthetic Committee.

D. Marshall: I am just asking staff to examine something and bring back to the Board who will make the decision.

J. Gryval: Regulations checklist, would it be helpful to have a column to request waivers?

J. Duffy: The headings on top need to be shifted over.

D. Tatem: Columns used to be yes, no and n/a.

J. Duffy: But it will show yes, no and waiver.

D. Tatem: This is for completeness. As soon as they ask for a waiver, you need to state they are complete. I would strike the waiver column.

D. Marshall: 2<sup>nd</sup> hearing on Development Regulations?

J. Duffy: Maybe we can do the 2<sup>nd</sup> hearing on a regular meeting night? Actually, you do have to post so there isn't enough time.

***NOVEMBER 29, 2010 @ 6:00PM TOWN HALL PUBLIC HEARING ON  
DEVELOPMENT REGULATIONS.***

**NH 3A ACCESS MANAGEMENT PLAN – FINAL REPORT**

J. Duffy: Access Mng. Plan funds combined with Manchester and Bow. In front of you is Manchester and Hooksett. If you are OK we can sign a memorandum of understanding for driveway permit and they could deny.

D. Marshall: One thing difficult to work with is the facts; driveway permit or to alter one that exists. Access to Subway north of the traffic lights on Quality Dr. is close to the curb cut by Quality Dr. And there are 4 businesses that won't agree to closing that curb cut (Subway, etc.). You would have to get them all to agree. I firmly believe you need to get in on an agreement with the State. Hooksett starts with figure 8.

J. Gryval: I looked through figure 8 & 9 and can't find Walmart.

J. Duffy:

- figure 8 – Hackett Hill Rd. and Rte 3 A intersection improvements, talk with City of Manchester for large development on Hackett Hill site and turning lanes
- figure 9 - Central Park Drive and Goonan Rd., traffic enters onto Central Park Dr. and driveway consolidation to improve
- figure 10 - improved by Market Basket project
- figure 11 - Quality Dr., what Dick mentioned to close curb cut by Staples as well as close curb cuts for gas station and have them go to Quality Dr.

D. Marshall: It isn't that the State can come in and close the curb cuts; only possibly to enforce when a new business comes in.

J. Duffy: That is the recommendation to have traffic flow off main road.

- figure 12 - Autoworks 2-3 curb cuts and recommends closing one
- figure 13 - old Texaco gas recommend two curb cuts reconfigured
- figure 14 - old Duford site, I noticed today the southern curb cut be closed – dirt over it
- figure 15 - Scott Ave., recommending realign with road for transfer station. There was a house there.
- figure 16 - Brookside condo complex across they say should be aligned

D. Hemeon: That is the worse spot in Town for accidents.



- figure 17 - Cross Rd. and Pizza Man, recommending one curb cut be eliminated and Pizza Man will have curb cut off of Cross Rd. In addition to Walmart and Lowes \$29,812 collected for this corridor to do improvements at the section.
- figure 18 - Bayview terrace
- figure 19 - ice arena, another bad area for sight distance.
- figure 20 - Hackett Hill Rd. needs a signal. Curb cut on Rte 3A to Alden's property be eliminated and he get a curb cut from Hackett Hill Rd.
- figure 21 - Riverside St. and for house on Pinnacle and 3A – recommend eliminating one.
- figure 22 - Main St. intersection, round about or improve civilization.
- figure 23 - Pine St. intersection recommend north bound turn lane.
- figure 24 - Merrimack Heights and Windsor Terrace, northern curb cut closed off and street connecting both apt. complexes so one way in and out.

J. Duffy: If you are in agreement with this study, I will let Tim White know and assume it would need a public hearing.

D. Marshall: Part of that agreement is the typical cross section for highway; south of interstate and north of interstate.

D. Hemeon: Is this open for any compromises? I don't agree with all of it.

J. Duffy: We can talk about it again.

C. Granfield: For the public hearing, have revisions done first from the Planning Board for a future agenda.

*N. VanScoy motioned to adjourn at 9:10pm. Seconded by J. Mudge.  
Vote unanimously in favor.*

### **ADJOURNMENT**

Chair J. Gryval declared the meeting adjourned at 9:10pm.

Respectfully submitted,

Donna J. Fitzpatrick,  
Planning Coordinator