

Official
As of 04/04/11

HOOKSETT PLANNING BOARD
MEETING MINUTES
HOOKSETT MUNICIPAL BUILDING
Monday, March 7, 2011

CALLED TO ORDER

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

ATTENDANCE – PLANNING BOARD

Chair J. Gryval, Vice-Chair Robert Duhaime (arrived 6:05pm), Town Administrator, C. Granfield, M. Cannata, D. Hemeon (left 7:50pm), J. Mudge, T. Walsh, and Town Council Rep. N. VanScoy.

Excused: D. Marshall and F. Kotowski.

Absent: B. Perry, and Y. Nahikian

REPRESENTING TOWN OF HOOKSETT

Town Planner, Jo Ann Duffy and Dan Tatem, Stantec (arrived 6:10pm).

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

APPROVAL OF MINUTES OF 02/14/11

N. VanScoy motioned to approve the minutes of 02/14/11. Seconded by J. Mudge. Vote in favor. T. Walsh abstains.

CONTINUED PUBLIC HEARINGS

1. McDONALD'S (#10-16)

1254 Hooksett Rd., Map 30, Lot 26

Site plan for the proposed demolition of the existing McDonald's restaurant and to construct a new 1-story 4,442 sq ft McDonald's restaurant (100 seats interior, 15 exterior) with associated parking and drive-thru.

Chris Rice, TF Moran, Adam Guilmette, McDonalds corp. and Neil Haddad, franchise owner.

C. Rice: Waivers tabled from last meeting:

- 1) cross-access easement with abutting Merchants owned property (former pancake house); sample language provided to Town and Merchants. Cross-access could hinder McDonald's drive-thru operations due to stacking. Both McDonalds and Merchants do not wish to pursue easement

- 2) two access points – Martin’s Ferry Road & Hooksett Rd; island revised slightly to prohibit left hand turn onto Hooksett Rd.
- 3) pylon signage modified for street address.

J. Duffy: Cross-access easement – I had a meeting with Merchants, McDonalds, and their engineer. Merchants Atty. reviewed the sample language to include restrictions for Merchants site use. DOT favorable to no left turn northbound from Rte 3 into site. Dan confirmed with the DOT that the median is not going all the way down Hooksett Rd. The pylon signage with address will need a Board vote. We are awaiting final DOT permit.

C. Rice: I have received the DOT permit and CHWP letter and provided to Dan.

J. Duffy: I recommend approval pending DOT driveway permit and CHWP letter.

Waiver #1 access to site from Rte 3 (Hooksett Rd.) & Martin’s Ferry Rd. (this would allow two accesses to site)

Robert Duhaime motioned to grant waiver #1 conditional no left turn northbound from Rte 3 into site (entrance only for southbound traffic from Rte 3). Seconded by C. Granfield.

N. VanScoy: The northbound entrance off Rte 3 is associated with the cross-access easement. They could close off access from Rte 3 and move garbage disposal for the cross-access. We should act on the cross-access waiver first.

Robert Duhaime rescinded the above motion. Seconded by C. Granfield.

Waiver #2 cross-access (McDonald’s easement to Merchants “pancake house” site to access Martin’s Ferry Rd.)

N. VanScoy: We are planners and this is a prime location for a cross-access easement to have less traffic on Rte 3. I can support having the cross-access based on location and the two businesses. Whether they put in cross-easement now or in the future, it is in McDonalds benefit to have the cross-easement. They should design a safe cross-easement to solve the Town’s traffic issues.

T. Walsh: When the DOT project takes shape to remove the middle Rte 3 turn lane, there will be no left turn onto Rte 3 (except via the Martin’s Ferry traffic light). It is the same issue with the abutting Merchants “pancake house/doctor office”. It is a lesser issue to put traffic on Martin’s Ferry Rd.

Robert Duhaime: Merchants won’t always be the owner of their property(s). Hooksett regulations include having cross-easements. This is for the safety of our citizens. We also have to look at the safety for the abutting site.

J. Duffy: We met with McDonalds several times and they don’t want the abutting traffic through their site. This is a more intense site. If Merchants redevelops, they can have

cross-access to Benton Road for the “pancake house”. McDonalds could decide to leave their existing restaurant structure, however they are coming before us to enhance their site. We need to take each project on a case-by-case basis for cross-access to determine if “deemed undesirable/impractical”.

C. Granfield: I think with McDonalds use, a cross-easement may be problematic due to accidents.

D. Hemeon: I am opposed to the cross-easement, because it would put too much traffic onto Martin’s Ferry Rd.

C. Rice: Cross-access alternative - Merchants has land behind McDonalds (Map 30, Lot 25) that they can use to access Martins Ferry Rd. They would cut through a small portion of McDonalds back north corner abutting “pancake house” Map 30, Lot 25. We would lose up to 3 parking spaces with this option. There would be no restrictions by McDonalds to the abutting “pancake house” lot with this option.

***Robert Duhaime motioned to grant waiver #2 (this would not require a cross-access).
Seconded by C. Granfield.***

Vote 4 in favor (J. Mudge, C. Granfield, D. Hemeon, and T. Walsh) and 4 opposed (N. VanScoy, M. Cannata, J. Gryval, and Robert Duhaime). Motion not carried (tie).

***Robert Duhaime motioned to deny waiver #2 (this would require a cross-access).
Seconded by M. Cannata.***

Vote 4 in favor (N. VanScoy, M. Cannata, J. Gryval, and Robert Duhaime) and 4 opposed (J. Mudge, C. Granfield, D. Hemeon, and T. Walsh). Motion not carried (tie).

***Robert Duhaime motioned to table waiver #2. Seconded by M. Cannata.
Vote 3 in favor and 5 opposed. Motion not carried.***

***N. VanScoy motioned to grant waiver #2 conditional no exit onto Rte 3 – entrance only (this would not require a cross-access). Seconded by Robert Duhaime.
Vote 4 in favor and 4 opposed. Motion not carried (tie).***

C. Granfield motioned to grant waiver #2 conditional ROW access be through a small portion of McDonalds back north corner abutting Merchants “pancake house” Map 30, Lot 25 for them to further access Martin’s Ferry Road via Merchants Map 30, Lot 24. (this would not require direct cross-access from McDonald’s site to Martin’s Ferry Road for Map 30, Lot 25). Seconded by D. Hemeon.

Vote 5 in favor (M. Cannata, J. Mudge, C. Granfield, J. Gryval, and D. Hemeon) and 3 opposed (N. VanScoy, Robert Duhaime, and T. Walsh). MOTION CARRIED.

Waiver #1 access to site from Rte 3 (Hooksett Rd.) & Martin’s Ferry Rd. (this would allow two accesses to site)

N. VanScoy motioned to grant waiver #1 conditional no left turn northbound from Rte 3 into site (entrance only for southbound traffic from Rte 3). Seconded by Robert Duhaime.

Vote unanimously in favor.

Waiver #3 pylon signage w/address

N. VanScoy motioned to grant waiver #3. Seconded by J. Mudge.

Vote unanimously in favor.

Waiver #4 to lose up to 3 parking spaces (for site redesign to accommodate ROW access through a small portion of McDonalds back north corner abutting Merchants “pancake house” Map 30, Lot 25 for them to further access Martin’s Ferry Road via Merchants Map 30, Lot 24.)

Robert Duhaime motioned to grant waiver #4. Seconded by C. Granfield.

Vote unanimously in favor.

WAIVERS #1-4 ABOVE PER RSA 674:44 (III) (E) (2).

Open public hearing

No comments.

Close public hearing

Robert Duhaime motioned to approve the application conditional:

- All review fees are paid-in-full
- LCHIP check payable to Merrimack County Registry of Deeds is submitted to the Community Development Dept.
- 2 mylars, 8 paper copies (22x34), 1 paper copy (11x17), and 1 digital
- All outstanding comments from Stantec are addressed to Stantec’s satisfaction (see letter dated 03/03/11 from Stantec). Applicant submits two (2) final plan sets directly to Stantec for their review and final letter to the Community Development Dept. recommending plans be signed and recorded
- All outstanding Federal, State, and local permits are obtained and submitted to the Town and Stantec to include DOT permit
- Letter from Central Hooksett Water Precinct stating they have capacity and approve this project
- Letter from Hooksett Sewer Commission stating they have capacity and approve this project
- ROW access easement agreement for Map 30, Lot 25 reviewed and approved by Town Attorney.
- ROW access signed agreement to be submitted to Community Development Dept. for recording with plan set.
- ROW access design for Map 30, Lot 25 shown on plans
- All signage dimensions & locations noted on site plan sheet
- All waivers noted on plan cover sheet

- Applicant agrees to attend a required pre-construction meeting after (a) all sureties are submitted and approved, (b) site plan compliance monitoring escrow is in place and the Inspection Funding Agreement is signed and submitted, (c) the plans are signed and recorded, and (d) signed as-builts are provided to the Town and Stantec
- Applicant agrees to site plan compliance monitoring
- Note on plan “Approval of this plan shall expire four (4) years from the date of the Planning Board approval, as recorded in the Planning Board Minutes, unless the right to develop has vested.”

Note: No impact fees assessed; demolition of existing building to construct new building on same site for same use.

Seconded by C. Granfield.
Vote unanimously in favor.

- 2. JOHN KELLY & STEPHANIE ROY (#10-11)**
“Heritage Family Credit Union”, 1337 Hooksett Rd., Map 25, Lots 18-1 & 18-2
Site plan for the proposed demolition of the existing structure and construct a 1-story 3,095 sq ft credit union with drive-thru and access off Lindsay Road.

J. Duffy: We haven’t received any plans since the 2/14/11 Board meeting. Referred to Atty. Sokul dated 3/3/11. HFCU is not in favor of the shared access. Waiver for traffic study was denied at the last Board meeting and the figures in HFCU initial traffic count review are incorrect.

John Sokul, Atty. representing HFCU, Randy Martel, HFCU Exec. VP Ops, and Jason Hill, Holden Engineering.

R. Martel: Provided an overview of HFCU to include GE employees and the Fairhaven CT building model (both in and out). In a year at the Fairhaven site HFCU business doubled. A cross-access easement is a competitive disadvantage.

J. Sokul: HFCU negotiated an access easement off Lindsay Rd with landowner (Stephanie Roy) of the strip of land abutting Lindsay Rd and our site. Stephanie would not grant a blanket easement to include cross-access without knowing the access location and use for the adjacent property (Map 25, Lot 10). She said it could have more impact to her residential home. Read from access easement restriction language 1B pg 1-2. HFCU is relocating across the street to a larger building with a drive-thru. Not knowing the adjacent use, HFCU concerns are: competition, security (too many means of egress to encourage theft), and traffic safety. If the Board requires a cross-access with the adjacent property, then HFCU will find a different location for their business. HFCU did no further designing until the cross-access issue is resolved. They do not want the cross-access; therefore they did not ask their engineer for design options.

M. Cannata: Would HFCU be happy if no other business (traffic) was around?

Robert Duhaime: If yes, then HFCU doesn't need access from Rte 3 (just access via Lindsay Rd).

D. Hemeon: Would you be opposed for a separate access by the adjacent property onto Lindsay Rd.?

R. Martel: I cannot speak for Stephanie Roy.

J. Duffy: If the Board is allowing a cross-access up hill at the rear of the HFCU property, then you need to take into consideration there are 300 homes up there with only one means of ingress and egress through the traffic light at Lindsay Rd & Hooksett Rd. There needs to be a more detailed traffic review.

Open public hearing

Michael Sorel, 54 Cross Road: Easements are a taking of someone's property "rights, title and interest" in another. I have 40 yrs+ in the real estate business. You cannot deny the use of a property without compensating them. If the Board is requiring a cross-easement, how is the Town of Hooksett going to compensate the landowner (monetarily or otherwise)? I am in favor of this project.

J. Hill: Secondary private access to John Kelly's main lot would make for a dangerous sight distance situation. Additionally the soil test pits we completed behind the drive-thru determine there is not enough room for another private access. From Rte 3 access it will be restricted to northbound right turn out, southbound left turn in.

J. Gryval: If cars are stacked at the traffic light, people (residents of Campbell Hill or others) may cross through the 2nd access to get to Rte 3.

D. Hemeon: This is a very good plan. It is Mr. Kelly's issue for access to his other site (Map 25, Lot 10).

J. Mudge: I live up at Campbell Hill and am a customer of HFCU. A 2nd access onto Lindsay Rd. for the adjacent property is not safe or practical. You would hear negative comments from the Campbell Hill residents on this.

Waiver #1 cross-access (HFCU easement to John Kelly Map 25, Lot 10 site to access Lindsay Rd.)

*Robert Duhaime motioned to grant waiver # (this would not require a cross-access).
Seconded by C. Granfield.*

Vote 6 in favor. Robert Duhaime opposed. Motion carried.

Waiver #2 traffic study

J. Duffy: This waiver was denied at the last Board meeting.

J. Sokul: Randy states 27 customers per day. This is an existing facility just moving across the street. A full traffic study shouldn't be needed.

D. Tatem: Rich Radwanski @ DOT is OK with not having a full traffic study as long as the Town is OK. He suggested there may need to be a traffic light timing adjustment. The traffic count came in at 71. There could be excessive stacking on Lindsay Rd. for left turns at the light onto Rte 3. Also if a business is closed for 1 yr + you don't count it in the numbers.

J. Sokul: And we didn't count it in the numbers.

Robert Duhaime: When you complete your site, you may get more customers.

D. Tatem: The existing site is smaller in sq ft and has no drive-thru. The proposed site is larger with double drive-thrus.

R. Martel: The drive-thru will have one for ATM and the other for a tube.

D. Tatem: We sent Stantec's traffic study guidelines to Holden's office.

J. Duffy: Roadway control by DOT, if there is a future problem could DOT then make an adjustment to the traffic light?

D. Tatem: The State would look for a study to change the traffic light timing.

J. Duffy: Referred to memo from Robert Bollinger, PE @ DOT "no formal scoping needed", short version OK.

J. Sokul: Rte 3 is a State highway and we have gone through the appropriate process with the State.

D. Tatem: The State is only concerned with Rte 3 and not Lindsay Rd (Town road) that has 300 homes up there with only one means of ingress and egress through the traffic light at Lindsay Rd & Hooksett Rd.

J. Duffy: A traffic study is required if impact is over 50. The applicant can ask for a waiver. This is in our Development Regulations effective November 29, 2010. They submitted their site plan application after this timeframe.

J. Sokul: We would like a site plan approval tonight with the condition of DOT light timing.

C. Granfield: Before the regulations changed in November 2010, would they have needed a traffic study?

D. Tatem: We still would have requested a traffic study.

Board consensus: Original waiver decision upheld; Traffic Study (full traffic impact analysis per Stantec's scope as provided to Holden Engineering) is required.

Waiver #3 lighting levels abutting residential property

*N. VanScoy motioned to grant waiver #. Seconded by Robert Duhaime.
Vote unanimously in favor.*

WAIVERS #1-3 ABOVE PER RSA 674:44 (III) (E) (2).

J. Gryval: **Signage** - submit more detail to the Community Development Dept. to include: materials, color, and night & day view. Also directional signage should not include letter "H".

Close public hearing

C. Granfield motioned to approve the application conditional:

- All review fees are paid-in-full
- LCHIP check payable to Merrimack County Registry of Deeds is submitted to the Community Development Dept.
- 2 mylars, 8 paper copies (22x34), 1 paper copy (11x17), and 1 digital
- All outstanding comments from Stantec are addressed to Stantec's satisfaction (see letter dated 02/11/11 from Stantec). Applicant submits two (2) final plan sets directly to Stantec for their review and final letter to the Community Development Dept. recommending plans be signed and recorded
- All outstanding Federal, State, and local permits are obtained and submitted to the Town and Stantec to include DOT permit (w/divided island to force right turn out of HFCU onto Rte 3)
- Letter from Central Hooksett Water Precinct stating they have capacity and approve this project
- Letter from Hooksett Sewer Commission stating they have capacity and approve this project
- Submit a traffic study (full traffic impact analysis). DOT to determine if traffic light timing at Lindsay Rd. & Hooksett Rd. needs adjustment
- Note the non-disturbed buffer between residential and PZ on the landscape and site plan sheets; include on east and south borders
- Access Easement to be reviewed and approved by Town Attorney
- Sight Distance Maintenance Agreement to be reviewed and approved by Town Attorney
- Access Easement AND Sight Distance Maintenance Agreement (signed) to be submitted to Community Development Dept. for recording with plan set
- All signage dimensions & locations noted on site plan sheet
- Submit additional signage details to the Community Development Dept. to include materials, color, and night & day view. Also directional signage should not include letter "H".

- All waivers noted on plan cover sheet
- Applicant agrees to attend a required pre-construction meeting after (a) all sureties are submitted and approved, (b) site plan compliance monitoring escrow is in place and the Inspection Funding Agreement is signed and submitted, (c) the plans are signed and recorded, and (d) signed as-builts are provided to the Town and Stantec
- Applicant agrees to site plan compliance monitoring
- Note on plan “Approval of this plan shall expire four (4) 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 remit \$8,109 in impact fees 10 days prior to the issuance of the Certificate of Occupancy subject to NHRSA 674:39 (Impact Fees: Roadway \$5,323 + Public Safety \$2,786).

*Seconded by T. Walsh.
Vote unanimously in favor.*

OTHER BUSINESS

3. University Heights/Greenview Management Master Plan Update (#06-34)
204 Apts, Map 14, Lot 1-12

Jeff Burd, Greenview Management: The University Heights master plan was last approved in 2004. We are now submitting revisions as of 2/25/11 for the 204 apartments. We have a new buyer for this and want to get the plan recorded.

*N. Vanscoy motioned to approve the revised University Heights master plan dated 02/25/11 for the 204 apartments. Seconded by M. Cannata.
Vote unanimously in favor.*

4. Donald Winterton, Prescott Heights, Map 48, Lot 19-4 (Bielizna #10-02)
Sprinkler Requirement

Donald Winterton, owner Map 48, Lots 19-3 & 19-4: This discussion tonight has no reflection of the Bieliznas or quality of their person. The location is 10 Prescott Heights road for the construction of a residential home. I have spent \$900 for the PSNH Pole and am using geotherm products. Tonight I am requesting the Board waive the requirement for sprinkler system for the structure at 10 Prescott Heights within the Board approved 6-lot Bielizna subdivision. The criteria for this is found within the “roads” section of the building regulations. Referred to “history and background” sheets distributed to Board members and made part of the record. The parent lot Map 48, Lot 19 is part of the approved subdivision. The Bielizna’s built a new residential home for themselves, but were not required to install a sprinkler system. There should be no intent to treat these lots differently (exemptions for sprinkler system requirements) and I ask the Board to treat me the same as others.

J. Duffy: The CEO, Deputy Fire Chief, and myself met with Mr. Winterton. There was a house on the parent lot and then they subdivided into 5 additional lots – parent lot is not part of the proposed subdivision. There was no note on the plan that the existing house would be demolished and a new home would be built. Even if there was a note to demolish, CEO & Fire interpreted the parent lot as grandfathered. Fire stated in writing they are not in favor of waiving the sprinkler system requirement as it is a “safety issue”. If this Board were thinking of waiving the requirement, you could not do it tonight because we would need to notify abutters. Tonight is only for discussion.

J. Gryval: Old property under parent lot now has a new home and should be treated like the rest of the subdivision.

J. Duffy: It is interpreted by CEO & Fire that the parent lot is grandfathered for new construction.

D. Tatem: I spoke with Mike (Fire) and Peter (CEO). Plan states all proposed homes must be sprinklered. It didn't show the house taken down and a new house constructed.

J. Gryval: This Board goes with the Fire Dept. decision.

D. Winterton: Does this Board follow the same regulations that I am required to follow? The Bielizna's building permit states “new construction”. There is nothing in the regulations for grandfathered lots. Only this Board has the right to waive the sprinkler system requirement. I spent well over \$2,000 to make my home and other lots to what Hooksett wanted. I could have run 160 ft of wire across the road for the electrical system. It is clear to me this Board has not followed the regulations.

Board consensus: In favor of structure being sprinklered as previously required. T. Walsh opposed.

Planning Board documentation hard copies

J. Gryval: Documentation (Stantec letters, Town Planner comments, Planning Board agendas & minutes, and Building Dept. letters) you (Planning Board members) receive via e-mail will no longer be hard copied by Donna and distributed to you.

*J. Mudge motioned to adjourn at 9:00pm. Seconded by C. Granfield.
Vote unanimously in favor.*

ADJOURNMENT

Chair J. Gryval declared the meeting adjourned at 9:00pm.

Respectfully submitted,

Donna J. Fitzpatrick,
Planning Coordinator