

**Official
As of 05/02/11**

**HOOKSETT PLANNING BOARD
MEETING MINUTES
HOOKSETT MUNICIPAL BUILDING
Monday, April 4, 2011**

CALLED TO ORDER

Vice-Chair Robert Duhaime called the meeting to order at 6:00pm

ATTENDANCE – PLANNING BOARD

Vice-Chair Robert Duhaime, M. Cannata, J. Mudge, T. Walsh, F. Kotowski, and B. Perry (arrived 6:08pm),

Excused: Chair J. Gryval, D. Marshall, Town Administrator, C. Granfield, D. Hemeon, and Town Council Rep. N. VanScoy.

Absent: Y. Nahikian.

REPRESENTING TOWN OF HOOKSETT

Town Planner, Jo Ann Duffy.

Robert Duhaime: Alternate T. Walsh will be voting tonight in place of D. Marshall and alternate B. Perry will be voting tonight in place of J. Gryval.

APPROVAL OF MINUTES OF 03/07/11

M. Cannata motioned to approve the minutes of 03/07/11. Seconded by J. Mudge. Vote in favor. F. Kotowski, B. Perry, and T. Walsh abstain.

WAIVER OF SITE PLAN

- 1. MS & G - PSNH (#11-01)**
27 Lehoux Dr., Map 24, Lot 36-4 AND 2 Petersbrook Dr., Map 24, Lot 36-5
Proposal for PSNH temporary (2 yrs) storage of utility poles & vehicles (10 bucket trucks w/reels). The permanent storage will be accommodated when PSNH receives site plan approval to construct their proposed Legends Dr. facility.

Laura Games, PSNH: Requesting waiver of site plan for use in MUD #5 two vacant MS & G lots for temporary 2 yr. storage of 250-300 utility poles. Originally our waiver request included utility vehicles; however we are no longer pursuing that part. These poles are being moved from Bow and are 65 ft, 85 ft, to 95 ft long. There will be space in between for a forklift truck. PNS is being evicted from the generator station in Bow and they need to be moved by July 1st. You will be receiving the site plan application in the near future for CT & M facility where these poles will be permanently stored in the future. There will be minimal site work at the temporary location. The access way is

steep so we will build up with crushed stone. We will gravel two turnaround areas and gravel isles where the poles are stored. There will be no paving or grading. We would have hardship if we had to come before this Board twice with site plans. Our waiver carries out the spirit and intent of the ordinance. It is not a nuisance use and it is only for 2 yrs. Traffic will only be a couple of trips per day to get poles for infrastructure improvements. The property is in the groundwater conservation overlay district; however the poles pose no threat.

J. Duffy: The PCP chemical on the poles is my only concern. Could the poles be raised and covered?

L. Games: Poles will be on racks above the ground.

J. Duffy: And should they be covered due to rainwater?

L. Games: They are not water soluble.

F. Kotowski: I worked for PSNH my entire career. I am familiar with the chemical on the poles and have no concern. I have question with the number of poles. Would PSNH be adding additional stock to the Bow supply over the next two years?

L. Games: No, our intent is to reduce the overall number moved from Bow.

M. Cannata: Traffic flow?

L. Games: Lehoux Dr. gated entrance to parcel, gravel turnaround area, access way, another turnaround, forklift up and down isles to get poles.

M. Cannata: How to access Lehoux Dr.?

L. Games: From Rte 3.

M. Cannata: There is quite a traffic wait on occasion at Lehoux Dr. and Rte. 3.

Open public hearing

No comments.

Close public hearing

F. Kotowski motioned to grant the waiver of site plan as presented conditional:

- ***Temporary storage of 250-300 utility poles for 2 yrs. (expiration 4/4/2013)***
- ***Original waiver request will no longer include storage of utility vehicles w/reels***

Seconded by J. Mudge.

Vote unanimously in favor

WAIVER ABOVE PER RSA 674:44 (III) (e).

WAIVER REQUEST

**2. Donald Winterton (#10-02)
10 Prescott Heights, Map 48, Lot 19-4**

Waiver request to Development Regulations section 11.12.1 (Street System – Roadway Requirements) sprinkler system requirement for single family homes.

Donald Winterton, owner 10 Prescott Heights: I was before this Board previously (3/7/11) for discussion on this same matter, but not a formal waiver. Now the abutters have been notified. Senate voted and passed SB91 on 2/16/11. House voted on HB109 on 3/16/11. Articles are required for development, not a requirement. This is not State law today. I had discussion with the State Senate today, both bills are similar. This will become law. I purchased ROW and built the ROW for this lot. I could be the only person required to have a sprinkler system. Only this Board can waive the sprinkler system requirement. The Fire and Building Departments do not have the authority to waive, but they have done that. Some of the abutters are here tonight.

J. Duffy: Mr. Winterton is correct two bills are pending. If they pass, then they need to be signed by the Governor and will be in effect 60 days after. I spoke with Deputy Fire Chief Hoisington and I will read his written comments dated 4/4/11 into the record: "I am aware that Mr. Winterton is on the agenda for tonight's Planning Board meeting seeking a waiver of the sprinkler system requirement. As stated before I would request that the waiver be denied. This is a town requirement that the system was to be installed. The latest information I have is that even if HB109 passes it will not affect subdivisions approved prior to the potential passage of the bill. If we waive this requirement for this lot then it will be a slippery slope of others that have been approved."

D. Winterton: I spoke with members of the senate and they may take out the effectiveness 60 days language and make it immediate. If sits on the Governor's desk for more than 10 days it automatically becomes law.

F. Kotowski: Both bills must be signed by Governor and only then be effective 60 days. If we provided you with a waiver today and one or both of these bills don't pass, then we set a precedent that we should not set.

T. Walsh: I am favor of the waiver request of not mandating sprinkler systems for single or two units. In my opinion we have an error in our existing regulation. Can we look at it this way in making our decision?

D. Winterton: Subdivision plan purpose is to subdivide into 6 lots. The parent lot owners wanted to build a new house when they got some money from selling the subdivided lots. The parent lot is part of the subdivision. Note states "shall" have sprinkler not "may". Building Dept. letter refers to sprinkler system as conditions of approval. This Board is the only one with authority to waive it, not the Building or Fire Departments. I was told the parent lot is grandfathered.

B. Perry: Knowing the environment at the State, it is not law and not in affect at this time. The Governor could veto.

J. Duffy: Subdivision approved was one large parent lot divided into 5 additional lots. The parent lot had an existing home on it. The plans were signed and recorded then the Bieliznas sold two lots to Mr. Winterton. They built a new house and recently demolished their old house. When they went to the Building Dept. they were told a sprinkler system was not needed, because they (Bieliznas) were replacing a home and they have had that permit since January 2011.

B. Perry: Any other developments in Town that needed sprinkler systems?

J. Duffy: If they don't have public water, yes other developments with same criteria would have to have a sprinkler system.

F. Kotowski: One or the other or both bills need to be signed into law. Until that happens the Town regulations have what we need to comply with.

Open public hearing

Builder: Future lot next door, if this bill passes, will that house need a sprinkler system?

J. Duffy: It all depends how the final legislation is worded "can't apply to previous" OR "effective x date".

B. Perry: If the bills are adopted, I think you would have grounds to come back to this Board based on the law.

D. Winterton: Building Dept. stated this was an existing; however on their permit it states new construction.

Close Public hearing

B. Perry motioned to deny the waiver request to Development Regulations section 11.12.1 (Street System – Roadway Requirements) sprinkler system requirement for single family homes due to:

- ***non-compliance with Town of Hooksett regulations at this time***
- ***Neither SB91 or HB109 bills have been adopted at this time, therefore Planning Board unable to grant waiver request***

Seconded by M. Cannata.

T. Walsh: We should fix the error in our regulations or eliminate it.

B. Perry: There are two issues: 1) 5 lots for someone to build on, and 2) Bieliznas didn't have to have a sprinkler system in their new home.

D. Winterton: Bieliznas were not required to do underground utilities or have a sprinkler system.

***Vote 5 in favor. T. Walsh opposed. Motion carried.
WAIVER ABOVE PER RSA 674:36 (II) (n).***

OTHER BUSINESS

**3. (CONTINUED TO FUTURE MEETING)
HERITAGE V BOND – Update from DPW & Engineering**

4. 2011-2012 CIP COMMITTEE SELF-AUDIT REPORT

Robert Duhaime: Facilitated presentation of CIP Committee Self-Audit Report to include recommendations to the Planning Board in order by importance.

F. Kotowski: This is the best self-audit we have had in a long time.

J. Duffy: CIP Committee recommendations, if this Board adopts, then can go to the Town Council. For next year's self-audit, the committee may want to include a sample of what departments submit for the CIP process. SNHPC meeting on pre-certifying lots; all Towns would do this the same way and an applicant would come before the Board with a "certified site" listing.

F. Kotowski: We could cut permitting time down drastically. Look at property in Town and suitability for certain kinds of business activities.

J. Duffy: The Town is spending too much time into developing Exit 11; there are other parcels in Town with potential.

R. Duhaime: It is important we have an EDC member on the CIP Committee.

B. Perry motioned to adopt the 2011-2012 CIP Committee recommendations to the Planning Board as proposed in the committee's self-audit report. Seconded by J. Mudge.

M. Miville: A lot of projects go through Town Council that do not follow the CIP process. The Planning Board needs to speak up about this (i.e. land purchases of Clay Pond and Pinnacle or DPW \$87,000 item). It is a violation of the CIP process.

R. Duhaime: The Town Council should not approve anything if it hasn't gone through the CIP process.

M. Cannata: Marc makes an excellent point. The Town Council should participate in an educational workshop on the relationship between the CIP Committee and the Planning Board.

F. Kotowski: The Town Charter should be looked at as to what functions of the various entities are in Town.

Vote unanimously in favor.

4/21/11 Joint Land Use Workshop Meeting Hosted by Planning Board & Upcoming Meetings

J. Duffy: We are scheduling a joint workshop with the Planning Board, ZBA, Conservation Commission, and Town Council. I am putting together an agenda. We will not have a regularly scheduled Planning Board meeting on 4/18/11, however we do have a TRC meeting this Thursday for the PSNH CT & M facility off Legends Drive.

*F. Kotowski motioned to adjourn at 7:25pm. Seconded by M. Cannata.
Vote unanimously in favor.*

ADJOURNMENT

Vice-Chair Robert Duhaime declared the meeting adjourned at 7:25pm.

Respectfully submitted,

Donna J. Fitzpatrick,
Planning Coordinator