

**Official**  
**As of 07/11/11**

**HOOKSETT PLANNING BOARD**  
**MEETING MINUTES**  
**HOOKSETT MUNICIPAL BUILDING**  
**Monday, June 20, 2011**

**CALLED TO ORDER**

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

**ATTENDANCE – PLANNING BOARD**

Chair J. Gryval, Vice-Chair Robert Duhaime, Town Administrator, C. Granfield, D. Marshall (arrived 6:10pm), M. Cannata, F. Kotowski, D. Urquhart, and B. Perry (arrived 6:15pm).

Excused: J. Mudge

Absent: Town Council Rep. N. VanScoy, T. Walsh, and Y. Nahikian.

**REPRESENTING TOWN OF HOOKSETT**

Dan Tatem, Stantec.

J. Gryval: Alternate B. Perry (arrived 6:15pm) will be voting tonight in place of J. Mudge.

**APPROVAL OF MINUTES OF 06/06/11**

*M. Cannata motioned to approve the minutes of 06/06/11. Seconded by C. Granfield.*

*Vote 5 in favor. Vice-Chair Robert Duhaime abstains. Motion carried.*

**CONTINUED PUBLIC HEARING & JOINT MEETING WITH ZONING BOARD OF ADJUSTMENT (ZBA)**

- HEFFRON ASPHALT CORP. (#11-02)**  
**Hackett Hill Rd., Map 13, Lots 57 & 58**  
Lot line adjustment.

**ATTENDANCE - ZBA**

Chair C. Pearson, Vice-Chair Roger Duhaime, P. Denbow, M. Simoneau, Town Council Rep. J. Levesque, R. Bairam. Also in attendance P. Rowell, CEO.

Jennifer McCourt, McCourt Engineering & Jeff Larrabee, applicant.

J. McCourt: My understanding from the ZBA plans & minutes is that the back parcels are being disturbed. There has been illegal activity (4-wheelers and motorized bikes) that has

caused the area being disturbed. We are proposing a lot line adjustment area (lots 57 & 58). The two parcels are commercial lots to then be sold to get commercial entities on these lots. It will be restored because you will have a future site plan with landscaping. In these hard economic times, we want to create two lots free and clear for someone to sign P&S for a final site plan in the commercial area. That (lot line adjustment) is what we submitted to the Planning Board.

J. Gryval: The application was submitted as a lot line adjustment. They are not creating any lots or removing any lots, therefore it is a lot line adjustment. Peter Rowell, CEO, has six issues and the ZBA completed a site walk. The Planning Board is only interested in these two lots 57 & 58. We can't do anything on 17-11.

P. Rowell: I didn't poll the ZBA after the site walk. We looked at the gravel ordinance and what is out there. There are some areas of erosion because the slopes are too steep, and there is some erosion from ATVs. The ordinance states that all slopes are to be natural repose of natural soil. I would say the slopes are steeper than what is naturally reposed. Open erosion, areas disturbed by ATVS, can't grow vegetation because there isn't enough soil . . . this warrants some attention.

J. Gryval: What are the deficiencies of the two lots 57 & 58?

P. Rowell: There are 3 issues for lots 57 & 58: 1) erosion areas because slopes are too steep, 2) disturbed areas because of ATVs, and 3) no growing of vegetation because there isn't enough soil to grow. The slopes should be reclaimed to natural repose.

C. Pearson: I don't think any soils were added to get any vegetation. I agree with Peter's comments on the slopes.

Roger Duhaime: Should the whole Board vote? We didn't have a meeting after the site walk.

**ZBA consensus:** We agree with Peter's comments:

- Chris Pearson - yes
- Roger Duhaime (went on site walk) - yes
- Phil Denbow (went on site walk) - yes
- Michael Simoneau - yes
- Jim Levesque - yes
- Richard Bairam (went on site walk) - yes

J. McCourt: The slopes they are referring to are not on lots 57 & 58. There are some 2:1 slopes on this property. The question is what is naturally reposed?

Robert Duhaime: Lots 57 & 58 have had no reclaiming. Any shifting has been done from nature. There are large boulders left on the site.

J. McCourt: May 11, 1999 both the ZBA & Ken Andrews agreed some reclaiming was done on the site.

Robert Duhaime: I believe that is where the power lines are and that area may have been reclaimed.

J. McCourt: Not according to the ZBA minutes.

P. Rowell: My recommendation is that the owner of the property should come to the ZBA with a reclamation plan and timeframe for completion.

J. Larrabee: Everyone has their opinion, however the ZBA minutes and tax card has the site as reclaimed. Now it is not reclaimed due to an expired permit issue. There are no trespassing issues with motorized ATV's/bikes. Lot 1 is grassy, and lot 2 is grassy. My argument is it is vegetated and reclaimed. I have had this property under P&S. I worked on the Cabellas proposed development for 2 ½ yrs. Cabellas spent \$750,000 on their proposed development that would have created 800-1,000 jobs and would have saved homes. Then Bass Pro Shops approached us. Now we have stepped back the development to do baby steps. We want two buildable lots to sell as commercial for phase I. 2002 bond expired and there was not a word from the Town for 10 yrs. Let things take their time. As someone sitting here who worked on Cabellas and Great Woods Resorts with a 63% TIFT, I do not want to create a hostile relationship. But let me know where the property violation is on these lots (57 & 58) and what needs to be done to fix it. Resistance outside and a 63% TIFT, it was clear the Town wanted Cabellas. Someone in Town wanted a recount on the vote. Cabellas left because they felt they were not wanted here. Toll revenue alone with a shop at Exit 11 would bring in \$1.5 million additional revenue.

J. Gryval: For the lot line adjustment find deficiencies, establish a deadline, and get them done. If you had a site plan before us, we wouldn't ask you to reclaim it. If it is a lot line adjustment, the Town will require some reclamation.

J. Larrabee: All I want is full disclosure.

P. Rowell: You were in our office 4-5 months ago and met with Jo Ann Duffy, Dan Tatem & myself. The reclamation plan was asked for back then.

J. McCourt: What you asked us for was huge, and we scaled back to baby steps with the lot line adjustment. Putting up a bond and doing the reclamation is huge. The very steep slopes you are talking about are not on lots 57 & 58. I can understand some slope retention. I am asking for some help.

J. Larrabee: I would encourage you to ask legal counsel on just these two lots 57 & 58 to see if these requirements need to be done.

J. Gryval: If you don't want to reclaim it, come in with a site plan. That is one way to do it.

Robert Duhaime: This Board has changed regulations over time. You purchased property and it comes with baggage.

Roger Duhaime: It has to be a level playing field. If we do something for this site, then we have to do the same for all. We need to stick to rules of the ordinance. I am not in business to make sure you make a good business or money. I abide by the rules of zoning.

J. Larrabee: Regulations and violations have been looked at. I am only an optionee on a P&S. The Town has taxed him (owner - Heffron) as having a gravel permit for the last 10 yrs. One Town department states he no longer has a gravel permit, but he has been spending money that there was a gravel permit. That is not fair. Since Ken Andrews left, there have been issues. The Town has had a blind eye for 10 yrs. Give us a little time.

C. Pearson: Provide a reclamation plan to the ZBA.

**Open public hearing**

Mike Sorel, 54 Cross Rd: Referred to definition of lot line adjustment from the Town Development Regulations Nov 2010: "Any subdivision involving a minor relocation of a lot line between two properties or the annexation of land where the lot areas do not change by more than twenty-five (25) percent". Does the 25% lot line adjustment formula apply to what is before you?

J. Gryval: We have never adhered to that percentage. There is not a new lot, then it is not a subdivision.

M. Sorel: Do either one of these lots carry the 25%?

J. Gryval: There are no new lots being created.

M. Sorel: May 16, 2011 Planning Board meeting minutes: "J. Duffy: This application was found complete on 5/2/11. We are waiting for the written easement for the 50' ROW for Town Attorney review and a note #11 added to the plans to reflect this easement. Staff is recommending conditional approval for the written easement." I confirmed with the Community Development Dept. at noon today that there is no easement document at this time and that it will be submitted after the fact. Are the 50' ROW rights title and interest to the property to the East?

J. Gryval: It has always been this way to get the easements after the fact as a condition of approval.

M. Sorel: Will I be notified of easement document?

J. Gryval: Yes, I will have staff contact you.

**Close public hearing**

***Robert Duhaime motioned to approve the application conditional:***

- Reclamation plan and bond to be submitted to the ZBA for their review and approval to include establishing timeframes for reclamation of site
- 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, 11 paper copies (22x34), 1 paper copy (11x17), and 1 digital
- All outstanding comments from Stantec are addressed to Stantec's satisfaction (see letter dated 05/11/11 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
- 50' ROW Easement to be submitted to Community Development Dept. for Town Attorney review and approval
- Signed 50' ROW Easement to be submitted to Community Development Dept. for recording with plan set
- All waivers noted on plan cover sheet
- 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: The above conditions in no way reflects all requirements to be met by the applicant per the Town of Hooksett Zoning Ordinances, Development Regulations, Minutes of Boards/Committees/Council, Stantec, and Merrimack County Registry of Deeds.***

***Seconded by C. Granfield.***

***Vote 7 in favor. F. Kotowski opposed. Motion carried.***

**MRI SURVEY JOINT MEETING (Planning Board, ZBA & Conservation Commission)**

C. Pearson: We gave the date of June 27<sup>th</sup> to Lee Ann to notify you.

***CONCENSUS: JUNE 27<sup>TH</sup> MRI SURVEY DISCUSSION MEETING @ 6:00PM  
TOWN HALL CHAMBERS.***

**OPEN SPACE PLAN PRESENTATION**

2. **OPEN SPACE PLAN – REVIEW & REQUEST FOR ADOPTION  
Amy Kizak & Linda Burbank, SNHPC**

A. Kizak: Presented slide show overview of the Hooksett Open Space Plan to include: 4-step process 1) base map, 2) Delphi process, 3) defining green infrastructure, 4) identifying priority parcels. We obtained recommendations from the Town Open Space Committee and CIP process. We are requesting tonight the adoption of this plan by the Planning Board to include integration into the Master Plan.

M. Cannata: The monies should be moved at the CIP process. What is the link between the CIP and goals presented by the Open Space Committee? The link hasn't been there in the past.

Robert Duhaime: Conservation should not purchase land unless there is another source. I would like to think it would be in CIP process. We will try again.

D. Marshall: Purchasing and preserving land through conservation funds. It might become future CIP funds, if money is not available in the conservation funds.

Robert Duhaime: I spoke to an abutter of Bear Brook State Park about Bear Paw and the landowner (abutter) was interested in giving his back parcel. How many residents know future conservation land can save them in their taxes?

F. Kotowski: There has been great care given to select corridors to connect (Bear Paw, Pinnacle, LCHIP program). We look to the future for when funds are available. As part of the Master Plan we review from time-to-time and when the time is right we strike. David Hess worked extremely hard on this. I would highly encourage the Board to support and adopt it as part of the Master Plan.

D. Marshall: We can adopt the Open Space Plan tonight as a standalone document. If it is to be integrated in the Master Plan, then we would need to post and hold a public hearing.

*D. Marshall motioned to adopt the Open Space Plan as a standalone plan. Seconded by M. Cannata.  
Vote unanimously in favor.*

***FOR FURTHER INFORMATION ON THE OPEN SPACE PLAN, CONTACT THE COMMUNITY DEVELOPMENT DEPT. AT (603) 268-0279***

**WAIVER REQUESTS & REQUEST FOR AMENDMENT TO THE 3/7/11 PLANNING BOARD CONDITIONAL APPROVAL**

3. **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.

Peter Holden, Holden Engineering:

- #1 Waiver request to Zoning Ordinance 10-A (G) (c) dual frontage with access from major street. We are talking about buying a strip of land from abutter Stephanie Roy. If we buy it, we don't want to lose our driveway cut off Hooksett Rd.
- #2 Waiver request to Development Regulations Part 1. Section 11.20 (1) Traffic Study. Jo Ann contacted the DOT and came to the conclusion a traffic study was not needed.
- #3 Waiver request to Development Regulations Part 1. Section 22.02 Active and substantial development. We will probably start the project in 2 yrs. vs. 1 yr.,.
- #4 Request to amend the 3/7/11 conditional approval from the Planning Board to eliminate the condition for a full traffic impact analysis. Since the traffic study is not needed per waiver #2 above, we would like this item removed from the conditional approval letter we received.

B. Perry: I am recusing myself from anything on this application.

**Open public hearing**

No comments.

**Close public hearing**

*F. Kotowski motioned to grant the 4 items (3 waivers + 1 request) above. Seconded by C. Granfield.*

*Vote unanimously in favor.*

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

**PUBLIC HEARING**

- 4. MANCHESTER SAND, GRAVEL, & CEMENT (MS&G) – HEAD'S POND (plan #07-05 & 07-42)**  
**Map 3, Lots 1 through 11, 17, 19 through 24, 26 AND Map 14, Lots 2 through**
- Lot line adjustment & consolidation
  - Major subdivision – 428 total units (156 single family, 72 Village single family, 59 Village townhouses, 33 single family zero lot line, & 108 townhouses) to include 5.5 miles of roadway improvements
  - Phasing plan

David Campbell, Atty for MS & G and Ron Corriveau, MS & G Project Mgr.

D. Campbell: April 2013 the wetlands will be completed. Spring 2012 start project phase I. The timing is in the Development Agreement. The wetlands permit triggers the easements and land to the Town.

**Waiver request to Development Regulations Section 6. (6.01) 4 construction of wetland crossings per Wetlands and Non-Site Specific Permit 2006-02884 issued to MS & G prior to the recording of the Plan.**

*D. Marshall motioned to grant the above waiver. Seconded by F. Kotowski.  
Vote unanimously in favor.*

**WAIVER ABOVE PER RSA 674:36 (II) (N) (1)/(2)**

D. Campbell: Tonight I am distributing the 6<sup>TH</sup> version of the Development Agreement to be signed by the end of 2011. We didn't subdivide the lots for the school or conservation land. We will come back to the Board in the next couple of months for the subdivision. We will have the plans recorded late spring 2012 and record appropriate documents with the plan at that time. Donating land will be 24 months from the first phase and 5 yrs for completion. Highway improvements will permanently invest us. For the timing of this project we worked closely with Town Council, Dan Tatem, and Jo Ann Duffy for their satisfaction. The sewer has been pre-bought for capacity. There are still things we will need to do long-term for sewer improvements. Village Water has no objection to our project. The water tank above Carriage Hill has enough water for our project, and 3A/Greenview.

D. Marshall: What does this gain for you to get a conditional approval tonight and then let the plans sit for one year?

D. Campbell: That we are done our process with the Planning Board.

D. Tatem: Because of the size of this project, they will provide us with only two 22x34 paper plan sets (one to Community Development Dept. and one to Town engineer). Other departments will only get the sheets they need.

D. Campbell: Once the two lots for the school and conservation are subdivided, then we are ready to get plans recorded.

M. Cannata: What is your drop dead date?

D. Campbell: Within one year from tonight's approval.

**Open public hearing**

John Turbyne: In the Development Agreement it mentions "perpetuity" (forever). It also mentions the Blue Book.

R. Corriveau: Blue Book is for construction detail.

D. Tatem: When we met with David Campbell and the Town Attorney, it was discussed that if the State changes something, or if water/sewer/safety changes, then they have to meet their changed criteria.



D. Campbell: In MUD 5 zoning you have 70% development and 30 % open space. For our project we have 30% development and 70% open space.

D. Tatem: Safety needs to be added to the Development Agreement. Also have all setbacks on the entire parcel where there is development.

J. Turbyne: Waiver of fees in the future; would that include conservation?

D. Campbell: There are no fees waived.

### **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.
- All final, stamped and signed plans must be submitted to the Community Development Dept. and the Town's consulting engineer as appropriate to include:
  - one set of paper plans (22x34) to each for review of the plans as to their compliance as agreed to and approved
  - one set of paper plans (11x17)
  - two mylar sets (recordable sheets only)
  - digital version (see pg I-17 of Development Regulations for details)
  - PDF Planning Board signed version
- Subject to final engineering and technical approval by the Town's consulting engineer
- All outstanding Federal, State, and local permits are obtained and submitted to the Town and Stantec
- Letter from Hooksett Village Water Precinct stating they have capacity and approve this project
- Letter from Hooksett Sewer Commission stating they have capacity and approve this project
- Subject to delivery of all easement deeds as noted in the plans to the Town of Hooksett in a form acceptable to Town Legal Counsel within one year of the conditional Notice of Decision
- Subject to the subdivision of land belonging to MS & G and recording of plan creating a 49.32 acre school site and an additional 25.29 acre parcel for conservation purposes prior to December 31, 2011
- Subject to MS & G, with the Town's cooperation, obtaining written permission from NHDES and NH Fish & Game to relocate the road for school site use, as required on the conservation easement on land located adjacent to the 49 acre school site
- Subject to the execution of the Development Agreement between the Town and MS & G in a form acceptable to Town Counsel prior to December 31, 2011
- Signed easements & Development Agreement to be submitted to Community Development Dept. for recording with plan set

- All waivers noted on plan cover sheet
- For additional conditions please refer to the Development Agreement

*Note: The above conditions in no way reflects all requirements to be met by the applicant per the Town of Hooksett Zoning Ordinances, Development Regulations, Minutes of Boards/Committees/Council, Stantec, and M.C.R.D.*

*Seconded by F. Kotowski.  
Vote unanimously in favor.*

### **OTHER BUSINESS**

#### **PIZZA MAN (All or Nothing, LLC), 254 West River Rd., Map 17, Lot 36 (plan #09-12)**

J. Gryval: Read 5/19/11 e-mail into record from south abutter Tom Cote regarding concerns of the integrity of the vertical cut at his property line as a result of Pizza Man excavation in Fall 2010.

*Robert Duhaime motioned to send a letter to the Pizza Man owners requesting they appear before the Planning Board at the July 11, 2011 meeting to discuss their compliance with the excavation plan prepared by Woodland Design Group dated December 3, 2010 and to discuss any other plans that may be submitted prior to the meeting on this matter. Seconded by D. Marshall  
Vote unanimously in favor.*

#### **ETAP GRANT & MASTER PLAN ENERGY CHAPTER OUTLINE**

*D. Marshall motioned to send a letter to SNHPC that the Planning Board supports the ETAP Grant and Master Plan Energy Chapter Outline as presented. Seconded by B. Perry.  
Vote unanimously in favor.*

J. Gryval: Signed the Memorandum of Understanding on this item.

#### **NHDOT 6/8/11 PUBLIC INFO. MEETING – Rte 3/28/Benton Rd drainage and roadway improvements**

M. Cannata: I attended the NHDOT public meeting. Mr. DiGuissepee (owner of Hooksett Landing) at corner of Benton Rd & Rte 3 voiced his concerns for this project. I do not see a hardship for him based on this project.

#### **DPW DIRECTOR**

D. Urguhart: This will be by last Planning Board meeting as acting DPW Director. Leo Lessard has been hired as the new DPW Director and will come to his first Planning Board meeting on July 11, 2011. I wanted to thank you for my contributing to your meetings. One item I would like to leave with you is that we have drainage pipe

problems that are now resulting in some of our roadways caving in. The drainage in Town needs to be upgraded.

M. Cannata: Is the Town Council aware of the drainage and roadway issues? If not, they should be made aware of this.

J. Gryval: We would like to thank you Doug for your efforts on the Planning Board.

**TOWN ADMINISTRATOR**

J. Gryval: This is Carol's last Planning Board meeting. We would like to thank her for her efforts on the Planning Board.

*D. Marshall motioned to adjourn at 7:45pm. Seconded by Robert Duhaime.  
Vote unanimously in favor.*

**ADJOURNMENT**

Chair J. Gryval declared the meeting adjourned at 7:45pm.

Respectfully submitted,

Donna J. Fitzpatrick,  
Planning Coordinator