

**Official  
As of 08/15/11**

**HOOKSETT PLANNING BOARD  
MEETING MINUTES  
HOOKSETT MUNICIPAL BUILDING  
Monday, August 1, 2011**

**CALLED TO ORDER**

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

**ATTENDANCE – PLANNING BOARD**

Chair John Gryval, Martin Cannata, Jack Mudge, Frank Kotowski, Town Council Rep. Nancy VanScoy, and Town Administration Rep. Leo Lessard (DPW Director), Tom Walsh, Brendan Perry (arrived 6:05pm), and Yervant Nahikian (arrived 6:10pm).  
Excused: Town Administrator, and Vice-Chair Dick Marshall.  
Absent: Mark Messina.

**REPRESENTING TOWN OF HOOKSETT**

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

**APPROVAL OF MINUTES OF 06/27/11 & 07/11/11**

*N. VanScoy motioned to approve the minutes of 06/27/11. Seconded by M. Cannata. Vote 5 in favor. F. Kotowski, B. Perry, and T. Walsh abstain.*

*N. VanScoy motioned to approve the minutes of 07/11/11. Seconded by M. Cannata. Vote 5 in favor. B. Perry, T. Walsh, and Y. Nahikian abstain.*

**VARIANCES**

**1. PAUL MAURAIIS (#09-25)**

**“Falcon Brook”, 49 Mammoth Rd., Map 45, Lot 33-2**

ZBA requests comments from the Planning Board for the conceptual 20-unit single-family detached condos in a density zone that only allows 14 units.

Doug MacGuire, Woodland Design: This project has been before this Board several times; 28-unit workforce housing, then reduced to 20-unit regular housing (five 4-plex multi-family). Because of the potential effect on surrounding property value, we withdrew the ZBA application for the 20-unit multi. The current plan is for a 20-unit detached condo development; similar in size to surrounding properties. We brought it to the ZBA and they had no concern on property values. The ZBA wants this Board’s comments. The ZBA is aware that if and when the density variance gets approved we will then go to TRC and Planning Board.

J. Duffy: This does not conform per Article 3 Section H – single & two family lots can only have one building unit.

D. MacGuire: That did not come up at the ZBA discussion. We went by the condo development (multi) vs. residential requirements. There are no individual property lines; same as multi-dwelling presented earlier.

J. Duffy: All units are on one lot. Will the lots be leased or is each owner going to own 1/20<sup>th</sup>?

D. MacGuire: It is a private development, private maintained road, and the condo association will own everything but the actual dwelling. Maintenance, snow plowing, and maintenance of grounds all by the condo association. It is a condo association development.

J. Duffy: Is the land under the dwellings leased to the dwelling owner? Example Jensen's (Brookridge) has a lease arrangement for land. This is something for you to look into.

J. Gryval: As a single owner, you are only allowed one dwelling.

J. Duffy: If leased land, then it is a site plan. If no lease, you may need another variance.

N. VanScoy: Was this originally presented as single-family homes?

D. MacGuire: The single-family density was affected differently than this condo association conceptual.

N. VanScoy: Condo, private road, and we are going to take care of everything. Where I live on Dale Road, formerly "Contemporary Hollow Condominiums" that dissolved. It makes me question that we have no guarantee that this conceptual will stay with a condo association.

M. Cannata: I think it is a good question. If the condo association dissolves, does that mean they come back to the Board?

N. VanScoy: I like the plan and it has minimal impact to the wetlands. I would be in agreement with the variance and have something about the green space to remain.

M. Cannata: I would be in favor. Trash private pick-up?

D. MacGuire: Yes.

M. Cannata: Average age of occupants?

D. MacGuire: No age restriction.

M. Cannata: With children there is a need for schools and buses.

D. MacGuire: If we move forward and the variance is granted, I will contact the school district. Maybe the buses can pull off at the end of the road.

T. Walsh: This is a good plan with lots of green space. The only concern may be from the Castle Drive lots 37, 38 & possibly 34 (closest to development)?

***N. VanScoy motioned to send a letter to the ZBA in favor of them granting a variance to increase density from the allowed 14-units to the requested 20-units based on the presented conceptual layout plan for the proposed construction of a 20-unit detached condominium development. Seconded by M. Cannata.***

Y. Nahikian: Why 20 units? Why accept a variance if only 14 units are allowed?

J. Gryval: The ZBA makes the decision on a variance not the Planning Board.

F. Kotowski: Will all 20-units look cookie cutter “identical”?

D. MacGuire: Yes, similar in design.

***Vote 5 in favor. F. Kotowski abstains. Motion carried.***

- 2. TNT PALACE GROUP, LLC (#11-07)**  
**(dba) Park Place, 1385 Hooksett Rd., Map 18, Lot 31**  
ZBA requests comments from the Planning Board for the mixed-use of Commercial/retail space and apartment-style residential units.

Ari Pollack, Gallagher, Callahan & Gartrell, PA: I represent TNT Palace Group, LLC. Here in the audience tonight are Tom Croix and Dave Garvey. We have an application for a variance before the ZBA for next week. The ZBA requested the Planning Board provide recommendations for their ZBA deliberations. You have a copy of our application with two plans: 1 - existing conditions and 1 - conceptual proposal for a complete redevelopment of the property. There are existing cottages, motel, mobile homes, single-family homes, offices, and a used car dealership. To preserve the mixed use we propose: 2 apartment style buildings in the rear and 2 commercial buildings in front. In the PZ, in order to preserve residential, would need a variance. This is similar to the next door property that is also somewhat of an eyesore (Peterbrook). That property (Peterbrook) was granted a variance. If we were able to obtain a variance for this site, we would be back to the Planning Board for a full application process.

J. Gryval: This is the lot north of the one we discussed before. Your existing conditions should read Hunt St. not Harvard. You have provided very little on what you intend to do with the site.

A.Pollack: We couldn't put much work into a design until we know if the ZBA will provide the variance. Tab 5 conceptual plan – we want to abide by as much site plan regulations to include impervious coverage, parking, etc. We want to make substantial improvements to the site to include LEED standards for energy efficiency for construction. We would love to tell you we have already rented out those commercial structures.

N. VanScoy: I see auto sales is still at the site. I don't understand what is proposed for the there.

A.Pollack: The auto sales will go away. We want to start clean.

J. Gryval: The buffer is for commercial use to residential use not the zone it is in.

A.Pollack: We will provide a buffer with the grade change and retaining wall.

J. Gryval: It needs to be a 25 ft wooded buffer not a parking lot. Again the buffer is use to use not by zone.

A.Pollack: We could ask for a variance or waiver or provide a different conceptual plan for the buffer.

F. Kotowski: Existing units far more dense than now?

A.Pollack: There are 52 existing units on the property.

F. Kotowski: Some of the existing buildings are duplexes and the auto dealership will go away.

J. Duffy: Ari you were involved in the Peterbrook Motel project when they received a variance. The CEO for that project said that 8 units were viable and the rest was considered condemned. They were allowed to use 8 and got a variance for an additional 4 to total 12 units. Are all the units for this Park Place site viable?

A.Pollack: I don't want to speak for Peter (CEO), but I would say they are all viable. As for the Peterbrook Motel, many units were deemed by Peter as abandoned. Here we are proposing to replace 52 viable units with 48.

F. Kotowski: When construction begins would the commercial and residential be concurrent?

A.Pollack: Similar conversation as Peterbrook; we had a phasing agreement. For this application we have not made a proposal like that (phasing).

N. VanScoy: I am here to represent the people. I assume there are some people living there. Are we looking to displace people currently living there?

A.Pollack: For the ZBA application the abutters were notified. Whether or not we are looking to displace people, not intentionally. If they wanted to they can become residents of the new structure. I know there are notices we would need to provide for vacating the residents.

N. VanScoy: I understand we are only talking about the variance tonight. Has there been any discussion on pricing for these units? It is a workforce area.

A.Pollack: There has been no market study completed at this time.

N. VanScoy: The existing trailers are they not owned by the current property owners?

A.Pollack: It is a mix of some parked owned and some owned by the trailer occupants.

J. Gryval: I personally would want a lot more information before making a motion to send a memo to the ZBA.

***N. VanScoy motioned to send a letter to the ZBA in favor of them granting a variance from Article 10-A Section E of the Zoning Ordinance to permit, as presented in the conceptual plan, a redevelopment offering a mixed-use approach with general commercial/retail space along the Hooksett Road PZ corridor and apartment-style residential units (located in two relocated and reconfigured buildings) to the rear of the parcel. Seconded by F. Kotowski.***

N. VanScoy: I count this has my district whether or not it is within my line. For the PZ (Performance Zone) it is important we get businesses there and clean it up. That is slowly happening now. I do support tonight's presentation in concept with offices up front and opening up the community to younger families with lower cost housing. The only way for the lower cost housing is to have it near a commercial development.

J. Duffy: The Planning Board is struggling with the last concept for Peterbrook and now we have this one (Park Place). We have had several people over the years with conceptals to do something on these properties. I am more hopeful something will get done to these properties if the developer is local. If the Planning Board allows mixed use vs. strictly residential, this is a great way to get this property cleaned-up.

A.Pollack: They already own what is out there and they want to move forward with improvements. It (conceptual) has elements of PZ with commercial in the front. To be flexible and accommodate the PZ regulations some residential will be needed to make the numbers crunch.

F. Kotowski: To follow-up with Madame VanScoy's comments, I think it is time both those areas (Peterbrook and Park Place) get cleaned up and what a great way to start.

N. VanScoy: I don't want this Board to vote on something if they feel we don't have enough information on it. I ask if others on this Board feel the same way as the Chair to get more information.

*Vote unanimously in favor.*

### **PUBLIC HEARING – OPEN SPACE PLAN**

#### **3. OPEN SPACE PLAN**

Planning Board adoption of Open Space Plan into the Master Plan.

J. Gryval: The "standalone" Hooksett Open Space plan was approved/adopted at the 6-20-11 Planning Board meeting. Tonight's hearing is to adopt the plan into the Master Plan.

David Hess, 68 Pine Street and member of the Conservation Commission: I wanted to urge the Board to accept this extension of the open space plan. This adds to the open space plan in the 2004 Master Plan. Map #5 shows the priority properties for open space consideration. This is a road map for future consideration for conservation purposes. It identifies 5 areas of Town – northeast quadrant, Merrimack River water frontage 150 acres north of dam (only remaining water frontage in Town), Pinnacle (now conservation and public area), Quimby Mountain area bordering Goffstown and Dunbarton 97 acres, and borders to Town of Bow. The goal is to have continuance of land. It re-enforces what we did 7 years ago for soils, water resources, and unfragmented areas.

J. Duffy: Is the land shown behind University Heights that MS&G will donate to the school a high priority?

D. Hess: 14-34 or 14-2 land donation to school. If 14-2 showing high priority for land donation. The plan does not prohibit any development, particularly for public use. It does not impair property rights or preclude owners for developing their sites. It is a roadmap "guide" for public officials. I cannot guarantee all maps included in this plan are 100% accurate.

#### **Open public hearing**

Mike Horne: I am here tonight as a member of the Parks & Recreation advisory Board and a member of the Open Space Committee. It is nice to get a plan. It is just a roadmap and I urge you to accept it.

#### **Close public hearing**

*N. VanScoy motioned to adopt the Hooksett Open Space Plan in the Master Plan.*

*Seconded by M. Cannata.*

*Vote unanimously in favor.*

### **COMPLETENESS & PUBLIC HEARING**

**4. JOHN KELLY & STEPHANIE ROY (#11-06)**  
**1337 Hooksett Rd., Map 25, Lot 18-1 &**  
**6 Lindsay Rd., Map 25, Lot 18-2**  
Lot line adjustment

Bernie Temple, Holden Engineering: John Kelly owns lot 18-1 and Stephanie Roy owns lot 18-2. We want to take .375 acres from lot 18-2 and add it to 18-1. Both lots are conforming.

J. Duffy: HFCU came in a few months ago and the strip of land on Lindsay was owned by the residential property lot 18-2 and needed an access easement. They have now received an OK from that lot owner for the lot line adjustment. It will have to be rezoned next May to PZ.

*N. VanScoy motioned to find the application complete. Seconded by J. Mudge.  
Vote unanimously in favor.*

**Open public hearing**

Andre Chagnon, 8 Lindsay Rd.: I am the abutter to Stephanie Roy. I was unable to come to previous meetings. At the entrance of Campbell Hill, this is the only one entrance and exit. There was a near casualty this winter and a young man got struck next to my house. The realignment is to allow HFCU traffic onto Lindsay Rd. I am familiar with the plans for HFCU.

J. Duffy: What they are doing tonight is just changing the lot line. They already have an approved site plan. The only difference is now they don't need the access easement. A traffic study was completed and it was found safe for sight distance.

J. Gryval: Jack Mudge is stepping down from this application.

J. Mudge: As a neighbor up there, we hammered the applicant with many questions and I don't think there will be any traffic issues.

N. VanScoy: The easement was already granted, so even if this lot line adjustment didn't go through, they could still access via Lindsay Rd.

**Close Public Hearing**

*N. VanScoy motioned to approve the application conditional:*

- Kelly & Roy Lot line adjustment plan #11-06 to be recorded prior to Heritage Family Credit Union site plan #10-11
- 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 Federal, State, and local permits are obtained and submitted to the Town and Stantec
- 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 F. Kotowski*  
*Vote unanimously in favor.*

### **OTHER BUSINESS**

#### **5. APPOINTMENT OF PLANNING BOARD MEMBER AS REPRESENTATIVE TO THE CONSERVATION COMMISSION**

J. Gryval: Robert Duhaime was the Planning Board representative to the Conservation Commission.

F. Kotowski: I volunteer to be the representative to the Conservation Commission.

J. Gryval: Frank Kotowski is now appointed the Planning Board representative to the Conservation Commission.

#### **MEGA X – 1560 Hooksett Rd. (north abutter letter)**

J. Gryval: Received a letter from the north abutter at 1562 Hooksett Rd. with concern of newly planted trees blocking sight view of his business.

J. Duffy: The trees are along Hooksett Rd. and in the landscaping plan prior approved by the Planning Board. The north abutter believes the trees are blocking the view of their site. I went out to the site and it didn't look like Mega X trees would block their site (1562 Hooksett Rd.).

N. VanScoy: I would like to go out and look at the site.

J. Gryval: We will hold off until our next meeting to give Board members the opportunity to view the site before they comment.

N. VanScoy: What if the utility pole is blocking the sight distance?

J. Duffy: PSNH and rest of utilities, they put in a new pole and also left the old. This is blocking the sight distance for Dale Rd. Leo @ DPW, if they call you department they may move everything onto one pole.



**SNHPC – Town Council Appointments**

N. VanScoy: The Council will be making appointments to the SNHPC soon and they are looking for recommendations.

**PLANNING BOARD ALTERNATES & FULL MEMBER APPOINTMENTS**

B. Perry: First I apologize for not attending some meetings. I am aware Robert Duhaime was not reappointed to the Planning Board by the Town Council. Tom and I are alternates. I have voted one time in 7-8 meetings.

J. Gryval: We really need the alternates here, because if you do come to vote you need to know the background.

B. Perry: For discussion, I don't know why Mark Messina was appointed a full member vs. alternate. It has nothing to do with personalities. I am trying to understand the process why Mark was nominated and appointed as a full member without being an alternate first. I would have liked to have been notified to request to become a full member. I am sure Mark will do an exceptional job.

T. Walsh: I did go to Administration and told Evelyn I was interested to be a full member, but that got overlooked. It is in the Charter Article 11 for alternates to be considered first as a full member.

N. VanScoy: At the Town Council, consideration to alternates is effective July 1<sup>st</sup>, but appointments were made 6/20/11. This is just a statement of fact. It (Charter) states "consider" not automatically move-up an alternate to full member. Pretty much it is a new Town Council. I have been there 3 yrs and I am the longest on the Town Council. They don't know Mark, from Tom or from Brendan. It is a new group of people. I encourage this Board and any volunteers who wish to continue or move up that they do not assume the Council knows who you are and what you have done. We had a list with full members (Robert Duhaime, Mark Messina, Frank Kotowski) and an alternate list (Tom Walsh). I can't imagine what Evelyn was going through during this time of new Council members and the Town Administrator leaving. Tom was overlooked for a full member. First time on the agenda Tom was under alternate. Brendan's name was never on any list. I see a problem with the staff report and voting.

T. Walsh: On May 31<sup>st</sup> I spoke with Evelyn and told her I wanted to be a full member.

B. Perry: Nancy you were at the Council meeting, was there any attempt to say hold on there are other alternates who may want to be considered as a full member?

N. VanScoy: I am not making excuses. This also happened on the Conservation Commission. I told myself I should have caught that.

J. Gryval: It was an oversight. Nancy said she would do whatever she could to resolve this.

N. VanScoy: I did speak with Mark, but haven't heard back from him.

F. Kotowski: I was there (Council meeting) and there was considerable conversation amongst the Councilors about the process. Jim Sullivan and others are going to look again at the Charter. They would love to have you work on this Charter. It is the roadmap for Town officials.

J. Gryval: A mistake was made and they know it. If Mark wants to step down for one of our alternates to move up that is out of our hands.

T. Walsh: Lesson learned for me. I went to Administration (Evelyn) to determine how to write my letter to request full member and she said I was all set.

B. Perry: As far as the Planning Board goes, Tom knew he was coming up for nomination (term expired). Did we talk about this at a prior Board meeting (if members are coming up for term expiration to discuss it)?

J. Gryval: Nancy is working on it with Mark and she will let us know what happens.

M. Cannata: There is a major deficit with the process. To get your name submitted does not get your history. The process is lacking on how we get that knowledge before the Council. What is the process to do that?

J. Gryval: We make Planning Board recommendations for the Town Council to appoint SNHPC members; maybe we should do the same for Council appointments to the Planning Board.

#### **SPRINKLER SYSTEM REQUIREMENTS**

J. Duffy: I received a legal opinion from Town Attorney Buckley. HB109 passed without the Governor's signature. If a Planning Board project was approved July 1, 2011 or prior, they still have to put in a sprinkler system. If project approved after July 1, 2011, the Planning Board can't require the sprinkler system.

#### **ALL OR NOTHING – DANCE STUDIO PROJECT 254 WEST RIVER RD.**

M. Cannata: The existing stumps at the perimeter of the road, will this be part of the slope resolution? If just slope, that means the stumps will stay. The Town's people have been very merciful with that eyesore. They (landowner) have been given a lot of grace.

J. Duffy: They were scheduled to come in tonight, but they weren't ready. I gave them until Aug 15th. The stumps are not part of the excavation plans, but the Planning Board should add this onto their approval.

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

#### **ADJOURNMENT**

Chair J. Gryval declared the meeting adjourned at 7:25pm.

Respectfully submitted,

Donna J. Fitzpatrick,  
Planning Coordinator