

Official
As of 10/03/11

HOOKSETT PLANNING BOARD
MEETING MINUTES
HOOKSETT MUNICIPAL BUILDING
Monday, September 12, 2011

CALLED TO ORDER

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

ATTENDANCE – PLANNING BOARD

Chair John Gryval, Town Administrator, Dr. Dean E. Shankle, Jr., Martin Cannata, Jack Mudge, Frank Kotowski, Town Council Rep. Nancy VanScoy, and Town Administration Rep. Leo Lessard (DPW Director), Tom Walsh, and Brendan Perry.

Excused: Vice-Chair Dick Marshall.

Absent: Y. Nahikian.

REPRESENTING TOWN OF HOOKSETT

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

J. Gryval: Alternate B. Perry will be voting tonight in place of D. Marshall.

APPROVAL OF MINUTES OF 08/15/11

M. Cannata motioned to approve the minutes of 08/15/11 with edits. Seconded by N. VanScoy.

Vote in favor. D. Shankle, B. Perry, F. Kotowski, and J. Mudge abstain.

1. NON-PUBLIC SESSION PER RSA 91-A:3 II (d)

“Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.”

Enter non-public session - RSA 91A:3 II (d) at 6:10pm

M. Cannata motioned to enter non-public session per RSA 91A:3 II (d). Seconded by J. Mudge.

Roll call

N. VanScoy – yes

M. Cannata – yes

J. Mudge - yes

D. Shankle - yes

J. Gryval – yes

L. Lessard – yes

F. Kotowski – yes

T. Walsh – yes

B. Perry – voting alternate member in place of D. Marshall

Exit non-public session - RSA 91A:3 II (d) at 6:20pm

M. Cannata motioned to exit non-public session per RSA 91A:3 II (d). Seconded by J. Mudge.

Roll call

N. VanScoy – yes

M. Cannata – yes

J. Mudge - yes

D. Shankle - yes

J. Gryval – yes

L. Lessard – yes

F. Kotowski – yes

T. Walsh – yes

B. Perry – voting alternate member in place of D. Marshall

WAIVER REQUEST TO ELIMINATE SPRINKLER SYSTEM

2. KEITH & KRISTY MORENCY (#10-02)

Prescott Heights, Map 48, Lot 19-2

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

Keith Morency: You may remember me from the last meeting when I was here for the waivers on the 2-lots (lot 19-3 & 19-4) for Prescott Heights. I am here looking for the same waiver of the sprinkler system. HB109 was passed and sprinkler systems by the State of NH are no longer required. I do understand that was grandfathered pre July 1st (2011) for any subdivisions.

J. Gryval: It hasn't been grandfathered.

K. Morency: I am hearing asking for the same waiver Mr. Winterton was granted. We talked about what kind of precedent this was going to set at the last meeting. Jo Ann (Town Planner) was involved in that conversation and the Board knew this was going to come down the road. That is my reason for being here tonight. I would ask that you grant me the waiver.

Open public hearing

Donald Winterton, 10 Prescott Heights: I strongly support his request.

Mike Hoisington, Deputy Fire Chief: Comments from the last minutes (8/15/11) "D. Winterton: . . . I wish you would do what your Town Attorney tells you". This has nothing to do with this request." Also SB91 has been vetoed by the Governor, the Senate overrode the veto this week now going to House. SB91 overridden it allows for the Town to have existing requirements and ordinances and make them enforceable. Whether the Town Attorney or I agree on the interpretation of HB109 or not is irrelevant. The Town Attorney I

believe was very clear that HB109 does apply to subdivisions approved prior to July 1st (2011) and this one was approved prior to that date. My concern is we are not following the advice of our Town Attorney who said it applies. The plans were approved and now we are granting waivers. Under construction documents for the Town of Hooksett if you do subdivisions with municipal water there are no sprinkler requirements or anything else. If you are more than 1,000 ft. from municipal water you are required to put in a sprinkler system. If you put in a road to this development, you are required to put in cisterns and sprinklers. This subdivision was required to have sprinklers and if we waive that requirement now we have no fire protection in that area within the 1,000 ft it is required. I ask the Board that if you waive the sprinkler system requirement that you would require a cistern be put in to Town specifications so that we have fire protection in that area.

J. Gryval: As far as requiring a cistern, I don't think we can require it now, because it was approved with the sprinkler. I think if it were before the subdivision was approved and we knew that this law was going into effect at that time, we could have required pond or cistern or whatever was appropriate. However, I don't believe we can do it at this time. We can check with the Town Attorney to see if it is feasible to do, before we do anything further. I don't know if our Town Planner would like to speak to that issue?

J. Duffy: I don't see how you can ask for a cistern at this time.

N. VanScoy: Chief, it is great to see you here tonight. At the last meeting we had a letter you had written early on, but you were not at that specific meeting. We talked about the 1,000 ft. How do you fight a fire at this point? How would the Fire Dept. need to do to respond?

M. Hoisington: We would rely on a tanker shuttles from the closest fire hydrant in the general area (Smyth Rd, By-pass 28, or Mammoth Rd.). We would bring in mutual aid tankers from surrounding towns, which takes time for them to get there. We would set-up a row of tankers back-and-forth. We would only have 6 or 7 people on duty. The Fire Techs would be relying on the mutual aid tankers and in the meantime the fire is going to grow.

N. VanScoy: To make sure I understand, you would take tanker to fire hydrant and fill it.

M. Hoisington: And then drive it up to the fire and set-up a tank in yard and go back-and-forth. The further you go the more trucks you need.

N. VanScoy: I certainly don't expect you to know the closest water source.

M. Hoisington: There is a hydrant on corner of Smyth & By-pass 28 (there is a commercial building near there). There is a hydrant on Mammoth Rd. and I believe one at Prescott & Morrill Rd.

F. Kotowski: I am wondering if the applicant has looked into the cost of insurance on the property you are building in the event you were to receive a variance (waiver) so you don't need to do this (sprinkler system). What is it going to cost you in more money for insurance?

K. Morency: I am not an insurance agent, but that is not what I am concerned about right now. I am more concerned the \$4,000-\$6,000 to put the sprinkler system in.

F. Kotowski: That is what I am getting at. I am wondering what's the payback.

K. Morency: I am a builder and I deal with insurance companies all the time. When you are talking about my homeowner's insurance policy in Manchester, you are talking \$500.00 a year. It could be a 20 yr. payoff. If it goes down \$200 you are still talking about an innumerable amount of time for that to be paid off. My concern isn't necessarily the insurance, it is the upfront costs. If it is going to be that much harder to fight the fire at my house, what about the guy across the street whose house was built in 1947? This isn't a development where every single house is brand new, and everybody has to have a sprinkler system, so that everybody is safe. I am not asking the Fire Dept. to do anything more than they would do for the other 30+ houses on Prescott Heights.

D. Winterton: Concern that the Fire Dept. has no concern for the previous residents of Prescott Heights Rd. or asking a cistern going in there. My new house and Mr. Morency's new house is going to be built to the #1 2011 fire code. We will have the best electrical systems you can have, and we will have hardwired smoke detector systems. Whereas the homes across the street do not, and yet Fire Dept., Town of Hooksett has no concern to put a cistern in for those people. I think this is retribution and has nothing to do with safety. The issue of the sprinkler system was to get people out of the house. The Fire Dept. argument today was all about fighting the fire after the people get out.

Steve Colburn, Captain Fire Dept.: I wanted to address comments made last month from a discussion about Raebrook by you. I don't have the exact wording, but it was a comment about hardwired smoke detectors and sprinkler systems. The discussion we had that day about Raebrook were about smoke detectors and carbon monoxide detectors and that's it. We never discussed sprinkler systems. What we did discuss is the new State law about carbon dioxide. We discussed hardwired smoke detectors for notification to get the people out of the house. One other quick point, the sprinkler system proposed and required for this particular location is a 13D system. It is designed for life safety. So if you want to talk about life safety that is what that system (sprinkler) is designed for. It is not designed to solely put the fire out (that would be a 13 for commercial properties). The 13D/13R is for residential and is designed for the main purpose to delay the fire and keep it under control so the people can get out of the house. For safety, the best thing is the hardwired smoke detectors and the sprinkler system. I do want to go on record that what was said and quoted in the minutes last month was not exactly what the conversation was.

B. Perry: Question on the waiver, because I did not participate in the vote last month. Existing homes do not have sprinkler systems?

J. Duffy: The existing homes across the street and surrounding properties do not.

B. Perry: Then the law went into effect and they were required to have sprinkler systems and it was in the legislative process. Then last month we granted a waiver under a similar application to exempt them from having a sprinkler system.

J. Duffy: Correct. Mr. Morency lives in the same subdivision as the one last month (Mr. Winterton). There are six lots in that subdivision.

B. Perry: Are you a builder or are you going to occupy the home too?

K. Morency: I am occupying this home. I have been building in Hooksett; Raebrook Farm. I am finishing home #5. I have #6 to build out in that development. I used to build a lot in Manchester. I moved into Hooksett for a number of reasons and decided that is where I want to root my family. I purchased the lot at Prescott Heights, because it has a little bit of acreage. I have since begun discussion on the sprinkler system and how much it is going to cost. There are pluses & minuses, I am all about safety, but the arguments I have heard from numerous sources is always about putting the fire out. It's never been about people vacating the house. Last when I spoke I don't remember reference a conversation I had with Captain Colburn. I said I am a builder, I work with Captain Colburn on inspections. Hardwired smoke detectors, I believe, are going to be your first line of defense to get out of the house. When I build a new house, if it is a 3-bedroom house, typically there are 7-8 hardwired smoke detectors in that house. One goes off, they all go off. It is so loud, that there is no way you are going to be in that house and not hear them. They have battery back-ups. So that is what is going to get me and my family out of the house. What happens after that point, other than if an abutter's house was to catch on fire (which I am in the middle of a 2 ½ acre plot, so I am not saying it couldn't happen, the fire may never happen). Manpower vs. trucks they have vs. the guy across the street that doesn't have the sprinkler system, to me just doesn't make sense.

B. Perry. To be clear, you are the builder and you are also going to occupy the home.

K. Morency: Yes.

Close public hearing

T. Walsh motioned to grant the waiver to Development Regulations section 11.12.1 (Street System – Roadway Requirements) sprinkler system requirement for single-family homes for Map 48, Lot 19-2 of the Bielizna subdivision approved by the Planning Board on 5/17/2010 (plan #10-02). Seconded by J. Mudge.

F. Kotowski: I would like to amend the motion to include any future houses in this subdivision.

J. Gryval: There are 6 lots in the subdivision and 2 (Map 48, Lots 19-3 & 19-4) have been waived.

K. Morency: The Bieliznas weren't required even though they have a house that was specked to be built under the 2011 standards.

T. Walsh motioned to amend his prior motion to grant the waiver to Development Regulations section 11.12.1 (Street System – Roadway Requirements) sprinkler system requirement for single-family homes for Map 48, Lot 19-2 of the Bielizna subdivision approved by the Planning Board on 5/17/2010 (plan #10-02) to now include all the lots remaining within the Bielizna subdivision (Map 48, Lots 19-1, 19-2, 19-5). Seconded by B. Perry.

Vote unanimously in favor.

T. Walsh motioned to grant the waiver to Development Regulations section 11.12.1 (Street System – Roadway Requirements) sprinkler system requirement for single-family homes for Map 48, Lots 19-1, 19-2, 19-5 of the Bielizna subdivision approved by the Planning Board on 5/17/2010 (plan #10-02). Seconded by B. Perry.

Vote unanimously in favor.

PUBLIC HEARING

3. **CRANTON VERNON, LLC (#11-03)**
Thames Rd. & Avon Rd., Map 14, Lot 14-3
Minor 3-lot residential subdivision plan.

Michael Leo, VHB: I am here tonight for the Avon Rd. & Thames Rd. subdivision located up by the Granite Heights section. Proposing 3-lot subdivision; two lots being large enough for two-family homes and one lot for a single-family home. I have the layout plan; total 4.7 acres. Frontage on Thames Rd. and Avon Rd., the wetlands are shaded in green, yellow are the proposed lot lines. Two homes will be serviced by utilities off of Avon Rd.; water from Thames. The third lot will have an individual well on site. All homes will be serviced by municipal sewer. Two homes would have pumps.

J. Gryval: Significant amount of outstanding engineering comments that have not been addressed. Also, some comments from Building Dept. that have not been addressed. We won't be able to go over these tonight; it would take too much time. Take care of these with the Planning Dept. before you come back. This is a public hearing.

Open public hearing

Mr. Parenti, 1 Dove Rd.: We are directly across from this property. I'm sure most of you are fully aware what has gone on with this company. We went through process of original seven homes and then another twenty-nine homes. My wife and I and neighbors feel they were approved for one home and that is all that should be there. If you saw the property it is 95% wetlands. There is a stream that runs through there, and there is a traffic issue. Now we unaware that they are putting in one single-family and two double-families. Is that correct?

J. Gryval: Yes.

Mr. Parenti: That is going to bring down the value of our homes down that are all single-family. Some Dove Rd. homes range from 2,000 sq ft to 3,000 sq ft. We are having problems now trying to resell the properties that are in there. This doesn't fit with the plan that is already there. Also, there are condos above and below us that are also having trouble selling. I am trying to understand the purpose of doing this. We feel our values will go down and there is a wetlands and traffic issue.

Claude, neighbor: I agree with what my neighbor just said.

J. Gryval: We should continue this application.

M. Leo: One of Stantec comments requires Planning Board input.

J. Gryval: OK then we can just take that one.

M. Leo: Item #9 Stantec review – Planning Board to determine if drainage study is required. This is a 3-lot subdivision and has minimum impact for impervious area. We are not aware of any drainage issues up here. For a minor subdivision a drainage study is not required up front.

J. Gryval: We just heard the site is 99% wet.

M. Leo: Only the green areas on the plan are wet. It is not 90% wet to a degree. It is 30% wet as mapped by a wetland scientist. Also traffic . . .

J. Gryval: Let's stay with the wetland right now, Dan?

D. Tatem: There have been other small projects, 2-lot subdivisions, where there have been existing drainage issues and the Town has had them do drainage studies. I am not aware if there is a drainage issue on the property, but we have brought that up. If this is a public road, it is something to think about, because it may change the drainage slightly. If there is an existing condition, this could make it worse.

J. Gryval: Is this something that you would require or recommend?

D. Tatem: Only if there were existing problems. If there are no problems now, I would say it is not an issue.

J. Gryval: If Board is not familiar with it, we should check it out before the next meeting so we know what we are talking about.

Mr. Parenti: Currently if you look at the road adjacent to Dove Rd., water backs up. From my home there are severe drainage issues there. We have round about this before. At the end of the day we all know how weather has been. The drainage in my area backs up and it's not going to be any different in the street or my neighbor. Is the water over the road? No, but there is still a drainage problem.

D. Tatem: What side of the road does he live on?

Mr. Parenti: Dove Rd. & Avon Rd. – referred to subdivision plan. This whole corner is a wetlands area and all the water is running in pipes across. Ever since they put the fill in, quite a while ago now, it now drains back in here. Two houses down they have a pump in their basement to keep the water out. When you start developing all this, this is what is going to happen (referred to plan). I had the Building Dept. come over the last time. Why they ever approved one home in there, we don't know. Now they want to do something else. I can't stress enough, when you put two-family homes in an area of single-family the value of the singles goes down. We built the original home in there about 10 yrs., lifelong NH resident, and we feel this will devalue the homes already in there.

J. Gryval: The Planning Board has the authority to require when studies are necessary to be completed before we vote on this.

D. Tatem: Cedar Management maintains the area up there. Get something in writing from the Homeowner's Association on the maintenance of the road and culverts. This would be an independent view.

B. Perry: I would be more apt to wait, since they have so many outstanding items. Let's see how they progress on those items. It seems like this (drainage study) is something we can wait on to decide. Then we can see if there is any connection between whatever the items are. I would like to take a look at the land myself.

M. Leo: Just to add a little bit of information, this large wetland area, small wetland area, as well as culvert that crosses the street, all drain this way and back to the pond at the existing Granite Hills site. We are not proposing anything that would go off any of those paths.

N. VanScoy: From a Council point-of-view, we are very concerned with water and infrastructure for both private and public development in the Town of Hooksett.

M. Cannata: I favor Dan's suggestion, get something in writing from the Homeowner's Association. It is their investment as well as those who spoke today.

T. Walsh: As far as the water issue, I do like Dan's suggestion. The other thing, as far as putting this off to another Board meeting, as a survivor of the Berry Hill Rd. I am pretty sensitive about the neighbors. I would like to take a drive by too.

J. Duffy: Duplex two-families are allowed in this zone as long as they are on municipal sewer.

M. Leo: If anyone is going out to the site to walk around, there is a very large speed bump. Just past it you will see the culvert that comes across the road that carries this water down towards the pond.

J. Gryval: Will you get a letter for us from the Homeowner's Association regarding the maintenance of the roads and culverts?

M. Leo: I will try.

J. Gryval: If that is not sufficient, we may still have to forward with the drainage study.

D. Shankle: There is a lot of water on there, and the idea of doing a drainage study makes a lot of sense to me. I don't object to getting something from the Homeowner's Association. For myself regardless what the Association states and knowing the politics of an association, I am telling you up front their statements will not affect my decision one way or the other. I think that with this much water on a site already, you need to look at the drainage.

J. Gryval: Like I side, this Board has the authority to require a drainage study. If the Board feels they want to require it, we can do that. If the Board feels they want to go along with the Homeowner's Association letter first and see if that satisfies their issue, and if it doesn't we can still require it.

J. Gryval: Continue this application to October 3rd.

Mr. Parenti: I will advise the president of the Homeowner's Association on behalf of Dove Rd., however I can't speak for Granite Heights.

PUBLIC HEARING CONTINUED TO OCTOBER 3, 2011.

OTHER BUSINESS

- 4. ALL OR NOTHING, LLC (#09-12)**
254 West River Rd., Map 17, Lot 36
Compliance with excavation/grading plan(s) and status of geo-tech grading plan(s) to be submitted

Marty Coronis: Good evening, follow-up with retaining wall and project. I have been working with different wall companies. We ended up getting 3 or 4 different walls, however I think we will go with the wall approved with the plan. The problem is that the bank we originally tried to get financing for future work, the banker died. His son is involved, but the man guy we dealt with passed away. We are giving them a couple of weeks and then we needed to speak here today. We called him on last Friday again and he said he needs a couple of weeks to figure out what is going on. We do plan on getting this project down. We put everything we have into this. Mr. Cote (south abutter) has been very, very patient.

Tom Cote, south abutter: Trying to be patient.

M. Coronis: It did hold up pretty good through a 100 yr. storm, but I know that is not what you want to here. If we could just have a couple of weeks to the next Board

meeting, we should have a definite answer on what's going on. We want this done before this winter. If not we will bury it back up.

T. Cote: I would like to know what the project is at this point.

J. Gryval: I would like to hear from Dan. You have been on top of this the whole time.

D. Tatem: Site is at a standstill. The excavation plan submitted last fall, the excavation was completed, but the stabilization was not. I understand you can't do something if the bank won't give you the money to do it.

J. Gryval: According to the notice we have here, the bank agreed to move forward to obtain the loan for the property. Is that true or not true?

MJ Coronis: This is how it works. We bought the property 3 yrs. ago on the auction block. We have yet to fund that loan. The bank that foreclosed on the previous owner is actually two guys; one just died. When we do our negotiations, we are talking to a mortgage company who happens to be two guys. We have yet to pay for this property. He has just been extremely patient with us. We had an agreement with him, but now he is not alive. Now his son has to take over and figure it all out.

J. Gryval: Where do we stand right now? Is it going to go further?

M. Coronis: I haven't come this far to give up.

MJ Coronis: His partner, his father, just passed away. He just needs to get his feet on the ground. I said I needed an answer by Monday (today) and he said you aren't going to get it. He said give me a couple of weeks. This is either going to happen by winter, we talked about it. If it doesn't happen by winter, and we don't have an answer by the next meeting, then we will need to get the dirt back and stick it back in there.

N. VanScoy: If I remember correctly, the feel of many of the Board members and myself included were the aesthetics of that site. We have a lot of excavation on one side and also on the other side a pile "bouquet" of stumps. Certainly while we would like to see the whole project go through, much of the concern at this point of time is when are we going to be able to drive pass that and our commuters and community members drive pass there and have something they can look at upon pleasantly and visit your business and enjoy that.

F. Kotowski: I personally think the most important part of that whole situation is to get that bank stabilized. It hasn't moved yet, but it has been there unstable for what I consider to be far too long and I can understand where these poor folks are coming from. We need some assurance. We don't have a bond on it. If we had a bond on it, and they are unable to move forward with financing to make this happen, I think it is incumbent upon us to at least consider exercising the right to return that property to a safe condition. Those slopes are exceedingly steep. I don't know what Dan's concerns would be. I would like

to see some evidence that you are going to having financing in place and that there is a drop dead date by which this is going to get done.

J. Gryval: This has been going on for a long time. I would like to see a drop dead date where you would get the funding to do it or get the bond and get it stabilized. One way or the other it has to be done. We are getting into winter now. I hate to push it too much longer. If we were sure you would do something in the next couple of weeks, but you really don't know.

MJ Coronis: Can the Board give us something in writing "nasty gram" that I can forward to our guy so he can understand we are not joking. This is the end of the road. Either he is going to negotiate with us, or he is going to have his property back in two weeks.

J. Gryval: I would assume we can send a letter to you folks stating that if you don't stabilize it within a certain amount of time that the bond will be pulled and the Town will stabilize it. I think that would be adequate and I think that would be all right for the Town to do.

D. Shankle: Have we done an estimate on the cost to stabilize that?

D. Tatem: There is a bond in place in excess of \$20,000. We would remove the stumps and stabilize the bank.

D. Shankle: How would you stabilize the bank?

D. Tatem: You would have to import some of the fill. It is probably at a 1:1 or a little steeper now. Because you are up against the neighbor's property line, you can't flatten it out anymore. You would have to bring fill in. Another thing you could do is move dirt around on the site from slopes that aren't as steep. You would create a bowl at the base of it and push up against the slope to create a 2:1 slope and loam and seed it.

D. Shankle: What is supposed to be stabilizing that?

D. Tatem: A retaining wall, loam, and seed.

D. Shankle: What was the retaining wall going to cost?

M. Coronis: Probably \$6,000.

D. Shankle: My concern is our engineer is saying that we could do this with the \$20,000 bond. When I heard this, my first thought was that is not going to take care of it.

J. Gryval: We are not going to get the \$20,000 anyway; we usually only get a portion with a bond.

D. Tatem: It is cash.

L. Lessard: I don't think you can do that for \$20,000; no way. I have done a lot of that type of work in the past. There is no way this will cover it.

B. Perry: I am getting confused, because we are talking about a couple of weeks and winter. That is a big gap. We are in September and I don't get a sense, this has been going on for 3 yrs, that this guy is going to move in two weeks. We need to come up with a contingency plan today with that drop-dead date. If we don't have a date set "certain", he is going to push it off.

CONTINUED TO OCTOBER 3, 2011

5. CIP COMMITTEE FY 2012-2013 – NOMINATIONS & APPOINTMENTS OF MEMBERS

M. Cannata motioned to nominate and appoint the following individuals to the CIP Committee FY 2012-2013:

- Marc Miville (Budget Committee member and last year's CIP Vice-Chair)
- Steed Celio (last year's CIP member)
- Nancy VanScoy (Town Councilor, Town Council Rep. to Planning Board, and last year's CIP member)
- Jim Walter (Conservation Commission member)
- Dana Agro (School Board member and last year's CIP member)
- Tom Walsh (Planning Board member)

Seconded by J. Mudge.

Vote unanimously in favor.

CIRCLE T CARWASH, TONY CRAWFORD – BOND REQUEST (plan #11-04)

Tony Crawford: Provided overview of his request for a bond vs. LOC as surety for his carwash project, 1125 Hooksett Rd., Map 41, Lot 12.

J. Duffy: Tony is very anxious to get his project going. We cannot hold a pre-construction meeting until the surety is resolved. We only have one meeting this month, so I thought, maybe I was wrong, to have this on the agenda tonight under other business to speed things along. I thought it was pretty simple.

M. Cannata: That answers my question. In a way you are putting it on the fast track for a particular reason. If we have done it before, and we are doing it now, it is part of the process.

J. Gryval: Jo Ann is right as far as that goes, because if it is a waiver it needs to be a public hearing.

M. Cannata: I am OK with it, so long as everybody is on the same page.

J. Duffy: The regulations were changed last November and we used to allow bonds. We changed the regulations based on a request from Dale. State law does allow towns to accept bonds.

M. Cannata: So we do have some room in terms of setting a precedent. It is not locking us into having to do a process in the same manner that we did tonight should someone request it. Are we tying our hands? Do we have a rationale to get off the hook?

J. Duffy: Yes, I think because this is such a small site plan, and not a big project at all, and taking into consideration the economy. I've got pressure on me from the Economic Development Committee to be business friendly. If my boss does not agree?

N. VanScoy: I look at this in two different ways. I think when looking at this project the size of the project, current state or property, proposed state of property, and what it would take to get it back to where we are now is taken into account. I think while certainly there is some precedent that may have been set, the precedent has been set at a very low level. You would definitely need to prove you have a workable project, and a history of having done this. He obviously has a goal. We don't have any excavation going on or any concrete coming up. The changes are minimal. On the same note, Jo Ann did bring up some things. I as well as you know that whatever the reputation of Hooksett may be, you are plenty nice while being firm. I, as well as Town Council Rep. to the Planning Board and Councilor, would much rather see proper procedure followed than you being nice to developers. If there is a need for that procedure to change, to work with the Town Administrator.

D. Shankle: I think maybe we should revisit the idea of using bonds and giving people that option, if people think that option is good. As far as I am concerned, so Jo Ann knows, to avoid the waiver procedure, just so that abutters don't know what is going on I absolutely disagree with. I think that is a terrible way to look at it. I realize things take time, but people, like the abutter in the last project, would want to know that. People have a right to know, even if it is a small project. That is why people have a right to know. You never know what is going to go wrong. Specifically avoiding the waiver process and not renotifying the abutters is absolutely incorrect.

J. Gryval: Tonight, bond taken vs. letter of credit. I think we probably saved a business coming into Town, and that might be worth it. On the other hand, we probably should go through the waiver system. He may not want to wait two weeks and pull out anyway. Sometimes you lose when you win.

D. Shankle: If the regulations the way they are set are not working, then change the regulations. Find out what works, so things can move forward for everybody in a fair way. This gentleman made his case, but if you don't like the next guy, you can't treat him differently. Government can't work that way.

***B. Perry motioned to accept a bond as surety. Seconded by T. Walsh.
Vote 5 in favor, 3 opposed, and 1 abstained. Motion carried.***

N. VanScoy motioned to have the bond amount be \$80,000. Seconded by M. Cannata. Vote 5 in favor, 3 opposed. Motion carried.

MUNICIPAL LAW LECTURE SERIES

J. Duffy: You all received a copy. If you are interested, let Donna know.

3A ACCESS MANAGEMENT STUDY

J. Duffy: We would like to bring the study to the next step to come up with a Memorandum of Understanding (MOU) between the Town and the State. When the State issues their driveway permit, they take the Town's plan into consideration for guidance. I gave you a copy of the MOU for you to look over. We would contact the DOT to look over the study to see if they have any issues with it, then develop a MOU.

J. Gryval: I think that would be a good way to proceed.

ECONOMIC DEVELOPMENT CHAPTER DRAFT – MASTER PLAN

J. Duffy: You all received a copy of the chapter draft to take a look at for your comments by the next Board meeting (Oct 3rd).

JO ANN'S FABRIC – SHAW'S PLAZA

J. Duffy: In process of renovating and will have some trailers parked on site closer to Owner's Marine area adjacent to were Tractor Supply Co. has their fenced in area. This is temporary.

ACTIVE PROJECTS IN TOWN

N. VanScoy: Could we get an update on the three active projects in Town; Mega X, Market Basket and McDonald's?

J. Duffy: Mega X in process of adding Dunkin Donuts and once that is done they should be ready to open. They submitted a sign package that meets the building sign and monument sign and now that want canopies over menu board and drive-thru. They also wanted directional signs, which would require waiver before the Board. Market Basket is tentatively to open next Wednesday. It would be a soft opening, so it wouldn't be advertised.

D. Tatem: McDonald's, they have their sewer system partially done. There building is under way. They are running water lines across the street (Martin's Ferry) today. They talked about 90 days from start to open.

J. Gryval: According to the Hooksett Banner Market Basket is waiting for Town approval.

BROOK'S PROPERTY SIGN – ACROSS FROM OWEN'S/NINETY-NINE

M. Cannata: There is a sign "coming soon". I don't know what the fine lettering is.

N. VanScoy: It looks like an over 55 housing development.

SNHPC ANNUAL DINNER – DICK MARSHALL HONORED

N. VanScoy: Our Vice-Chair Dick Marshall received the Ray Clossin award for regional planning at the SNHPC annual meeting on Sept 9th.

J. Gryval: He spend a lot of time at SNHPC. He represents the Town very well.

*T. Walsh motioned to adjourn at 8:15pm. Seconded by N. VanScoy.
Vote unanimously in favor.*

ADJOURNMENT

Chair J. Gryval declared the meeting adjourned at 8:15pm.

Respectfully submitted,

Donna J. Fitzpatrick,
Planning Coordinator