

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

**HOOKSETT PLANNING BOARD,  
ZONING BOARD OF ADJUSTMENT, CONSERVATION  
COMMISSION, AND TOWN COUNCIL**

**LAND USE WORKSHOP  
(HOSTED BY THE PLANNING BOARD)**

**MEETING MINUTES**

**HOOKSETT TOWN HALL  
35 Main St. (Chambers room 105)**

**Monday, October 17, 2011**

**CALLED TO ORDER**

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

**ATTENDANCE – PLANNING BOARD**

Chair John Gryval, Vice-Chair Richard “Dick” Marshall (left @ 7:00pm), Town Administrator, Dr. Dean E. Shankle, Jr., Town Administration Rep. Leo Lessard (DPW Director), Tom Walsh, Jack Mudge, and Frank Kotowski.

Excused: Martin Cannata, and Brendan Perry.

Absent: Yervant Nahikian.

**ATTENDANCE – TOWN COUNCIL**

Chair William “Bill” Sirak, Councilor Nancy Van Scoy, Councilor James Levesque, Councilor Vincent Lembo, Councilor Susan Lovas Orr, and Councilor Nancy Comai (arrived 7:00pm).

**ATTENDANCE – ZONING BOARD OF ADJUSTMENT (ZBA)**

No members.

**ATTENDANCE – CONSERVATION COMMISSION**

John Turbyne and Bob Steiner.

**REPRESENTING TOWN OF HOOKSETT**

Town Planner, Jo Ann Duffy, Building Dept. Administrative Assistant, Lee Ann Moynihan, and Planning Coordinator, Donna Fitzpatrick.

**OTHERS IN ATTENDANCE**

Nominated Planning Board alternate, David Rogers.

J. Gryval: Introduce members of the Boards, Commission, and Council.

**GRANITE STATE WINERY, Hackett Hill Rd., - Jeff Larrabee presenter**

J. Larrabee: This is the Heffron site. I would like to approach the Boards with a concept of Granite State Winery around the old historic barn. Parts of the site are zoned LDR (low density residential) & others COM (Commercial) zoned. This would be a good transition area from commercial to residential rural. We don't want to go for rezoning. I am here to see if you will support a variance. My business partner owns a winery in Boston and it would be neat to have a winery here in Hooksett. Referred to sketch of plan distributed to Boards.

J. Levesque: Will you grow grapes too?

J. Larrabee: Yes, we will have limited vineyards.

D. Marshall: What are the dashed black lines on the map (sketch)?

J. Larrabee: It is the two areas proposed for the actual winery building. We will choose only one area. We prefer the building to be in the LDR zone.

D. Marshall: How fast do you want this to move? Isn't it easier to rezone?

J. Larrabee: We prefer not to rezone, because it will take longer and there may be concerns in the neighborhood. A variance gives us more control. I may put my own personal house behind the barn.

V. Lembo: What about the traffic up Hackett Hill?

J. Larrabee: It shouldn't be bad. In my partner's Boston location, people participate in wine making. This site will be more of a small tourism venue.

L. Moynihan: Are the fruit crops in the LDR?

J. Larrabee: Yes, and we will grow blueberries & raspberries.

L. Moynihan: Growing of crops falls under general farming. Just the buildings would need a variance. Which part of the site is commercial?

J. Larrabee: The blue marked area on the map (sketch) is actually in the LDR area.

J. Duffy: To the right of blue area is the commercial zone.

J. Gryval: Is a new barn proposed?

J. Larrabee: Yes, we will have a new little shed or barn in the future.

J. Turbyne: As a condition of approval, will you leave the existing barn?

J. Larrabee: Yes, the Heritage Commission would like to see this stay.

L. Moynihan: Who is abutting this proposal?

J. Duffy: Across the street is industrial, Dale Hemeon has two homes on Cate Rd., and Mike Sorel purchased a lot in that area.

T. Walsh: Is the square in the center of the blue area on the map (sketch) the old barn?

J. Larrabee: Yes.

V. Lembo: How many employees will you have?

J. Larrabee: Seasonally we will have 6-7 employees, however not all of them will be full-time.

N. VanScoy: Are the black dotted lines on the map (sketch) for two different buildings?

J. Larrabee: No, just for one building. These are just the two preferred sites for us to choose one site.

L. Moynihan: These are two separate lots; will you merge them?

J. Larrabee: I may do that or a lot line adjustment. I may have my own house and barn on 2+ acres.

J. Levesque: The lots go all the way to Rte. 3A?

J. Larrabee: No, just to the back of Sawhill Development; opposite of the Cate Rd. entrance.

J. Levesque: I worked at a winery and they are pretty low-key. I live up in that proposed area and I wouldn't mind it.

F. Kotowski: Will the advertising to get folks into that winery include retail?

J. Larrabee: Yes, it will be a retail operation; sales and tasting room. We will also have breads and olive oils with the wine tasting.

J. Gryval: Thank you for your presentation.

**ALL OR NOTHING, LLC (plan #09-12), 254 West River Rd., Map 17, Lot 36**

J. Duffy: Distributed timeline to attendees. I met with the owner and spoke with the banker this afternoon. They (Coronis) are willing to commit their funds to get the project cleaned up, but they don't want to do that until they get a commitment from their bank. They are going through the Bank of New England and CDRC for financing. We won't know for sure about the bank financing, because the Loan Originator is meeting with CDRC tomorrow. He will not have an answer for me until tomorrow or Wednesday. The financing includes money for the retaining wall as an escrow account. The owner would pay for the wall out-of-pocket and then gets reimbursed by the bank. They are scheduled to complete the following by November 24, 2011 to move forward with their loan closing in January 2012: 1) wall completely built. 2) stump piles cleaned-up, and 3) water will be connected. The banker said their committee meets every Wednesday. This Wednesday will be when this application will be placed on their agenda for the bank Executive Committee. We won't know definitely until November 2<sup>nd</sup> (Wednesday loan review meeting) if the bank will grant the mortgage. The retaining wall design has been submitted to Stantec. The stakes for the wall have been put in place. Stantec is waiting for the calculations. Once Stantec receives the calculations, then a complete review of the retaining wall will be completed. Once money is in place with the Town, then a pre-construction meeting can be completed. They want to start on either October 28<sup>th</sup> or November 2<sup>nd</sup>. Water will be connected and the stumps removed prior to the bank commitment letter. The stumps will not be ground on site.

J. Gryval: Buffer?

J. Duffy: It is really a building setback vs. buffer. The tree-line for the south abutter is gone and needs to be replanted. If this project goes forward, we will ask them to increase the surety for work to be done in the Spring 2012. There is no 25 ft undisturbed buffer. This landscape plan was approved by the Aesthetic Committee and made part of the plan. The slope is steep and plantings are not really needed there. The landscape design calls for six (6) white pines to be planted in the rear of the property.

J. Gryval: They shouldn't have taken out the buffer to the south abutter.

V. Lembo: Is this the property where the Pizza Man is located?

J. Gryval: The Dance Studio was supposed to go there, but they backed out. Now they just want to stabilize the site.

V. Lembo: The bank is giving them funding to stabilize the hill?

J. Duffy: The property went up for auction through a company in Maine. The Pizza Man owners (Coronis) won the bid for the mortgage. The owners (Coronis) only paid interest so far for the site. Now they are applying for a normal mortgage to purchase the property even though they already own it.

V. Lembo: What does the south abutter up on the hill have to say?

Tom Cote, 246 West River Rd: I am the south abutter to the Pizza Man site. I voiced my concerns from the beginning about my buffer area. Before you would not know my house was up there, and now you can clearly see it. I don't have a concern about people doing what they want on their property. However, I was assured by the Pizza Man people that they would restore, screen, and regrow the buffer for my privacy. I didn't use to lock my doors, but now I have to. I was planting Spruce Trees the other day along my border, and some people passing by could see me and yelled up at me. I am disgusted with this whole process and how it has played out. This has been going on and on and on. Now you talk about six (6) trees to be planted. I was told there would be a berm along my property line.

J. Gryval: I was up there today and no one should put up with that site.

V. Lembo: Is that slope washing away?

T. Cote: Yes, over the past storms deep channels have formed.

V. Lembo: How far from your foundation does it slope?

T. Cote: They excavated right up to my property line.

J. Levesque: Are they eroding your property line?

L. Moynihan: Jo Ann, wasn't there a zoning change to have a 25 ft buffer when a commercial use abuts a residential use?

J. Duffy: Yes in May 2009 the zoning changed, but the applicant came to the TRC also in May 2009. They should have the buffer. There was no waiver submitted to the Board, but there was discussion on it. There is a note on the plan to allow a disturbed slope to promote plant and wildlife habitat.

J. Gryval: Personally I would like to see a buffer there.

N. VanScoy: Referred to the timeline; the wall will not be stabilized until Thanksgiving?

T. Cote: I don't see anything in their timeline for the slope.

N. VanScoy: Are they building the slope back up?

J. Duffy: I have a wall plan from 2010 and that doesn't have anything about stabilization. I could not verify that today, because Dan is on vacation.

N. VanScoy: The wooded area, was that cut into?

J. Duffy: I would say yes. The trees are cut up to the south abutter property line.

T. Cote: Yes, all the trees were cut up to my property line.

N. VanScoy: The Board would expect those trees to be replaced. Do we have legal backing?

J. Duffy: Yes, if the existing tree line was taken out, it should be replaced.

N. VanScoy: We all knew what the site looked like then. Back then you couldn't see through the buffer. How will all that be handled?

J. Duffy: Someone called the Town it could have been Mr. Cote. The logger needed to stop. I sent Rob Duhaime to the site on a Friday. By Monday all the trees were gone.

T. Cote: No site work should be done on a site until a pre-construction meeting is completed. However, then the owners got an Intent to Cut permit from the Assessing Dept.

J. Duffy: However, once someone submits a site plan, they are not supposed to touch their site until the pre-construction meeting.

D. Marshall: The trees were cut down after 2009 by the current owners. For the Intent to Cut permit, the Planning Board has no jurisdiction. The logger could get an Intent to Cut and the Planning Board wouldn't know about it. Put the wall in, stabilize the slope, and replace the buffer. They can put in nice trees, but they will take a while to fill-in.

T. Cote: I can't afford to buy ten (10) 6 ft trees. The Zoning Ordinance buffer area plantings states at least 6 ft trees.

J. Gryval: There is no place there for them to plant them.

T. Cote: The Pizza Man Owner said there would be a berm on top. Either I have been lied to or “?”

J. Levesque: It is also late in the season to hydro seed. Plourde Sand & Gravel took the fill from the Pizza Man site.

T. Cote: Marty said Plourde took dirt out where they were told.

V. Lembo: What is the type of wall; cinder block?

J. Duffy: It looks like cinderblock.

T. Cote: Where the stakes are now, there would have to be some fill there.

J. Gryval: The slope now is fairly steep. If they add more up top, that will make it even more steep.

V. Lembo: Can we ask Leo Lessard to watch over this site work?

J. Gryval: Stantec will review the wall plans and then we can question him.

J. Levesque: If it is just block wall, what will be behind it?

L. Lessard: It is big block with fabric that ties into the banking. I am assuming it is an 8 ft wall to a 3:1 slope.

T. Cote: You would think they would stabilize the slope first and then build the wall. There is a lot of fill where the stakes are. There should be a lot of preliminary work done, before the wall is built.

L. Lessard: They can stabilize with hay during the Winter months. I wouldn't let weather interfere with their progress.

T. Walsh: It should be completed as drawn and restore the buffer. We have given them two drop-dead dates.

N. VanScoy: They are not waiting for their loan, they are using their own money. But they want to assure they get their money from the bank first. If they have the money, they should do the work now. What happens if the bank doesn't give them the money?

J. Gryval: They didn't come to the Board with a commitment letter, it was just a loan proposal letter.

N. VanScoy: Why do we have to wait?

J. Duffy: My impression was they don't want to risk their own money.

J. Mudge: Who got paid when the trees came down and who got paid for the sand removal? The Pizza Man owners or the people from Maine?

J. Duffy: Plourde took the material, but I don't know if that was payment. The loggers could have kept the timber as payment.

J. Mudge: At the last meeting they said they had a commitment letter and they didn't give us one (only have a loan proposal letter). All I am seeing now is a shell game going on. They are getting it all and we are getting nothing. This is getting ridiculous.

D. Shankle: Who owns the property and who got the bond?

J. Duffy: The deed is in their name (Marty & MJ Coronis). Steve Heavener from CRDC is involved for 50% of the financing and the bank for the other 50%.

N. VanScoy: If everything goes exactly as planned, and so far nothing has gone as planned . . . regardless of whether or not they get their financing, they are the owner of the property. They should be fixing this and we should not be waiting until they get their loan. They have done things against the plan and they either need to fix it or we pull the bond. We have no power to do anything?

J. Duffy: They are owners by deed, but have only paid interest payments. They appear to not be completely vested in this site.

T. Cote: Marty said if the Board pulls the bond, they will walk away.

N. VanScoy: If they don't get their funding, will they walk away anyway?

J. Gryval: I wanted to pull their bond at their first drop-dead date.

D. Marshall: I am very sympathetic with the south abutter, but if you execute the bond it is not enough to stabilize the slope and build the wall. We are caught with this and need to get through it as best we can. They don't want to use their entire savings, unless they know their loan is coming.

T. Cote: Everyone keeps talking about the wall. You can stabilize the slope without building the wall by bringing fill in. My biggest concern is the top of the bank. I have been driving around VT from the aftermath of Hurricane Irene and I see their devastation.

V. Lembo: What is the amount of the bond?

J. Duffy: \$20,250.

V. Lembo: Can we stabilize the bank with \$20,250?

L. Lessard: Maybe, my idea is to use raffy paper over the existing banking, push the stumps against the slope as fill, then loam and don't do a wall. Whoever buys the land in the future will have the stumps to deal with.

V. Lembo: Call their bluff, pull the bond, and stabilize the slope with no wall.

L. Lessard: If the Town does that, now everyone in Town who doesn't finish their project will expect us to fix it.

L. Moynihan: Can we the pull bond and do work on their private property?

L. Lessard: I don't know if we can do work on private property.



J. Levesque: What can we do to prevent this from happening again?

D. Shankle: Even if the bond is enough, I am hearing we don't know if we can go on a private site to fix it. If that is the case, what is the point to getting a bond?

J. Duffy: Bonding is in our regulations. Our Attorney said if a project is in default, then we could go on a private site and complete it. This project is a little bit different, because there is an existing business running.

J. Gryval: Normally this would happen to a new construction site.

D. Shankle: The \$20,250 bond is not enough, because we let them do a number of other things along the way and didn't stop them.

J. Gryval: Jo Ann tried to stop them, and Robert (Duhaim) went out to the site.

D. Shankle: I don't know how this will ever get fixed, if we keep letting them get away with things.

L. Moynihan: Has there been discussion on the stump removal?

J. Duffy: Yes.

N. VanScoy: How can we stop this from happening again? Can you write penalties into your zoning? Read section of buffer from zoning; there is no penalty.

J. Gryval: You can stop them from continuing construction.

J. Duffy & L. Moynihan: There is enforcement on page I-77 of the Development Regulations.

L. Moynihan: There is also enforcement in Article 34 of the Zoning Ordinances.

B. Sirak: They have scarred the landscape. The Town Administrator has some ideas on how to move forward. We should authorize the Town Administrator to come back with a specific recommendation for a solution to this terrible situation. What can we do legally? Now there are too many outstanding questions. It's time to draw a line in the sand, but we don't know where that line will be. There should be some type of action.

J. Mudge: The reason I ask who profited from the trees, is that I used to live in that area. Are the stumps a safety issue for when traffic is coming out of Cross Road and from the Pizza Man parking lot? I am as nice as the next guy, but this has gone beyond.

J. Turbyne: There are penalties (liens). We have cleaned-up this site a few times from a banking side. If this is not done by the end of November, then we should show no mercy. However if they can get the site fixed by then, everyone wins.

F. Kotowski: This is an unfortunate incident. The Town let this happen. We let them come in time, after time, after time for an extension. Up front we should have got a big enough bond.

*F. Kotowski motioned to authorize Town Administrator Dr. Dean E. Shankle, Jr. to determine how to resolve the Pizza Man site issue as discussed tonight or prevent it from happening in the future. Seconded by N. VanScoy.  
Vote unanimously in favor.*

### **COMMERCIAL VEHICLES PARKED IN RESIDENTIAL AREAS**

John & Darlene Peracchi, 159 White Hall Rd.: We are here tonight about construction vehicles in residential areas. We spoke with the CEO and then the Town Administrator.

Dave Durazzano, 9 Heron View Dr.: John & Darlene Peracchi are my in-laws. We wanted to approach the Boards this evening for an open discussion on interpretation of having a commercial vehicle within LDR & MDR zones as stated in the Zoning Ordinance and possible rewording of the ordinance. The owner of 163 Whitehall Rd. has been violating the code for the past 10 yrs. per Article 5 (6). They are using resident parking for construction vehicles all hours of the day. Without proper enforcement, they are just pieces of paper: 1) order to remedy to resident, and 2) certified mail years of history to this individual with no change indicator. There are dump trucks, excavators, bull dozers, and flatbed trailers. The owner is running the "Premium Builders" business out of his residence. His father at 248 Whitehall Rd. is running the same business. Zoning code Article 5 (6) home occupations – professional occupations or craft done in home with no more than 4 employees . . . no more than one commercial vehicle. It doesn't define what a commercial vehicle represents. Is it a car with a magnetic business sign, a truck, or other type? In LDR & MDR areas, this should be defined. Without it, it is hard to define and hard to enforce. There are traffic issues with this site and it is on a State highway. There are routinely accidents in this area.

J. Peracchi: There was a recent school bus accident in that area.

J. Gryval: What are the dates of the CEO letters?

D. Durazzano: Aug 15, 2006 - again in receipt of complaint, and June 24, 2011 Order to Remedy signed by Peter Rowell, CEO – home business (nature of business) in MDR in violation of that district.

J. Gryval: Lee Ann would you please follow-up on this process?

L. Moynihan: Either they wouldn't be there when Peter would go, or would remove their vehicles if they knew he was coming.

D. Durazzano: These are idle threats behind enforcement.

D. Shankle: They came in to talk to me. This is not a Board concern. My job is to make sure codes are enforced. I have been talking to Leo and different people about reorganizing how things will get done. If we are not going to enforce codes, then get rid of them. However my feeling is not to get rid of codes and enforcement, but to get someone in who can do the enforcement.

N. VanScoy: What the Board can take from this conversation is about ambiguity of ordinances, and how important it is as we have our meetings. The next phase is to state in our regulations exactly what we mean.

D. Durazzano: As important as it is to define what it is, it is also important to define what it is not. There is also a full automotive repair shop being run out of a residence in the same neighborhood.

D. Shankle: I will look into both issues. The automotive shop is harder to enforce, if they are behind closed doors. The State defines a commercial vehicle.

D. Durazzano: For the construction business, the father and son have to be registering commercial vehicles with their residence address. If not registering at the Town, it could be because of some weight limit. It has become a feud between abutters in that whole area and by all means a safety hazard.

J. Peracchi: There are school buses there, and I am concerned about the kids' safety.

D. Durazzano: Another enforcement piece, Order to Remedy at 164 Whitehall Rd, I live in the neighborhood at Heron View Dr. For the last 6 months and longer a full service auto repair shop is being run out of the residence. Cars are lined up along Rte. 27 and cued for service or lined up along Heron View Dr. The same location is a designated area for children to stand and wait for the school bus. There is a sight issue for oncoming traffic. I spoke with the resident numerous times. The corner lot on Heron View Dr. is being used as the main road for parking, Heron View Dr. is a zone 6 tax base (highest residential in Town), however there are storage of auto parts and junk cars and you are not enforcing.

J. Gryval: The Town Administrator has said he will take care of this.

## **DEVELOPMENT REGULATIONS**

<b>a. 8.03 Technical Review Committee (TRC) pg I-12 = review process</b>
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D. Shankle: To a degree possible, by the time an application comes before the Planning Board, it should be a final plan. Staff should make sure it meets the regulations. This is a task of the TRC. We could have two TRC meetings, one prior to Board application and one when the plans have been finalized.

J. Gryval: We do spend a lot of time here on applications. Maybe we should start sending some back that are not ready.

D. Shankle: Staff should take care of the application, before the clock starts ticking for acceptance.

N. VanScoy: We could states two TRC meetings, unless conditions warrant to just have one.

D. Shankle: More important is that the final plan to go before the Planning Board should be signed off by staff (highway, fire, etc.). In Merrimack we developed a sheet for staff to sign off, before it goes to the Planning Board. If it doesn't meet the criteria of the Town, it shouldn't go to the Planning Board.

J. Gryval: It should be met before completeness, but then it gets to us without things.

D. Shankle: But then they ask for waivers. You are redesigning regulations with these people. If the regulations are good, then we make sure staff reviews them.

L. Lessard: I agree totally with Dean. Jo Ann has been working alone with Stantec. I would like to work with Jo Ann on these.

J. Duffy: The TRC staff states the plan should be done a certain way, but then the applicant states they want to go to the Planning Board for discussion.

J. Gryval: Big developers are not as much of an issue; it is the smaller ones.

J. Turbyne: You don't want applicants to walk over you, but you need some way for an applicant to come to the Planning Board to interpret.

L. Lessard: Staff is stating it is in the regulations. There is no need to go to the Planning Board for a waiver.

D. Shankle: Even if that were true, there are situations where waivers are warranted. Applicants should start inside the box (regulations), and work their way out. Show us a plan that meets the regulations. Go to the Board with a plan "designed per your regulations", and then they can also provide a design they believe would make it better. In this instance the Board can pass the plan that abides by regulations or opt for the other design.

B. Sirak: Interesting discussion with the Boards tonight. I leave it up to staff for the gray areas, and those should be few. Applicants will go outside their envelope if permitted. You should give serious consideration to having the two TRC process with only exceptions going to the Board. Then you will save yourself time and aggravation. You will be more affective as a Board. Let your capable staff do their job.

J. Gryval: Bill you hear from the developer, and we hear from our engineer. The developer wants the quickest way through the process. Then the Board wants this and that. Then the developer calls Mr. Sirak up to complain about the Board.

D. Shankle: Developers play politics. I don't mind having them call me to say our staff isn't allowing the plan through, if it is because they are not meeting something in our regulations. Staff should make sure the regulations have been met on the plan.

B. Sirak: This Planning Board has been used and abused. If you allow applicants to come to the Planning Board for waivers, it will continue.

N. VanScoy: This process sounds wonderful. We should give it a try. If it doesn't work out, we should note what isn't working.

D. Shankle: Maybe there is something in the regulations that needs to be changed.

J. Turbyne: Empower staff to use common sense for regulations. The Board has to be in a position to make accommodations, but not get trampled upon. There just needs to be some flexibility.

J. Gryval: I have heard developers had issues with the timeframe for the Planning Board process.

N. VanScoy: Exceptions should come to the Planning Board. I agree with John Turbyne there needs to be some flexibility. Staff should be bringing the exceptions.

J. Turbyne: Staff has to be empowered.

D. Shankle: If we see bad regulations, then we look at them for change. Most regulations are broad enough to cover everything.

V. Lembo: I would like to hear Frank's opinion on this topic. I welcome his input.

F. Kotowski: The Planning Dept. should be allowed to do their job and bring the plan to us. The developers blame Stantec for the timeframe, however when Stantec's plan review letter goes out there are 38, 48, 58 or 68 comments. I don't know how one or two staff members can keep track of all this.

J. Gryval: Conditional approvals make more work for staff.

N. VanScoy: I have sat here many times when they want us to approve their plan, but we have not been shown the plan meets our regulations. McDonald's is an example, they came back after their conditional approval for waivers on their landscape requirements.

J. Levesque: We bend over backwards to make these regulations, then we bend over backwards to break them. We need to worry about Hooksett. If the developer doesn't like it, then they will go somewhere else.

S. Orr: We are not accommodating to business in Hooksett? If they looked at our tax base, they would know that not true at all. They (developers) are just blowing smoke.

B. Sirak: Why that perception got out there was several years ago we brought together some developers and they said there was no one at the Town who could make definite decisions. They would go to the Town Planner, then the Town Administrator, and then to the Planning Board. That was very unfair to this Planning Board group. They would say 'take it to the Planning Board'.

Susan Orr: Nancy mentioned a checklist. We have specific rules and specific checklists. They need to comply if they want to do business in Hooksett.

J. Levesque: If they are missing items from the checklist, then don't accept it.

<p><b>b. 9.05 8) Construction Monitoring Fees &amp; 9) Construction Monitoring Account pg I-16 = review process</b></p>
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L. Lessard: The SPC (site plan compliance) monitoring that Stantec does now, I should be doing. I was told in the past that Stantec is not very friendly, and they cost developers a lot of money. Stantec is looking out for the Town, yes, but costing contractors a lot of money. Stantec should continue doing SPR (site plan reviews). For SPC the Town will monitor to bring money into the Town. Stantec's rate is double from every town I checked into on their fees.

J. Gryval: The developer pays for Stantec reviews now.

L. Lessard: SPC Town review will be paid by the developers, and money will go back to the Town.

J. Gryval: Money goes back into the general fund?

D. Shankle: Yes and this offsets Leo's paycheck. In Merrimack there was no more development than here. They had eight (8) people for planning and building reviews, and the whole department paid for themselves. Over the last 2 yrs. Stantec has been paid over \$250,000 in fees, and 4 yrs. ago \$600,000 in fees. You can have in-house staff doing all reviews, but I am not suggesting that here. The Planning and Building Depts. are self-supporting. The Town's people shouldn't be paying anything for SPR or SPC.

J. Gryval: The last time we had a staff Town engineer and tax payers paid for him. I just want to assure the Town SPC is done properly.

J. Turbyne: Wasn't there a reason why we couldn't charge an hourly bill for road inspections?

L. Lessard: Nashua, Manchester, Hudson, and Merrimack send bills.

D. Shankle: We need to do things better than we have in the past. We need to hire a CEO & Building Inspector and look at the process.

L. Lessard: What does everyone else think about it (SPC done by Town)?

V. Lembo: I think Leo should do the SPC.

J. Levesque: I agree.

V. Lembo: The Town should be compensated.

J. Levesque: Stantec will do SPR, and all other site monitoring (SPC) will be done by DPW & CEO.

B. Sirak: No one had any issues with Stantec's SPR. The issue is the same company "Stantec", is also doing SPC and this is a conflict of interest.

Susan Orr: I do support the Town doing SPC ourselves. The perception out there is that Stantec is the Planning Board. That is bad, even if it is not true. It is a double edged sword. If it is done properly, the money will go back in Town funds, and there will be a perception that the Town has got their finger on the pulse of it.

J. Gryval: This will work out well, if it is set up properly.

N. VanScoy: Because we are bringing in so many funds into their company (Stantec), is there a feeling they don't just want to do SPR (because we are taking away SPC monies)?

B. Sirak: It is a good practice to put out SPR to bid anyway.

J. Turbyne: It is a slow economic time now with Leo, but what will happen in the future when development picks up again?

L. Lessard: When it gets busier, we can add on staff.

D. Shankle: If SPC is paying for itself, then it will work.

J. Turbyne: At some point in time, you (Leo) won't be able to do SPC by yourself.

L. Lessard: I gave an exam out to see what my guys know about pipes and gravel. Two guys did really well. I have four guys to choose from.

Susan Orr: Converting money from an outside contractor to Town funds would support hiring another staff person. It is a revenue generator.

T. Walsh: And you can do SPC for less than what Stantec charges now. It is a win-win.

**c. 18.03 Acceptable Forms of Surety pg I-71 = add bonds**

N. VanScoy: Bonds shouldn't go back into the regulations. I like LOC (letter of credit) and cash.

J. Gryval: Certain businesses coming into Town don't like LOCs, because they have to leave the cash in the bank. As now written, the Planning Board could require a bond, if needed.

J. Duffy: For smaller developers the site contractors get the bond. Some others manage the site and then the owner is responsible for the bond. Example is the car wash project on Hooksett Rd. He asked the Board for a \$72,000 bond, because he thought he could get a bond but he couldn't. The Town Attorney advised us we should be allowing bonding, because it is in the RSA. Should we go back to bonds?

N. VanScoy: I would like to update my fellow Councilors. If we pull a bond, we may not get the full bond amount. There are also legal fees or negotiation fees. I have problems with bonds. We talked here tonight about what is right for Hooksett. Small businesses we do need. All or Nothing (Pizza Man), the Board kept giving them the benefit of the doubt. Now we are being told if we pull the full bond for All or Nothing, we may not have enough funds to be able to fix the site.

V. Lembo: Doesn't the Town of Hooksett pull bonds, when we want to do it ourselves? What about our bonds for schools and Exit 10?

J. Gryval: Those bonds are different than private sites.

D. Shankle: We should either do it or not, but not an exception for one. For the car wash site, I don't why it was so much (\$70,000). If they quit building the project, what is it going to cost to stabilize and for aesthetics? We are not going to finish the whole project. Maybe we are asking for too much up front. If they quit in the middle, what are we asking for the surety to be?

J. Gryval: If we pull the site bond, can we only do partial work to stabilize?

L. Moynihan: We have never pulled a bond in this Town.

J. Gryval: Is the bond to complete the project?

J. Duffy: The surety is 30% of the site, plus 10% escalation, plus 10% contingency; that all adds to quite a bit. It's really a 50% surety.



L. Lessard: For the Pizza Man site, what do you do? Do you pull the bond? Who is to say we can go on their property to do work?

D. Shankle: Either the money up front is a mistake, or we let them do the work they shouldn't have done. A road bond makes sense, when they are working in our roads. Bonds for private property, that is an issue.

N. VanScoy: What ever happened with the Starbucks foundation at Hooksett Landing?

J. Duffy: The owner finally removed the foundation.

L. Lessard: For full inspections on private sites, 3 out of 4 towns say you can look at water, sewer, and drainage. However, as soon as you do compaction and asphalt testing on private sites, the owner can come back at us for liability. Londonderry disagreed with this, and they use Stantec for engineering.

J. Gryval: ZBA issues for bonds?

V. Lembo: Ms. VanScoy's point, does a LOC do the same thing to ensure a site is completed? If a developer puts up a \$70,000 LOC, it sits in a bank and he can't touch the money. That will hurt him to finish the project, when he is trying to finish it. We could be preventing him to finish his project with a LOC. Leo says we can't go on private property to finish projects.

J. Gryval: Are we pulling a bond to complete the whole project?

L. Lessard: No, just restore it and backfill.

D. Shankle: The bond should be based on the size of the lot, not the project. Site work includes?

J. Duffy: Lighting.

V. Lembo: Enforcing regulations would be better than requiring bonds and LOCs.

J. Turbyne: The Pizza Man is a good example why you need bonds. Don't err on side of too much money. Keep water from eroding in watershed areas. The engineering problem is how much money to request; 30% of site work? I don't know of a better way to do it.

L. Moynihan: What is the authority to enforce? How many law suits? We enforced the Pizza Man site, but they still did something over the weekend.

L. Lessard: The Pizza Man site may have DES & EPA violations by the drainage swale. There should be Cease and Desist via CEO and pull the right for them to have an establishment. Shut them down.

J. Duffy: Pizza Man is an exception, because there is a business running while site work is being done. We have shut down new construction sites in the past.

**d. 18.09 Surety Release Process pg I-74 = privates sites**

J. Duffy: Example is the car wash site LOC of \$71,263.08. For 1 ½ yrs. the money stays there until the site is 100% done. Is that fair?

**e. 19 Logging & Land Clearing Requirements pg I-76 = review process**

J. Duffy: A Senate Bill passed with new legislation effective July 2011 for Intent to Cut permits issued by the Assessing Dept. Now loggers are supposed to send a logging plan to the Planning Board and notify Leo @ DPW for roadway surety. The new legislation prohibits the Planning Board from having any jurisdiction over this. We should amend our Development Regulations to omit the Planning Board section and leave the notice to DPW.

J. Levesque: The Corriveau Dr. town ROW bond was released. The logger planted saplings. When this logger comes back again, how do we hold him accountable? We need ways to keep control of loggers.

D. Shankle: Who signs the Intent to Cut permit?

J. Duffy: Town Assessor (Todd Haywood).

N. VanScoy: The Town Administrator should check into what our rights are as a Town, even though the Planning Board can't monitor. Logging trucks going down public roads can cause damage.

V. Lembo: If Assessing signs off, why can't they notify all appropriate departments?

D. Shankle: In Epping, someone brought in an Intent to Cut and a selectman signed off. It was on town land.

J. Mudge: For loggers there are good ones and bad ones. Can't we keep a database of the good loggers and the bad loggers?

J. Levesque: The logger on Corriveau Dr. is now building a house up there. We should hold his CO.

D. Shankle: I am not sure if we can do that.

J. Duffy: The way the ordinance read, the Assessor has 30 days to sign off on the permit. Now this law says the Planning Board can't get involved any longer. We can modify our regulations for the Planning Board, but it doesn't say the Town can't get a bond for the roadway.

**f. 22-02 Four-Year Vesting Period pg I-81 = State vesting changes**

J. Duffy: State passed legislation to change the four-year exemption to a five-year exemption effective June 27, 2011. We will update our regulations to reflect this.

**ZONING ORDINANCES**

**a. SIGNAGE: Article 10-A US Route 3 Corridor Performance Zone pgs 59-64, Article 20 Signs pgs 125-133, Article 20-A Signs Route 3A pgs 134-139**

J. Gryval: There are temporary sign issues in Town.

J. Duffy: Lee Ann and I are working on the sign ordinances.

**b. Agricultural uses**

J. Duffy: Peter had issues with chickens, small horses, etc.

**c. Article 22 Definitions pg 145 = definition for multi-family and condominiums**

J. Gryval: Condos should not be treated differently, thus permitting physically identical structures. Therefore the Maurias "Falcon Brook: 20-unit detached single-family condos are single-family homes in MDR zone.

L. Moynihan: That is what our attorney said, and how the ZBA voted. The problem with the definition is because of where the comma is located. A single-family condo is being called a multi-family. It may be a multi-family project, but they are not multi-family dwellings. A multi-family building contains 3 or more units. Our attorney said to rephrase our definition.

**OTHER**

**a. Hourglass Project**

J. Duffy: The Hourglass Project is on Route 3A from Market Basket to Walmart. I have no update at this time. The idea the Planning Board had was to widen the area between Walmart and Market Basket. There are promissory notes the State has from Walmart & Market Basket. We approached the State to fast track this, because we have impact fees. Walmart can be held for 10 yrs. vs. 6 yrs., and Market Basket gave the Town a monetary gift vs. impact fees therefore no expiration. There is a conceptual plan by Stantec,

however the problem is it is a municipally managed project. There is a 10 yr. plan for money put aside for Hackett Hill Rd. & Rte 3A improvements. However, the State can't have money out there for more than one project. We have been waiting two months for Nancy Mayville @ the State to see if they will allow us to do this. The State has pushed their 10 yr. plan out for Hackett Hill Rd. to around 2015.

B. Sirak: For Hackett Hill Rd. and Route 3A roadway improvements, Bob MacKenzie (former Planner @ City of Manchester) said that as they built additional units where the apartment are on Hackett Hill Rd. in Manchester, the right-hand turn lane would be put in.

**b. Exit 11 Mini Master Plan = survey underway**

J. Duffy: We contracted with SNHPC to create a mini master plan of Exit 11. There is a public forum December 1<sup>st</sup> at 7pm @ Library. Residents and others in that area will be invited. We met with the liquor commission, water precincts, and Town staff. The next step is to get public input and work on the plan itself by the end of December.

V. Lembo: I heard Lowe's in Hooksett is closing November 13, 2011. Should we send some folks from Hooksett to go to Lowe's to see if there is something we can do to keep them in Town?

B. Sirak: Dr. Shankle received a letter today that Hooksett is one of twenty stores targeted for closing. We can talk about this further with the Chair of the EDC.

**c. Energy Committee**

J. Duffy: We received funding originally through a grant for a facilities study. Now we are at phase II to look at creating a chapter in our master plan. Leo, myself, Darryl and Jack Munn (SNHPC) have formed the committee to see if there is anything the Town can do for energy use/efficiencies.

**d. Change of Use = Board, Commissions, and Council input on process**

J. Gryval: Peter has been doing most of these, but some need to come before the Planning Board for more intense use and parking etc.

J. Duffy: The Change of Use is an easier process for businesses to occupy an existing building.

N. VanScoy: However, they don't have to abide by new regulations (i.e. trees along Hooksett Rd.) White Birch Brewery is an example of a change of use and now the site looks like an empty piece of asphalt.

J. Mudge: That site is a work in progress.

N. VanScoy: But it (Change of Use) doesn't make the site look any better to comply with the PZ. It could also bring in safety issues (i.e. lighting).

J. Duffy: We have been working with John Kelly for a while now. The building would have probably remained vacant, if they had to go to the Planning Board. I met with the manager of Auto Wholesaler's and there were conditions of the Change of Use. Then they get in there, and nothing happens to the site per those conditions. I don't think he should have got his CO until all the conditions were done.

J. Mudge: In defense of White Birch Brewing, John Kelly didn't do what he was supposed to do. You will see good work in progress.

J. Duffy: The site needs a lot of work.

V. Lembo: Also, for Change of Use parking is based on use.

N. VanScoy: Change of Use is similar to no control over things. COU says you don't have to improve the site.

L. Moynihan: I see the opposite. Jo Ann decides if the intensity of the use should go to the Planning Board, but we are also trying to save the Board's time for minor changes. Fire gets involved to assure building safety.

J. Duffy: The only downfall with the COU is that they don't need to abide by the new regulations. A lot of COUs are for older sites that continuously change tenants. If not the COU, then they would need to apply to the Planning Board for an amended site plan.

**e. CIP Schedule FY 2012-2013**

J. Duffy: This year's CIP schedule is in your packets.

**f. Ongoing Training**

J. Duffy: There are ongoing training opportunities for land use through the LGC/OEP.

**THANK YOU**

J. Gryval: I would like to thank all the Board, Committee and Council members for attending tonight's workshop.

B. Sirak: Thank you to all. This has been the most productive and informative workshop. We need more of these meetings.

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

**ADJOURNMENT**

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

Respectfully submitted,

Donna J. Fitzpatrick,  
Planning Coordinator