

**Official  
As of 12/05/11**

**HOOKSETT PLANNING BOARD  
MEETING MINUTES  
HOOKSETT MUNICIPAL BUILDING  
Monday, November 7, 2011**

**CALLED TO ORDER**

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

**ATTENDANCE – PLANNING BOARD**

Chair John Gryval, Vice-Chair Dick Marshall, Town Administrator,  
Dr. Dean E. Shankle, Jr., Jack Mudge, Frank Kotowski, Town Council Rep.  
Nancy VanScoy (arrived 6:05pm), Town Administration Rep. Leo Lessard (DPW  
Director), Tom Walsh, Martin Cannata, and David Rogers.  
Excused: Brendan Perry and Yervant Nahikian.

**REPRESENTING TOWN OF HOOKSETT**

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

**APPROVAL OF MINUTES OF 10/03/11 & 10/17/11**

*T. Walsh motioned to approve the minutes of 10/03/11. Seconded by J. Mudge.  
Vote unanimously in favor.*

*T. Walsh motioned to approve the minutes of 10/17/11. Seconded by J. Mudge.  
Vote in favor. M. Cannata abstains.*

**COMPELTENESS AND PUBLIC HEARING**

- 1. MANCHESTER SAND, GRAVEL & CEMENT CO. (#11-10)**  
**Hooksett Rd., Map 14, Lots 2, 10 & "A"**  
Lot line adjustment between Map 14, Lots 2, 10 & "A" to provide 80.926 acres for  
Map 14, Lot 2 (Head's Pond project proposed school parcel)

J. Gryval: The applicant's attorney is running late. We will hold on this item until he arrives.

**PUBLIC HEARINGS**

- 2. BETTE L. BLAKE TRUSTEE/EXECUTOR OF ELWIN BLAKE ESTATE (#11-08)**  
**26 Londonderry Tpke., Map 49, Lot 47**  
Site plan for the proposed construction of a 3-story 48' x 80' office building.

D. Marshall: I am stepping down from this application.

**J. Gryval: Alternate Dave Rogers will be voting tonight on this application only in place of Vice-Chair Dick Marshall.**

Jennifer McCourt, McCourt Engineering: The property is located at 26 Londonderry Turnpike. We want to create a 3-story 48' x 80' office building. We went to the ZBA and were granted a special exception to have commercial use in an industrial zone. The parcel is just over one acre (1.1043 acres). It is not within the 100 yr. flood zone. For impervious we are allowed 80%, and we are looking to have 44 1/2%. For parking 29 spaces are needed, and we are proposing 40 spaces at the request of the owner. Utilities are underground. The lot is served by municipal water. Staff has our approval from Manchester Water Works. The building will have a sprinkler system, and there will be a fire hydrant in front. The Fire Dept. approved their access and the fire hydrant placement. We just need to submit a final set of plans to them. One waiver we need is for storm water quality. There will be plantings along the front and sides of the site. For the rendering of the building; we show the front facing By-pass 28 and the side facing the parking lot. We have also submitted floor plans for each of the three floors.

D. Shankle: Clarification on the waiver?

J. McCourt: For the waiver on the storm water quality, we have now provided a grass area for the treatment. This will mean less flow volume and less peak flow. This is typical for site specific.

J. Gryval: This waiver was reviewed by our engineering firm and they were satisfied where it was.

**Open Public Hearing**

No Comments.

**Close Public Hearing**

**Waiver #1 – Development Regulations Part I Section 11.13.2)pp) use of treatment swales. WITHDRAWN**

**Waiver #2 – Development Regulations Part I Section 11.13.2)k) for storm water quality.**

*M. Cannata motioned to grant waiver #1 above. Seconded by N. VanScoy. Vote 8 in favor, D. Shankle opposed. MOTION CARRIED.*

**WAIVER ABOVE PER RSA 674:44 (III) (E)**

N. VanScoy: I saw the building rendering view of the side facing the parking lot, but is the opposite side the same?

Paul Scarpetti: Mostly the same, but no dormer on the north side. It is just pitched.

N. VanScoy: What is the length of the building?

J. McCourt: 88 ft.

N. VanScoy: I guess we would request it be broken up.

P. Scarpetti: We have used different materials and paint to break it up.

N. VanScoy: The view as you are coming down the road, that is the side exposed to traffic.

P. Scarpetti: Referred to rendering to compare differences on sides.

N. VanScoy: I am OK with that.

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

- All review fees are paid-in-full
- LCHIP check payable to Merrimack County Registry of Deeds is submitted to the Community Development Dept.
- 2 mylars, 11 paper copies (22x34), 1 paper copy (11x17), and 1 digital
- All outstanding comments from Stantec are addressed to Stantec's satisfaction (see letter dated 10/27/11 from Stantec). Applicant submits two (2) final plan sets directly to Stantec for their review and final letter to the Community Development Dept. recommending plans be signed and recorded
- All outstanding Federal, State, and local permits are obtained and submitted to the
- Town and Stantec to include septic permit. DOT permit must be received before plans are signed
- Letter from Manchester Water Precinct stating they have capacity and approve this project
- Revise light pole detail with height
- Construction sequence Note #2 to include stone construction entrance be installed prior to any tree cutting or earth disturbance
- All waivers noted on plan cover sheet
- Applicant agrees to attend a required pre-construction meeting after (a) all sureties are submitted and approved, (b) site plan compliance monitoring escrow is in place and the Inspection Funding Agreement is signed and submitted, and (c) the plans are signed and recorded, and (d) PDF version of signed plans is submitted to Town via e-mail attachment
- Applicant agrees to site plan compliance monitoring
- 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."

- Applicant agrees to remit ? in impact fees 10 days prior to the issuance of the Certificate of Occupancy (CO) subject to NHRSA 674:39 = **to be assessed by Town Planner**
- Applicant agrees to provide the following additional items prior to the issuance of the CO: 1) signed as-builts are submitted to the Town and Stantec for review and approval, and 2) 2 yr. landscape surety (from date of plantings) is submitted to Town for review and approval.

*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 J. Mudge.**

**Vote 8 in favor. D. Shankle opposed.**

### **COMPELTENESS AND PUBLIC HEARING**

**1. MANCHESTER SAND, GRAVEL & CEMENT CO. – MS&G (#11-10)  
Hooksett Rd., Map 14, Lots 2, 10 & "A"**

Lot line adjustment between Map 14, Lots 2, 10 & "A" to provide 80.926 acres for Map 14, Lot 2 (Head's Pond project proposed school parcel)

***D. Marshall motioned to find the application complete. Seconded by F. Kotowski.***

***Vote unanimously in favor.***

David Campbell, Atty. for MS&G: I am here tonight with Bernie Temple from Holden Engineering. We want to subdivide and create a lot of record. The original Head's Pond subdivision was conditionally approved on 6/20/11 and this lot line adjustment is one of the conditions. Distributed colored proposed school lot access sheet to the Board. The purple area is 49 acres for a future possible school lot, and it needs to be a lot of record. Within a year or so, it will be deeded over to the SAU for us to obtain our wetlands permit. The yellow area is 25 acres of conservation recreation land. A proposed roadway runs through the conservation land. The site was engineered as feasible with the grades. It doesn't conform with the conservation easement for the land just above. A long time ago we talked about a parkway. The conservation easement deed can't be changed unless approved by DES and Fish & Game. They are willing to go along with it, if the Town is OK. The Planning Board in the past approved this. Tonight we just want to create a lot of record. At one point we talked about a variance, however these are all lots of records. MS&G has a lot of tax lots without frontage in Town.

B. Temple: existing 14-2 lot, existing 14-10, and existing lot A, taking 25 acres of combination of 14-2 and 14-10 and putting into conservation and taking a piece out of conservation for the school.

D. Campbell: Where they are lots of record, it is just a boundary line adjustment. The intention is to deed the land over to Town of Hooksett. The school district or conservation

deeds are within a year or so. April 2013 is our deadline for our wetlands permit, so work needs to be done in the 2012 season.

M. Cannata: Is the lot for school or conservation? Is it one or the other or both?

D. Campbell: There are deeds to two different entities; purple = school district & yellow = Town.

D. Marshall: The road you show is feasible?

D. Campbell: The property to the school district, we would have to come back with a site plan in the future for the roadway. This proposed roadway is the only way you can come in.

J. Mudge: I see the gas pipeline, swamp, is there an old logging road that this proposed roadway is following?

J. Duffy: The existing lot 10, was that existing prior to Head's Pond?

B. Temple: Yes.

J. Duffy: How are you gaining access on the University Heights side of it, where the new road starts?

D. Campbell: Through a proposed house lot from University Heights. When Peter (Rowell) was here, I thought he figured out a way to not lose the lot. It is between lots 43 & 45 at the existing ROW. Peter thought if we shifted the ROW, they would not lose the lot. Some time ago we discussed this. That is not a main access. It would only be used for emergency access, in the event the main access was blocked off.

D. Shankle: For a waiver you need to show hardship and state what the waiver is for.

B. Temple: The lots are so large, we would save paper not to show it. The waiver is not to show the outer areas on the plan.

D. Campbell: There are 2 ft. contours on land for outside parcels, and the rest is open land not to be developed.

D. Shankle: Why did we require that?

J. Gryval: The regulations state lots to be shown all the way around. This waiver saves them from doing all that work.

D. Shankle: Why is it in the regulations? That is what I am asking.

J. Gryval: For smaller subdivisions we need to know this information, but with this one being so big, it is cumbersome for them to do this.

D. Marshall: Our regulations require land and ownership, boundaries, angles, distances and contours. I wouldn't even consider him doing that for this application. To not do it, we need to grant him a waiver. Normally we don't run across lots like MS&G.

D. Campbell: MS&G owns 3,500 contiguous acres from Allenstown south.

D. Shankle: Staff report indicates a variance needed.

D. Campbell: I discussed this with Jo Ann Friday. These lots pre-date the Head's Pond project. The boundary line is appropriate. I talked to Jo Ann before tonight's meeting, and she said it is at the decision of the Board.

D. Shankle: Jo Ann your comments on this?

J. Duffy: At first I thought a variance was needed, because lot 10 did not have frontage. I didn't know that prior to the Head's Pond project, that it didn't have frontage.

N. VanScoy: I have a map we received back in June 2011 (Head's Pond).

D. Campbell: I believe you are looking at an older map. I am sorry, that doesn't affect this boundary line adjustment. We will have to rewrite the conservation easement with the Town, because the roadway cuts through it. So it doesn't affect the boundary line adjustment, but it does affect a roadway to go through the site in the future.

D. Shankle: What if down the road, we can't get a road in there? Essentially we wouldn't be able to do anything with this lot.

J. Gryval: Is there any time we couldn't get a road there?

D. Campbell: A roadway is feasible. The area has gentle rolling slopes, and the same elevation. It is pretty level. We went out to site with Town officials. We weren't asked to do a site plan. At some point if the Town decides to put in a school, they would need to come in with a site plan application.

J. Gryval: Are you (Dr. Shankle) looking for a guarantee a road can go through there?

D. Shankle: It is not just the Town's guarantee, they also have to go through DES.

F. Kotowski: Is there a net change in conservation land that we end up with?

D. Campbell: No.

F. Kotowski: What conservation land are you taking?

D. Campbell: 4.2 acres.

F. Kotowski: Is that the questionable area to get the road in?

D. Campbell: No, a roadway can go through.

F. Kotowski: And you don't need DES approval?

D. Campbell: No.

D. Campbell: I just misspoke. DES does have to approve the road.

N. VanScoy: I understand it is not really affecting this lot line, but most of the road is going through the University Heights property.

J. Duffy: My concern is that when this land is deeded to the Town, the Town will have to get University Heights' approval. The sooner this is addressed, the better for all.

M. Cannata: Referencing Nancy's concern about the small triangle. Any way to reference this, so that should this come up again we know logistically where it belongs?

D. Campbell: The conservation easement deed and map will reflect the details of the triangle.

### **Open public hearing**

Dr. Phil Littlefield, Superintendent SAU #15: I want to state that this is a wonderful opportunity for a future school site. We are not breaking ground tomorrow, but there is a future need. MS&G has been wonderful to us. I urge you approve this lot line adjustment.

### **Close Public Hearing**

### **Waiver #1 – Development Regulations Part IV-5 Item 4 – displaying Boundaries of the Tract on the proposed non-developed parcels**

*D. Marshall motioned to grant waiver #1 above. Seconded by J. Mudge.*

*Vote unanimously in favor.*

### **WAIVER ABOVE PER RSA 674:36 (II) (N)**

*D. Marshall motioned to approve this application conditional:*

- Head's Pond 428 unit major subdivision plan #07-05/#07-42 to be recorded prior to this MS&G lot line adjustment (Head's Pond project proposed school parcel) plan #11-10
- All review fees are paid-in-full
- LCHIP check payable to Merrimack County Registry of Deeds is submitted to the Community Development Dept.

- 2 mylars, 11 paper copies (22x34), 1 paper copy (11x17), and 1 digital
- All outstanding comments from Stantec are addressed to Stantec's satisfaction (see letter dated 11/07/11 from Stantec). Applicant submits two (2) final plan sets directly to Stantec for their review and final letter to the Community Development Dept. recommending plans be signed and recorded
- All outstanding Federal, State, and local permits are obtained and submitted to the Town and Stantec
- All waivers noted on plan cover sheet
- Note on plan "Approval of this plan shall expire four (4) years from the date of the Planning Board approval, as recorded in the Planning Board Minutes, unless the right to develop has vested."

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

***Seconded by M. Cannata.***

D. Shankle: The Assessing Dept. stated this is subject to land use change tax.

J. Duffy: Is MS&G paying that land tax?

D. Campbell: Yes, however hopefully we can get it waived.

N. VanScoy: You are just moving the lot line?

D. Campbell: Yes and creating a conservation hatched triangle as part of 14-2 & 14-10.

B. Temple: Showed lot adjustments from large map.

***Vote 8 in favor. D. Shankle opposed. MOTION CARRIED.***

D. Campbell: Also I am looking for an updated letter from all the Boards stating that you are in favor of the conservation land with the road.

***M. Cannata motioned to send a letter to the State DES and Fish & Game that the Board is in favor of the proposed road in the conservation land and that the land needs to be adjusted (swapped) for the easement areas. Seconded by D. Marshall.***

D. Shankle: How was the roadway moved from the initial vote by the Boards?

J. Gryval: All the Town Boards and Commissions need to be on the same wave length.

D. Campbell: The letter is for the State DES and Fish & Game. They will not let us change the conservation land without their approval and they won't consider approving unless the Town Boards and Commissions are in favor.



D. Shankle: Jo Ann, do you know what you will write?

J. Duffy: I don't remember them voting previously. If they vote tonight, they should say they are comfortable with the proposed road in the conservation land and the land needs to be adjusted (swapped) for the easement areas.

M. Cannata: I believe in the past a motion was made for the letter, but the letter was never sent. The difference is that today's vote will prompt a letter.

D. Shankle: You are saying that the road in that location works, however I don't know that.

***Vote 6 in favor; 3 opposed (N. VanScoy, F. Kotowski, and D. Shankle). MOTION CARRIED.***

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

Mike Leo, VHB: I am here tonight with Hartley Cranton. This application is the Cranton Vernon 3-lot subdivision at Avon Rd. and Thames Rd. in the Granite Heights area. Two lots will support duplexes, and the other lot a single-family home. All lots will be served by municipal sewer. Two lots will be served by municipal water and lot #2 will have a well. This application has already been found complete. We have been working with the Town's engineer and staff for outstanding issues.

J. Gryval: Are the duplexes on public sewer?

M. Leo: All lots will have public sewer.

T. Walsh: Is there a waiver request for a drainage study?

D. Tatem: For this minor subdivision, typically a drainage study is not done. We ask neighbors and homeowners association(s) for their input. We met with the applicant and Alan O'Brien @ Cedar Management. Alan was OK with this subdivision pending a couple of minor changes. I walked site and felt the drainage was addressed.

J. Gryval: No drainage study needed?

D. Tatem: Correct.

**Open public hearing**

J. Gryval: E-mail from Karen L. Parenti, 1 Dove Road to the Hooksett Planning Board – read into the record:

*"In reference to Planning file #11-03. Cranton Vernon LLC Owner/Applicant. I do not support this request and here is why. I feel there should be single family homes build on this*

*site with min. sq. ft. of 2,000 as are the homes (15) currently in the Dove Rd HOA. This would help keep our home values up. I also feel there is drainage issues on the site which have an effect on our area. Thank you for your time and appreciate your support in this matter. Karen L. Parenti, 1 Dove Road, Hooksett, NH 03106”*

**Close Public Hearing**

D. Shankle: In reply to Parenti letter, are these homes allowed.

J. Gryval: Yes.

M. Cannata: Drainage issues addressed?

D. Tatem: Yes.

***D. Marshall motioned to approve the application conditional:***

- All review fees are paid-in-full
- LCHIP check payable to Merrimack County Registry of Deeds is submitted to the Planning Dept.
- 2 mylars, 11 paper copies (22x34), 1 paper copy (11x17), and 1 digital
- All outstanding comments from Stantec are addressed to Stantec’s satisfaction (see letter dated 09/23/11 from Stantec). Applicant submits two (2) final plan sets directly to Stantec for their review and final letter to the Community Development Dept. recommending plans be signed and recorded
- All outstanding Federal, State, and local permits are obtained and submitted to the Town and Stantec
- Letter from Central Water Precinct stating they have capacity and approve this project
- Letter from Hooksett Sewer Commission stating they have capacity and approve this project
- Subdivision will automatically become part of the Master Association. Applicant to provide timeframe for this to occur
- Note on plan to be updated to specify the required permanent markers vs. flagging
- Note on plan gas service through National Grid, however option to use individual propane gas heating systems or electric if for some reason National Grid is unable to provide acceptable service to the site
- Applicant agrees to remit **\$30,931** in impact fees 10 days prior to the issuance of the Certificate of Occupancy subject to NHRSA 674:39 (Roadways: \$7,100.00; Schools: \$13,950.00; Public Safety: \$6,518.00; Recreation: \$3,363.00 TOTAL: \$30,931.00 = \$10,310.34 per each of the 3 lots)
- 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.”

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**Seconded by N. VanScoy.**  
**Vote unanimously in favor.**

#### **PUBLIC HEARING & EXTENSION REQUEST**

##### **4. AUSTIN WOODS (#08-02)**

##### **South Bow Rd. & Mountain View Rd., Map 12, Lots 13 & 14-4 AND Map 16, Lot 53**

- 90-day extension request to 65-day deadline (expires on 10/29/11)
- proposal to subdivide Map 12, Lot 14-4 into a 6-lot conventional subdivision, consolidate Map 16, Lot 53, and Map 12, Lot 13 into one lot, and simultaneously subdivide it into 37 residential lots and 2 open space parcels/conservation open space subdivision.
- proposal for lot line adjustment to provide for the transfer of parcel "A" (15,130 sq. ft.) from Map 16, Lot 53 to Map 16, Lot 53-1
- Special Use Permit for Conservation Subdivision – Zoning Article 8, Sec. K

Nathan Chamberlin, Eric Mitchell & Assoc.: I am here tonight with Bruce Fillmore, Homes for Lifetime. The last time this project was before the Town was quite some time ago. October 2009 was the last public hearing. You granted a couple of extensions to the 65-day deadline. We request another 90-day extension to wrap this project up. We received our AOT permit. We are working closely with the Town's engineer and staff. An overview, this is a conservation open space subdivision with perimeter open space being 69.3 acres. Total project areas is 125 acres. Also a lot line adjustment Map 16, Lot 15-1 to gain access to the property. There will be a through road to Mountain View Lane and a cul-de-sac. There are 37 lots in the conservation section, and the other area has 6 standard lots. The cluster lots are approximately one acre per lot. The lots will be served by private wells and septic. There are extensive wetlands through the property. Slopes are downhill. There is a large fire pond, and that also drains downhill. There have been several wetland crossings reviewed and permitted through the State. We went to the State and local Conservation Commission. We will have oversized box culverts with natural bottoms per DES requirements. There are a couple of recreation areas. The trail access is off the cul-de-sac. It is passive recreation for open space. There are also existing trails. Mary Ann Rd. is an old class VI road. There are trails off there and we will tie into them. Mary Ann Rd. has old stone culverts that at this time are just piles of boulders. Those are being preserved. The Austin Cemetery will remain, and there will be a 25 ft. separation to the closest lot. Drainage will be with open swales with catch basins where the proposed driveways are located. It will be collected and routed to several detention basins. There are four infiltration basins; combination for storm water management. There is an existing detention basin at the bottom of Mtn. View Rd. that we will expand. For trails there will be minimal cutting to get the trails connected, so people can use the trails.

# 6 site specific soil mapping in open space – we met with the Conservation Commission. The Commission will take stewardship of the conservation easement and the HOA, as well as the Commission, will maintain the trails.

#5 not locate preservable trees – we have located these on the existing conditions plan set. Scientist have mapped all wetlands, and there are no poorly drained areas. There are no vernal pools either. Tonight we are asking for an extension, two waivers, and special use permit.

D. Marshall: I have six waivers they submitted.

J. Duffy: Leo, Dan, and myself met with applicant last week. Only two of the six waivers are still needed; #5 & #6 in your packets.

D. Shankle: Can I ask how you determined to eliminate the other four waivers?

J. Duffy: We decided they really didn't need waivers for those items.

F. Kotowski: You mention numerous trails, and an attempt made to connect those trails. Are they on these plans today?

N. Chamberlin: Yes it is on the plan. We intend to cut smaller trees for the trails, and leave the large ones.

F. Kotowski: Will there be a Homeowners Association (HOA)?

N. Chamberlin: The mitigation for wetlands is the open space. DES wants to make sure nothing is going on in that open space. The Conservation Commission will be the steward of the open space. The applicant will make a donation to the Conservation Commission.

M. Cannata: Will there be an HOA?

N. Chamberlin: Yes.

M. Cannata: And they will have no duties with the open space and trails?

N. Chamberlin: The open space is there for the benefit of all.

M. Cananta: Who is responsible for the open space and trails. You did a turnaround now with the HOA?

N. Chamberlin: Note #37 on the cover sheet states the trail maintenance is the responsibility of the Conservation Commission and HOA.

J. Mudge: I used to live in that area, and some people had problems with wells. Will there be any tests, so people don't have to drill two wells?

N. Chamberlin: We have not done any test wells. You need certain flow to build a house.

J. Duffy: They are going back to the Conservation Commission in December. The developer will pay either \$10,000 or \$15,000 to the Conservation Commission for them to maintain the trails.

M. Cannata: One time donation?

J. Duffy: Yes.

D. Shankle: Will the trails be open to the public?

N. Chamberlin: Yes.

D. Shankle: Note #37 on the cover sheet says Conservation Commission and/or HOA is responsible.

N. Chamberlin: I think the Conservation Commission is just making sure there is no activity in the open space and that it is being used as intended. The HOA will maintain the trails.

J. Duffy: We will work out language prior to them meeting with the Conservation Commission again.

M. Cananta: In the language, will there be prohibitive use; what can be used and not be used?

J. Duffy: Wheeled vehicles are not permitted, but they will allow snowmobiles.

### **Open Public Hearing**

John W. Hillis, Jr., 19 S. Bow Rd.: Distributed packet of “abutter input of proposed project”; available for viewing at Community Development Dept. My wife Becky and I moved to this area, because it was low density residential (LDR). This is old news, because that is what we bought. You buy a car you don’t expect they will take the wheels off. For the lot line adjustment for access, the land they are taking should be moved as far away from our house as they can have it. We tried to take this up to the ZBA, but they said we had blinders and we could only bring up wetlands and that’s it. Regarding the 90-day extension, I see it already expired. Isn’t it a little late to ask for it? If this area is LDR, you are trying to put a regular housing development there. That doesn’t comply with Article 8 Conservation Subdivision. This development is at the expense of us. The life there now is “in the country”. Special Use Permit, Article 8 section K.1.e. reads “The size and scale of the proposed development . . . traffic conditons, . . . public health, safety and general welfare”. Downhill on Mason Ave. there is a blind corner, concerns of pollution with salt tipping of the road and runoff when plowing. The plow trucks don’t care. This is our understanding of the ordinances. Truly

we don't want this project to go forward. It will change the rural nature of our land. We want to minimize the impact, if in fact this goes forward. Back there it is quite damp at times of the year when one would not expect it to be. Is South Bow Road class V?

L. Lessard: Yes.

J. Hillis: Article 8 section F, external and internal design standards reads “. . . State or Town Class V designation or better, shall be 100 ft. in the aggregate which may consist of no more than two )2) 50 ft. ROW serving as access to the development”. Is that one from each side or two 50 ft. ROWS one on each side?

D. Tatem: I read it as a minimum 100 ft. contiguous or two 50 ft., but no more than two to have access on So. Bow Rd. and Mtn. View Rd. You cannot use three access points to come up with that 100 ft.

J. Hillis: We request the largest possible buffer zone that we can have. Article 8 section F.1.b) reads “The Planning Board shall work with the developer to determine if a buffer zone will be required. . .”. This brings us to moving this road as far north as possible.

J. Gryval: Has a buffer between residential and residential every been required? Commercial or industrial use abutting residential use needs a buffer. I didn't think a buffer was required residential-to-residential. Are these public roads or private?

N. Chamberlin: They will be public roads.

Bruce Eisenhower, 23A South Bow Rd.: Mary Ann Rd. goes right through my property. There are two signs; one says private road and the other says no trespassing. I would hate to see others use my property (snowmobiles). I think the area should stay in a natural state. I see deer grazing in my backyard. If developed I don't think this would continue. I would like to see the whole project stop.

J. Duffy: The plans show the lot in question owned by different individuals other than Bruce. There is an existing house on that lot. If the road was moved over at the request of Mr. Hillis, then it would be too close to that lot.

N. Chamberlin: For Mason Ave. we need to maintain a certain separation between that road and the proposed road. We have put as much space in between Mr. Hillis' lot as we can. We are required to have a 50 ft. ROW, and it is now around 75 ft. We also beefed up the landscaping along the road. The applicant has meet with Mr. Hillis several times to go over his concerns. We can't move this road any further without losing the 125 ft. needed between the intersection, or we would be in the other homeowner's lot. We have swale and berm to take runoff off from the road and direct it back onto our property and into the wetlands. Mr. Hillis stayed super elevated, because of the curve. We will pitch toward the detention basin. We have had a road at this location since the start of our project, and don't know how we could move it at this time.

Marc Pilotte, 7 Mtn. View Rd.: We moved here 8 yrs. ago. Mtn. View Rd. at that time was a cul-de-sac. I was the first to buy property there. I am opposed to this project based on the current design. This intersects right in front of my property. I live here with my family; wife and three kids. The property abuts South Bow Rd.; bring it out onto South Bow Rd. and not onto Mtn. View Rd. On the plans I reviewed today, I don't see my driveway on it.

Abutter X : Where the road is coming in, I know you said there is no poor drain roads there. There is a high water level there, and I have a pump. My basement is starting to sink on one side, because of all the water up there. When are they planning to start this project? How many extensions are you going to give them?

J. Gryval: That will be checked. We will give as many extensions as needed.

Abutter X: They have been asking for extension since 2009, and they are now past their extension.

J. Gryval: They have been changing their plans to accommodate abutters' comments.

Karen Connor Yearke, 35 South Bow Rd.: I have a statement, however, when talking about the Conservation Commission and HOA, I had questions about that. Wouldn't it sound funny if someone wanted to make a housing development, and all of a sudden the developer made a one-time contribution? I would like to understand something. Is it the Conservation Commission or HOA who will maintain the trails? If HOA, this will be something later on that will concern the HOA.

J. Gryval: We already went through that, and it will be clarified so you know what it is.

K. Connor Yearke: I don't know about wells. I have a very good well. My neighbors had to replace their's, and when they did it made a crack in my well. It was not enough to damage my well, and we still have a good well. Is any of this going to affect my well or am I far enough? Mary Ann Rd. runs in back of my home. I want to make sure my well is not inhibited from anything going on, because of this housing development.

J. Gryval: Guarantee, if there is blasting there are some precautions that are made before. As far as them drilling their wells, we have no control of that.

K. Connor Yearke: Nothing can be guaranteed; I understand that. But I don't want my well being damaged. I didn't care for it (this development) at first because of 1) the wildlife, and 2) don't like that my well may be damaged. 1984 Robert Young, I live at the Foley Farm, dug down deep for the well and it is good. If something goes wrong with it, what recourse do I have?

D. Marshall: We have gone through this not only for this project, but others in Town. The developer blasts and something happens to your well, but you can't prove it. If they did something to your home walls, that would be different.

K. Connor Yearke: How?

D. Marshall: They do a pre-blast survey for walls, but there is no survey for wells. I don't know what impact that will be (i.e. drill for lot 2 and then drill for lot 7 and so on). No one can tell. To be honest, the recourse you have is the drilling of your well.

K. Connor Yearke: At my expense?

D. Marshall: Yes.

K. Connor Yearke: If something got built behind my house, and then something happened to my well, don't you think that would prove the two are connected? We lived there for 8 yrs., and my neighbor built in back. I am not saying something will happen, but what if?

D. Marshall: You have to prove it, and that is the problem in concentrated areas.

J. Gryval: We have had that reverse happen. A developer pumped out wells, and some got more water in their existing wells.

K. Connor Yearke: Mary Ann Rd. is a private road?

N. Chamberlin: It is a class VI Town road.

K. Connor Yearke: If it is a Town road, then you could pave it.

L. Lessard: For a class VI road, the Town owns it, but doesn't maintain. There is no legal frontage.

D. Shankle: For a class VI road, the Town Council and/or Charter at Town Meeting, can open a class V and make it a class VI Town road. The Town could turn it into a road.

D. Marshall: On the other side, the Town can elect to abandon it. The governing body could turn the ROW back to the abutters, or abandon it and put in gates. Most towns don't make improvements to class VI roads, because of too many improvements.

K. Connor Yearke: I bought this property hoping it would stay intact. I have a view from my kitchen window of the mountains. The Youngs used to ask Steve Austin to take trees down or cherry pick. I don't know what contract was set up. Steve told me, because his property was under this project no more cutting. I will read my statement in the record *"I take this brief opportunity to thank each of you for your time and willingness to hear public comment regarding the proposed Austin Woods development. I speak to note my concerns regarding the safety implications this development will have on South Bow Road. Currently, the increase of traffic flow that will be realized by this development, if allowed, is troubling. The intersection/inlet at the lower portion of South Bow Road,*



*closest to Hacket Hill Road, as proposed, appears inefficient and inherently unsafe. Further, the increased traffic, without further infrastructure changes in the form of expansion of South Bow Road, are problematic, at best. Further, as many of you are aware, the current road condition of South Bow Road is troubling and is in need of significant work. Increased traffic will only place a greater burden on this already heavy traveled road.*

*Unless there is a clear plan that addresses the increased traffic, underlying safety concerns regarding both inlets to the proposed project, and the short term and long term condition of South Bow Road, I respectfully request you consider not to approve the project”.*

There are only two 25 mph signs; one on Hackett Hill Rd. and South Bow Rd, AND one on South Bow Rd. As soon as they go past that corner, they are driving at very dangerous speeds. I have seen a moose come up my road. People go out to their mailboxes. My home is pre-1880 and very close to the road. I worry about traffic and speed.

J. Hillis: The 2<sup>nd</sup> item on the agenda for this development is the proposal to subdivide. In the LDR zone, cluster housing, conservation cluster vs. normal cluster. That seems to violate the ordinance of the Town.

J. Duffy: LDR is where the subdivision is located.

D. Marshall: To clarify your question, a 6-lot conventional subdivision only requires frontage and area of lots. Those 6 lots meet the requirement for LDR. The remaining 37 lots are applied for under the conservation open space subdivision, which reduces the frontage and area of lots. Our concerns are do they meet requirements, frontage, and roadways. We would be concerned if the design of traffic does create a hazard, and how the drainage works. I hate to say it, but 20 yrs. ago a person buys a house and says “I am here and this is how it will be forever”, but now the land develops. I can understand your feeling and emotion of losing the rural nature. That was what you bought your house for, but it isn’t going to last forever. Something is going to be built there. What if it turned into conventional lots; maybe 25 homes. You would have the same issues; affect well, view, wildlife, that sort of thing. This is not easy. This Board shares an empathy with residents in an area that suddenly or is about to change. We have a set of rules. If they meet them, then they get approved.

J. Hillis: Per Article 8 section K.1.e. reads “The size and scale of the proposed development . . . traffic conditons, . . . public health, safety and general welfare”. Is there any response that we this development will now have headlights into our home? It is impacting our lifestyle. For pollutants we heard tonight they are sloping stuff away. Consider all this please. I heard 125 ft. distance is needed between Mason and the access road. To move the road away from our home, could they go through a variance?

J. Gryval: We will take all your comments into consideration.

K. Connor Yearke: For the well issue, if something does happen, I will be doing whatever I can to solve this problem. Maybe the opening to this project can be on Hackett Hill Rd., and not near any homes whatsoever. Can't any inlets be off Hackett Hill? Have an outlet somewhere far away from other people's homes. Why can't inlets and outlets be away from people's homes? I haven't been to any of these meetings, primarily because I know the Austins, but now I have concerns. Inlets and outlets should be way, way away from people's homes. That is half of problem; being near residences.

J. Gryval: We can ask the developer if he has considered that.

K. Connor Yearke: Both inlets are a safety issue with the roads and that has to be addressed.

J. Gryval: We will consider all your comments, thank you.

Abutter X: To the Board, I welcome you to come to our property and walk down Mary Ann Rd. to see how beautiful it is. I am afraid it will all be spoiled with this development. The cemetery stones go back to 1820. It is a shame to develop the area.

Becky Hillis, 19 S. Bow Rd.: I would be in support of this project, if they weren't coming as close as where I am standing now to where Bruce Fillmore is sitting at the speaker table with their driveway.

J. Gryval: Has the road impact fee been discussed with Jo Ann to submit as a gift vs. impact fee?

N. Chamberlin: Yes.

J. Duffy: This is the first I hear they are agreeing to a gift. We had provided them with a sample MOU that we used for the Market Basket gift. We will continue to work on it.

J. Gryval: What about the note for the Pike quarry?

J. Duffy: Pike Industries owns two parcels abutting this project (Map 12, Lots 7 & 12). They wanted the purchasers of the lots to sign something that they are aware there is an active quarry nearby and there will be noise and vibration. I spoke with the Town Attorney and he suggested there be a note on the plan reflecting this, so when people purchase they are aware. Also hopefully the realtor will inform them.

D. Shankle: I am not opposed to a 90-day extension. I haven't been around as long as you have on this application. I am concerned about the trails and Conservation Commission. I suggest giving them an extension and the table this. Have staff go back and answer tonight's questions.

J. Gryval: Normally staff goes through questions to be addressed tonight.

D. Shankle: We could wait on acting on the waivers and other items for when they come back.

***F. Kotowski motioned to grant the 90-day extension to the 65-day deadline from 10/29/11 to 01/27/12 with the condition that the abutters will be renotified of the next public hearing in writing via certified mail. Seconded by N. VanScoy. Vote unanimously in favor.***

N. Chamberlin: But it costs \$550 to renotify abutters.

D. Marshall: You won't be ready, then you will ask for a continuance.

N. Chamberlin: There are not a lot of issues to address.

J. Gryval: There are more issues than we want to have a date certain.

D. Shankle: I want to see your conservation agreement first.

N. Chamberlin: That will have language for the HOA/Conservation Commission.

D. Shankle: If you want me to support that (date certain), but if you come back in and you don't have a final approval from the Conservation Commission, we deny you. Are you ready to do that?

J. Gryval: We don't know how long it will take for you to get all these things addressed. If you want to set a date, and then you are not ready . . .

N.Chamberlin.: We can set a date certain and get these issues addressed.

J. Gryval: Abutters, we will notify you in writing via certified mail when the next hearing will be.

***CONTINUED TO A DATE UNCERTAIN, ABUTTERS TO BE NOTIFIED VIA CERTIFIED MAIL OF NEXT PUBLIC HEARING***

**PUBLIC HEARING TO APPEAL IMPACT FEE**

**5. PETER & ROBIN SCRIBNER (#11-11)  
477 WEST RIVER ROAD**

Request to appeal previously paid impact fees per Article 30 Impact Fee Ordinance section H.1.

Peter Scribner, 477 West River Rd.: I am here tonight with my wife Robin. Our request is to appeal our previously paid impact fees per Article 30 Impact Fee Ordinance section H.1. My mother is 81 yrs. old and a widow. A few years ago we wanted to help out, so we built an in-law dwelling on her property. There was an existing barn on the property, but it wasn't structurely sound. We built a barn like building on the same property for our residence. A

variance was passed. When it came time for our CO, it was necessary to pay impact fees. It was permitted as a single-family dwelling, because it wasn't attached and therefore not considered an in-law dwelling. You may be asking why we are appealing now. We thought it would be a wash, because at the same time the government was giving a first time homebuyer's credit. It looked like we would get \$8,000 from the government. When we filed for taxes, they said it was an in-law dwelling and we didn't qualify. However we had to pay impact fee to the Town, because it was not an in-law dwelling. The IRS said it was.

J. Gryval: It was not approved as an in-law apartment, therefore no restriction on it. In the future your house could have people with children. I am surprised you got a variance to build another structure on the same property, since you are only allowed one.

*D. Shankle motioned to deny the appeal to previously paid impact fees per Article 30 Impact Fee Ordinance section H.1. due to the Town permitting the building at 477 West River Road occupied by Peter & Robin Scribner as a separate single-family dwelling vs. in-law apartment. This single-family dwelling is subject to impact fees. Seconded by D. Marshall.  
Vote unanimously in favor.*

## **OTHER BUSINESS**

### **EXTENSION REQUESTS**

#### **6. FAULKNER LANDSCAPING (#08-28)**

##### **1380 Hooksett Rd., Map 18, Lot 47**

Conditional Use Permit (CUP) for construction of storm water treatment in a 40 ft buffer and to remove some pavement out of the buffer **AND** non-residential site plan to construct an 1,800 sq ft building, 400 sq ft greenhouse, and 616 sq ft storage shed.

- Application conditionally approved on 11/3/2008 and expires on 11/3/2011. Applicant requesting 3 yr. extension to this approval (11/3/2014).

Stephen Faulkner, Faulkner Landscaping @ 1130 Hooksett Rd.: I received a site approval for 1380 Hooksett Rd. 3 yrs. ago and I am looking for a 3 yr. extension.

D. Marshall: May I ask why?

S. Faulkner: I couldn't get a loan with the recession.

F. Kotowski: When will you be able to go ahead?

S. Faulkner: Do you know when the recession will be over and I get my income back to normal? I am asking for an additional 3 yrs. If it doesn't happen by then, I may not go forward with my project.

D. Shankle: Do we do these extension often?

J. Gryval: Based on the current economy, we have made some extensions.

***D. Marshall motioned grant a 3 yr. extension to both the approval (11/30/2014) and vesting. Seconded by J. Mudge.  
Vote unanimously in favor.***

**7. WEBSTER WOODS (#07-37)  
Hooksett Road, Map 6, Lot 114**

Residential site plan to improve and develop phase II of “Webster Woods” to include 23 duplex ranch style buildings totaling 46 units and 7 single ranch style units for 55 & older person housing.

- Application conditionally approved on 11/2/2009 and expires on 11/2/2012. Applicant requesting 2 yr. extension to this approval (11/2/2014)
- Vesting expired 11/2/2010. Planning Board, at their meeting of 11/1/2010 granted a 1 yr. extension to 11/2/2011. Applicant requesting 2 yr. extension to the vesting (11/2/2013).

John Ratigan, Attorney for Miacomet Development, LLC: In my letter to the Board dated October 13, 2011, we are in a position to go forward next summer (2012) with the drainage issues of Webster Woods phase I. Until then, we couldn't go forward with phase II.

F. Kotowski: Why do you need a 2 yr. extension? Will a one year extension due?

J. Ratigan: Mylars won't be done and recorded until September 2012. Then we will be hear for another extension if only granted 1 yr.

J. Duffy: The work you're speaking of is in phase I. They can't start phase II, until phase I is completed. They came before this Board a few months ago for a 2 yr. extension, but because their approval for phase II doesn't expire until November 2012, the Board did not grant it (premature another year on that approval). Also the Board granted a one year extension on vesting which has now expired (11/2/2011). They are asking for a 2 yr. extension, however I recommend only 1 yr.

J. Ratigan: For the last applicant (Faulkner), you gave him a 3 yr. extension.

J. Duffy: The last applicant did not expire, and you have.

J. Ratigan: We were here a year ago, but DES won't let us start until summertime. That will take time. I don't want to waste your time with just asking for 1 yr.

D. Marshall: There is a track history on this project. I would not support extending the approval, because it doesn't expire until 11/2/2012. I would support extending the vesting for 1 yr. to bring everything into sync. September/October 2012 might impel you to do something, that we have been waiting for far too long a period of time. I would not grant the approval extension, but would grant the vesting extension for 1 yr.

***D. Marshall motioned to deny the request for an extension to the approval for Webster Woods phase II, because it doesn't expire until November 2, 2012. Seconded by T. Walsh.***

***Vote unanimously in favor.***

N. VanScoy: What has been accomplished, since you have been in front of us last?

J. Ratigan: We obtained two permits from DES: 1) wetlands, and 2) AOT. But conditions of the permit don't allow us to do the work, until low flow conditions next year. It took awhile to get the permits; one dept. did one thing.

N. VanScoy: The exact same thing I heard before.

***D. Marshall motioned to grant a 1 yr. extension to the vesting (vs. 3 yrs. requested). Seconded by T. Walsh.***

***Vote unanimously in favor.***

N. VanScoy: Have we done anything to relieve the erosion behind the existing houses?

J. Duffy: They received their AOT permit, and recently their wetlands permit. Then they were instructed by DES that they can't do anything until low flow season. We were hoping that would have been this past early summer. Then they had to modify the plan this fall. Then we had all that rain.

N. VanScoy: Again, anything done?

J. Duffy: Only temporary measures.

N. VanScoy: My concern is not whether or not they can get a permit. My concern is the value and decline of these properties.

#### **NEIGHBORWORKS OPEN HOUSE**

J. Duffy: NeighborWorks "The Townhouses at Mallard Place" (Holt), 313 Londonderry Tpke, Map 25, Lots 39 & 39-1 (16 units of workforce housing), is have a ribbon cutting ceremony at the site on Monday, November 21, 2011, from 11:00am-12:30pm. RSVP to Donna by noon this Wednesday (11/9/11).

#### **DANCE STUDIO (PIZZA MAN ) SITE UPDATE**

J. Duffy: The Pizza Man (All or Nothing) 254 W. River Rd., Map 17, Lot 36 (plan #09-12) update is the stumps have been removed. We also received plans and calculations for Dan to review the retaining wall design. Today they dropped off the check for Dan to review. If Dan turns it around, they can get their materials on the 10<sup>th</sup>. They can't start until plans have been finalized and approved. Dan, Leo, and myself have a meeting tomorrow with Tom Cote the south abutter.

*D. Marshall motioned to adjourn at 8:40pm. Seconded by N. VanScoy.  
Vote unanimously in favor.*

**ADJOURNMENT**

Chair J. Gryval declared the meeting adjourned at 8:40pm.

Respectfully submitted,

Donna J. Fitzpatrick,  
Planning Coordinator