

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

HOOKSETT PLANNING BOARD

<p>WORKSHOP PROPOSED DEVELOPMENT REGULATIONS</p>

MEETING MINUTES

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

Monday, November 21, 2011

CALLED TO ORDER

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

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 Stantec Engineer, Dan Tatem.

PROPOSED DEVELOPMENT REGULATION CHANGES

J. Duffy: **Pg I-6** = lot line adjustment definition to read “any adjustment of a property line(s) with no new lots being created.” and add a definition for preservable trees. **I-12** reword 8.03 TRC section. **I-13 #1** add exceptions to TRC process and take out oversight by the Town’s Consulting Engineer.

M. Cannata: **I-13 #2** minimum amount for TRC application, is there a budget gauge for the applicant?

F. Kotowski: After the first \$500.00 fee, how much does it go up to? The applicant will need to include this amount in their budget.

D. Marshall: This Board may also cause an elevation in review fees by making the applicant go back and redesign the plan.

J. Duffy: The change is to \$500.00 for the TRC application. It is now \$2,500.00; however some applicants find it hard to pay this amount. Also a TRC applicant may not come right away for a Planning Board application and their money would sit in their account.

F. Kotowski: We need to assist the applicant on what they ought to be doing to avoid a 2nd or 3rd trip to the Planning Board.

J. Gryval: Their review fees all depends how much of the checklist they have met.

J. Duffy: **I-14** first *italicized* note, where it states “above” we will add “(1-4)”.

D. Shankle: **I-15** #3 “individual departments” should be listed.

J. Duffy: **I-16** 4a)2. will be deleted.

J. Duffy: **I-18** 10.031) take out red and put back in black text.

N. VanScoy: An e-mail may be all we get for revisions.

N. VanScoy: **I-19** 2) last sentence in red, typically should be replaced with specific language. I am not a big fan of conditional approvals. We understand approvals without conditions are not always possible, and it may also expedite the completion of a project. If we drag conditional approvals out, there is no initiative for them to move forward. A large plan could go longer than one year, but those people are appearing before the Board anyways.

J. Duffy: **I-25** #5) replace Public Works Director with DPW Director or designee.

J. Duffy: **I-27** #16 replace Code Enforcement Officer with DPW Director or designee.

D. Marshall: **I-28** 11.12 second note should be deleted. Also #1) add (Public & Private).

N. VanScoy: **I-29** 1) to be rewritten and moved.

D. Marshall: This may take litigation to determine the outcome.

J. Duffy: We still need clarification on sprinkler systems in our Development Regulations. Our Town Attorney believes based on the new legislation, we can no longer require sprinklers as of July 1, 2011. In checking with the Fire Dept. and checking with the LGC, it appears our Town Attorney has a different opinion than anyone else. There are ten (10) Towns in NH that require sprinklers in their regulations. I am waiting for the

Fire Dept. to provide the list of these Towns. Like Dick said, who is going to be the first to be taken to court?

F. Kotowski: Per the senate and house bill, we may not require sprinkler systems as a condition of approval. The interpretation is that if towns have it in their regulations, they can enforce to require anything approved prior to the enactment of these bills. Going forward after their enactment, you can't enforce.

J. Duffy: I spoke with another attorney at LGC and Senator Boutin who sponsored the bill. The intent was not to take away towns' rights. It was not to allow towns in the future to add it into their regulations. The Fire Dept. is very insistent that this should remain in our regulations for public safety reasons.

N. VanScoy: I wanted to make sure we didn't lose any of the other safety things. If we are losing sprinklers, should we be looking at cisterns?

J. Duffy: If we go the route of cisterns, those become the Town's property and the Town maintains them. We wanted more time to research to see how this plays out.

M. Cannata: A month from now, what is our position?

J. Gryval: If preapproved, we can require, but if approved after the bills enacted, then we cannot.

J. Duffy: Austin Woods was found complete prior to these bills. I am telling them they need it and they are planning on cisterns.

N. VanScoy: **I-48** first sentence "Town" should be Town government or something; not just Town.

J. Duffy: We will replace "Town" with DPW Director or Town Planner.

J. Duffy: **I-51 #9** we will replace wording with Leo's sample wording per RSA 674:41.

J. Duffy: **I-52** f) we will replace Public Works Director with DPW Director. Also i) we will add see 18.03 for details.

J. Duffy: **I-53** 13b) we will remove #1.

J. Duffy: **I-54** 13 maps add "located in the" Building Department.

J. Duffy: **I-73** add bond as acceptable form of surety, remove 18.04 & 18.05 and renumber.

D. Shankle: **I-74** 2 yr. landscape after plantings is a long time.

D. Marshall: Cinemagic is a good example for the 2yrs. The trees in the back are to form a shield, and those were dying.

L. Lessard: Most landscapers guarantee their products for 1 yr.

N. VanScoy: You also have to look at plant cycles. A plant in August may look great, then the following August the flowers may not come up. They may not make it through their first hot summer. 2 yrs. works well for plantings.

N. VanScoy: During tough times, the first thing that goes is landscaping.

D. Marshall: **I-75** We defined acceptable sureties, and the amount needs to be sufficient to cover all work. If the developer fails on day one, it is a lot of money. Even half way through the project is a lot of money. We need a guarantee that we can do the site with the money in that surety. Where is that assurance in the regulations?

J. Gryval: We need assurance that the person coming up with the surety will do the project properly.

D. Marshall: Currently we don't allow bonds as a form of surety.

T. Walsh: The car wash surety is \$75,000. What are we looking to do with the surety? Finish the entire project, or just put the roof on, or just assure there are no public safety issues?

D. Marshall: The small guy has a problem getting a bond vs. a large corporation.

T. Walsh: Nancy Gosselin said she won't give a bond unless she knows the person. For the small guy, I would put bonds back in as a form of surety.

F. Kotowski: If the bond is not adequate, we can't finish the work. We shouldn't hold up development, because we don't accept bonds.

M. Cannata: I would like to know Dean's take on this subject.

D. Shankle: I think you should allow bonds. Places I have worked at in the past, you may need to try to do work in the end. Day one the project falls apart, the site sits the way it is. The problem really is with road bonds; first coat, then not enough to finish or it falls apart. Worse-case scenario is to accept the road and finish it. For the retaining wall at the Pizza Man site, the engineer didn't estimate enough. It was an error on our part. There are times when it works and times when it doesn't. For small developers bonds are important.

Paul Scarpetti: Now the economy is bad. To get a loan from a bank, the bank certainly won't give money up front unless they know the project will get under construction and things are getting done. You must be reputable to do a job. If someone can't get a bond,

you know you are dealing with someone shaky. The people we deal with can get bonds. An inspector on the job is another level of surety that things are getting done correctly. Like Dean said the real problem are roadways. For a private piece of land if you take a bond to work on the site, what do you do? Fix what is there? There is no CO until the job is complete.

Dave Scarpetti: What do other towns do?

J. Gryval: Most would like to get the cash.

L. Lessard: You can bond for site work, but if they go under the bank takes over everything.

Dave Scarpetti: The Town could lien the property. When I sell real estate, it is more difficult to come to Hooksett. It is like paying twice: 1) pay for site work, and 2) pay for a cash bond.

M. Cannata: If I am a small developer and perceive I need to seek a bond, whoever I see, do they require collateral or is the project itself collateral?

P. Scarpetti: The site contractor can provide the bond at 2% over cost of whatever the amount is. He is a bonded construction company.

L. Lessard: For the whole site?

P. Scarpetti: Yes for all dirt work.

L. Lessard: If a developer is bondable, then they are a good company. They don't want to lose it, because they want to work again.

P. Scarpetti: One hiccup and they lose their rating.

N. VanScoy: In Town Council conversations, are we requiring too much or too little? Are we estimating properly through the Town's consulting engineer?

J. Duffy: The Town's consulting engineer would still be involved to do the estimates. It is 30% of the site work for surety to include lighting, curbing, but not the full amount.

D. Shankle: Site work includes a step-by-step and what they are including for the Planning Board to determine what should be included. Way back in the 1980s, we would look for people who got bounded.

L. Lessard: We should stabilize the site, not builders to finish project. Make sure secure, storm water pollution control.

M. Cannata: Would that include water and sewer into the roads.

L. Lessard: It would only be for dirt work, erosion control and safety fence.

D. Shankle: Sewer and water would be up to their property line, but not onto their site. I wouldn't have a problem with bonds instead of cash.

D. Marshall: **I-76** 1) f-i should be full sentences.

J. Duffy: **I-77** 4) 3 remove escalator and contingency.

L. Lessard: **I-78** 19 - Logging – before the Assessor signs the Intent to Cut, he should give me and the Town Planner a copy.

D. Shankle: **I-79** 20.04 2) cease & desist “Code Enforcement Officer, Town Planner or the DPW Director” language should be added to 20.04 1).

J. Duffy: **I-82** 21.07 private development will maintain themselves during winter months until streets are accepted by the Town.

N. VanScoy: **II-4** 24) why isn't the location of preservable trees in the open space required?

J. Duffy: Because it is open space never to be developed; conservation land.

N. VanScoy: MS&G is making exceptions and doing things in open space. The site adjacent to Head's Pond is designated open space, however they proposed they may use it for school land and put a road through it. If we know where the preservable trees are, then it is less likely they will do something with it.

J. Gryval: It is a non-buildable area.

F. Kotowski: It is designated open space. It is not necessary for the school to spend money now to know where the trees are.

Don Duval: What is the definition of preservable trees?

M. Cannata: For a property developing or leaving as open space, he should know what he can cut, and what he can't cut.

J. Duffy: **II-10** 3.08 Building Inspector will be changed to Code Enforcement Officer.

J. Duffy: **III-14** 3.19 we will remove natural color and go with earth tones.

D. Shankle: **III-15** 3.20 do we get a digital of the as-built?

J. Duffy: We get a PDF and will add that to this section.

Don Duval: Are TRC's required for a minor subdivision with no new road?

J. Duffy: We will look at what should be added for exceptions to TRC.

D. Duval: For test pits, the Town's consulting engineer reviews for subdivision for septic for each lot. Are you requiring Town engineer to witness them (I-16 #2)?

D. Shankle: It requires developers to let us know, before they do test pits. My experience in the past is to have the Health Officer go out if he felt the need to.

D. Duval: Wetland markers, do you (Conservation Commission) have some we can purchase? Also, surveyors use metal rods/iron pins vs. stone bounds, would the Board consider rods/pins for the rear corners? It is very heavy carrying the stone bounds.

L. Lessard: Cluster housing acre lots are different than 30-50 acres. We are not coming out with caps on the rebar.

N. VanScoy: If wanting to find my boundary, which is easier to find?

D. Marshall: In a subdivision, it is easier to find the granite boundary marker.

T. Walsh: Do most towns ask for granite?

L. Lessard: Not in the back.

N. VanScoy: You could have eight (8) points along the back. How do you define the back? Anything not on the road is considered the back?

D. Duval: Granite weighs 50 pounds each, and we need to dig them. The State RSA says both rods/pins and granite are legal points.

JACK MUDGE

J. Mudge: I am resigning from the Planning Board effective Dec 1st, as I am relocating out of Town.

J. Gryval: We thank you for your time on the Board.

COUNCILOR, NANCY VANSCOY

D. Shankle: This is also Councilor VanScoy's last Planning Board meeting.

J. Gryval: We thank you for your time on the Board.

EXIT 11 WORKSHOP

J. Duffy: There is a workshop meeting on December 1st 7-9pm at the Hooksett Library on the topic of Exit 11.

PIZZA MAN SITE

D. Marshall: Staff update.

J. Duffy: They pulled their permit to run the water line across the street. Dan reviewed the retaining wall design and commented. Their engineer is saying they would like to redesign the wall and make it shorter to be less expensive. Now we are waiting to hear back from their engineer. It is status quo until the final design of the wall.

M. Cannata: Jo Ann, can you or Rene at Stantec contact these people to get a date certain for what we are looking at?

J. Duffy: Yes.

MONUMENTS – CONTINUED DISCUSSION

L. Lessard: Pins in rear corners?

J. Gryval: We now require granite.

N. VanScoy: I can understand not carrying a monument, however for a 2 ½ acre lot I don't want my boundary to have a big piece of rebar sticking out of it. Consider very carefully when making approvals for subdivisions. Homeowners take pride in their yards.

D. Shankle: Stick with granite monuments. They are easier to find. Example is Coaker Ave. The front granite monuments I could find. The back pins I couldn't find.

CONTINUED WORKSHOP ON PROPOSED DEVELOPMENT REGULATIONS

J. Duffy: We will continue this workshop to the December 5, 2011 Planning Board meeting.

*N. VanScoy motioned to adjourn at 8:10pm. Seconded by D. Marshall.
Vote unanimously in favor.*

ADJOURNMENT

Chair J. Gryval declared the meeting adjourned at 8:10pm.

Respectfully submitted,

Donna J. Fitzpatrick,
Planning Coordinator