

Official
As of 02/13/12

HOOKSETT PLANNING BOARD
MEETING MINUTES
HOOKSETT MUNICIPAL BUILDING
Monday, January 9, 2012

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., Frank Kotowski, Town Council Rep. Susan Lovas Orr, Town Administration Rep. Leo Lessard (DPW Director), Tom Walsh (left 8:30pm), Martin Cannata, David Rogers, and Brendan Perry (arrived 6:20pm).
Absent: Yervant Nahikian.

REPRESENTING TOWN OF HOOKSETT

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

APPROVAL OF MINUTES OF 12/05/11

M. Cannata motioned to approve the minutes of 12/05/11 with edits. Seconded by F. Kotowski.

Vote 8 in favor. S. Lovas Orr abstains.

J. Gryval: David Rogers will be voting tonight in place of Brendan Perry until he arrives.

DISCUSSIONS

1. PROPOSED DEVELOPMENT REGULATIONS – fire sprinkler system requirements for residential one or two family dwellings

Presenter, Hooksett Deputy Fire Chief Michael Hoisington

Deputy Fire Chief Michael Hoisington: I am here tonight to discuss concerns and questions regarding residential sprinklers as it relates to updating the Town's Development Regulations. There has been some confusion on HB109 and SB91. The HB1486 2010 session adopted that towns with existing ordinances adopted by July 2011 can enforce the ordinance, however towns that didn't have it cannot newly adopt it. There is the subject of residential sprinklers, smoke detectors, and sprinkler assessments. Several towns are stating that developments are not being able to go forward, because they are scattered and premature for not having sprinklers. The legislature thought they were helping developers, but it resulted in hindering development in towns. It will take a

year or so to tweak what was done this year. This year's topics will be construction of houses, fire loads, and lightweight construction that fails in a fire. Now I will take any specific questions by the Board?

F. Kotowski: I sat through the debates in Concord on SB91 and HB109. It took 8 months to pass. Testimony included the cost to install a reasonably good sprinkler system is \$5,000 and up. We heard from the manufactured housing industry and what it does for penetration to install a system that may or not be used. It costs extra money to do that. The basis for turning the law back, in the minds of the legislature, is that folks buying homes should be able to decide whether or not to install a sprinkler system at cost of \$6,000. We heard debate on the pros and cons if the system goes off and what damage it does. If you have a good fire alarm system, then you are on top of it. The necessity to pay \$6,000-7,000 seems a bit overbearing. The vote on the house floor for SB91 was 284 to 92. It was overturned by a larger amount when the Governor vetoed it. HB109 took from December 2010 to June 2011. At the senate portion the public overwhelmingly stated don't force us. I believe as you do that a good sprinkler system is worth the weight in gold, but should we have people spend extra money in this economy?

T. Walsh: It costs an average of \$1.60 sq. ft. for wet pipe systems (basements not included) with a 300 minimum gallon holding tank. A lot of fires are caused by having substitute heaters when the power is out. A generator would be needed for power outages for the sprinkler system to work. The cost could reach \$10,000 for a modest home. For aesthetics of post & beam and log homes, you would not only see the sprinkler heads, but also pipes. This is another reason people don't want these things. For percentages, I checked with the Assessing Dept. and there are 3,216 homes in Town that are single or two-family. When was the last catastrophic fire?

M. Hoisington: The Hackett Hill Rd. fatal fire was the last in 5 yrs.

T. Walsh: The percentage doesn't even record on a calculator; it is insignificant. I won't argue a house with a sprinkler system wouldn't fair better in a fire, however it is older homes and people's negligence that cause fires (i.e. garbage can fires). Based on cost and statistics, I made a previous motion to remove the sprinkler system from our Development Regulations at last Board meeting (12/5/11). I say let the public look at it and air their comments. We should educate the public (i.e. pamphlets in Building, a division of DPW) and encourage voluntary usage and leave it at that.

S. Lovas Orr: Just so I understand, currently the Development Regulations require a sprinkler system. To what degree does this hinder development? Since it has been in place, has it been a problem?

J. Gryval: Recently there has been a lot of controversy, but not a problem because the Planning Board waived a few of them.

J. Duffy: It has been on the books for at least 10-15 years. It was never a problem until the last year, when two people from the same development came forward and asked for waivers.

S. Lovas Orr: If we remove it, we can never ask for it again. If we leave it in, then we could waive under special circumstances.

J. Gryval: We may get a small subdivision and if we keep it in, we could always waive it if we feel it is necessary. There may be instances where it is necessary to have sprinklers.

Brendan Perry arrived at 6:20pm and is a voting member.

B. Perry: This applies to single and two-family residential. It is a State law. We shouldn't be more restrictive than what the State has decided.

D. Marshall: The State has law HB1486 that if a town has the law in their regulations, they can keep it. There are two other pieces of legislation however that states you can't do it. They could rescind HB1486, but they never did. I would rather have protection there, and then I can waive it if that argument presents itself strong enough. If there are no sprinklers, then we are building cisterns that the Town will own and maintain. Some cisterns in right now will have to be replaced and repaired.

M. Hoisington: The Town's ordinance/regulations kick into effect if the building/development is not served with municipal water. SB91 was amended that allows residential sprinklers to stay in affect. It only changed for manufactured housing parks that it is no longer required. SB91 still lets us enforce our regulations. The only reason this is at the State is because of model building codes. I have been here for 8 years and the residential sprinkler systems have been a requirement and there have been no problems. Most fires start in kitchen. The cost is \$4,000-6,000 with no municipal water tanks and pumps. Statistics are with smoke detectors you are 50% less likely to die. With a sprinkler system you are 80% less likely to die; it is a life safety device to hold the fire in-check and get people out of the house.

F. Kotowski: How many systems have been installed?

M. Hoisington: Hundreds of these systems have been installed.

F. Kotowski: Has any of them ever gone off?

M. Hoisington: I am aware of a commercial system, but can't think of any residential. Insurance policies cover this. Sprinkler system has 16 gallons per minute vs. hose has 100 gallons per minute. In the last two months there have been fires in Lebanon, Nashua and some other towns that there were sprinkler system and the people moved back into their houses that same night.

F. Kotowski: If sprinkler systems are required for houses not on Town water, why shouldn't we have sprinklers for all of them?

M. Hoisington: I think we should.

F. Kotowski: If I were to buy a home today, I would be hesitant to spend \$6,000 or more for a sprinkler system. I was thinking of buying at Berry Hill, but when I looked in the basement there was a big plastic tank. It should be my choice as a consumer vs. having it mandated.

B. Perry: This is a great discussion and an important one. As a member of the Planning Board, how do we determine when do we require a sprinkler system be put in and when do we waive it? The challenge is when do you know? Is it the person who barks the loudest that gets it waived? Is it the money thing? We should be as close to uniform as possible and treat everyone the same way. The fact we can waive causes a bit of unfairness.

T. Walsh: Right now in our regulations we have sprinklers and cisterns. I think cisterns should stay in there for a source of water. As for the taxpayer cost for cistern maintenance, we already have it and that won't change. The reserve fund is \$20,000, and \$1,500 year for maintenance. \$20,000 is equal to two residential sprinkler systems. The homeowner is going to pay for the sprinkler system and they should have a choice on this.

D. Shankle: At this point, I would not vote to change it. I haven't been here that long. It has been in effect for so long and it doesn't make sense to change it without enough background. Yes, we have too many regulations on things all the time, but most are there for a reason. I started out as a plumber with too many regulations. I don't feel comfortable changing it, because it is not fixable if we take it out. Years down the road with different Planning Board members, they may have wanted to keep it in the regulations. This is an on off switch and other members may want it. The Fire Dept. thinks it is really important.

T. Walsh: It is no secret that I am not in favor of keeping this in our regulations. Now it is a national discussion, and I think this is another chance for the public to weigh in.

M. Hoisington: It has been a national discussion. Now it is in all the international building codes in this country. Habitat for Humanity has it in all their homes. They saw the life safety advantage of it. The Town of Hooksett adopted it 10-15 years ago and they saw the need and life safety potential for protecting the citizens of this Town. It is for life safety, not property conservation. I will leave my packet of information to be copied and distributed to you for your meeting of 1/23/12.

D. Marshall: We need to finalize the Development Regulations and hold a public hearing for us to vote on it. 20 people out of the whole population are registered voters, so how do we know what the public wants? They have left it to us to carry out this requirement.

We (Planning Board) are here to protect the community. I am not sure you get a pulse of what the voters really want. The legislatures have spoken as well as certain special interest groups. The legislature says “I was voted in, and I think I know what the people want, or I will have my mind twisted by the special interest groups”.

F. Kotowski: I have been a State Representative for 3 years. The State has spent 6-7 months on this issue. The gentleman sitting out there tonight (Donald Winterton), has been involved in this issue. It was 3:1 not to require a mandate. I would like to think the people have spoken or I shouldn't be out there on their behalf.

J. Gryval: I agree with Brendan. We need a better way to determine those to waive. Now it should stay in there.

Donald Winterton, 10 Prescott Heights Rd.: Mr. Chair, it took 9 months for mine to be waived. There have been lies . . .

J. Gryval: Tonight is not a public hearing, only a Board discussion.

D. Winterton: Tonight is a public hearing. Read minutes of 12/5/11 “*D. Marshall: I voted against the motion based on Dean's comments. We should go to a public hearing with this in it. In the meantime, I want to hear from the Fire Dept. on what they have to say. We should combine Fire Dept. and public hearing comments, before we make our decision. We want to discuss this face-to-face with the Fire Chief.*”

D. Marshall: This meant Fire Dept. face-to-face tonight (1/9/12), public hearing 1/23/12 and then vote after hearing on 1/23/12 so we had information from the Fire Dept. and the public before we vote (public notice in the Union Leader and Hooksett Banner and agenda on Town website).

M. Cannata: A sprinkler system may not be a negative as far as costs. A realtor may have a potential purchaser that may see it as an asset. I am in favor of keeping it as is in our regulations. Brendan's point is a good one on how the Board should differentiate who is eligible for a variance (waiver) and not.

PUBLIC HEARING AND BOARD DISCUSSION AND VOTE ON PROPOSED DEVELOPMENT REGULATION CHANGES SCHEDULED FOR MONDAY, JANUARY 23, 2012 @ 6:00PM TOWN HALL CHAMBERS.

2. PROPOSED POLICY DEVELOPMENT – public access and passive recreation (trails) on Conservation Lands

Presenter, Steve Couture, Hooksett Conservation Commission

Steve Couture, Conservation Commission: My memo dated 12/30/2011 to the Hooksett Town Council is straight forward to guide the different entities to develop trails controlled in the Town. For the Planning Board, this policy would serve as a good guidance “tool” for future development. If the Planning Board wants to be involved, I

am creating a workgroup and would like a Board representative.

D. Marshall: The role of the Planning Board is very important for the connectivity when trails go outside conservation land.

F. Kotowski: Mr. Chair I totally concur. It is long past the time when everybody in Town works together. Kiwanis is the club I belong to. We are volunteers. This club has had the authority for 3 years from the Town Council to develop trails in Hooksett. I have to commend the Conservation Commission, Open Space Committee, Heritage Commission, and others who are just as interested as we are to make decisions and who have clout. We have no clout under the Kiwanis). Open space, trails, and procurement of land, I am all for it. Thank you Steve.

D. Shankle: Steve came and talked with me about this. From a staff point of view, it would make it so much easier. It is important to us.

***D. Marshall motioned that the Planning Board supports the proposed policy development “Public Access and passive recreation (trails) on Conservation Lands”.
Seconded by F. Kotowski.
Vote unanimously in favor.***

S. Couture: Who will be the Planning Board point person?

J. Gryval: Frank Kotowski will work with you.

**3. ENERGY COMMITTEE ETAP (Energy Technical Assistance & Planning)
AND NEW ENERGY CHAPTER IN THE MASTER PLAN**
Presenter, Jack Munn, SNHPC

Jack Munn, SNHPC Sr. Planner: We had a PowerPoint presentation, however we know you have a busy agenda so we won't take up too much of your time. This is an introductory draft Energy Chapter for the Master Plan. We want to make sure you have ample time to review it. Jesse is one of our interns and is here with me tonight. We have had a good Energy Advisory Committee consisting of Leo Lessard, Public Works Director, Jo Ann Duffy, Town Planner, Darrell Bradley, Building Maintenance Division Foreman, Jesse, and myself. We have been meeting since September. The public safety complex then this building (Town Hall) has the highest energy use. We did not want to pursue any improvements this year in the CIP (Capital Improvement Program). We are looking at electric water heaters and LED lighting for this building. We would like the Town Administrator & Town Council to consider this committee be a permanent committee to review and track energy uses. The public safety complex replacement of windows is for a future CIP. We want to monitor and track energy use in all Town buildings with software via EPA (Portfolio Manager). We could collect utility bills and have the high school suspension program students key in the data for monitoring and tracking. This chapter is still in draft form. There are a number of goals and objectives. We are taking goals from the State climate action plan and converting into this energy

chapter.

D. Shankle: My suggestion looking forward is to take out the word “strive” and leave it at “monitor existing energy use”. Leaving “strive” means it may never happen.

J. Munn: Provided an overview of the **DRAFT** Master Plan Energy Chapter. RSA 672:1, we know you have a small wind turbine ordinance. RSA 674:2, include energy chapter in the Master Plan. RSA 38, appoint an energy commission. RSA 155A:2 (VI), adopt sticker measures. RSA 72:61-72, offer property tax exemptions. HB585, lighting shields and inexpensive timers on unessential lighting. For the remaining sections the planning commission is working with the Town Planner. We will add a summary of what energy work has been ongoing or accomplished and have an action plan to identify best recommendations for the committee going forward. Once we add the summary and action plan for the final draft, then we will come back to the Planning Board to review. At a point in the future, we will schedule a public hearing for public review of the chapter. Often there is a lack of start-up capital. Anything the municipality can do to help business owner for start-up costs, solar or other systems, is a good thing. The NH solar energy density cost has to be compared to natural gas. Small wind systems are viable to help lower electric bills. The amount of wind in Hooksett could not support a larger wind turbine. LED lighting is very cost effective. We should look at installing LED lighting in Town parking lots and street lights in the future. For tracking energy use in municipal buildings, consider making the advisory committee formal and expanding it to a commission. Down the road look at the Town’s fleet for CIP; hybrids and electric leased Town vehicles. Create a Town web page on energy efficiency. Look at the Town’s Zoning Ordinances and Development Regulations to encourage LED lighting. Look at complete uses of streets (i.e. alternative transportation such as bicycle, pedestrian) to get people out of their vehicles. Participate in NH safe route to school to get sidewalks built for safer access to walk to school.

B. Perry: What is the most energy efficient square foot building in Town?

J. Munn: DPW with utility costs at \$1.01 per sq. ft. Then it is the Town Hall at \$1.20 per sq. ft. and then the safety complex at \$1.95 per sq. ft.

D. Shankle: A process question, is this done with just staff people or will there be any public input on this?

J. Munn: We will work with the Planning Board to get the draft in final format for a public hearing. The schedule to adopt this chapter is in March or April 2012. We would also like to put this up on the Town web page.

J. Gryval: I read through this draft quite thoroughly. I worked for a public utility for several years and also worked with the government. Why electric hot water for the Town hall?

J. Munn: From a consultant report, the current flow at Town hall is uneven for hot water

distribution. By adding more electrical heaters, there will be better distribution and this will reduce costs.

J. Gryval: With electric heat, you heat a tank of hot water and it just sits there. With gas you just heat what you use.

J. Munn: Electric is for a more even flow of hot water.

DISCUSSION CONTINUED TO FEBRUARY 13, 2012 PLANNING BOARD AGENDA.

COMPLETENESS & PUBLIC HEARINGS

4. GREENVIEW MANAGEMENT LLC (#11-12)

“University Heights Apartments”

6 Blackwater Rd., Map 14, Lot 1-12

Amended site plan to show the site design for map 14, lot 1-12 in accordance with the revised 2004 master plan for Southern NH University (SNHU) Rte. 3 & 28

Jeff Burd, RJB Engineering, LLC: Lot #12 is the University Heights apartments. There are 204 garden style units on 26.7 acres. The project was approved in 2007, and an extension was granted June 2010 for 3 years. Now we propose to amend the site plan for specific design changes. The prospective buyer, SMC Management, looked at the site and sees it as a viable project with modifications. We want to reduce all the nine (9) building sizes from 11,000 sq. ft. to 6,000 sq. ft. This is a 40% reduction in buildings. The unit distribution is changing; 75% two- bedroom units to now 90% one-bedroom units. Of the 204 apartments, 190 will be studio or one-bedroom. The parking spaces were 2 per unit for a total of 419 spaces. Now we estimate 1 ½ spaces per unit + clubhouse spaces for a total of 312 spaces. The model unit has been taken out, and we have reduced the overall size of the clubhouse. The clubhouse will still have all the amenities (function room, exercise room). David White, the project architect is here. We are eliminating the pool due to maintenance and liability. We propose a toddler play area, gazebo, and barbeque area with a botchy ball court. There is a public use parcel for amenities for outdoor recreation.

J. Gryval: Is this complete?

J. Duffy: We recommend a waiver for completeness, since it was originally found complete in 2007.

***D. Marshall motioned to grant the waiver for completeness, since it was originally found complete in 2007. Seconded by M. Cannata.
Vote unanimously in favor.***

J. Gryval: You have 33 outstanding comments. I don't know why this applicant is here tonight.

J. Duffy: They wanted to talk to the Board tonight about the waiver of parking. If you don't agree to the waiver, they would have to go back for designing additional parking. Phasing should also be considered.

D. Marshall: You have 9 buildings, each with 6,000 sq. ft. for 3 floors for a total of 18,000 sq. ft. of living space

J. Gryval: We will leave it to parking for tonight.

J. Burd: We submitted plans, and Stantec reviewed them and we revised the plans. January 6th is Stantec's 2nd letter. Dan what is the total number of unresolved comments?

D. Tatem: There are 20 remaining comments.

J. Burd: Of those 20 comments, I spoke with Dan and none of them are insurmountable. I asked Dan if he would support a conditional approval. We had conditional approval in 2007, and addressed the conditions to record the plan in 2010. These folks need to start getting financing. We will come back with a final plan.

J. Gryval: Conditional approvals make a lot of work for the girls in the office.

J. Burd: We will work out the Stantec comments with Jo Ann and Dan.

M. Cannata: What is the soonest all these issues will be resolved?

J. Burd: Brown Engineering is doing the drafting, and they will get back to Dan in a couple of weeks. February 13th is the Board's next regularly scheduled meeting. That date is too long for them to get financing.

M. Cannata: I do not have a comfortable feeling. I would like a decisive date it can be taken care of vs. granting a conditional approval tonight.

B. Perry: I am in total agreement with Martin. 2007 was the last time going with this thing, and now you are only looking at 2 weeks until February 13th. I wouldn't conditionally approve this tonight either.

S. Lovas Orr: Dan, in your opinion, can they address those issues at next Planning Board meeting (2/13/12)?

D. Tatem: Of the 23 comments, parking is significant. For the fire access, Jeff could meet that without a problem. He needs water and sewer approvals. The rest of the comments are detailed engineering comments that I would not bring up to Board. Parking could change his plans quite a bit.

Waiver Request to Development Regulations Section 15.01 (27) (a) – Parking Spaces for Residential Units

J. Burd: This parking space waiver is based on the change in unit distribution. We proposed now having studios and one-bedroom apartments. We will only have 12 two-bedrooms that will gear to couples with small families and two cars. The single units will be geared to single people with only one car vs. two. We estimate 1 ½ parking spaces per one bedroom.

J. Gryval: We don't know that for sure.

J. Burd: The developer SMC owns other multi-families and have 1 ½ parking spaces per unit. This is functional at their other developments. The number is supported by traffic engineer, Stephen Pernaw, who is in the audience tonight to discuss his findings via the ITE parking generation report. We are not asking for a reduction. There is sufficient space to add back in if needed. The City of Concord promotes green parking as long as there is a provision to add spaces for future needs. The developer purchasing the property is going to construct the project and own it. He has a long-term interest in the project. EPA and DES support green parking as long as the minimum parking spaces are met per ITE numbers.

Stephen Pernaw, Traffic Engineer: Good evening Mr. Chair and members of the Board. I am representing SMC. ITE 2nd parking generation is much like trip generation for impact; land use codes and other adjustments. For 204 units, there is a different parking generation rate depending if the area is urban vs. suburban. We based our numbers on suburban. For bedroom density, it is the average number of bedrooms per unit. The number of bedrooms changed radically to 1.06 bedrooms per unit (most are all one bedroom). The ITE peak parking is 232 occupied stalls/parked vehicles based on the demand estimate. We want to make sure you have extra spaces. We took the peak parking and added 5%-10% for a comfortable supply. The minimum is 255 spaces just for the apartment uses and I know there are other uses. 297 stalls are being recommended for the apartments.

S. Lovas Orr: Does this include accessible parking?

S. Pernaw: It includes parking for handicapped spaces.

S. Lovas Orr: How many ADA spaces?

J. Burd: The requirement is 4 ADA per 100 spaces and we will meet that.

B. Perry: For 204 units, the peak is 232 spaces based on one person per unit.

S. Pernaw: There are 309 total spaces; 297 for the apartments + extra for the recreation center. 255 spaces is what we recommend. ITE monitors actual apartment sites with facts.

B. Perry: Is the vacancy rate factored in?

S. Pernaw: I am sure ITE gets their data from real sites. If the site is ½ occupied, they would take out the data. They want a good occupancy rate.

D. Marshall: 297 spaces + 12 spaces = 309. The waiver request letter from Jeff totals 312.

J. Burd: 312 is SMC total, and 309 is ITE total.

J. Duffy: 510 spaces + spaces for clubhouse would be requested if applying today. Two spaces per unit; 408 + 102 for visitor parking.

J. Gryval: How do you calculate guest spaces?

J. Burd: Guest spaces are calculated at 1 ½ spaces per unit.

D. Shankle: At the time it was originally approved, was the requirement two cars per unit?

J. Duffy: The paperwork submitted for the approved plan was at two spaces per unit + clubhouse spaces to total 419 spaces. I don't think it was in the regulations at the time.

D. Shankle motioned to deny the Waiver Request to Development Regulations Section 15.01 (27) (a) – Parking Spaces for Residential Units because the rules at the time of the original approval March 6, 2007 was for two spaces per unit and the plan was approved at that time for 419 spaces (vs. requested 309). Seconded by F. Kotowski.

S. Lovas Orr: It would behoove the management company that their tenants are satisfied. I agree there is a lack of guest parking. I can see a Pampered Chef party and visitors parking on grass; it could be a huge issue. I remember seeing in one of your plans that there was space allocated if additional parking spaces are needed. Why not include it now?

J. Burd: In Concord, we added a note on our site plan that the calculated number of additional parking spaces would be added as needed and the CEO could enforce it. We can provide the number of spaces on our original plan. We recommend getting the consent of your CEO to come out and if there is a problem, we would add the spaces back in. By reducing the pavement now, we are reducing the storm water runoff and clearing of trees. Our applicant is satisfied with this.

Vote 8 in favor. T. Walsh opposed. Motion carried and waiver denied.

Waiver above per RSA 674:44 (III) (e).

University Heights – Access Way into One Unit

J. Gryval: Are you looking to construct building #70?

J. Burd: I didn't think it was for tonight's presentation.

J. Duffy: The Building Inspector received a permit application to access via the emergency access road vs. main road. It was never the intention to come through the single-family residential subdivision.

J. Burd: I don't know if it is gated.

L. Lessard: It shows a gate on the plan.

J. Duffy: They submitted an application permit now for building #70. It was never the intent to go forward with this project if only that building ever got built, because then the main entrance would not be constructed, and they would be going through the emergency access. I wanted to instruct them that we are not going to permit that. They will need to come up with an alternative building plan.

J. Burd: OK, we will not use the emergency access for construction.

J. Gryval: How are you going to get in there?

J. Burd: The main entrance is in the front. They are all private roads. Blackwater Rd. will become a Town road.

L. Lessard: There is binder on it and house lots could be built on it now. He could access through there.

D. Marshall motioned to approve the proposed amenities as presented to include:

- ***adding a playground area for children***
- ***adding and a picnic and barbeque area for families***
- ***reducing the clubhouse building size***
- ***eliminating the outdoor pool***

Seconded by S. Lovas Orr.

Vote unanimously in favor.

D. Marshall motioned to continue this application for Planning Board review of the amended site plan to February 13, 2012. Seconded by M. Cannata.

Vote unanimously in favor.

CONTINUED TO FEBRUARY 13, 2012 PLANNING BOARD AGENDA.

5. HEFFRON ASPHALT CORP. (#11-13)

Hackett Hill Rd., Map 13, Lots 57 & 58 AND Map 17, Lot 7

Lot line adjustment.

D. Marshall motioned to find the application complete. Seconded by T. Walsh. Vote unanimously in favor.

Nick Golon, TF Moran: I am here on behalf of Kellogg surveying and mapping and Jeff Larrabee, Larrabee Group, LLC. We have made adjustments to our conditional approval from June 20, 2011. The three lots are the same. The changes are the location of the access easement that is now shifted over to allow more even distribution for the lots. Lot 57 was .06 acres and will become 5.73 acres. Lot 58 is 6.22 acres and will become 5.36 acres. The adjustment is fairly minimal. The surveyor has addressed Stantec's comments and will update the plan for the appropriate buffer for one of the wetlands. I will facilitate the development of this property to move forward with end users and construction.

J. Gryval: The June 2011 conditions have not been met yet.

N. Golon: Bill Evans was working on restoration for the Dec 13th ZBA meeting as a follow-up to a letter of violation and remediation. The written restoration plan is to restore by developing. The ZBA was in agreement (see ZBA 12/13/11 minutes).

J. Gryval: Will the sections not built on be reclaimed?

N. Golon: Yes. I will let Bill Evan discuss the additional areas.

Bill Evans: We are at the point of planning at this time. We will work with TF Moran on the development aspect of this site.

N. Golon: We propose moving forward with lots 57 & 58 for development.

B. Evans: We want to reclaim the pit as we go and move the power lines in the pit. We met with PSNH numerous times. We will take the material under the poles and use to regrade the pit. We will coordinate with the ZBA requirements and what the Planning Board wants here.

N. Golon: The purpose of the lot line adjustment is to make usable & buildable lots for the end users.

J. Gryval: What about the reclamation plan and bond?

N. Golon: This was a condition of approval for the 6/20/11 lot line adjustment "reclamation plan and bond to be submitted to the ZBA for their review and approval to include establishing timeframes for reclamation of site". They want to restore the site and make a nice establishment.

J. Duffy: We have not received anything in quite a while from the ZBA.

M. Cannata: There are a couple of things lacking. One is the letter from the ZBA that

they tentatively gave approval for the restoration plan, and the other is the restoration timeline.

N. Golon: There is a written letter from Jeff Larrabee, the applicant that was submitted last week to the ZBA with a restoration timeline.

B. Evans: We can put a reclamation plan together for the front towards the back. The pole movement will be used to reclaim the back of the pit. There is enough loam on site to take care of the floor. There is the prime wetland, breach, and size of the berm.

N. Golon: The ZBA said they are comfortable with the plan.

T. Walsh: Are we hesitating, because of the southern back piece?

J. Gryval: They don't need to reclaim the whole thing, just what they don't build on.

T. Walsh: Lot line adjustments are just lines in the sand.

J. Gryval: How large an area needs to be reclaimed?

N. Golon: 11 acres to develop with this lot line adjustment as presented.

D. Marshall: If we grant the lot line adjustment, the first time you come in with a proposal for one of those two lots we would have to see the reclamation plan for all the lots.

B. Evans: We can do that as we go. By then we will know the cuts and fills, building pads, and how to move the power lines with PSNH.

D. Shankle: This approval should be contingent that the ZBA will approve what you submitted to them.

F. Kotowski motioned to approve the application conditional:

- Reclamation plan and bond to be submitted to the ZBA for their review and approval to include establishing timeframes for reclamation of site
- Planning Board acceptance of applicant withdrawal of plan #11-02 conditionally approved 06/20/11
- All review fees are paid-in-full
- LCHIP check payable to Merrimack County Registry of Deeds is submitted to the Community Development Dept.
- 2 mylars, 11 paper copies (22x34), 1 paper copy (11x17), and 1 digital
- All outstanding comments from Stantec are addressed to Stantec's satisfaction (see letter dated 01/06/12 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
- Access Easement to be submitted to Community Development Dept. for Town Attorney review and approval
 - Signed Access Easement to be submitted to Community Development Dept. for recording with plan set
 - 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 T. Walsh.

Open public hearing

Roger Letendre, property abutter: I see the logic with this plan, and I would like to see the land developed and used other than for a shooting pit or ATV path. As long as they address the reclamation of the site, I have no issues.

Hollis Cate, property abutter: I have the same comments as Roger. Clean it up and make it look good

Thomas Chunglo, Cross Rd.:– how big is the fermentation area?

J. Gryval: When they come in with a site plan, then you will know that answer.

Close public hearing

Vote unanimously in favor.

OTHER BUSINESS

6. **HEFFRON ASPHALT CORP. (#11-02)**
Hackett Hill Rd., Map 13, Lots 57 & 58
Withdrawal of prior lot line adjustment application and conditional approval granted 6/20/11.

*D. Marshall motioned to accept the applicant’s withdrawal of lot line adjustment plan #11-02 conditionally approved on 06/20/11. Seconded by F. Kotowski.
Vote unanimously in favor.*

RTE 3A HOURGLASS PROJECT

J. Duffy: The road widening with the hourglass project for Walmart and Market Basket, we have had several months of correspondence with the State. We have some monies from impact fees and donations from Market Basket that total \$800,000. The State said they can't do two State road projects in the same corridor (Hackett Hill Rd. & Rte. 3A AND the hourglass). We went back to the State for a portion of Hackett Hill Rd. to put funds aside for the future, but the State said no. Hackett Hill Rd., realigning the toll booth, working on the ramp were all part of the Cabelas project that is no longer happening. Stantec and I met with Dean and Leo the other day for options from Stantec. We want to get from this Board if you agree or disagree and then go to the Town Council to see if we hold-off on Hackett Hill and go forward with the hourglass project. The problem is there is a great delay and it is a dangerous intersection. We could scale back Hackett Hill and have enough funding for the hourglass. We still don't know if the State will allow that. Dan and I Met with Dick prior to this meeting, and we decided to go up and speak with the State DOT. We wanted to make the Board aware of it.

T. Walsh: I like doing both roadway projects at the same time, but if we can't do it, I see more problems at Hackett Hill.

J. Duffy: The majority of the \$800,000 was from Walmart and Lowes and we can hold the funds for 10 years. The gift from Market Basket is only for the hourglass project. The State is holding money from Walmart and Lowes for the hourglass project.

D. Marshall: Hackett Hill Rd. and Rte. 3A is a State project. You promised Lowes, Walmart, and Market Basket for that area. You stand to lose \$800,000 if not for the hourglass. We need to convince the State to do a dual project for the Rte. 3A corridor. Hackett Hill Rd. is mostly Manchester traffic. The ball is in our court to convince them it is a great deal.

PROPOSED LEGISLATION TO USE TOWN ROADWAY IMPACT FEES ON STATE ROADS

F. Kotowski: The bill is from Senator Boutin.

J. Duffy: Impact fee money now can only be used on Town roads. The bill would benefit the Town to use impact fees on State roads.

F. Kotowski: There are no less than 9 senators on that bill. Hooksett is in the worst position of any community for not being able to use those monies, before we have to turn back because the State is dragging their feet. It is a Hooksett bill, therefore some of us should be there in support.

J. Duffy: The last time this went for legislation, the builders association fought it.

***B. Perry motioned to adjourn at 8:40pmpm. Seconded by S. Lovas Orr.
Vote unanimously in favor.***

ADJOURNMENT

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

Respectfully submitted,

Donna J. Fitzpatrick,
Planning Coordinator