

**Official
As of 05/07/12**

**HOOKSETT PLANNING BOARD
MEETING MINUTES
HOOKSETT MUNICIPAL BUILDING
Monday, April 16, 2012**

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., Frank Kotowski, Town Council Rep. Susan Lovas Orr, Town Administration Rep. Leo Lessard (DPW Director), David Rogers, and Tom Walsh.
Excused: Martin Cannata
Absent: Yervant Nahikian, Brendan Perry, and Robert Duhaime.

REPRESENTING TOWN OF HOOKSETT

Town Planner, Jo Ann Duffy.

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

APPROVAL OF MINUTES OF 03/19/12

D. Marshall motioned to approve the minutes of 03/19/12. Seconded by T. Walsh. Vote unanimously in favor.

ZBA – VARIANCE IN PERFORMANCE ZONE (Planning Board comments)

- 1. 1129 HOOKSETT RD., LLC**
“Manchester Animal Hospital”, 1129 Hooksett Rd., Map 41, Lot 11
Planning Board comments on ZBA application for variance from Article 10-A:E of the Zoning Ordinance to allow a residential use within the Performance Zone (PZ) for an apartment to be located in the basement of the property to be occupied by an employee of Manchester Animal Hospital.

Roy Ball, 1129 Hooksett Rd. Manchester Animal Hospital: I am the owner of the building and the business. I want to put in an apartment in the basement of the animal hospital for 24 hr. care. My practice has grown and there are almost always hospitalized animals on IV fluids. I want to improve the quality of care. The apartment would only be for an employee of the animal hospital. Initially I will be the tenant, and then it will be a technician. I am nearing retirement. It will be a job benefit for a technician to live in the apartment. The advantages are great. One night I had four animals on IV fluids. When

they are not monitored, it is not a major problem, but they don't get their treatment as you expect for your own animals. I have a blueprint of what I propose.

J. Duffy: I don't have anything to add, except what I put in my Town Planner comments. If the ZBA grants the variance, the applicant should check with water and sewer to update their permits because they are adding a residence to this site.

T. Walsh: If a technician is in the apartment, would it become an emergency residence?

R. Ball: We are not doing 24 hr. coverage. It would be for inpatient care.

L. Lessard: The apartment is only for employees and not for the public.

R. Ball: Correct. The apartment will not be income producing. When a technician is hired, part of the job will include night care.

D. Shankle: Is there some way we could make it clear that if down the road he sells the property the apartment is not approved for the next owner?

D. Marshall: The ZBA could grant the variance that it is as long as it is for the current purposes for Manchester Animal Hospital.

J. Gryval: And the ZBA should include the owner get the water and sewer permits updated with the new residence.

S. Lovas Orr: Will the apartment occupant be rotating or permanent?

R. Ball: Initially I will live there and it won't be rotating. It will be a job benefit to have free rent on top of the salary.

F. Kotowski: Dr. Ball, many years ago I worked for a veterinarian fellow in Colorado. Back then a college student was a technician and took residence there to assure animals were taken care of. I hope there is some condition that in the event you sell the property, there is no rental unit.

R. Ball: I am willing to accept the stipulation that the apartment will only be used by the Manchester Animal Hospital staff.

D. Rogers: What is the apartment sq. ft. ?

R. Ball: 625 sq. ft.

T. Walsh motioned in favor of the ZBA granting a conditional variance from Article 10-A:E of the Zoning Ordinance to allow a residential use within the Performance Zone (PZ) for an apartment to be located in the basement of the above-captioned property. The ZBA is to include the following conditions in their approval:

- *Apartment is for the sole use of the Manchester Animal Hospital and occupied only by its employees*
- *Water and sewer permits are to be updated to include the new apartment*

*Seconded by D. Marshall.
Vote unanimously in favor.*

PUBLIC HEARING – WAIVER REQUEST

2. **WP REALTY, INC. - WP HOOKSETT ASSOCIATES, LP (#12-09)**
“Granite State Marketplace – Cowabunga’s”, 1328 Hooksett Rd., Map 25, Lot 78
Waiver request for signage per Article 10-A I.(p) 3(d) table of Performance Zone sign standards for signage on the building for Cowabunga’s at Granite State Marketplace.

*D. Marshall motioned to find the waiver application complete. Seconded by D. Rogers.
Vote unanimously in favor.*

Matt Pearson, owner Cowabunga’s: With me tonight is Mark Cusson of Turn One Graphics. We are requesting a waiver for a larger sign at 1328 Hooksett Rd. next to Shaw’s. A 25 sq. ft. on the façade is too small for what we want for our customers. We are requesting to increase the sq. ft.

M. Cusson: The unit is set far back from the roadway at a 90 degree angle. A 25 sq. ft. sign is not visible. Most of the existing signage is in excess of the 67.05 sq. ft. that we are requesting.

J. Gryval: You are asking for 2 ½ times what is required.

T. Walsh: Is your drawing to scale?

M. Cusson: Yes.

T. Walsh: I don’t see the harm in a sign size that large in that mall. It fits that area. The unit is hard to see from Rte. 3. I take no objection.

M. Cusson: They are occupying a larger unit that used to be Osco Drug. It is an anchor store

M. Pearson: The unit is 17,000 sq. ft.

F. Kotowski: Welcome to Hooksett and thank you for coming here to do business. I went to the Tractor Supply store today. The Cowabunga’s unit is sitting at an angle and I concur with Mr. Walsh.

Open public hearing

No comments.

Close public hearing

*D. Marshall motioned to grant the waiver to increase the signage from 25 sq. ft. to 67.05 sq. ft. Seconded by T. Walsh.
Vote 7 in favor. D. Shankle opposed. Motion carried.*

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

PUBLIC HEARING – WAIVER REQUEST & EXTENSION REQUEST

3. HARMONY PLACE (#08-31)

1621 Hooksett Road, Map 14, Lot 27

Proposal for a 63-unit 55 yr.+ development.

- Waiver Request - Development Regulations (5/2007) section 6.09 Approval Null and Void
- Extension Request – Development Regulations (1/23/2012) section 10.03 2) Time Limits for Fulfilling Conditions. Application conditionally approved on 03/16/2009 and expired on 03/16/2012. Applicant requesting a 1 yr. extension to this approval (03/16/2013).

Forrest Sell: I am looking for a 1 yr. extension to my expired approval March 16, 2012.

D. Marshall: When will you start work on that project?

F. Sell: I hope to get it going this next year.

J. Duffy: I have no issues with his requests. The Board will need to make two actions: 1) waiver and 2) extension.

Open public hearing

No comments.

Close public hearing

*D. Marshall motioned to grant the waiver above to section 6.09. Seconded by D. Rogers.
Vote unanimously in favor.*

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

*F. Kotowski motioned to grant a 1 yr. extension of the approval to March 16, 2013. Seconded by S. Lovas Orr.
Vote unanimously in favor.*

COMPLETENESS & PUBLIC HEARING

4. DENNIS DEMERS (#12-06)
65 Farmer Rd., Map 26, Lot 81
Proposal for a one-lot subdivision.

J. Duffy: The five comments from Stantec are OK. I am OK with the waiver on soils, but I am not OK with the sprinkler system waiver.

Ray Shea, Sandford Surveying and Engineering, Inc.: The property is located at 65 Farmer Rd, and is 3.29 acres. The duplex is on the 2.186 acre property, and we propose to create an additional single-family lot on the remaining 1.708 acres of land. The lots have municipal sewer and on-site wells. We are closer than 75 ft. for the proposed new lot to be tied into the public sewer system.

D. Marshall: Where?

R. Shea: At Graystone and Barberry on the south side.

D. Marshall: This is a one-lot subdivision?

J. Duffy: It is one lot now and they are creating one additional lot.

***D. Marshall motioned to find the application complete. Seconded by D. Rogers.
Vote unanimously in favor.***

Open public hearing

Eric Jacobs, 74 Farmer Rd.: I want to verify that it will only be one house on the new lot and that later on down the road he can't build a multi-unit.

R. Shea: Originally 6 yrs. ago Dennis Demers was looking at several lots and this was one of them. This is the only one he purchased. There is no more room on the lot. We are just adding one single-family.

E. Jacobs: People occupying the existing duplex have a landscape business and are making a mess.

R. Shea: I will tell Dennis.

Close public hearing

S. Lovas Orr: Will Mr. Demers be occupying the new building?

R. Shea: No, he lives in Manchester.

S. Lovas Orr: Will he rent out the new house?

R. Shea: I don't know. He may sell it.

Waiver #1 – Development Regulations site specific soil mapping

D. Marshall motioned to grant waiver #1 above. Seconded by T. Walsh. Vote unanimously in favor.

Waiver #2 – Development Regulations Part II (2.01) 24 sprinkler system

T. Walsh: What is the scale for the distance to the fire hydrant(s)?

J. Duffy: 1" = 375'; I don't know what the scale would be.

D. Marshall: At least 1,000 ft.

R. Shea: It is 700 ft. to Graystone from the corner of our line. Whitehall Terrace is 300-400 ft. beyond that. It is 1,400 ft. to the fire hydrant.

T. Walsh: For the Bielizna subdivision, do we remember how far the fire hydrant was for that waiver we granted?

R. Shea: For this subdivision the cistern is 1,700-1,800 ft. away.

F. Kotowski: Is the cistern further away from the hydrant?

R. Shea: Yes.

D. Shankle motioned to deny waiver #2 above due to the proposed building (new home) in the area is not covered by public water supply. Seconded by L. Lessard. Vote 5 in favor, T. Walsh and F. Kotowski opposed. Motion carried.

Waivers above per RSA 674:36 (II) (n)

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 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 04/09/12 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

- Declaration of Protective Easements and Restrictions Well Protection document to be submitted to Community Development Dept. for Town Attorney review and approval (applicant to updated document per Town Attorney comments dated 3/27/12)
- Signed Declaration of Protective Easements and Restrictions Well Protection document 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 five (5) 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 \$8,419 in impact fees 10 days prior to the issuance of the Certificate of Occupancy subject to NHRSA 674:39 (Schools \$4,978, Public Safety \$1,326, Recreation \$695, and Roadway \$1,420)
- PDF version of signed plans is submitted to Town via e-mail attachment

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 L. Lessard
Vote unanimously in favor.*

OTHER BUSINESS

5. CHANGE OF USE

114 Londonderry Turnpike, Map 43, lot 33-2

New restaurant to occupy former space of Mangia’s Italian Restaurant
Waiting to hear from owner re: new septic design. Further review of parking needed.

D. Marshall: Is this where Eaton’s cake decorating is located?

J. Duffy: Yes.

New Hampshire School of Ballet – Hooksett Road, Map 36, lot 42-1

Need additional information on parking.

1158 Hooksett Road, Map 39, lot 39-1

Firearms and Ammunition Sales to occupy former consignment/antique shop
Retail to retail – PD will be notified.

1238 Hooksett Road, Map 24, lot 33-11

Children’s Consignment shop in vacant retail space

No outdoor sales permitted.

D. Marshall: Is there enough parking for the consignment store and purse store? Parking gets shared for some reason. There is almost no parking for the purse store.

J. Duffy: The building was used in the past for small scale retail. It will be a small children's consignment shop.

1562 Hooksett Road, Map 13, lot 45

Consignment shop to occupy building and area previously used as Sporting Consignment
No expansion of outdoor display permitted.

J. Duffy: Lots of people are coming in now to move into vacant buildings.

J. Gryval: I would like more information on the type of consignments they would sell.

Matt Labonte, CEO: They would be selling anything and everything.

S. Lovas Orr: An antique alley is not a bad thing, and a consignment alley would give people a reason to come to Town. However I would hate to see junk (appliances) being sold. I would like to see quaint shopping.

F. Kotowski: It doesn't matter what they sell as long as it is legal and not outside.

M. Labonte: They currently have an operation in Tilton.

J. Gryval: So no boats?

M. Labonte: I can't say they won't have boats.

OTHER

Hartley Cranton 3-lot Subdivision – Request to build three single family homes rather than two duplexes and one single family home. Reduction from five units to three units.

J. Duffy: Mr. Cranton received approval for three lots; two lots with each a duplex and one lot with a single-family. He called thinking that the duplex units won't be as popular to sell. He wanted to know if it would be OK to have three single-family homes. I didn't see a problem, but wanted to bring this to the Board. Since then, lot 3 (two-family lot) Central Hooksett said they would need a 220 ft. extension to the water main for municipal water. To have a 12 inch main and ledge will cost over \$32,000. For economics he is asking to change lot 3 to a single-family. Lot 2 is on a well, lot 1 is municipal water stubbed.

J. Gryval: Mr. Cranton should come back to the Board, when he knows what he wants to do.

J. Duffy: This would need a public hearing.

D. Marshall: They want them to extend the 12 inch water line; any other properties serviced in the future?

J. Gryval: Wasn't there a surface water issue there?

J. Duffy: Yes, but they addressed that.

D. Shankle: If these lots are not going on the public water system, he will have to sprinkler the houses.

PZ Zone – Granting of Waivers/Variations for signs.

J. Duffy: Currently in the PZ zone for signs, if a person doesn't meet the requirements of size or height they come here and request a waiver. Matt (CEO) has had discussion with the Town's Attorney.

M. Labonte: In his (Town Atty.) opinion, he felt that specific set of regulations for PZ sign illumination should come before the Planning Board. For PZ sign height and size, that should go before the ZBA for a variance. We should pick a path and be consistent. (i.e. height and size to ZBA, but may also go to PZ for illumination).

D. Shankle: If it is part of the regulations they wouldn't need a variance. The fact part of the zoning ordinance is a broader issue. I believe the attorney is trying to drag us in a direction we (Planning Board) may not want to go.

J. Gryval: This is a good issue for a workshop. The idea of the PZ was so the Planning Board could make concessions.

D. Shankle: I don't know if what the attorney is saying is good or bad.

Roadway Impact Fee Bill

D. Marshall: The roadway impact fee passed the Senate, then got to the House Committee and was favorable there but got sent back with an amendment. They amended that impact fees collected for schools could not be used for highways. It went to the House Committee again 12 – 0; now to floor of the House.

J. Duffy: There was an amendment to add on \$550,000 for a northern fire training facility.

F. Kotowski: It is a non-germaine amendment; nothing to do with impact fees. We have to wait now and see what kind of objections, if any. I talked to Atty. David Campbell and he said don't worry. However we have to wait and see. It appears favorable. It depends on what kind of lobbyist come. It muddied the waters.

HOURGLASS

J. Gryval: Anything new on the hourglass?

D. Marshall: If the impact fee bill passes, we will want to act on the hourglass rather quickly.

*D. Marshall motioned to adjourn at 6:60pm. Seconded by T. Walsh.
Vote unanimously in favor.*

ADJOURNMENT

Chair J. Gryval declared the meeting adjourned at 6:50pm.

Respectfully submitted,

Donna J. Fitzpatrick,
Planning Coordinator