

**Official  
As of 06/18/12**

**HOOKSETT PLANNING BOARD  
MEETING MINUTES  
HOOKSETT MUNICIPAL BUILDING  
Monday, June 4, 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, David Rogers, Tom Walsh, and Robert Duhaime.

Excused: Town Administration Rep. Leo Lessard (DPW Director), and Martin Cannata.

Absent: Yervant Nahikian, and Brendan Perry.

**REPRESENTING TOWN OF HOOKSETT**

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

**APPROVAL OF MINUTES OF 05/07/12**

*D. Marshall motioned to approve the minutes of 05/07/12. Seconded by D. Rogers. Vote 7 in favor. R. Duhaime abstains.*

J. Gryval: David Rogers will be voting tonight in place of Martin Cannata. Robert Duhaime will be voting tonight in place of Brendan Perry.

**PUBLIC HEARING - WAIVER REQUEST FOR SIGNAGE**

- 1. MERCHANTS PLAZA, LLC (#12-13)  
1275 Hooksett Road, Map 31, Lot 1 AND  
1279 (1277) Hooksett Rd., Map 25, Lot 46**

Waiver requests to Article 10-A Performance Zone (PZ) signage.

J. Duffy: 323 sq. ft. is existing (6 signs) and 323 sq. ft. is proposed (3 signs). 132 sq. ft. is allowed.

Cathy Champagne, Jutras Signs: I am here with Michael Sydney.

J. Gryval: Why are there '3' tenant spaces on the New Canton sign?

M. Sydney: For availability if the building is separated. Once a tenant space is on the sign, it is there.

C. Champagne: If there is not a tenant there, the section will either be blank or have a neutral message. Until there is a tenant, those will be blank.

D. Marshall: For the total signage, you are asking for no more than what you already have?

C. Champagne: Correct.

D. Marshall: If we grant with 3 tenants, nothing can go there. It needs to remain blank until there is a tenant.

C. Champagne: We would have a message only for a specific tenant going in.

F. Kotowski: Are you soliciting for more tenants in that plaza now?

M. Sydney: Presently no.

J. Duffy: My concern is our sign ordinance reads: 1 business allowed 32 sq. ft., 3 businesses allowed 50 sq. ft. Currently only there is only the Chinese restaurant; no other tenants. You may set a precedent. This site is unique because he now has 6 old signs and they are not as nice as the 3 proposed new signs. In this case Michael Sydney doesn't want to lose any sq. ft. You should focus on the fact he now has 323 sq. ft. and he is looking to retain the same 323 sq. ft. from 6 signs down to 3 nicer ones. This is all because of the Rte. 3 NHDOT state roadway widening project. I would not want you to focus on future tenants; since he already has space he should be able to retain it.

R. Duhaime: They are getting closer to monument signs and closer to the ordinance. They are grandfathered in size, but not pylons. Will AutoZone stay the same?

M. Sydney: No, that will change too.

J. Gryval: I want to make sure the Board is aware that if we approve this waiver there are two more sign waivers for the next meeting in the PZ.

C. Champagne: The other waiver has tenants there and it is a matter of defining tenants.

J. Duffy: The proposed are monument signs, but they are higher than 10 ft.

C. Champagne: For the definitions I will leave it up to Jo Ann for pylon vs. monument. The height is taller than a typical monument.

M. Sydney: If you have a monument sign with a car parked near it you won't see it.

C. Champagne: For comparables the signs are not as high as existing, but higher than allowed. They are not 100% as code dictates, but closer to that. Given what we have now, the DOT project, and tenants, we want to assure the signs are visible as they are now.

R. Duhaime: Twins Smoke Shop is proposed 2x higher than what is there now.

C. Champagne: The heights were calculated specific to those sites.

S. Lovas Orr: What was the motivation to change the sign, specifically Twins Smoke Shop?

C. Champagne: We look at the State of NH signs, traffic speed, curve of road, elevations . . . all kinds of things that go into it design of a sign. These heights are best for visibility for these businesses.

S. Lovas Orr: Given the average height of a car and that road, you are pretty close to a sign. It seems a lower sign would be more visible. Is there a standard calculation? What is it that determines the height?

C. Champagne: 10-15 ft. away at what point can you read the sign. When is it legible and when is it visible. The height focus is on the center of the message.

S. Lovas Orr: The sign for Twins there now allows space for advertisement?

C. Champagne: Yes.

F. Kotowski: The current sq. ft. won't exceed the sign limit. The question is how high are these things?

J. Gryval: He is not asking for any more sq. ft. than what he has now.

F. Kotowski: If all 3 proposed signs are the same height, if I am driving along the road at a certain distance from those signs, would not the first sign block signs 2 & 3?

R. Duhaime: This is in the PZ. I don't understand why would take a shorter sign and make it taller. The scale doesn't match nor does the aesthetics. Why would we go with the tallest 21 ft. sign?

T. Walsh: The sq. ft. is grandfathered. It is the line and sight issue for a shorter sign. Because the sq. ft. is grandfathered and the DOT project, you almost want have the height.

R. Duhaime: North exiting only due to DOT traffic island; 18 ft. and 21 ft. signs are well above the allowed.

J. Duffy: I am not sure a traffic island is going there.

T. Walsh: The sq. ft. won't change even if it is grandfathered.

S. Lovas Orr: What was the motivation to set a regulation to a 10 ft. high PZ sign?

D. Marshall: Sign pollution in the PZ.

S. Lovas Orr: Since the regulation is in place, how many signs have gone up and fell within this regulation?

D. Marshall: Cinemagic, CVS, and Ninety-Nine are just a few examples. I took a look at what is there now, and I don't see a reason to change that and jack it up 8 ft. The middle sign "B" I have no problem with the potential for 4 tenants. Reduce AutoZone sign "A" by 3 ft. in height.

J. Gryval: Do you have a reason to jack it (Twins) up 8 ft.?

C. Champagne: There are 6 signs there now and we are proposing 3. We looked at this with fresh eyes. We did the very best we could with 3 signs to come closer to compliance without doing more than what we thought was necessary. What is going to look best for visibility and legibility?

J. Gryval: There is no question on the total area, the question is the height. What is the existing highest sign?

C. Champagne: Existing AutoZone at 21 ft.

D. Marshall: The existing Twins, how wide vs. proposed? Compromise, I could live with Twins the way it is, but I would give you 10 ft. high. Twins is jacked up too high.

J. Duffy: My only concern with Twins staying the way it is, it will be moving closer to the building. The brick could be problematic with people getting out of parking spaces.

D. Marshall: I would be in favor of moving the new Twins sign down to 10 ft. and keeping the other signs as proposed.

C. Champagne: If the height of the sign is 10 ft. to the top, we will only have 2 ft. of ground clearance. We are not looking at this as the sign staying where it is. It is going closer to the building. You will have visibility with a vehicle parked under a higher sign.

D. Shankle: I understand the waiver as typed, but are we also waiving proposed tenants? Are we approving what signs will look like or just the area and height? I want to make sure whatever I vote on is not approving tenant information. Are we voting on the pictures?

J. Gryval: The sign pictures are before us.

D. Shankle: Example is sign "B" Merchants Plaza, then New Canton, and the bottom 3 panels are left blank until they get tenants.

M. Sydney: The sign is just highlighting what tenant is on the property.

R. Duhaime: These signs architecturally look like pylon signs.

C. Champagne: We are proposing these new signs because of the DOT project, and to become more in compliance. We are taking the existing 6 signs and combining them into 3. We need to retain the business sign visibility.

F. Kotowski: The new proposed design and signs are reducing from 6 signs to 3 signs and that is a benefit. I understand what Robert is saying with the height. You could have come in for replacement for 6 monument signs. From my perspective this is a win-win.

C. Champagne: We didn't design these signs arbitrarily. It was done thoughtfully with placement in mind, and with this project being the way it is.

F. Kotowski: I wish you didn't come in with proposed tenants on these signs.

D. Shankle: Sign "C" we are saying however big that is, the bottom panel will be left blank until there is a tenant.

M. Sydney: This is due to the State roadway and drainage project. We need to reach a common ground here and get permission from 6 sign to 3 signs. If Twins gets approved for one sign, then in the future we could break it up for more tenants.

J. Gryval: To leave the sign the way it is proposed, there is a lot of blank space.

R. Duhaime: Somebody else is going to come in here, and they will say how come they got it. I am not asking to reduce the sq. ft. area that is proposed. All I am asking for is to reduce the height.

J. Gryval: Is there any reason why you can't bring the height down?

C. Champagne: Changing the height will affect the visibility and legibility for those businesses. We are trying to do a good job for the Town as well.

D. Marshall: You keep emphasising impact to businesses. Our goal for the PZ is to clean up sign pollution. Your goal is to satisfy your businesses. That is not our goal.

C. Champagne: I disagree. My businesses do not have the reserves for a very large sign. I think we want the same thing; clean, legible, and good looking signs. Signage for a business is the first image. These signs are newer than the 6 signs there now. We don't

just put the signs at this height just because, it was done thoughtfully. I really do think we are much more in line than at first glance. Most businesses are easy to find, and easy to get to.

D. Shankle: Do you understand the issue with white area for the tenant sign on Twins? Do you understand some concern for the scale of 18 ft. high on the street?

M. Sydney: Yes.

***D. Shankle motioned to table the Merchants Plaza LLC signage until the June 18, 2012 Planning Board meeting, so that the applicant can review tonight's Board comments and come back with additional information and make appropriate revisions. Seconded by R. Duhaime.***

S. Lovas Orr: As someone traveling this roadway every day, I can see the lower signs, but not the higher signs. You can still get a great impact by lowering these signs. As far as backing out of parking spaces and having signs higher so vehicles are not damaging signs?

T. Walsh: The reason we are here is DOT is taking down their existing signs, and because of the DOT project they are allowed to keep the total 323 sq. ft. Those signs lower to the ground would be dangerous. I don't see a problem with these requests, because of the situation. I would like this resolved tonight.

J. Duffy: For the existing signage there are two 16 ft. high signs and AutoZone at 21 ft. in height. If you were to approve tonight, you could make a condition to modify the Twins sign by filling-up the white space with the existing Twins tenant. If there are future tenants, then all they would have to do is go to Building for a sign permit.

J. Gryval: Any comments on the motion?

D. Shankle: Two things: 1) blank space on signs that will be nothing there until you have tenants, and 2) height and safety and our sign ordinance. Bring back more information; right now there are a lot of questions.

D. Rogers: Now that you have heard our concerns address them. These signs are not going up in the next 10 days. Waiting 2 more weeks won't make or break the signage. Create a new artist rendering. If it can't be changed, give us reasons why. If it can be changed, give us new renderings.

R. Duhaime: An elevation would be nice too.

***Vote 6 in favor, 2 opposed (F. Kotowski & T. Walsh). MOTION CARRIED***

***TABLED TO THE JUNE 18, 2012 PLANNING BOARD MEETING.***

**Merchants Leasing Office Space**

J. Duffy: For the AutoZone site plan, 2,474 sq. ft. was anticipated to be rented out for another retail. Merchants leasing is going to be moving in next to AutoZone via a change of use permit. I wanted to make sure the Board is OK with it.

D. Shankle: We took all of these signs up as one, we should have them separate.

Board consensus: Change of use for Merchants office space is OK.

**COMPLETENESS**

**2. PALAZZI CORP. (#12-07)  
“Ritchie Bros. Auctioneers”, 39 Hackett Hill Rd. AND  
350 West River Rd., Map 13, Lot 51**

Proposal to construct an auction site in two phases, with necessary site improvements to the existing parcel.

J. Gryval: They have two waivers 1) a site lighting plan per checklist, and 2) Section 15, Parking Standards 15.01 17) parking spaces and driveway shall be durable and dustless material.

D. Shankle: I question the process. My understanding is that if the things they are asking for waivers are not on the site plan, and they don't get their waivers granted, then the application is not complete.

J. Gryval: For Heritage Family Credit Union, the waivers were addressed first.

N. Golon: I am a licensed engineer with TF Moran, Inc. With me are Ben Swanson and Robert Thompson from Ritchie Bros. Auctioneers. What brings us here tonight is completeness and waivers. We ask we keep the waivers with the engineering review vs. as part of the completeness. We have been here several times for this project, as well as have been before the Conservation Commission and ZBA. We presented the concept, initial phase of development, and proposed future expansion. We are hoping this site is successful with Ritchie Bros. For signage, there is a balloon test scheduled for 6/7/12 4:30-5:30pm.

B. Swanson: We have been here a few times, and everyone is pretty familiar with our plans. For the geometry, location, and frontage, the site is attractive. It has been used 16 or 17 times for the same use. We are looking at this as a long-term site. We are here today for completeness. TF Moran's packet is very well thought out for issues we were made aware of.

**Waiver #1 – Development Regulations – checklist - lighting plan**

N. Golon: At the 1<sup>st</sup> TRC we stated that they are proposing primary day usage of the site. There will be adequate temporary lighting. They will utilize the site 4-6 times per year.

J. Gryval: We do require a lighting plan; even if it is temporary. Without a plan we have no idea the type and look of the lighting.

R. Duhaime: It should include the lighting off the building too.

J. Gryval: What it is, how bright, detriment to any neighbors . . . we don't know what to expect until we see the lighting plan.

N. Golon: The site is 100 ft. above Rte. 3A, so there won't be cast lighting to the abutters. Also the site is 20 ft. above Hackett Hill Rd. The flex area customer parking and check-in will have a natural vegetated screen, and an elevation change. Temporary portable lighting will be 10 ft. in height; similar to DOT temporary lighting. This will only be when necessary; winter months in New England it gets darker earlier. The auctions are scheduled from 8:00am-5:00pm; therefore lighting would be needed very minimally. The TRC didn't see temporary lighting as a concern.

J. Duffy: We need to know the existing lighting. Referred to TRC minutes "in winter months it gets darker earlier". The problem is we have nothing in writing.

N. Golon: On overall site plan for recording, we could add a note on the site lighting that it must be in compliance with the ordinance of Hooksett and won't be detrimental to the abutters. This would give Ritchie Bros. flexibility.

J. Duffy: You will have a small number of employees on site. We need to know what lighting you will have. 4:00pm in December is dark.

D. Shankle: Have a lighting plan.

***D. Shankle motioned to deny waiver #1 above based on safety issues and requirement within our regulations (checklist for completeness) for a lighting plan. The lighting plan to be submitted shall include both temporary and permanent lighting. Seconded by D. Marshall.***

T. Walsh: Would the lighting plan include temporary portable lighting? The portable lighting could change for each auction.

D. Marshall: They need to show the height and intensity on one scenario.

N. Golon: Can I ask to alter our waiver plan, so that it is not part of the completion criteria?

J. Gryval: No, that is a safety issue.



B. Swanson: The lighting plan changes. The liquidation of companies' assets that may change the site layout. It is difficult to do a full lighting plan.

S. Lovas Orr: Come in with what you use for a lighting plan at your other sites for real examples. I would feel that would be closer to what we are requiring for more details.

N. Golon: The future phase of this project is to have a site lighting plan approved.

T. Walsh: How many days/nights a year is lighting needed?

N. Golon: 4-6 times a year.

T. Walsh: I can certainly understand a lighting plan for a 365 day business, but 4-6 times a year? If the lighting is portable, I don't see why we need a plan.

***Vote 6 in favor, 2 opposed (S. Lovas Orr & T. Walsh). MOTION CARRIED.***

N. Golon: The Board will want cut sheets, height, and illumination?

D. Shankle: I am looking for a plan. Example is a County Fair; people park their cars, people drive cars, people walk around. We want to know what kind of lighting there will be on a plan.

N. Golon: The Board wants both permanent and temporary lighting?

D. Tatem: We recommend showing the temporary where it is proposed. You wouldn't have a specific place on plan, but details about the lightening to determine spacing (i.e. approved every 50 ft.).

Robert Thompson, Ritchie Bros.: We don't light the display area of the site. If we develop to permanent buildings in the future, then we will have permanent lighting. Now it will be just temporary lighting with generators. We would light up the typical pedestrian areas.

J. Gryval: That is a safety issue. I understand some equipment will come in a week ahead of the auction. Will that be lit up for security?

N. Golon: No, there will be fencing.

**Waiver #2 – Development Regulations - Section 15, Parking Standards 15.01 17) parking spaces and driveway shall be durable and dustless material**

J. Duffy: This waiver is not just for the flex area, but also the area where the auction will take place. The only pavement there now is where the employee parking is.

N. Golon: Provided an overview of the site. There will be a tent, equipment, and wash structure. We have been before the Conservation Commission & ZBA for the wash structure. Total 54 acres: 15 acres for phase I. There will be a 100 yr. storm detention basin or bio-retention area. 90 % of flex area goes to the storm water for recharge. The existing area of pavement is where the existing structures are located.

B. Swanson: From an operational standpoint, trucks enter off Hackett Hill Rd. We propose to close the Rte. 3A entrance. The entrance would be redone to accommodate equipment. Equipment deliveries would first go to the check-in building two weeks leading up to the auction. Employees in that check-in building are looking for leaks and making sure the equipment meets the standards we have. Phase I is in a fenced yard. We don't want trucks backing up into Hackett Hill Rd. Instead of queuing on Hackett Hill Rd., they will use a flex area. On auction day this area transfers over to customer parking. There will be a sliding gate. We will have high definition pictures of equipment for the internet. Everything else is in the display area.

R. Duhaime: You are adding no new pavement?

N. Golon: We have a net reduction in impervious.

R. Duhaime: Where is the fence line?

B. Swanson: The fence line follows the existing pavement.

R. Duhaime: We are hoping in the future this site could expand to so many more uses. There is no curbing, and no landscape screen. There will be a stockade fence with barbed wire.

N. Golon: There are abutters here tonight. Ritchie Bros. is bringing in a base for restaurants, and hotels.

R. Duhaime: You are adding the storm water management area, but there are no permanent fixtures you are adding to this site.

N. Golon: Storm water and gravel is permanent. This is a 5 yr. lease, and then if this is a successful location they will look to purchase the property.

Robert Thompson, Ritchie Bros.: There is a fence there to separate the secure and non-secure areas.

R. Duhaime: For the size of phase I, there are no amenities to bring us closer.

D. Shankle: The DPW Director and staff both oppose this waiver request.

N. Golon: Within our waiver request we are asking for a flexible surface; in this case gravel. As part of the TRC meeting there were concerns raised about gravel vs.

pavement. Pavement on this site with the size vehicles they will have cannot take the load and will be destroyed. Gravel is more flexible. In the opinion letter from our hydro geologist, environmentally there is no detrimental impact to the aquifer. We have a spill prevention plan. After the TRC meeting, I had subsequent conversations with the DPW Director. He said he wanted to review the hydro geologist plan. We are submitting the SPCC and secondary environmental program to the Town. To protect the aquifer, it will be monitored by appropriate individuals.

D. Shankle: Are you saying we have this information already?

N. Golon: We have submitted the Miller Engineering report on potential impacts to groundwater quality. As for the SPCC and monitoring testing wells, the DPW director does not have this yet.

J. Gryval: What happens if the wells get contaminated?

N. Golon: We hired the appropriate professionals at your request. I ask that the professional information be considered for this waiver request.

R. Duhaime: For bio-tech, where is the landscape screen and grass?

N. Golon: There is 25 acres for phase I and 15 acres of this is a gravel area.

R. Duhaime: As a landscaper I see a huge gravel pit. This site is a hidden jewel for development. Once you allow them to gravel, this is what you would have to live with. I don't know why we are not asking for more green space.

N. Golon: The issues raised tonight are all pertinent and we would like to address them at the engineering review point of this plan. Allowing us to say our application complete, allows us to have a public hearing.

D. Marshall: You will have used equipment on site.

B. Swanson: Yes for the most part.

D. Marshall: 90% of major construction equipment leaks. There is potential for a cumulative effect. My problem is we have in these regulations to have "a durable and dustless material"; gravel isn't it. We are talking about a piece of property near a major transportation facility to use 4-5 times a year. To what benefit of the Town? We don't have major hotels and restaurants in Hooksett; they (Ritchie Bros. customers) will go to Manchester. This Board is tasked to assure the health, safety, and welfare of its community. Part of this is the economic base. This site use is too big a risk and a poor use of this land.

T. Walsh: How soon do these monitoring wells detect problems? I understand the purpose of a flex surface, because pavement will not take the load of the large equipment.

N. Golon: The groundwater is 130 ft. down from the initial geodic information. Some of the other information will be in the SPCC. I think this is one item you need to see the professional information on to make the decision.

F. Kotowski: I went through the TRC minutes. You are hiring a professional hydrologist?

N. Golon: Yes, Miller Engineering and their team. There will be a GZA geo spill prevention.

F. Kotowski: When can we see those reports?

N. Golon: In two weeks.

**Open public hearing**

Jeff Larrabe: I own the piece across the street. This owner has been paying taxes for 50 yrs. This has been his business. He wants to lease his property to this group. In talking to him some time ago, and when Ritchie Bros. came, Tom has a great respect for this property. I appreciate people that say this property could be developed much better. He (Mr. Palazzi) is now 95 yrs. old. He is an iconic business person, and has donated millions of dollars to the Concord Hospital.

Alden Beauchemin, Keyland Enterprises: We are seeing movement with the other businesses to come forward. Jeff has some projects in the shoot to include a hotel, wintery, and restaurant. What we see is good things coming down the pike.

J. Gryval: We are concerned with this waiver before us tonight.

R. Duhaime: Are your other sites gravel?

B. Swanson: Yes, all gravel worldwide.

R. Duhaime: The Florida site had pavement all around the building.

R. Thompson: Pavement is for employees and handicapped parking. We pave around buildings, not between buildings. Florida is a permanent auction site, so we know where the permanent buildings are. This site is temporary.

R. Duhaime: As you expand, you will be adding more pavement to the permanent structures?

R. Thompson: Yes. Now this is a temporary modular facility until business develops to move forward with permanent structures.

R. Duhaime: You say temporary now and expand in the future. How you will move forward concerns me.

S. Lovas Orr: Mr. Marshall brought up concerns to me. You say you have gravel at all other sites. I assume there is some conservation testing. Is that done regularly and what are the results?

B. Swanson: Whether we lease or own a site, we have our own concern of contamination. The Town and residents are our concern. We would need to clean it up. The procedures we have work. This site is in the aquifer protection district. We are going above and beyond our standard approach and that is why we have an SPCC. It needs to be flexible to work. SPCC and monitoring wells are above and beyond normal, because of this location. Robert could speak more on this. It costs millions of dollars to construct.

S. Lovas Orr: Do you have reports from other sites?

R. Thompson: We have a logging process for information. There is lots of historic records on our due diligence and maintenance.

S. Lovas Orr: That would give us a great idea of the extent of leakage and extent your due diligence prevents it. My humble opinion, keep at minimum what would work here.

B. Swanson: It is not just a waiver; there is a lot of engineering behind this request.

N. Golon: There is a lot of engineering on this waiver, and we request that you wait until the public hearing for engineering review. Tonight just have completeness.

D. Shankle: This Board's responsibility is to take recommendations from staff. We have a responsibility to make a decision. The gentleman in the back (Robert Thompson), needs to follow local rules and regulations.

***D. Shankle motioned to deny waiver #2 above based on the requirement within our Development Regulations Section 15, Parking Standards 15.01 17) parking spaces and driveway shall be durable and dustless material. Seconded by D. Marshall.***

S. Lovas Orr: I would like to table this waiver to read documents and reports. I am not certain I have enough information to make a decision.

T. Walsh: Denying this waiver means they need pavement.

F. Kotowski: The request to deny is a good one at this time. I would like to think our engineering support will look at more reports for monitoring wells and SPCC to influence my vote.

***Vote 6 in favor, 2 opposed (S. Lovas Orr & T. Walsh). MOTION CARRIED.***

**WAIVERS ABOVE PER RSA 674:44 (III) (e)**

N. Golon: We are going back to the Conservation Commission then to the ZBA tomorrow.

D. Marshall: The ZBA is for a variance for signage.

J. Duffy: The balloon test is rescheduled to Thursday June 7<sup>th</sup> 4:30-5:30pm.

J. Duffy: The ZBA is not looking for anything on the signage from the Planning Board. I just thought you may want to comment to the ZBA on the signage.

N. Golon: What about our completeness?

J. Gryval: How can you be complete if the waivers are denied?

N. Golon: Waivers are to the extent of engineering, which the Board had an opportunity to review. The waivers are denied, so can this project move forward? As we move forward and spend additional costs, is the Town as excited about it as we are?

J. Gryval: You are going to have to change the plan based on the denied waivers.

N. Golon: We are saying the application is complete, but not the engineering of the site. The Board will have the opportunity to comment on the engineering at a public hearing. We are not asking you to agree with our engineering design.

D. Shankle: Without an adequate lighting plan and without an engineered site plan that includes paving in accordance with Town regulations, your application is not complete.

***D. Shankle motioned to find the application incomplete based on no lighting plan and no engineered site plan that includes paving in accordance with Town regulations. Seconded by D. Marshall.***

N. Golon: Based on the merits of the checklist, the Board is finding our application incomplete. If we are talking engineering, that becomes problematic.

R. Duhaime: For the sample signage, that is a substantial amount of money you will spend on temporary signage.

T. Walsh: I thought we were denying waiver #2, so they can come back with more information?

D. Marshall: The motion is to find the application incomplete.

S. Lovas Orr: I would love to see this project happen and see us working together to get this happening. I would approve the plan, however I need that information before I make

my decision. I personally would like to see this work, however it is contingent on the environmental impact.

N. Golon: My understanding from the engineering background for a groundwater resource protection area is that this site is not detrimentally impacted by this project.

F. Kotowski: If hydro studies are not done, we should wait a couple of weeks so we will get the information. Then that will be easier for me to say the plan is complete. Not that your plan is not a good plan, we want to see you come into Hooksett. 4 yrs. down the road, should this project not move forward, we don't want to have to clean it up later.

B. Swanson: If we provide a lighting plan from the checklist, would the plan be complete even though the plan has not been reviewed?

D. Shankle: Ultimately for any part of our regulations you either comply or request a waiver. In general the Board can tell you I don't like waivers. You can't move forward until either the regulations are met or the Board grants you a waiver(s).

***Vote 7 in favor, 1 opposed (T. Walsh). MOTION CARRIED.***

J. Duffy: Now that they were found incomplete, you can have them either reapply or be continued.

***D. Shankle motioned to table the Ritchie Bros. Auctioneers application until the July 9, 2012 Planning Board meeting. Seconded by D. Marshall.  
Vote unanimously in favor.***

***TABLED TO THE JULY 9, 2012 PLANNING BOARD MEETING.***

J. Duffy: Their 2<sup>nd</sup> TRC scheduled for June 7<sup>th</sup> is cancelled.

**3. PLANNING BOARD COMMENTS ON SIGNAGE REQUEST TO ZBA –  
RITCHIE BROS. AUCTIONEERS**

J. Gryval: It would be nice to see the balloon test, before we comment.

J. Duffy: The Ritchie Bros. sign being requested is 49 ft. high (400 sq. ft.). The existing Merchants sign is 34'-10". That sign is lower but larger overall (540 sq. ft.).

T. Walsh: This 50 ft. sign can't be seen from other areas in Town (i.e. toll booth) except when you are on interstate 93.

D. Shankle: Certainly if ZBA wants our comments, we can give them to them. They just need to ask for them in writing.

S. Lovas Orr: The 10 ft. height regulation is meant more for inner Town. I don't see

where a bigger sign near a highway matters.

J. Gryval: Did DOT have concerns with the sign?

B. Swanson: No.

D. Marshall: If not in jurisdiction of DOT, they are silent.

J. Gryval: The Board wants to complete the balloon test on June 7<sup>th</sup>, before making formal comments to the ZBA.

**4. PUBLIC HEARING FOR DISCUSSION AND VOTE TO ADOPT PROPOSED CHANGES TO THE HOOKSETT DEVELOPMENT REGULATIONS**

J. Gryval: Tonight we are discussing and voting on the most recent changes to the Development Regulations.

**Open public hearing**

No comments.

**Close public hearing**

*D. Marshall motioned to adopt the changes to the Development Regulations effective 6/4/12. Seconded by R. Duhaime.*

T. Walsh: Referred to proposed section 6.13 Construction Site Trash Removal and Toilet Facilities. How did this come about?

J. Duffy: This section is proposed by Leo Lessard, DPW Director.

*Vote unanimously in favor.*

**CONTINUED DISCUSSION**

**5. GRANT - NH HERITAGE DISTRICT & NH PRESERVATION ALLIANCE**

J. Duffy: To move forward with the heritage grant, we need letters of support from various areas/Committees/Boards in Town.

*R. Duhaime motioned to send a favorable letter for the heritage grant. Seconded by T. Walsh.*

*Vote unanimously in favor.*

**OTHER BUSINESS**



## 6. CHANGE OF USE

- **Bruce Zimont** – Cash for Gold – R and R Wholesalers, 1371 Hooksett Road, Map 18, lot 36 - Tenant Fit-Up.
- **Richard Rogers** – Painting Contractor, 41 Londonderry Turnpike, Map 49, lot 9 – office and storage for painting company. Recommended to Planning Board for a waiver for parking (6/18). Site provides 4 spaces/5 required. He is adding 2<sup>nd</sup> floor office space.
- **Jessica Mitchell** – Dog Daycare and Grooming, 11 Kimball Drive – tenant fit-up.

### **Webster Woods.**

J. Duffy: This project received their State Wetland and AOT permits about 1 ½ yrs. ago. We have been back-and-forth and back-and-forth to have them fix Webster Woods phase I erosion. This was a condition of the phase II approval. To date they have only mended some bad erosion problems at the pipes. They are supposed to start on the erosion in mid-July 2012. Stantec reviewed their overall plan and Dan provided hi comments in March 2012. They still have not addressed Stantec's comments. The more rain we get, the more problematic this becomes in the future. I sent an e-mail to the owner today that I would recommend the Town take action, if he does not respond to me by the end of this week. It appears they are just stalling. Dan spoke with their engineer.

D. Tatem: Today I spoke with Mike Gospodarek at Ed Herbert Associates. He stated that Eric Nickerson just gave him the OK to act on my March 2012 comments. In the past we dealt with Mike and Peter Zohdi. The project is to start July 2012. The developer was supposed to be at the Conservation Commission tomorrow night, but they cancelled. They may not even make their (Conservation Commission) meeting in July and be pushed off to August. There is no bond and it is a safety issue. Could the residents pursue this?

J. Gryval: There have been several dates for this.

J. Duffy: The deadline dates come and go.

J. Gryval: Have a drop dead date and then give it to the CEO and let him take care of it.

D. Marshall: Is phase I done?

J. Duffy: Yes.

D. Marshall: Has phase II been started?

J. Duffy: No.

Matt Labonte, CEO: There are 3-4 building foundations that could be in jeopardy. Also there has been subsequent development at Granite Hill that has contributed to the problem.

D. Marshall: Have any of those 3-4 homeowners filed suit? If no, it is because they want us (Town) to take care of this problem.

J. Duffy: Nothing has been fixed and the developer continues to be in violation. The erosion is in the center of the phase I subdivision. The erosion didn't happen as badly until phase I was complete. The approval for phase II expires this November 2, 2012. There is a danger with the foundations, as well as an ongoing violation from the State's point of view. You could ask the State to take some action.

R. Duhaime: They still need to repair the wetland silt.

J. Duffy: You could send a letter to the State asking them to take action.

***D. Marshall motioned to send a letter to NHDES to request they take action on the Webster Woods site for all erosion issues for phase I. Seconded by T. Walsh. Vote unanimously in favor.***

S. Lovas Orr: Is there a way to notify the homeowners that they are at risk?

D. Marshall: They already know.

D. Shankle: Webster Woods phase I are condos. They (homeowners) are the owners. Part of why they haven't done anything (suit) is the condo owners would need to take on the expense to do that.

J. Duffy: Phase II has not been recorded yet. The developer still has outstanding conditions to meet. Miacomet may still own this land, because they haven't been able to subdivide it.

### **SB291 - Roadway Impact Fee Legislation**

J. Duffy: Frank, Dick, and I joined Governor Lynch in Concord today for his signing of the SB291 legislation. We are hoping to get onto a future agenda for the Town Council. We are hoping next year to move forward with the road work on Hackett Hill Rd.

### **SNHPC**

R. Duhaime: SNHPC is mailing us what the commission looks at every month to include general topics and how it relates to towns.

### **Peterbrook Motel**

T. Walsh: Are there any plans yet for the demolished Peterbrook Motel?

J. Gryval: No, they just leveled it.

*D. Marshall motioned to adjourn at 8:45pm. Seconded by F. Kotowski.  
Vote unanimously in favor.*

**ADJOURNMENT**

Chair J. Gryval declared the meeting adjourned at 8:45pm.

Respectfully submitted,

Donna J. Fitzpatrick,  
Planning Coordinator