

Official
As of 08/06/12

HOOKSETT PLANNING BOARD
MEETING MINUTES
HOOKSETT MUNICIPAL BUILDING
Monday, July 9, 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, Frank Kotowski, Town Council Rep. Susan Lovas Orr, Town Administration Rep. Leo Lessard (DPW Director), Martin Cannata, David Rogers, Tom Walsh, Robert Duhaime, and Donald Winterton.
Excused: Town Administrator, Dr. Dean E. Shankle, Jr.

APPROVAL OF MINUTES OF 06/18/12

*D. Marshall motioned to approve the minutes of 06/18/12. Seconded by T. Walsh.
Vote 7 in favor. M. Cannata abstains.*

MEETING VIDEO TAPED

J. Gryval: I would like to inform everyone that tonight's meeting is being videotaped and may be viewed on our Town website www.hooksett.org

ELECTION OF OFFICES

CHAIR: *F. Kotowski nominated John Gryval as Planning Board Chair. Seconded by D. Marshall.*

Vote unanimously in favor.

VICE-CHAIR: *J. Gryval nominated Dick Marshall as Planning Board Vice-Chair. Seconded by T. Walsh.*

Vote unanimously in favor.

WELCOME NEW ALTERNATE

J. Gryval: I would like to welcome our new alternate Donald Winterton to the Planning Board.

COMPLETENESS

1. SNHU (#12-12)
“Dormitory”, East Side Dr., Map 33, Lot 67

Site plan for a proposed 4-story residence hall (20,030 sq. ft. footprint) with associated roadway access and parking. The residence hall will have 152 dormitory rooms and a residence Director apartment, accommodating a total of 308 beds.

M. Cannata: I am stepping down from this application.

S. Lovas Orr: I am stepping down from this application, since I am an abutter.

J. Gryval: For this application only, both alternates Robert Duhaime and Donald Winterton will be voting tonight in place of Martin Cannata and Susan Lovas Orr.

J. Duffy: Susan, Town Council Rep., cannot have an alternate vote for her.

J. Gryval: Robert Duhaime will vote for Martin Cannata.

R. Duhaime: Don can vote for Martin.

J. Gryval: Staff is the application complete?

J. Duffy: Yes, it is complete.

R. Duhaime: Why were two plan sheets added after the application was submitted?

Jeff Kevan, TF Moran: We added a couple of note items such as the EPA permit. Nothing physically has changed on the plans.

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

PUBLIC HEARING SCHEDULED FOR AUGUST 6, 2012.

DISCUSSION

2. INTRODUCTION TO RITCHIE BROS. AUCTIONEERS

Morgan Hollis, Attorney in Nashua: I am representing the applicant Ritchie Bros. Auctioneers (RBA) for their completeness tonight. Here with me is the development team:

- **Nick Golon** (TF Moran, Inc. engineer) will present the plan. I am aware you have seen the plan. There have been changes to the plan based on your previous comments.
- **Ben Swanson** (RBA - Real Estate Manager) will discuss the site, history, and issues for development.
- **Scott Lennon** (RBA - Real Estate Manager) will discuss the company itself, and what does the company bring to the community for this site.

- **Steve O'Duggan** (RBA - Regional Sales Manager for northeast, New England, and NY) will present and answer questions on what does Ritchie Bros. do and how does it translate here.

At the end of our presentation, we will ask the Board for input, questions or comments to allow the process to proceed. If they are found complete, then they are at the public hearing stage. We are in the process of replying to your engineer's comments.

B. Swanson: I will start off the slideshow. We have made some changes from our last meeting with the Board. Several companies have looked at this site. The demographics are rural and hard to support massive development. Development at exit 10 and south have some vacancy issues. This site had offsite improvements & access issues. \$18 million TIF for Cabela's: \$14 million for offsite. For Ritchie Bros. this is not a cost prohibitive site.

N. Golon: The environmental considerations are not to make a detriment to this site for future uses. For the groundwater, we had a hydro-geologist complete and submit a report to Stantec. Stantec has provided their comments. We are working with them to resolve. The SPCC has been developed, submitted, and reviewed by Stantec. We are working with them on how we plan on managing this site. For pavement continuity we have showed what areas will be paved and graveled. The flex area plan has been abandoned and we are now proposing the 200 parking spaces to be paved. The management area is a separate area. The entrance at Hackett Hill Rd. to the property had a gap in pavement, and now we have linked the pavement. For aesthetics we have added landscaping at the entrance. It is now enhanced with plantings, and we have expanded the fire retention area. The storm water treatment is a nice component aesthetically. Instead of just using what is there, we expanded. Previously we requested a waiver for temporary lighting. Now we provided an appropriate photometric plan and display for temporary event parking for consistency with the regulations. We heard you loud and clear and made the changes.

S. O'Duggan: Ritchie Bros. is around the world. Our plans for Hooksett are to take a global reach to have a local flare. Hooksett is a central location to New England, NY and the provinces. We plan on a full-service auction site here in 10 yrs. We have been in CT the past 5 yrs., but would rather be here. NH is tax free and nicer place to be. We will start with a temporary "tent" facility, and build the site up to a \$5 million building. At our more permanent sale site in MD, we are very involved in the Boys & Girls Club. We have influence in smaller Towns. We build our business locally by relationships and word of mouth. Our site will look handsome around here. NH is a great place to come, look at construction equipment, and take a vacation here with their family. There is no sales tax and a great influence resulting in consigns and buyers get more bang for their buck.

S. Lennon: Thank you Steve and everybody so far. Dr. Shankle and others have commented on this being a transitional property. In planning terms that means something better coming down the road. We are talking about a lease of this site with a potential to purchase. In other situations, we have outgrown sites. We have heard this may not be

the best use for this site and there should be a Cabela's or something else. We would like to say we will call this a permanent home, but it may not work. 5, 10, 15 yrs. from now there may be something else here. Our potential RBA development in MN is a good example of what happens to our site after we leave. The site was posed for future retail, because MN has a sales tax and wanted a retail generator. FL has high sales tax. Neighboring property owners were interested in what could come behind us. Development examples include hotels, retail, and fueling stations. What do we bring to Hooksett? Example is northeast MD, since 2007 we have worked with the Boys & Girls Club and raised \$10,000 a year. In DE we worked with the leukemia foundation since 2000 and raised \$10,000 a year. We want to work with the local Lions Club, Kiwanis, and Farmers' Market. The Hooksett site is a large open site for the majority of the year. We want something on the community level for us to get involved with; let's talk. Back to the question what we bring to Hooksett? Local businesses that we will use the most include: auto parts, catering, cleaning services, flowers, electric services, glass repair & replacement, pizza, HVAC, printers, and signs/banners. All of the local vendor decisions are made by Steve O'Duggan. Printers are our biggest vendor use. There is opportunity a lot of new part-time employment. We have hired a responsible engineering & design company and are impressed with TF Moran. We have a \$3 million project advancement now and there is no waiting period. We will provide confidence to future development for other developers in the area (restaurants, hotels, etc.). We will have community involvement with Kiwanis, scouts, etc. Our new business revenue is the biggest potential benefit for Hooksett hotels and restaurants. We advertise globally for our auctions and want to call Hooksett home. We appreciate your time today.

M. Cannata: Thank you for giving us this information. Are the brochures earmarked or how are you dealing with it?

S. O'Duggan: We are giving our customers suggestions on local businesses (i.e. hotels, restaurants) at no charge to the local businesses.

M. Cannata: What about car rentals? I didn't see that on the list.

S. Lennon: That could easily be added to the list.

M. Cannata: When the property is offered to the community (non-auction times), is there a punch list of what you would need from that organization that we could see prior to them requesting the site?

S. Lennon: To utilize the site for a car show or whatever it is? I will have Steve provide his comments.

S. O'Duggan: For insurance requirements, etc. I will check with my legal department. That is a very good question.

R. Duhaime: Your first plan was a little harsh. As a Hooksett resident, we have New England rock walls and apple orchards. It was hard picturing a 25 acre gravel site. The

benefit of it being on the highway is that sooner or later it is a destination point. So many others could have been here, but you are here and I want you in Town. I would just like your permanent site to look more like New England.

J. Gryval: We will have plenty of time to discuss aesthetics, etc. when we review the site plan.

F. Kotowski: You mentioned you are working with Stantec's engineer to satisfy or deal with environmental concerns on the site. I recall one of the issues was having a baseline of information on contamination or lack of contamination.

J. Gryval: We will get into that when we get into the site plan. Now the comments/questions are on their presentation.

D. Winterton: You mentioned the places you outgrew. What is the potential to outgrow this site?

S. Lennon: Our ideal footprint for New England would be bigger (80 acres+). This site is Gross 54 acres; net 30 acres of usable display area. If Steve is successful at this site, first we will increase from 4 auctions to 5-6 auctions.

COMPLETENESS

3. **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: Staff is this application complete?

J. Duffy: Yes it is complete.

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

PUBLIC HEARING SCHEDULED FOR AUGUST 6, 2012.

PLANNING BOARD COMMENTS TO ZBA - SIGNAGE

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

J. Gryval: The ZBA is looking for our comments on the sign. They can accept our comments or not. I believe the Board consensus is the sign is too big and too high.

S. Lovas Orr: I think we are using/applying our regulations that are not appropriate for that area. Their sign is not on a side street or a subdivision road. It will be on a highway that people are traveling at 65 mph. I think it is not unreasonable to have a larger sign for people to read and be seen from a highway. I think a smaller sign would look inappropriate. I would have no problem for a larger sign there.

T. Walsh: I thought two meetings ago the Board thought their sign was OK?

F. Kotowski: Having too small a sign is useless.

R. Duhaime: Once the ZBA grants a variance for that sign, it stays there even if Ritchie Bros. leaves. Ritchie Bros. is providing minimal infrastructure. We want infrastructure with signage.

D. Marshall: For the sign for Ritchie Bros., in our comments to the ZBA, we could state we have no objection provided the sign goes with Ritchie Bros. and if they go their sign goes with them.

J. Duffy: Matt Labonte, CEO, is here tonight.

M. Labonte: I researched your comment with our Town Counsel. We cannot make a condition for time, person, or company on a variance. The variance runs with the land.

D. Marshall: So if the variance is granted, our attorney said we are stuck with this sign no matter what happens.

F. Kotowski motioned to allow the original signage as presented (400 sq. ft. & 49 ft. high freestanding sign to be erected along the Everett Turnpike) and to send the Planning Board comments on this signage to the ZBA. Seconded by T. Walsh.

R. Duhaime: For the size of the sign, have phase I then phase II maybe a bigger sign.

J. Gryval: You are having temporary lighting, and tents. Did you ever consider a temporary sign?

B. Swanson: A sign is different from a tent. The tent will be for four (4) auctions a year. Lighting is permanent in some areas, and additional temporary lighting in areas when there are auctions. The signage is 365 days a year.

M. Cannata: The sign will remain as seen or is it changeable?

B. Swanson: The reader board is 100 sq. ft. There will be two (2) messages: 1) next auction and date, and 2) Welcome to Hooksett. There is no third party advertising, no animation, and no scrolling.

M. Cannata: Anything on the signage generic to the Town, do you anticipate asking the Town for approval on what message you will have?

N. Golon: As part of our application to the ZBA, we showed two (2) messages with the duration of the change.

S. Lovas Orr: I have been very pleased you have listened to our suggestions. Matt, can they just say “yes” that they will take their sign with them should they leave the site.

M. Labonte: I did ask that question and the answer is no. The sign goes with the property.

D. Marshall: We will own this sign in Town forever, if it is granted by the ZBA. Now their message is changeable, and we don’t allow this in many places in Town.

N. Golon: The control is for the end user of the Town. The ZBA application was very specific.

M. Labonte: I can’t dictate a message or graphic; I would have to approve it.

D. Marshall: Once approved, we are stuck with it.

F. Kotowski: I think it is a great thing to have a sign “Welcome to Hooksett A Great Place to Live”. Will we have input on the sign message?

S. Lennon: Yes.

D. Marshall: Yes input for this applicant, but the next one no we don’t.

S. Lennon: If there is some way to navigate us taking the sign with us when we leave, let’s try. We do development agreements in other locations.

S. Lovas Orr: Who owns the property? Palazzi owns, so you will lease from them. They don’t use the land anyway. If they can’t take the sign with them, it seems like you could have the sign as “Welcome to Hooksett Great Place to Live.”

J. Gryval: No one in their right mind will take the sign down.

T. Walsh: The next land user for the 60 acre site will want the sign too.

B. Swanson: OSB is not spray painted. Our signs are good looking signs and someone else can use it to their advantage.

N. Golon: The signage will be at an upcoming ZBA meeting.

Vote 5 in favor, 3 opposed (L. Lessard, D. Marshall, & J. Gryval). Motion carried.

WAIVER REQUEST, COMPLETENESS & PUBLIC HEARING

5. CRANTON VERNON, LLC (#12-17)

Thames Rd. & Avon Rd., Map 14, Lot 14-3

Amended minor 3-lot residential subdivision plan.

- **Waiver Request** – Development Regulations (06/04/12) Section Part II – Subdivision Regulations 2. Completeness Criteria – Checklist
- **Completeness**

Michael Leo, VHB Engineering: I am here tonight with Hartley Cranton.

J. Duffy: Amendments to the plan include:

- **Lot # 1:** Replace the two family (condex) dwelling with a one family dwelling. Water would be provided by an existing water line that has been stubbed onto the lot from Avon Road. Sewer would be serviced by a gravity feed line connected into the existing sewer main on Avon Rd.
- **Lot # 2:** No changes.
- **Lot # 3:** Replace the two family (condex) dwelling with a one family dwelling. Water would be provided by a drilled well. Sewer would be provided by a sewer pump with a pressure line fed into a sewer man hole on Avon Rd.

Waiver Request to Development Regulations (06/04/12) Section Part II – Subdivision Regulations 2. Completeness Criteria – Checklist

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

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

J. Gryval: Staff is this application complete?

J. Duffy: Yes it is complete.

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

Open public hearing

No comments.

Close public hearing

D. Marshall motioned to approve the application conditional:

- All review fees are paid-in-full
- LCHIP check payable to Merrimack County Registry of Deeds is submitted to the Planning Dept.
- 2 mylars, 11 paper copies (22x34), 1 paper copy (11x17), and 1 digital
- All outstanding comments from Stantec are addressed to Stantec's satisfaction (see letter dated 7/6/12 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
 - Letter from Central Water Precinct stating they have capacity and approve this project (lot #1 only – lots #2 & #3 on wells)
 - Letter from Hooksett Sewer Commission stating they have capacity and approve this project
 - Subdivision will automatically become part of the Master Association.
 - Applicant agrees to remit **\$25,257** in impact fees 10 days prior to the issuance of the Certificate of Occupancy subject to NHRSA 674:39 (Roadways \$1,420; Schools \$4,978; Public Safety \$1,326; Recreation \$695 = **\$8,419** for each of the three single-family homes)
 - 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 T. Walsh.

R. Duhaime: I look forward to this subdivision.

Vote unanimously in favor.

PUBLIC HEARING – AMENDMENT TO CONDITIONS OF APPROVAL AND EXTENSION REQUEST

6. MANCHESTER SAND, GRAVEL, & CEMENT (MS&G) – HEAD’S POND (plan #07-05 & 07-42)

Map 3, Lots 1 through 11, 17, 19 through 24, 26 AND Map 14, Lots 2 through 5

- **Amendment** to conditions of approval (6/20/11)
- **Extension request** (expired 12/31/11): 1) Development Agreement paragraph 9 AND 2) transfer of school land

The proposed project includes:

- Lot line adjustment & consolidation
- Major subdivision – 428 total units (156 single family, 72 Village single family, 59 Village townhouses, 33 single family zero lot line, & 108 townhouses) to include 5.5 miles of roadway improvements
- Phasing plan

David Campbell, Attorney for MS&G: We have 3 yrs. from 6/20/11 to complete our conditions per the 2007 regulations. The Development Agreement was not executed, but agreed to for the plans to be recorded by June 20th. We worked with the Town’s legal counsel and the last minute agreement as modified today is acceptable to MS&G. I don’t expect you to authorize the chairman to sign tonight, since you will all need time to read through the multi-page document. We are ready to sign when you are. With that we have

finished 95% of the burden for legal descriptions of the slopes, drainage, etc. We will index on a CD & provide a hard copy for us and the planning staff. At the beginning of each phase, we will execute those deeds and descriptions. Stantec has reviewed these. You will hold in escrow. Legal descriptions may have field changes. Scribner's errors are the only changes we could make or we would need to come back to this Board. We have updated paragraph 9 and there is a new 8C section calling out vesting. We are aware we will need a site plan approval for the high density lot. We are grandfathered for density for each lot, met open space requirement, public use requirement, and wetland setbacks are laid out for each lot. This is the same process as what we did with Carriage Hill and came back for the extra lot for Carriage Manor. When we vest we are not overcoming our need for site plan review.

Open public hearing

No comments.

Close public hearing

D. Marshall motioned to grant an extension to December 20, 2012 to: 1) finalize the Development Agreement and complete the tasks outlined in #9, and 2) extend the two deadlines in the Conditions of Approval for granting the school site and execution of the Development Agreement. Seconded by F. Kotowski. Vote unanimously in favor.

**PUBLIC HEARING – WAIVER REQUEST(S) & EXTENSION REQUEST(S) –
CONDITIONAL APPROVAL PERIOD**

7. BEAVER BROOK HEIGHTS (#06-18 & #09-03)

By-pass 28 & Jacob Ave., Map 48, Lot 26, AND Map 49, Lots 49 & 58
87-Lot Residential Cluster Housing Subdivision & Phasing

- 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 05/18/2009 and expires on 05/18/2012. Applicant requesting a 1 yr. extension to this approval (05/18/2013).

Greg Michael, Attorney: I am representing the applicants for the Beaver Brook Heights project. We were here on May 7th and there were some things that delayed the final sign off of the plan. Since then we met with the Magdziarz' regarding their letter of 5/4/12 to the Board. The items with the plan are to be recorded.

Open public hearing

Walter Glide, 28 Highview Circle, Manchester, NH: I am an abutter and received notice about this meeting. Previously this issue was tabled from an agenda and I was not able to attend the meeting in May due to a business conflict. I have lived in my property with my wife Helen for 17 yrs. Our kids have played in these woods. There are significant wetlands on this property to include beaver dams. For the environmental impact was

anything submitted? Also I am concerned with the impact on my property value with this development going in there.

D. Marshall: This subdivision was approved sometime back and they have included within their plans the preservation of the wetlands and lot sizes. I would assume you are residential, and this will be the same thing. It will be a neutral impact to you. Have you seen the plans?

W. Glide: I have not seen the plans.

D. Marshall: They are available in the Community Development Dept. at Town Hall.

W. Glide: They have all their permits; therefore there is nothing to do from our standpoint.

Close public hearing

Waiver Request - Development Regulations (5/2007) section 6.09 Approval Null and Void

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

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

D. Marshall motioned to grant an extension to May 18, 2013 for the applicant to fulfill the conditions of their May 18, 2009 approval. Seconded by F. Kotowski.

R. Duhaime: It is to the Town's benefit to not extend it, because then they would need to meet our new regulations for a nicer development.

Vote unanimously in favor.

J. Duffy: The Magdziarz Drainage Easement page 2 refers to an agreement that we have not received.

PUBLIC HEARINGS – WAIVER REQUEST(S) & EXTENSION REQUEST(S) – ACTIVE & SUBSTANTIAL PERIOD PER RSA 674:39 EFFECTIVE 06/27/11

***For projects that the active & substantial period has already expired:**

- Waiver Request - Development Regulations (06/04/12) Section 22. Legal Provisions 22.02 Five-Year Vesting Period “The Board may grant extensions, upon written request filed with the Board at least thirty (30) days prior to expiration of the Vesting Period”.
- Extension Request - Development Regulations (06/04/12) Section 22. Legal Provisions 22.02 Five-Year Vesting Period “The Board may grant extensions,

upon written request (waiver for the 30 days), stating the requested length of extension and the extenuating circumstances justifying an extension.

J. Duffy: All 3 applicants (#8, #9, & #10) need waivers, because they already expired and did not provide written request for extension thirty (30) days prior to expiration of the Vesting Period. They didn't know they had expired and the State RSA had changed.

- 8. *RIDGEBACK SELF-STORAGE, LLC (#06-33)**
Thames Road & Hooksett Road, Map 18, Lot 49D
Site plan for a 49,500 sq. ft. metal self-storage unit buildings and a 864 sq. ft. granite block office building. Active & Substantial period expired on 09/22/11 (24 months to meet the active & substantial requirement).

Open public hearing

No comments.

Close public hearing

D. Marshall motioned to grant the waiver for the written request filed with the Board at least thirty (30) days prior to expiration of the Vesting Period. Seconded by L. Lessard. Vote unanimously in favor.

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

J. Gryval: I am not sure if you just want this extension approved to sell the site better.

S. Lovas Orr: Why are we at this point that you need an extension?

John Wight, owner/applicant: The extension is needed due to the saturation of self-storage facilities and the economic condition.

M. Cannata: The logistics if it sells is that the extension goes with the deed. It makes the site more marketable.

D. Marshall motioned to grant an extension to September 22, 2012 for the Active & Substantial period. Seconded by T. Walsh. Vote unanimously in favor.

J. Gryval: You will need to request another extension upon written request filed with the Board at least thirty (30) days prior to expiration of the Vesting Period. This requires notification to the abutters.

- 9. *LOT 3B LIMITED PARTHERSHIP C/O CATAMOUNT MANAGEMENT (#07-38)**
5 Lindsay Road, Map 25, Lot 18-3B
Site Plan for a 2-story, 11,450 sq. ft. office building and sign. Active &

Substantial period expired on 11/07/11 (36 months to meet the active & substantial requirement).

D. Marshall: This request due to the economy?

Chris Tymula, MHF Design: Yes. It was approved back in 2008. There is a definite uptake in the economy now and a lot of interest in the site.

Open public hearing

No comments.

Close public hearing

D. Marshall motioned to grant the waiver for the written request filed with the Board at least thirty (30) days prior to expiration of the Vesting Period. Seconded by S. Lovas Orr.

Vote unanimously in favor.

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

R. Duhaime: Are we going to keep extending these every year?

J. Gryval: He is going to have to come back in by November. The fact is they didn't realize it had expired. They are trying to keep their head above water.

D. Marshall motioned to grant an extension to November 7, 2012 for the Active & Substantial period. Seconded by T. Walsh.

Vote unanimously in favor.

J. Gryval: You will need to request another extension upon written request filed with the Board at least thirty (30) days prior to expiration of the Vesting Period. This requires notification to the abutters.

10. *GRANITE PLAZA, LLC C/O GEORGE LAWRENCE (#08-32)

1778 Hooksett Road, Map 6, Lot 23

Site Plan for building addition, parking lot, and related improvements to support a 60-Seat Restaurant. Active & Substantial period expired on 01/26/12 (36 months to meet the active & substantial requirement).

George Lawrence, owner/applicant: Here tonight.

Open public hearing

Pauline Pellerin, 96 Granite Street: I live at the property directly across the street. Since this project was approved, we have had zoning changes for a buffer for commercial to residential uses. If this extension is approved, then he doesn't need to abide by the new zoning. How long will these extensions go on?

J. Gryval: How long? I don't know. We are trying to bring them up to date for now. If they are extended, they don't need to meet new regulations.

P. Pellerin: This is a way for them to circumvent the new regulations.

Donald Carrier, 95 Granite Street: I own the property behind this site. Why didn't they come in when they expired? What is the process?

J. Duffy: There is a new State law. It used to be get approval and then achieve active and substantial within 12 months. The State law changed to 36 months.

D. Carrier: Are we doing that because of the state of the economy?

J. Duffy: Legislatures in Concord recognized we were in a bad economy. Applicants/developers couldn't get financing, and then no one wanted to buy their site. Legislatures were being proactive and changed the statute. Our regulations never had an expiration. Now our regulations have become more restrictive.

D. Carrier: The Board should consider the abutters economic condition as well. The change proposed 3 yrs. ago will significantly reduce my property value. I have lost about all of my privacy. I dislike the plan that was proposed, because it faces my property. I don't care about a berm or a 6 ft. fence. He is already higher than I am. His clients will look through my bedroom window above the 6 ft. fence. I ask that you consider the 15-25 ft. buffer now. I know he is grandfathered, but you should consider the abutters. I would like you to consider not extending him. He expired 3 yrs. ago.

Dave Scarpetti: I listed this property for Mr. Lawrence. The building prior was falling apart and had a fire. What he wants to do with the property now, anything is better than what was there. It is advantageous for the Town to approve the waiver and extend.

G. Lawrence: This is all being rehashed, and it is just an extension. Mr. Carrier and I had discussed at least an 8 ft. fence and a berm. The extension is due to the economic climate. I even had a "franchise available sign" on the site, and nothing ever happened.

D. Marshall: We are playing catch-up with State law as it impacts our regulations. Within this year, these should be resolved.

J. Duffy: It is not the responsibility of the Town to notify them their approvals have expired.

S. Lovas Orr: He missed his extension request period. The abutters have a valid argument that they are concerned with the buffer zones. The residents want privacy and still have businesses conduct their business. Should we address that?

D. Marshall: That is retroactive and we can't do that.

J. Gryval: These regulations were changed, because that is what the people wanted.

S. Lovas Orr: It is a valid issue here.

R. Duhaime: Next year when this extension comes up, how many times do we grant it. We can't grant it forever.

S. Lovas Orr: And particularly when we have abutters with issues.

J. Duffy: For the buffer rule, across the street does not apply to the 50 ft. If they had to apply the 50 ft. in the rear their site is quite small and I am not sure if they could meet that.

J. Gryval: If he is denied his extension request and he requires the 50 ft. rear buffer, he can always come in to the Board with a waiver request for that.

Close public hearing

D. Marshall motioned to grant the waiver for the written request filed with the Board at least thirty (30) days prior to expiration of the Vesting Period. Seconded by S. Lovas Orr.

Vote unanimously in favor.

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

S. Lovas Orr motioned to grant an extension to January 26, 2013 for the Active & Substantial period. Seconded by D. Marshall.

Vote unanimously in favor.

J. Gryval: You will need to request another extension upon written request filed with the Board at least thirty (30) days prior to expiration of the Vesting Period. This requires notification to the abutters.

****For projects that the active & substantial period will expire:**

- Extension request - Development Regulations (06/04/12) Section 22. Legal Provisions 22.02 Five-Year Vesting Period "The Board may grant extensions, upon written request filed with the Board at least thirty (30) days prior to expiration of the Vesting Period, stating the requested length of extension and the extenuating circumstances justifying an extension."

11. **PMT REALTY TRUST (#09-23)

"Northwood Power Equipment", 290 West River Rd (Rte. 3A), Map 17, Lot 10
Site plan for the proposed construction of a 5,000 sq. ft. retail tractor business with an outdoor display area. Active & Substantial period to expire on **08/12/12** (24 months to meet the active & substantial requirement).

Jon Rokeh, Rokeh Consulting: When we originally permitted we had the mylars recorded. Harold Towne, owner, is requesting a 1 yr. extension to hopefully get things going in the next year.

Open public hearing

No comments.

Close public hearing

D. Marshall motioned to grant an extension to August 12, 2013 for the Active & Substantial period. Seconded by T. Walsh.

Vote unanimously in favor.

J. Gryval: You will need to request another extension upon written request filed with the Board at least thirty (30) days prior to expiration of the Vesting Period. This requires notification to the abutters.

OTHER BUSINESS

12. FARMERS' MARKET SIGNAGE

J. Duffy: Cynthia Wright is here tonight. She is the Farmers' Market Manager. This is the same sign that we had at Goodwill. Matt was not happy with how the sign was proposed to be fastened, because it could fall over. He said to take our fasteners and put the Farmers' Market sign under the White Birch sign.

M. Cannata: If Matt is happy, then we will be happy.

Board consensus: We will defer to Matt for decision on the signage. If he is happy, we are happy.

13. APPOINTMENT TO SNHPC REGIONAL LEADERSHIP TEAM

D. Marshall: I previously received information on the SNHPC regional leadership team and signed-in at a meeting and accepted the role. When I received tonight's agenda for an appointment, I was wondering if SNHPC is looking for a 2nd member? I will continue to serve, however we need to find out if they are looking for a 2nd member.

J. Duffy: I think it was a matter of communication. I didn't realize Dick was on this team. When I checked with Dean he wanted this item added to our agenda. I will check with SNHPC if they are seeking a 2nd member.

14. CHANGE OF USE

J. Duffy: None at this time.

NHDOT – I-293 EXITS 6 & 7 INFO. MEETING 7/18/12

J. Duffy: A committee was formed to reconfigure exits 6 & 7 on I-293. The funding is to do a study. They are considering changing exit 7 by the tech school to come out further north. They also want to reconfigure exit 6 at the Amoskeag Circle and have a by-pass road to Goffstown back road. There is no plan yet. Leo and I are serving on the committee. The first hearing is July 18th 7:00pm at the Manchester Community College, Auditorium Main 100, 1066 Front Street, Manchester, NH.

D. Marshall: Someone should remind DOT of the work to be done at the Hackett Hill interchange.

J. Duffy: VHB was awarded the contract to do the study. There are no funds to do the engineering. This project is 8-10 yrs. out.

GRANT \$30,000 – Neighborhood Heritage District

J. Duffy: 32 communities applied for different grants. 22 projects were awarded. We were awarded a \$30,000 grant for the Neighborhood Heritage Districting. This is a pilot program working with the Preservation Alliance. If this is completed, we will be the only Town in the State of NH with that zoning. We need to do RFQ (Request for Qualification) and scope of services. There is a listing of people who specialize in this.

EXTENSION REQUESTS

D. Marshall: Commitments were made back years ago, and now we changed our regulations. We have to be careful how we implement these things. Each one is an individual case.

M. Cannata: We do need to sort out the 1 yr. regardless.

R. Duhaime: We don't want to just grant extensions every year. Some developers purposely dragged their feet to not have to meet the new regulations.

STANTEC INVOICES & NOTICE TO PROCEED

J. Duffy: Currently a developer puts money in an escrow account, and I sign off on the invoices for our Finance Dept. to pay the bills. Dean doesn't want staff to sign-off on the bills. He wants us to submit the bills at each meeting to include a listing of the bills and what they are for. Then the Board will give authorization for the Chairman to sign the bills. There is also the Notice to Proceed (escrow monies deposited) that the Chairman will need to sign too.

*D. Marshall motioned to adjourn at 8:10pm. Seconded by S. Lovas Orr.
Vote unanimously in favor.*

ADJOURNMENT

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

Respectfully submitted,
Donna J. Fitzpatrick, Planning Coordinator