

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

**HOOKSETT PLANNING BOARD  
MEETING MINUTES  
HOOKSETT MUNICIPAL BUILDING  
Monday, October 15, 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., Town Council Rep. Susan Lovas Orr, Frank Kotowski, Town Administration Rep. Leo Lessard (DPW Director), Tom Walsh, Robert Duhaime, Donald Winterton, Martin Cannata, David Rogers, and Thomas Prasol.

**REPRESENTING TOWN OF HOOKSETT**

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

J. Gryval: I would like to welcome our new alternate Thomas Prasol.

**APPROVAL OF MINUTES OF 10/01/12**

*D. Marshall motioned to approve the minutes of 10/01/12. Seconded by D. Rogers. Vote 8 in favor. M. Cannata abstains.*

**PUBLIC HEARING AND WAIVER REQUESTS**

1. **BIELIZNA, DIANE & STANLEY (#12-18)**  
**1266 Smyth Rd., Map 48, Lot 19**  
Proposal for a 4-lot major subdivision (parent lot + 3 new lots)
  - **Waiver Request** – Development Regulations (06/04/12) Section Part II – Subdivision Regulations 2. Completeness Criteria – Checklist items 22, 28, 30, 46, & 63
  - **Waiver Request** – Development Regulations (06/04/12) Section 11.15 1) electric power, telephone, cable systems and street lighting installed below ground.

D. Winterton: I am stepping down from this application as an abutter.

Don Duval, Duval Survey: I am here for the 4-lot Bielizna subdivision. I have some waivers. The soil waiver is the same one you granted for the Bielizna Prescott Heights subdivision. Also same waiver for overhead utilities as Prescott Heights.

J. Duffy: Besides the 6 waivers, we have a 10/12/12 Stantec letter with 16 outstanding issues. Page 1 #1 in that Stantec letter states "At the TRC meeting the Fire Dept. noted that a fire cistern would be required; however, the plans do not show a proposed cistern". At that TRC meeting, Deputy Chief Hoisington stated "A cistern is required, if the Planning Board grants the waiver for sprinklers". Don (Duval) stated these lots will be sprinklered and we should make this a condition of approval. What if the lot owners come back for waiver requests for sprinklers in the future? The newly created lots then would need easements for the cistern maintenance. Again, there are still 16 outstanding Stantec items.

D. Duval: The State requirement is that sprinklers are not required. At the TRC meeting it was brought up that Hooksett is one of 9 Towns that are exempt from that and require the sprinklers. At the TRC we stated we will put a note on the plan that the lots will be sprinklered vs. cistern.

J. Gryval: You have to make these owners so they don't come in with a waiver request to the sprinkler system.

D. Duval: If the owner wants to dispute sprinklers, I don't think we can stop them from submitting a waiver request.

J. Duffy: There should be an area on the plan for a cistern. Therefore if in the future the Planning Board waives sprinklers, then a cistern would be in place.

R. Duhaime: Bond it. Either way the homeowner is responsible for the expense of the sprinkler system or a portion of a cistern if needed.

T. Walsh: The TRC minutes stated if no sprinklers (waived), then a cistern would need to be in place.

D. Shankle: What similar situation to this have we had?

J. Duffy: Sprinklers are needed in certain areas where there is no municipal water. In this area, we granted waivers for two sprinklers (Bielizna Prescott Heights).

D. Shankle: Where did the idea of a cistern instead of sprinklers come from?

J. Duffy: The Fire Dept.

D. Rogers: Follow-up, hypothetically, if 3 out of 4 of the lot owners agree to put in sprinklers, then the 4<sup>th</sup> lot owner requests a waiver and gets denied, what happens to that one lot owner for a cistern?

J. Duffy: Is a cistern based on the size of the structure if there is only one lot on it?

D. Tatem: A cistern is designed for 30,000 gallons, not by lot.

J. Duffy: It (cistern) would not only serve one lot, it would serve other existing lots that don't have either a sprinkler or cistern.

D. Rogers: Sprinklers should be understood at time of people purchasing the lot.

J. Duffy: Definitely. We should have no future waivers of sprinklers and we stick by it. Then add a note on the plan or if there is the possibility of a future waiver, then show the cistern area with easements.

F. Kotowski: The whole thing can be resolved quite easily. Put in a cistern and we are done with it.

J. Gryval: Doesn't our ordinance require a cistern?

J. Duffy: You need to do that now so it shows on the plan.

T. Walsh: There are 16 other Stantec review comments. Is this complete?

J. Gryval: It was found complete at our last meeting.

***D. Shankle motioned to require a cistern in lieu of sprinklers for the Bielizna 4-lot subdivision at 1266 Smyth Rd. Map 48, Lot 19. Seconded by F. Kotowski.***

D. Duval: A cistern may be cost prohibitive to my client.

D. Marshall: The cistern responsibility falls all on the Bieliznas. They have said they want the lots sprinklered, and they can pass the cost along to the lot owners. We have sprinkler systems in our ordinance. This Town is responsible to maintain cisterns vs. we don't have to maintain sprinklers. I say leave the requirement of the sprinklers. If one of those new lot owners comes in and gets a cistern, it would not be for one lot but serve other lots in the area.

R. Duhaime: The last sprinkler waiver (Bielizna Prescott Heights) there was question on the parent lot. Here there are 3 new lots being created plus the parent lot that won't have sprinklers and will now have a cistern. I just want to close the loop on the whole subject so it doesn't come back to haunt us.

T. Walsh: At public hearings in Hooksett sprinklers will not be mandatory for long. We can relook at our ordinance.

***Vote unanimously in favor.***

**Open public hearing**

Donald Winterton, 10 Prescott Heights Rd.: I am speaking to you as an abutter to this property. On the issue of sprinklers, I do not think single-family homes in the Town of

Hooksett should have sprinklers period. The next legislation may no longer require sprinklers. If it is the will of this Board to follow regulations, a cistern should be put in. If the Town takes over cisterns, not knowing the law that I do, does the Town need to maintain them? The cost of sprinklers goes to the homeowners. Houses across the street have inferior wiring systems, and smoke detector systems. This cistern would be a safety issue for neighbors across the street, who built when sprinklers were not required and their electrical systems were not up to what they are today. A cistern is a better way to go, then requiring sprinkler systems. As the Vice-Chair said the homeowners maintain the sprinkler system. But it can be drained and just sit there and not be maintained. A cistern being required and maintained by the Town is a higher level of safety.

D. Marshall: Fire underwriters would not like to hear that testimony. If a homeowner neglects maintaining their sprinklers, then the insurer won't pay out in the event of a fire. For a cistern, the Bieliznas will not only pay for those 3 new lots, but the whole area. The Town is responsible to maintain the cistern. Either get rid of the requirement for sprinklers or leave it as is. Once you step down from this Board, you are supposed to go out of the room at our attorney's advice.

J. Gryval: We will take that (stepping down and speaking from the audience) up with our attorney, because he is still an abutter.

D. Winterton: Amica insurance reduced by premium by \$20.00 a year for having a sprinkler system.

R. Duhaime: How many subdivisions in Town have sprinkler systems and cisterns?

J. Duffy: I am not aware of the total. Regulations have changed over the years.

R. Duhaime: And it depends on the area of Town.

J. Gryval: From the Fire Dept., the regulation say sprinkler system or a cistern.

T. Walsh: This application has 3 new lots plus the parent lot. The parent lot has a house on it and it is not sprinklered. I thought that was the beginning of the discussions for the last Bielizna subdivision (Prescott Heights).

F. Kotowski: Stantec has 16 comments.

D. Tatem: We do not have issue with the waiver requests, because they are "simple" technical in nature. More significant is the drainage. There is a 15" culvert on Smyth Rd. that floods. We need to have conversation with DPW on the drainage.

J. Gryval: Until all conditions are met, the plans are not signed and recorded.

**Waivers #1,2,3 Development Regulations (06/04/12) Section Part II – Subdivision Regulations 2. Completeness Criteria – Checklist items: 1) 22- buildings shown**

**within 200 ft. of proposed lots, 2) 28 – septic shown within 200 ft. of new lots, and 3) 30 – wells located within 200 ft. of new lots.**

*D. Marshall motioned to grant waivers #1,2,3 above. Seconded by M. Cannata.  
Vote unanimously in favor.*

**Waivers #4 Development Regulations (06/04/12) Section Part II – Subdivision  
Regulations 2. Completeness Criteria – Checklist item 46 – topography shown for new  
lots.**

*D. Marshall motioned to grant waiver #4 above. Seconded by T. Walsh.  
Vote unanimously in favor.*

**Waivers #5 Development Regulations (06/04/12) Section Part II – Subdivision  
Regulations 2. Completeness Criteria – Checklist item 63 – SCS soils shown for 3 new  
lots.**

*D. Marshall motioned to grant waiver #5 above. Seconded by F. Kotowski.  
Vote unanimously in favor.*

**Waiver Request #6 Development Regulations (06/04/12) Section 11.15 1) electric power,  
telephone, cable systems and street lighting installed below ground.**

M. Cannata: Why is the utilities waiver #6 needed?

D. Duval: Dale (previous DPW Director) and gentleman from PSNH stated to tie into the existing utilities is cheaper vs. running a pole across the street and going underground. That whole stretch has everything overhead. At the TRC Leo said the underground utilities are usually for new roads.

L. Lessard: If utilities are overhead now, I see no problems with this waiver.

M. Cannata: You are new construction, but no new road. Across the street from me are two new homes that have underground utilities (and no new road).

D. Shankle: I am going to vote against this waiver, unless the Board has said you have done this a lot. Is it a common thing?

J. Gryval: This is a small subdivision and the rest is overhead. We have granted this in the past.

M Cannata: For Prescott Park I think we were wrong. Two wrongs don't make a right.

R. Duhaime: You will utilize a pole?

D. Duval: The pole is on the south side across the street. There is no charge to tie in if it is 125-150 ft. If over 150 ft., then a new pole is needed.

T. Walsh: The pole is on the south side. Utilities will go overhead and then down.

***T. Walsh motioned to grant waiver #6 above. Seconded by D. Marshall  
Vote 4 in favor, 5 opposed. Motion not carried. D. Marshall stated reason for opposed  
underground utilities are in the regulations and the applicant should follow those  
regulations.***

***WAIVERS ABOVE PER RSA 674:36 (II) (n)***

J. Duffy: Back to sprinklers, you are asking them to put in a cistern in lieu of the sprinklers? In this case no new road is being created, so just sprinklers should be required. Where do sprinklers stand on this application?

D. Marshall: The Board said for a new buyer no sprinklers are needed. Take the note off the plan. Only a cistern is required.

F. Kotowski: It should be the choice of the homeowner, if they also want to put in sprinklers.

J. Gryval: Staff, you wanted this continued?

J. Duffy: There is the outstanding drainage issue, but if you feel that can be worked out tonight?

D. Duval: I spoke with the drainage engineer this weekend. The drainage on each lot is lessening the amount to the culvert.

D. Tatem: His point of decreasing flow is valid. Downstream inefficiencies are scattered and premature development. There is a 15 inch culvert that could be upgraded. I did not look at volume. Brookview Sr. Housing had a decrease peak rate and volume. If you want to go that same route, we can look at it that way.

J. Gryval: It is not up to this Board to determine drainage. That is why we have an engineer. We can continue this applicant to November 5<sup>th</sup> if we need a better drainage answer.

D. Duval: The culvert was replaced a year or so ago. Whether it was upsized, I can't remember.

***PUBLIC HEARING CONTINUED TO NOVEMBER 5, 2012.***

**COMPLETENESS AND PUBLIC HEARING**

**2. HALLINAN & ZAPORA (#12-21)**

**Sean Hallinan, 31 Harvest Drive, Map 34, Lot 11-18**  
**Zapora Properties, LLC, 41 Zapora Drive, Map 34, Lot 11-1**  
Lot line adjustment.

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

**Open public hearing**

No comments.

D. Duval: The reason for this lot line adjustment is the Hallinan driveway went onto the abutter (Zapora) lot. We are also supposed to replace all bounds that were never set, however I would like to ask for a waiver of that.

J. Gryval: We can't act on a waiver for bounds to be set tonight, because we did not receive it appropriately. Submit the waiver and we will continue.

*D. Marshall motioned to continue the application to 11/5/12. Seconded by M. Cannata.  
Vote unanimously in favor.*

***PUBLIC HEARING CONTINUED TO NOVEMBER 5, 2012.***

**COMPLETENESS WAIVER & PUBLIC HEARING**

3. **MAURAIIS (#12-22)**  
**49 Mammoth Rd., Map 45, Lot 33**  
Amended 2-lot subdivision (parent lot + 1 new lot) to include roadway improvements and Town ROW.
  - **Waiver Request** – Development Regulations Part II Subdivision Checklist - completeness

J. Duffy: We received four (4) new waivers today from the applicant. The applicant has requested to be continued to 11/5/12.

***PUBLIC HEARING CONTINUED TO NOVEMBER 5, 2012.***

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

- **Waiver Request** - Development Regulations (5/2007) section 6.09 Approval Null and Void
  - **Extension Request** – Development Regulations (6/4/2012) section 10.03 2) Time Limits for Fulfilling Conditions.
4. **\*MIACOMET DEVELOPMENT, LLC (#07-37)**  
**“WEBSTER WOODS II”, Hooksett Rd., Map 6, Lot 114**  
Site plan to improve and develop phase II of “Webster Woods” to include 23 duplex ranch style buildings totaling 46 units and 7 single ranch style units for

55 yrs. & older person housing. Application conditionally approved on 11/2/2009 and expires on 11/2/2012. Applicant requesting a 1 yr. extension to this approval to 11/2/2013.

Sharon Cuddy Somers, Donahue, Tucker & Ciandella, PLLC: I am the attorney representing Miacomet for their waiver and extension requests tonight. We submitted on 9/24/12 on the basis for this request. At this point I would like to address the Town Planner's recommendations for framework and for discussion. The Town Planner states for the 1 year extension to phase II, the erosion should be fixed. However we cannot fix it until such time DES and the Town give the approval to do that. The Town Planner conditions for a 1 year extension are to fix the erosion problem, and then phase II to that extent in the agreement with the Town Planner. I spoke with Peter Zohdi and the attorney for the association today. We are aware of the concern of the members. As I understand it, while the process is churning through to fix the erosion problem, some remediation efforts will be done. Example is my client can install an erosion mat and fill with further sand. The concern is the culverts around the houses. Mr. Zohdi was OK with this temporary work, while they are moving forward. John Alonsi of their team is identifying possible measures. The remedial work as allowed by DES, to some extent, is only allowed by DES either on a remedial or permanent basis. We will work with the association for interim measures, while we wait for the green light from DES. My next point is while we are in the process for DES approvals, the next opportunity to do erosion work will not be until July 2013. Work needs to be done during low flow period (dry), and this will not come until the summer. Timeframes will not be appropriate, because it is not feasible from an engineering standpoint until July 2013.

J. Gryval: What is holding up the permits?

Atty. Somers: You will have to ask DES that. Our timeline submitted on 9/24/12 and the Town's timeline, you will see back-and-forth reviews. We can only move along as fast as DES will allow us to. DES needs to have that question posed to them. We are agreeable to some other timeframe, but we cannot begin until July of next year. We are in agreement to bond for landscaping. The \$300,000 cash escrow for the erosion fix, we would object to that due to: a) there is security to get the erosion problem fixed, because we want to build phase II and can't do that until the erosion is fixed in phase I, and b) an enormous amount of money has been spent with DES. We have a choice to either pay the contractor and fix the erosion OR post a bond. We cannot do both, because we do not have that much cash. The bottom line is that we are prepared to fix the erosion problem with DES' green light. In the meantime, we can do remedial temporary erosion control measures. DES' low flow period is next July 2013, and simply we have no cash for a \$300,000 escrow and to pay a contractor.

J. Duffy: We are not asking for an escrow set aside and not used for the project. We know they wouldn't have the funds for both holding an escrow and paying contractors. The contractors would be paid out of that escrow (\$300,000). The Town would sign-off to keep track of the payments to the contractor. My timeline dates back to April 2, 2009 when the problem became important enough to be concerned about it. I have about a 6 page timeline. Twice we contacted Ridge Mauck of NHDES' AOT division. September 30, 2011 Mr.

Mauck stated they could work in the uplands and on the upper slopes to secure the banking. They don't need to wait for the dry season for that work. Every time Spring rolls around, example April 2011 the applicant met with Ridge Mauck, and then we don't hear anything. September 2011 applicant says they will begin work the following year. April 2012 DES and Town staff had a meeting with the applicant. The problem is not with the State. It is with the applicant's engineer. It takes months for the applicant's engineer to get back to the State or Stantec, and then more corrections are needed. This process (cycle) continues and continues and continues, and nothing is ever accomplished. I spoke with Ridge Mauck on Friday and said the applicant would be here tonight for an extension to meet conditions. Ridge reviewed applicant plans over the weekend and e-mailed the applicant and Town staff on 10/14/12. The applicant has four outstanding conditions with DES; no AOT permit was issued. We are spinning around in circles. The erosion is getting worse. It is time to move forward and take action. I asked DES to take action. We were hoping the applicant would do the work.

M. Cannata: Jo Ann what action are you specifically referring to that DES would do?

J. Duffy: DES enforcement actions.

M. Cannata: Do you sense DES is reluctant to enforce?

J. Duffy: I think DES was hoping the applicant would do the work.

M. Cannata: If the Board would request DES take formal action (vs. Town Planner), would they be more inclined to do so? I am tired of hearing this. I am concerned with the people living there. They have been very patient.

J. Gryval: The Board will vote tonight either with or without conditions.

D. Marshall: If you serve on this Board long enough, you know the albatross around your neck. Since April 2009 this has been going on and this is ridiculous. I have no guarantee. In September 2013 I foresee this will take another year. If I had my way, I would request we withdraw their approval of phase II and they start all over. This has got to cease. You are their attorney (Somers), carry the message back to your client that we have waited long enough, and they (residents of phase I) have waited long enough. The State is going to require it all not missing pieces. Something has to be done quickly.

L. Lessard: I have only been here since last year, and I feel for these residents (phase me). I have been out there quite a few times. The dry season work is down below. Up top where these residents live, there is no reason they can't cut trees and fix the issue. I do not recommend the extension.

F. Kotowski: Atty. Somers, take the message back to your client that these residents were promised things and that hasn't happened. Chronologically in the events of the 6 pages, the system is being used by the applicant to wait until the financial climate is right for phase II, and then they will be forced to fix phase I. They should want to fix it now.

R. Duhaime: DES didn't fill in wetlands. They need to find an engineer who is familiar with DES for Standard Operating Procedures.

**Open public hearing**

Don Ingalls, resident at Webster Woods since 2009: We have experienced all of these delays since that time. Miacomet's efforts to respond to the Town and State are like a cat chasing its tail. I do get some reports, and it is always something minor that is delaying things. Stantec's October 5<sup>th</sup> review #4 comments, one item was need stamp by reviewing engineer and Miacomet didn't address that. Another item was so many plantings in the ravine. The Town recommended a 2 yr. surety to maintain plants, and Miacomet refused to do that. It keeps getting delays. There was their 2009 extension request. In 2010 DES walked phase II land with the Town engineer, residents, and Gove engineer to view the ravine and silt that was in culvert #2 into the backland. At that time they determined no silt had reached the pristine wetlands. I have photos to show you of the April 24, 2011 knoll and the knoll just this month. The 3<sup>rd</sup> photo knoll has gone off culvert #2. Erosion is continuing back towards the roads. If we wait until next year as they propose, just visualize a similar erosion problem and who knows where it will go. The 2011 expectations were that the ravine stabilization will be done. It got to the low flow season, and then they told us it would not be done until 2012. July 2012 came and no work was done. The Town engineer's March 2012 review, Miacomet didn't respond for 3 months. Now they say due to low flow they can't start until 2013. I must add since 2009 that Miacomet, or their representative, have not spoken to residents on concerns and how it affects them. Their only concern is getting extension after extension. Now is when we would like work to be done. Some high soil areas may be remedied at this time. The immediate concern is culvert #2. I would like to recommend that if Miacomet does nothing, they be denied their extension unless they show a good faith effort to put money where their mouth is. We are tired of words and want something concrete. As a show of good faith, they have a surety in dollars; cash account to drawn upon. If they don't do a surety, they are not planning on doing the work anyway.

**Close public hearing**

J. Gryval: The Board can approve the extension with conditions or deny.

M. Cannata: Is it an either or?

J. Gryval: If Miacomet wants an extension, they need to meet our conditions.

T. Walsh: Leo, do you support the Town Planner conditions?

L. Lessard: Yes.

**Waiver Request per Development Regulations (5/2007) section 6.09 Approval Null and Void AND Extension Request per Development Regulations (6/4/2012) section 10.03 2) Time Limits for Fulfilling Conditions.**

***F. Kotowski motioned to grant the above waiver and extend the time limits for fulfilling the 11/02/2009 conditions to November 2, 2013 subject to the following conditions:***

- 1) \$300,000 Cash escrow account be established with the Town by October 29, 2012 to be used toward the actual work on the project
- 2) substantial efforts on the erosion problem begin no later than October 22, 2012
- 3) all work except for plantings and vegetation be completed by February 1, 2013
- 4) all plantings and stabilization be completed by June 1, 2013

***Seconded by M. Cannata.***

***Vote unanimously in favor.***

## **OTHER BUSINESS**

### **5. APPROVAL OF STANTEC INVOICES**

***D. Marshall motioned to authorize the Planning Board Chair to review and approve the Stantec SPR & SPC invoices and one applicant reimbursement presented as of 10/15/12. Seconded by M. Cannata.***

***Vote unanimously in favor.***

### **6. CHANGE OF USE**

J. Duffy: Provided overview and status of change of use applications reviewed 10/15/12:

**140 Bicentennial Drive, Map 46, lot 47** – relocation of Fantastic Sam’s Hair Salon from Unit 12 (Manchester side) to Unit B5 (Hooksett side) in the same plaza.

**310 Londonderry Turnpike, Map 31, lot 10** – use of vacant body shop for showroom and estimating office. This was pulled today with no action.

**1368 Hooksett Road, Map 18, Lot 41** - Hooksett Tool Rental moved into 2 units in the back with overhead doors at the old Woodmaster building. They did not get Town approval. They used to be located in the front of K-mart and moved. They have lifts and material you can see from Hooksett Rd. and also now want to use the back area for the same. We looked at the site today and they should not be displaying equipment on gravel or dirt; they need to pave or whatever. They should come in for a site plan for retail use within an industrial building. There is a concern with Saturday morning traffic for rentals.

L. Lessard: The tool rental business needs a site plan. They just moved over there without any Town approval. The CEO can give them 14 days to apply, however I want to shut them down asap.

J. Gryval: I would assume the CEO would give them a cease and desist now.

D. Winterton: We made Ritchie Bros. go through hoops because they wanted equipment on gravel. I hope we would do something drastic with the tool rental business.

Board consensus: Shut them (Hooksett Tool Rental) down.

D. Shankle: Am I hearing the Board correctly that the CEO should take whatever action he deems appropriate?

J. Gryval: Yes.

**4 Pleasant Street, Map 6, lot 116-2** – use of former Caruso Landscaping site for second hand store and consignment shop. They want to take the house, turn it into an antique store, and take the other “farm stand” building and use it as a consignment shop. The Fire Dept. was concerned if upholstered furniture was in a building it would need to be sprinklered. Deputy Chief Hoisington is checking with NFPA. The center two sheds, they want to turn into a flea market. The applicant said he has to address the issue with Fire first, because he wasn’t going to sprinkler the building. He wanted me to ask the Planning Board to change the house for now and sell antiques, and to pave an additional area and stripe. The site plan we have now for Keith Anastasy is the same use as Caruso (both sold landscaping). I wanted to check with you on this request, because we would now be going from landscaping use to an antique shop use.

J. Gryval: The house is residential now?

J. Duffy: It is zoned commercial. The old house has historical value with Kathie Northrup. Renovations completed include they now sided the house, and did the interior floors. The existing site plan was a landscaping business, and now it is something entirely different. He understands the future flea market would need Planning Board approval. First, he needs to know if Fire will determine not to sprinkler the building. Second, can he use the house for just an antique business?

J. Gryval: I would like to see a site plan for the antique business in the house.

Board consensus: Need amended site plan to have antique business in house.

**Application Spreadsheet**

J. Duffy: We track Planning Board applications. Before you is a spreadsheet from January 2011 October 2012. I thought the Board may want this as a quarterly hand out. It identifies what applications come through, how long the process takes from application to decision, water/sewer, etc.

M. Cannata: Do you think this spreadsheet should go on the Town’s website?

J. Gryval: I think it is OK for us to just receive a hard copy for now. There is a lot of information.

**MIACOMET (Webster Woods)**

J. Gryval: The first issue on the Town Planner recommendations is a \$300,000 cash

escrow by Oct 29<sup>th</sup>. If not received by then, phase II is dead.

D. Rogers: Actually, there is substantial efforts on the erosion problem begin no later than October 22, 2012, so if that is not carried out, phase II is dead.

D. Shankle: If they ask to be put back on the Planning Board agenda, they have the right to do that.

J. Duffy: We can provide an update at our meeting of November 5<sup>th</sup>. If they haven't done anything by then, you can take a vote.

**APPLEBEE'S (1273 Hooksett Rd., Map 31, Lot 2-2)**

R. Duhaime: There were 4-5 Ash trees at the Applebee's site. Two (2) have died. The highway or building staff should reinspect the site before a permit or CO is issued. They have come and gone now for their improvements, and could have replanted then.

L. Lessard: Last Wednesday night, after the LGC law lecture series, we drove by the Applebee' site to see the signage and awnings. It looks very nice.

**PSNH**

R. Duhaime: For the PSNH 1250 Hooksett Rd. improvements, we should send them a letter how great that project looks.

J. Duffy: PSNH TCT&M Facility site ribbon cutting is Oct 16<sup>th</sup> 8:30-10:00am.

**SHOOTERS OUTPOST**

D. Rogers: The first time I drove by the Shooters Outpost sign at night it was too bright. Now it seems toned down.

**PLANNING BOARD RULES OF PROCEDURE**

D. Winterton: I would like the chairman and Jo Ann to clarify if it was incorrect for me to speak as an abutter tonight on the Bielizna application. If a Planning Board member decides if he/she steps down, but gets a certified letter as an abutter, he/she can still speak as an abutter.

D. Marshall: Attorney Buckley previously ruled on that and said that person should be out of the room.

J. Duffy: I was always under the impression that as an abutter, he could still speak. I will check with our attorney.

D. Rogers: I was on the Salem ZBA. If we stepped down, we were allowed to speak as an abutter, but not a member of the Board.

D. Marshall: For communication outside of meetings, be careful on e-mails. It is OK to receive data, but to respond to it you are telecommunicating.

J. Duffy: Individual Board members should not be discussing one-on-one with an applicant. You should not voice your opinion in public (outside of meetings), because when it comes time to vote, your vote would be questioned, but also the vote of the entire Board would be questioned because members made-up their mind ahead of time.

S. Lovas Orr: We are here as representatives of constituents. If somebody wants to express their opinion, I can't say I can't discuss this with you. I feel obligated to hear what they have to say. To say we can't discuss anything with any resident?

J. Duffy: I said discussions with the applicant themselves.

F. Kotowski: I picked up on that as soon as I commented on something. I was responding to what a Town staff member was saying. Whether I agree or not agree, I should not even comment.

D. Rogers: Abutters commenting to you (Susan), these folks are not our (Board member) constituents. I have been approached once by an abutter, and I said thank you, but didn't respond.

D. Shankle: If someone does do that, encourage them to come and talk to us. In terms of getting information, what the Town Council does is they send information to me, and then I send it out from me. You can do the same with Jo Ann.

D. Marshall: We are appointed in this Town. You are autonomous and now responsible to the Council, or Administrator and so on. The Planning Board has a more difficult position in Town government.

S. Lovas Orr: I agree and don't agree. Example is the Police Commission. The Town Council has no authority over the Police Commission. We have an obligation to appoint those people to that position. If I appoint someone and they are not doing it correctly, the Town Council needs to know that. The next time that person is up for appointment, we need to know. We have control over appointments.

D. Rogers: Remove politicization of a hearing from others.

S. Lovas Orr: We want to know "did you do the job?"

M. Cannata: Do you wait until it is time for a reappointment to tell someone that they are not doing their job?

S. Lovas Orr: That is what oversight is about. Example is the Planning Commission gives us an update.

D. Marshall: An advantage of a Town Councilor rep. to the Planning Board, is that you bring back the Board updates to the Council.

J. Gryval: We have rules of procedures.

T. Prasol: Are our e-mails (work and home) subject to Right-to-Know law?

J. Gryval: Yes.

*D. Marshall motioned to adjourn at 7:50pm. Seconded by M. Cannata.  
Vote unanimously in favor.*

**ADJOURNMENT**

Chair J. Gryval declared the meeting adjourned at 7:50pm.

Respectfully submitted,

Donna J. Fitzpatrick,  
Planning Coordinator