

**Official
As of 11/19/12**

**HOOKSETT PLANNING BOARD
MEETING MINUTES
HOOKSETT MUNICIPAL BUILDING
Monday, November 5, 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, Town Administration Rep. Leo Lessard (DPW Director), Tom Walsh, Donald Winterton, Martin Cannata, David Rogers, and Thomas Prasol.

Excused: Frank Kotowski.

Absent: Robert Duhaime.

REPRESENTING TOWN OF HOOKSETT

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

J. Gryval: Alternate Donald Winterton will be sitting in and voting in place of Frank Kotowski.

D. Marshall: I would like to apology to Mr. Winterton for an incorrect statement I made regarding alternates who step down from an application not speaking as an abutter. Statement was “Once you step down from this Board, you are supposed to go out of the room at our attorney’s advice”.

D. Winterton: Dick, I thank you. It is about the process going forward.

APPROVAL OF MINUTES OF 10/15/12

M. Cannata motioned to approve the minutes of 10/15/12 with edit by T. Walsh.

Seconded by D. Rogers.

Vote unanimously in favor.

CONTINUED PUBLIC HEARING

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)

- Further reconsideration of Planning Board decision of 10/15/12 to require a cistern in lieu of sprinkler systems

D. Winterton: I am stepping down from this application.

J. Gryval: Thomas Prasol will be sitting in and voting in place of Frank Kotowski on this application only.

Don Duval, Duval Surveying: Chief Hoisington will address the issue of the cistern.

Deputy Chief Hoisington: I ask the Board for your reconsideration of your 10/15/12 decision to have a cistern for this application in lieu of a sprinkler system. We want to have residential homes sprinklered, because we believe fire protection should be in the home and not in the streets.

T. Walsh: I believe the cistern came up as a TRC recommendation.

M. Hoisington: Residential homes are to be sprinklered per Town requirements (***Development Regulations Part II – Subdivision Regulations section 2.01 Application Requirements for Subdivision Plans 24 – In areas not served by public water supply with adequate fire flow for the proposed development as determined by current ISO criteria, buildings shall be served with sprinklers in accordance with N.F.P.A. standards. In addition, cisterns with approved hydrants conforming to N.F.P.A. standards shall be provided or available within one thousand (1,000) feet of the building envelope on proposed roads.***). My concern is that this subdivision may get approved like last time (Bielizna Prescott Heights plan #10-02) when the Planning Board granted a waiver of the sprinkler system requirement. As a result, now we are behind the eight-ball for fire protection for that area of Town.

T. Walsh: We talked about this in the first Bielizna subdivision (plan #10-02). How far away is the closest source of water?

Deputy Chief Hoisington: It is in excess of 1,000 ft., therefore sprinklers are needed. If they are building a subdivision and building a road, then a cistern and sprinklers are required. If there is an existing road (no new road), then sprinklers are only required. Sprinklers in the home are for life safety,

M. Cannata: Could you describe the sprinkler duration as a result of a fire in the home? Does one sprinkler go on where the problem is, or does the whole system go on? What is the duration; how long are they on? That area is blank to me; give me some insight.

Deputy Chief Hoisington: In movies and TV, they give sprinkler systems an injustice. They show them going off and flooding a building. How it really works is in each sprinkler head there is a glass bulb with a solder. As each sprinkler head reaches a certain temperature, the bulb pops. One sprinkler controls the fire. As the fire gets bigger, the next one pops, etc. A residential sprinkler lasts about 30 minutes. If there are no sprinklers and the fire has grown, we use about 200 gallons, more or less, per minute to put out a fire.

M. Cannata: The duration of time for the sprinkler coming on is a lot of time.

Deputy Chief Hoisington: It could last up to 30 minutes. They are not designed to extinguish the fire. It is to allow time for the Fire Dept. to get there to put the fire out.

S. Lovas Orr: For those homes with sprinkler systems, the holding tank is in the basement of the house. Yet, I have heard several different people at this point say that if the tank is not maintained the safety of the sprinkler system is null. It would almost appear to me that the cistern is really the more sure fire safety piece than a sprinkler system if that is not maintained properly. Does the Fire Dept. get involved in regular inspections of sprinkler systems in homes? If they are not maintained, they are not safe for the homeowner and the neighbor whose house is also now in jeopardy.

Deputy Chief Hoisington: For a single-family, once built we can't go back into the home to inspect the sprinkler system. It is the same as smoke detectors that are not supposed to be removed by the homeowner, but they are. It is an education to the homeowner to protect lives within the home. A cistern would be used when the fire has grown beyond the water in our trucks. Sprinklers are for life safety to get people out of the house.

M. Cannata: Susan's question about maintenance came up. I have no idea how they need to maintain it. Could you explain that to me?

Deputy Chief Hoisington: The homeowner receives an information packet from the sprinkler contractor. We have hundreds of these sprinklers in Town currently. If a homeowner has questions, they call us and we go out to take a look at it. Homeowners in Town putting on additions continue to install additional sprinklers. Within the guides, we know who to contact.

M. Cannata: Is it (maintenance) a big deal?

Deputy Chief Hoisington: No, they just turn it to check the water flow.

J. Gryval: How large is the sprinkler system tank?

Deputy Chief Hoisington: Sometimes it is a large round plastic tank, or oil tanks; it depends.

J. Gryval: Is power required for pumping the water?

Deputy Chief Hoisington: Yes.

J. Gryval: If there is an electrical fire, then you need a back-up generator.

T. Walsh: Where is the nearest water source? On 28 by-pass?

Deputy Chief Hoisington: There is a source at Smyth Rd. and the by-pass where the new office building is located. There is another source somewhere on Mammoth Rd.

T. Walsh: The only thing I was looking at is: 1) 1,000 ft. distance to a water source, and 2) bunch of houses out there now that don't have sprinklers.

Open public hearing

Donald Winterton, 10 Prescott Heights Rd.: I am an abutter to this proposed property. I speak here as someone to answer all your questions about sprinklers. There is no data from the National Fire Association to prove sprinklers save lives in single-family houses. The data they have is on apartments. I find it a concern that these are life safety issues. If on Town water and hydrants out front, those homes wouldn't need cisterns. A cistern is a 1,000 gallon tank of water. If those houses had a fire, to quote the Deputy Chief "sprinklers are a life-saving issue", but there is no data on that. Another issue is freezing. The data the National Fire Association used is from Scottsdale, Arizona where the average temperature is 50 degrees in winter. No one has ever called from there (Arizona) for frozen pipes. The tank is in the basement and if it freezes when the power goes out, you have a big problem. I appreciate the Deputy Chief's comments on those residents who put on an addition and extend their sprinkler system. There are nine (9) towns in the state, how many towns in state 180+-, and only nine (9) including Hooksett have this sprinkler system requirement.

Deputy Chief Hoisington: The reason we are not pushing for sprinklers where hydrants are is because we can't. All national codes, national fire and national building codes, require sprinklers for single-family homes. It is not my terminology but theirs. The NFPA has numbers on single-family homes and sprinklers. We would love to see sprinklers in all homes. If anyone had frozen or broken pipes, they usually call us to suck out the water.

D. Duval: As far as the homeowner maintaining the sprinkler system, I think it would behoove them to maintain it. If I didn't do that and I tried to collect, my insurance company would say "sorry you cannot collect". Maintenance is just turning a toggle switch to check flow of water; it is not a big deal.

D. Marshall: Aren't we under BOCA?

Deputy Chief Hoisington: No, we are now under the ICC international building code.

T. Walsh: The cost of these things, even if you say \$10,000 system to start-up, most people finance and the amount is larger after it is amortized. How can we force people to spend this money? No other towns except nine (9) can impose the sprinkler system requirement anymore. I still feel there is a very good chance there will be a petition warrant for the town that we don't keep this regulation either.

D. Duval: Can we still act on the cistern tonight?

J. Duffy: The final review from Stantec does not have anything to do with the cistern. You may want to consider the cistern tonight.

T. Walsh: The assumption is if there is an existing road, a cistern doesn't apply.

J. Gryval: Have there been changes since our last meeting for the area for the cistern?

J. Duffy: When I spoke with Don last week, I suggested he put a proposed cistern easement area on the plan now. If not now, it is lost. The only lot area is to the far right. The parent lot along the roadway is all wet, so there is not adequate space for a cistern to go on the parent lot. Grant an easement on the far right now, then in the future if the owner of the far right lot requests a waiver of the sprinkler, there is already an easement on that lot for a cistern.

D. Duval: That lot only has good sight distance for that easement to be on the far right lot.

D. Marshall: Do all of these lots have frontage on an existing road?

D. Duval: Yes.

D. Marshall: In that case, there is no requirement for a cistern, but we required it (10/15/12 Board decision) in lieu of sprinklers. But you were OK with that?

D. Duval: No, my client was OK with sprinklers. Jo Ann's suggestion, we are still proposing sprinklers in the house, but proposing an area for a cistern easement. Say someone up the road didn't want the cistern easement, they could use this one.

D. Marshall: As our decision stands right now, you are required to put in a cistern (in lieu of sprinklers). As each lot is sold, each owner can ask for a waiver of the sprinklers and then that lot owner would need an area for a cistern.

D. Duval: The cistern does not have to be on their lot, but nearby.

L. Lessard: Where you have the cistern easement, how close is it to the Tennessee gas line? They won't let you work within so many feet of their gas line.

D. Duval: I showed the largest possible envelope.

T. Walsh: Say we rescinded the cistern based on regulation language, and then those people came in for a waiver of the sprinklers . . . example is the previous subdivision on Prescott Heights that we granted waivers for the sprinklers, but didn't make them put in a cistern.

J. Gryval: We can make it conditional if no sprinklers, then they would have to put in a cistern.

D. Duval: If you say no to a waiver unless you do this, then they have a choice. Anyone buying those lots will have a note on the plan, so they will know they need a sprinkler system.

T. Walsh: If stamped they need sprinklers, can they seek a waiver before they purchase the land?

J. Gryval: No, they have to be the owner of the lot to seek a waiver.

J. Duffy: An applicant can act on behalf of an owner as long as the owner agrees. Former plans for the previous lots (Prescott Heights) had a note on the plan that the lots had to be sprinklered.

J. Gryval: We have no motion to reconsider the Planning Board decision of 10/15/12 to require a cistern in lieu of sprinkler systems, therefore you will not only need a cistern easement but also the cistern design on the plan.

D. Marshall motioned to continue this application to November 19, 2012. Seconded by T. Walsh.

Vote unanimously in favor.

PUBLIC HEARING CONTINUED TO NOVEMBER, 19, 2012.

CONTINUED 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.

- **Waiver Request** – Development Regulations Section 11.02 5) granite bound monuments

Don Duval, Duval Surveying: This is a lot line adjustment between two lots. The Hallinan driveway is on the abutting lot. We are changing the lot line for equal areas for no net loss. We requested a waiver for setting granite stone bounds on the Zapora lot. The Zapora subdivision goes back to the 1980s and there are there about eight (8) bounds along the boundary line. The waiver is due to the cost to my client. It will cost \$800-\$1,000 to set those bounds. They should have been put back in the 1980s, and should not fall on my client now.

Waiver Request #1 – Development Regulations Section 11.02 5) granite bound monuments.

L. Lessard: If the Board grants the waiver to not put in the granite bounds, will they need to put in steel pins?

D. Duval: We don't want to set any type of monumentation for the 1980s bounds. I will set the ones for the new lot line. For the future ROW the large bounds were never set.

T. Walsh: This is a hardship cost.

D. Duval: \$25-30 per bound, then the cost to dig each hole and set them. It is \$100 easily per bound.

M. Cannata: What hypothetically would happen if there was a property line dispute? Monuments make a much statement.

D. Duval: I will monument the new lot line. Any reputable surveyor could determine in the future. The ROW now is 50 ft. and no one is using it. Mr. Zapora may have cleared that area to make it pleasing to the eye. There is an odd ball chance it will ever be used, but why would they? They can't get any lots in there.

T. Walsh: Do you remember why they established the ROW?

D. Duval: Moran did the submission back in 1982.

S. Lovas Orr: What is currently marking the boundary?

D. Duval: There are several iron pins on the Hallinan lot, and some old bounds on the Zapora lot.

S. Lovas Orr: Does the Town have a requirement for granite monuments?

D. Duval: Property bounds are 4' x 4' x 3 feet in length. Road bounds are larger at 5' x 5' x 4 feet in length.

J. Duffy: Years ago the Town left it up to the surveyor or developer to set bounds and a certification was not required. We wound up with a lot of subdivisions not done. To clean up, someone has to set the bound. Maybe you can compromise and use steel pins vs. granite rather than not requiring at all.

D. Duval: The reason I am asking for a waiver is this is not a property line issue between two owners, and it is not crucial for this lot line adjustment.

Open public hearing

No comments.

Close public hearing

D. Shankle motioned to deny waiver request #1 above due to this item being a requirement of our development regulations. Seconded by D. Marshall.

T. Walsh: You found some of the steel pins?

D. Duval: Referred to plan to show where they found pins on the map. We want to waive the pins for the new lot line and ROW.

D. Winterton: Either of these parties, where they the owners when the subdivision was done?

D. Duval: No Mr. Hallinan purchased his lot in the last couple of years.

D. Winterton: And Zapora?

D. Duval: He was not the original owner either.

L. Lessard: Two reasons I want granite bounds in:

1. find ROW for any reason, and
2. Town is now going through the process to sell a Town parcel and it is an empty lot with a paper road through it. Now we have to have it surveyed, because those bounds were never done. If there was a separate paper road and information on the existing road, then the Town wouldn't have to pay for it.

T. Walsh: Are we picking up the tab for that?

L. Lessard: No the party purchasing will pay for that.

Vote 8 in favor, one opposed. Motion carried.

WAIVER ABOVE PER RSA 674:36 (II) (n)

D. Marshall motioned to approve the application conditional:

- All review fees are paid-in-full
- LCHIP check payable to Merrimack County Registry of Deeds is submitted to the Community Development Dept.
- 2 mylars, 11 paper copies (22x34), 1 paper copy (11x17), and 1 digital
- All outstanding comments from Stantec are addressed to Stantec's satisfaction (see letter dated 10/15/12 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
- All waivers noted on plan cover sheet
- 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 D. Winterton.

Vote unanimously in favor.

COMPLETENESS WAIVER & PUBLIC HEARING

3. MAURASIS (#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
- **Waiver Request** – Development Regulations Section 11.11 Street System (20.E Blue Book curb section & roadway width)
- **Waiver Request** – Development Regulations Section 11.11.2 Cul-de-Sacs
- **Waiver Request** – Development Regulations Section 11.12.2.J water shall not be impounded adjacent to roadways.
- **Waiver Request** – Development Regulations Section 11.12.2.h minimum cover for closed drainage systems.

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

Waiver Request #1 - Development Regulations Part II Subdivision Checklist – completeness

Doug MacGuire, The Dubay Group, Inc.: This is a simple subdivision. It was previously approved for the existing roadway to become a Town maintained roadway and for access to the rear of the owners parcel. It also provides roadway access to an existing lot that didn't have frontage. It was 940 ft. into the property around the cul-de-sac. There is the landlocked lot plus three (3) additional lots. Now we want to scale back to eliminate two of the proposed lots. We still want to provide access to the rear of the property and the landlocked lot. I superimposed the existing conditions approved road (plan #09-22) onto what I am proposing now. The existing approved road and subdivision is in red. We simply shortened it up and eliminated two lots. I put on a few color coded items. The sewer was extended, and now shortened to a 300 ft. run. We had roadside swales with catch basins, and now it is a curbed road with a grade separated sidewalk. We feel this is an improvement to what was approved before.

T. Walsh: This site was approved the first time without sidewalks, and now you are putting them in with drainage that goes with it.

D. MacGuire: Before it was a 24 ft. paved road width with a painted line.

L. Lessard: I worked with Doug on this. I didn't want roadside swales and painting. I recommended the sidewalk for safety of the pedestrians. Doug agreed to this. 24 ft. is pleasing to me for the Town. I am not a big believer in open swales. I like closed drainage.

T. Walsh: I agree with you on the painted part. The last time sidewalks were before the Town Council was the previous Council, and they asked this Board to not have sidewalks because of maintenance costs. It is 400 ft. long. Do we have sidewalks on Mammoth Rd.?

D. Tatem: There is a sidewalk on Mammoth Rd.

T. Walsh: I was hoping we would have a workshop to talk about sidewalks more. There

are pros & cons to having them, and it is a big expense for the Town to take care of them.

L. Lessard: It is less expensive for the Town to take care of sidewalks with closed drainage vs. painted lines with swales.

J. Duffy: Tom we are aware of the condo development being developed in the back parcel down the road. Children would have to walk down to Mammoth Rd. to catch the bus. Sidewalks are a safety issue for children.

T. Walsh: I still like the 28 ft. road width with a painted line.

J. Gryval: Now we can go over the waiver requests.

J. Duffy: As long as they submit a waiver for completeness, then it (application) is complete and then you act on the other waivers.

Waiver Request #1 - Development Regulations Part II Subdivision Checklist – completeness

M. Cannata motioned to grant waiver #1 above. Seconded by L. Lessard.

S. Lovas Orr: Does granting this waiver mean that they don't need to submit another application checklist?

D. Shankle: At what point do they need another subdivision approval vs. an amendment. What is the policy of this Board and how has it been done in the past?

J. Gryval: Some plans are approved conditionally then they come in to extend that approval. Even if we say "this is the last extension and you can't have any more", they still are waivable. The Board can deny the whole thing and they start over.

D. Shankle: If all these waivers get turned down, what do they have?

J. Duffy: Amended vs. starting over . . . this applicant has been here before at least ten (10) times and before the ZBA at least ten (10) times. We wanted to work out something that would work for everyone. If they start over again, they start with the TRC (Technical Review Committee). We are trying to work with them for the easiest way possible without skirting the regulations.

D. MacGuire: We met with the TRC again, and Dan reviewed my plans.

D. Shankle: Given the number of waivers, I am voting against the waivers. Whatever it took to come for a decision on this plan, if the Board feels otherwise you do what you need to do.

J. Gryval: Now it is condos and private, but that may change also.

J. Duffy: The condo going public would not happen. This is a driveway into a site for a residential plan.

D. Shankle: That back development is not showed here yet, so I don't know what is going back there.

J. Duffy: It was duplexes or multi-family with the ZBA. They then modified that plan for a condo development, and are now back with phase I (2-lot subdivision). Once phase I is approved, then they will be back for phase II.

J. Gryval: Have we ever had a phased plan approved in phases?

J. Duffy: This is not a phased plan. It is two (2) separate applications.

D. Shankle: You have a cul-de-sac going somewhere. You are not being transparent with what is being proposed.

D. MacGuire: Everyone is well aware we have been before the Boards multiple times. We eventually want to develop the back parcel. We need legal frontage with access to the rear of the property. That is why it is a stepped phase.

D. Marshall: This proposed road is servicing three (3) lots.

D. MacGuire: Actually four (4) lots.

D. Marshall: Why build a huge cul-de-sac for something temporary?

D. MacGuire: Any access off of this new roadway will be a private drive. The driveway to the back portion of the site to eventually be proposed will come off this cul-de-sac. The Town will maintain the cul-de-sac, and after that it will be a private development.

D. Marshall: This is a change from the originally approved plan (plan #09-22), because you shortened the cul-de-sac, and have a vertical curve. Nothing else has changed. Everything you did on the original checklist had already been done. It is not a necessity to do a completely new checklist, because of those changes.

D. MacGuire: The road is in the exact same spot. Dan can confirm even the vertical is the same. It is the same platform and grades per the originally approved plan. I know there are several waiver requests, but if we go through the waivers I am sure you will see they are minimal. I have support from the Fire Dept. and DPW on all these waivers. The existing 50 ft. ROW is where we have to work within, and that is why we are asking for some of these waivers. I believe these are justified.

Open public hearing

No comments.

Close public hearing

Vote 7 in favor, 2 opposed (D. Shankle and J. Gryval). Motion carried (Waiver #1).

D. Marshall: Can I suggest he collectively go through the rest of the waivers?

J. Gryval: Yes, if Board would like it that way.

Board consensus: Collectively go through waivers.

D. MacGuire:

Waiver Request #2 – Development Regulations Section 11.11 Street System (20.E Blue Book curb section & roadway width). The “Blue Book” allowed a 24 ft. wide traveled lane, if not curbed. If a sidewalk with road with no curbing, they allow a 4 ft. sidewalk. Road with curbing requires an extra foot on each side to provide a little more room. If it is a curbed road and they park on the road they need a little more room. The three (3) new driveways with their length, off-street parking is not needed. I feel a 24 ft. wide roadway is more than reasonable. We are adding curbing and sidewalks for the safety of the pedestrians at a large cost to the applicant. For the extra foot overall of width, we were approved for 28 ft. and now need 29 ft.

Waiver Request #3 – Development Regulations Section 11.11.2 Cul-de-Sacs

The ordinance has a maximum length for a cul-de-sac, but also has a minimum of 500 ft. It is measured from the center line of the connecting road to the cul-de-sac. Per the ordinance we are slightly under 500 ft. We are meeting the intent, because we are just 30 ft. short. We could acquire the 30 ft. by putting a bend in the cul-de-sac, but I thought it was more efficient without using the bend. The Fire Dept. and Leo had no objection to the length. Plowing was happy with their ability to plow and safety was happy with the access. There could easily be another two (2) lots on this roadway, but that lot is not owned by us (owned by Mr. Frasier). This is a large up-front cost.

Waiver Request #4 – Development Regulations Section 11.12.2.J water shall not be impounded adjacent to roadways.

We have a large cul-de-sac turn around. It is perfect to contain drainage. It is a common practice I have done in many other towns. It is a 4:1 grade to provide storage capacity. It is a very small impervious area with a slight depression, and we can bring it out to the property for treatment. Also, it is a lot easier for maintenance from highway, because no easements are needed. Typically in a storm event there is 442 .56 water. In a 100 yr. storm there may be 1.6 ft. of water temporarily stored until it is treated vs. putting it off-site.

Waiver Request #5 – Development Regulations Section 11.12.2.h minimum cover for closed drainage systems.

We moved the catch basins onto the road to catch gutter lines of the curbed roadway vs. on a swaled bottom. It is the same structure within the DOT maintained area on Mammoth Rd. We did get a NHDOT driveway permit. This access is at a set elevation. It is required to have a 3 ft. minimum pipe cover. We have 2 ft. We

are using a RCP class-4 pipe, so there will be no pipe crushing. The last time the Board approved this site we had less coverage at that time.

D. MacGuire: All of the above waivers are reasonable. I would be happy to answer any of your comments. Basically the Board before had a more complicated plan with a longer road with roadside ditches and grading. This is now a simplified plan with 2 lots on the same spot.

D. Shankle: All of the drainage calculations and the safety length of the road, all those things would be the same if we pretended we had phase II on this plan?

D. MacGuire: Yes. The reason we have the back parcel as a separate application was not to bait and switch anyone down the road.

D. Shankle: All the Board doesn't know what is coming down the road. There are member who have not been on the Board when the back parcel was presented.

D. MacGuire: There is an existing private road that we need to build a public roadway to have 500 ft. of frontage. For all the drainage, there is no additional coming to the DOT ROW with the back parcel being developed. It is a private 22 ft. wide roadway in the back parcel.

D. Shankle: You said the Fire Dept. has no problem with it. For a private road, is there a second means of getting safety equipment in there if they need to?

D. MacGuire: We went to the ZBA for the back parcel for a multi-family development, but the abutters didn't like that. We came in with a condoed single-family, but technically it wasn't single-family. We needed a specific density number. We came in with a 21-unit development of single-family homes for support from the ZBA. This Board did see that and sent the ZBA a letter of support. Under the Open Space subdivision ordinance, there is a zero lot line for condos vs. individual lots. We obtained several variances to include 17 units of single-family condoed development with a private road on a private development with no private lots. The back parcel had slightly less than 20 acres, so we got a variance for that. We also received a variance on the building separation. Now we are coming back and that is why we shortened this and why we were dealing with the ZBA to meet the intent of the Open Space ordinance to maximize as much of the back parcel as possible. We are allowed 17 units or 17 single-family homes via the Open Space subdivision. We felt single-family was better for us and the abutters. We will be coming back to this Board with that layout, but it doesn't make any sense to do that until we get this amendment approved for this front piece. I know not everyone on the Board is familiar with this.

D. Shankle: I would feel more comfortable to see the whole project at one time, but that is just me.

Waiver Request #2 – Development Regulations Section 11.11 Street System (20.E)

Blue Book curb section & roadway width).

J. Gryval: Leo is happy with it, because he has a sidewalk. Is there any possibility that road will go further anywhere on that site?

D. MacGuire: We went to the ZBA and received a variance for 17 single-family and no further.

D. Winterton: Would this road be no parking and have no parking signs?

D. MacGuire: We would be happy to add that. There are certainly not enough units for traffic to be parked on both sides of the road to constrict traffic. Mr. Maurais is the current resident on a private driveway.

J. Gryval: There is also a potential for two houses in the back of Mr. Frasier's house.

D. MacGuire: If Mr. Frasier wanted to connect to this road, but that is not our property.

J. Gryval: This Board needs to consider all development on this road.

M. Cannata: I agree with Dr. Shankle's need to see the whole picture. This proposed roadway will be an access road for a development to the back parcel in the future. There is emergency parking, and we don't have a bigger picture to know what is going to happen there. I am not comfortable with that.

D. MacGuire: Deputy Chief Hoisington is well aware of this project. It was a 21-unit conceptual before, and now 17 units was proposed to the ZBA and they were comfortable with that. He is also aware of the 24 ft. for this roadway and access for the back parcel and has signed-off on that.

L. Lessard: If it would make Don and Martin more comfortable, we can require he have a couple of sets of no parking signs.

T. Walsh: Will the potential owners of the housing have no parking signs or will it just be on the south side? So there will be twenty (20) houses total and the roadway will never be a connector. I don't understand a sidewalk with no parking signs. If you owned any one of these homes, you would like to be able to park cars on the roadway.

D. Shankle: I would be against no parking signs, because I would hate to see them pop up all over Town. What is the hardship? What is the issue?

D. MacGuire: Originally we were approved with roadside swales. It is less costly to dig a ditch than add granite curbing. Dan didn't want a sloped curb for safety, so we did a vertical curb. The 28 ft. wide roadway was already approved, and now 29 ft. is not warranted in any way for this size road, to put another 2 ft. wider than shown.

D. Shankle: So it is just a money issue.

D. MacGuire: Yes money is a big issue for them. My applicant has been through a lot. No one would put in a 760 ft. long cul-de-sac for one new buildable lot. We are asking for relief from the Board.

J. Duffy: The former plan showed the same road width with no sidewalk; it was a painted line. There is no requirement for granite curbing with a closed drainage system. This applicant is going above and beyond what our regulations require and doing what DPW would like.

D. Shankle: We do have a road width.

D. MacGuire: They shouldn't be driving on a paved white lane. It is 24 ft. wide. We have the exact same travel width. The difference is a painted line vs. a raised sidewalk.

T. Walsh: It would not save Mr. Maurais money to put granite curbs in.

D. MacGuire: I think it is a no brainer of a waiver. We are asking for the same width we currently have been approved for. We are providing enhancements for improved safety and including comments from staff. If we have a 28 ft. wide road, that is not practical. It is not a super highway.

S. Lovas Orr: I would like to make a motion.

J. Gryval: I would like to go through all the waivers first, then open the public hearing, and then act on the waivers.

Waiver Request #3 – Development Regulations Section 11.11.2 Cul-de-Sacs

No Board comments.

Waiver Request #4 – Development Regulations Section 11.12.2.J water shall not be impounded adjacent to roadways.

M. Cannata: The water is one foot deep, what happens in winter when it freezes?

D. MacGuire: It is not designed for an infiltration basin. There is an emergency overflow outlet, and there will never be an issue of overtopping and coming into the road. We set an outlet trash rack on it for added protection. Any water detained will be metered out to the treatment swale. There shouldn't be any detained build-up.

M. Cannata: Who is responsible to maintain it and what if there is an accident?. Is that DPW?

L. Lessard: Yes, DPW will maintain that.

D. Tatem: We took careful look at that and discussed it with Leo. We didn't have a problem with it.

D. Marshall: You are not plowing into the center?

L. Lessard: No we are plowing out.

Waiver Request #5 – Development Regulations Section 11.12.2.h minimum cover for closed drainage systems.

J. Gryval: The pipe cover is OK with Leo?

L. Lessard: Yes.

Waiver Request #2 – Development Regulations Section 11.11 Street System (20.E Blue Book curb section & roadway width).

Open public hearing

No comments.

Close public hearing

D. Marshall motioned to grant waiver #2 above. Seconded by S. Lovas Orr.

T. Walsh: There is no need for sidewalks here. The connector road is OK. Manchester still doesn't have a requirement for this type of neighborhood with sidewalks.

J. Gryval: The problem is we don't know what is going up above for development and the safety issue with children getting to the bus stop.

Vote 7 in favor, 2 opposed (T. Walsh and D. Shankle). Motion carried.

Waiver Request #3 – Development Regulations Section 11.11.2 Cul-de-Sacs

Open public hearing

No comments.

Close public hearing

T. Walsh motioned to grant waiver #3 above. Seconded by S. Lovas Orr.

Vote 8 in favor, 1 opposed (D. Shankle). Motion carried.

Waiver Request #4 – Development Regulations Section 11.12.2.J water shall not be impounded adjacent to roadways.

Open public hearing

No comments.

Close public hearing

D. Winterton motioned to grant waiver #4 above. Seconded by S. Lovas Orr. Vote 8 in favor, 1 opposed (D. Shankle). Motion carried.

Waiver Request #5 – Development Regulations Section 11.12.2.h minimum cover for closed drainage systems.

D. Tatem: Our letter today for the pipe cover, if Doug raises the pipe, then he needs another waiver. I would add to this waiver not only for the cover, but also for the 2.5 drop.

Open public hearing

No comments.

Close public hearing

D. Marshall motioned to grant waiver #5 above to include the 2.5 drop. Seconded by D. Winterton.

Vote 8 in favor, 1 opposed (D. Shankle). Motion carried.

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

J. Gryval: We will now open the public hearing on the subdivision portion of the application.

Open public hearing

No comments.

Close public hearing

D. Shankle: The same reason to vote against waivers is the same reason I will vote against the approval. We should have seen the 2nd part of the plan to know if this front section would need changes.

J. Duffy: I disagree. This is the plan before you tonight. This is the plan you should be voting on. They shared the remaining plan proposal, because they did get ZBA variances.

D. Shankle: Then you should adjust this cul-de-sac for just two houses. Does that make any sense at all?

D. MacGuire: This roadway is being built for the future. I would never have a roadway with this cul-de-sac and not intend to develop the back piece. What do feel is not satisfactory here?

D. Shankle: If you went to the ZBA, you know exactly what is going back there. Staff may also know, but I don't know what is going back there.

D. Marshall: For those who read the ZBA minutes, and we do, we know what is coming. That road may be overdesigned with a sidewalk, but it does connect to the sidewalks on Mammoth Road. Don't the sidewalks also go up to Smyth Road and into Manchester? The Council wanted us to adopt no more sidewalks. That flies in the face for what the public wanted when we did the Master Plan. Then they wanted to move through the Town via sidewalks. Here you are getting it (sidewalks). What is the beef?

L. Lessard: I agree with Dick. I also agree Dr. Shankle, because you can't see the bigger picture. They are going above and beyond. I wanted granite curbing, sidewalks, and a closed drainage. I wanted to get pedestrians off the road. I agree with Dr. Shankle for not knowing the next steps.

S. Lovas Orr: The developer could have gone a separate route and not tell us about the back parcel at all. You (applicant) are providing transparency and not pulling the wool over anyone's eyes. I happen to like sidewalks. It is a plus for property values and adds to a "neighborhood". The past Council wanted something. There is a different face to the Council now. The previous Council may have said that, but this one maybe not. One item I question is the setbacks for the shed and garage on property Map 45, Lot 33. The applicant should address the issue with an easement or having the structure raised.

D. MacGuire: Mr. Maurais' shed is slightly over the property line to make the other lot non-conforming. His garage is within the building setback on his property. It was discussed with staff to give an easement. Mr. Maurais owns both properties, the easement would be so he wouldn't have to take down his garage.

D. Marshall: She (Susan) brought the issue of sidewalks up. This is why the Planning Board stayed firm. The Town Council is political, but we can't keep changing our regulations, because there is this group (Council) this year, and another group (Council) next year.

T. Walsh: According to our regulations, this plan doesn't need sidewalks.

D. MacGuire: If the Board doesn't want sidewalks, we will be happy to remove them. Also in the future when the back parcel is developed, then we would be happy to put in sidewalks at that point.

M. Cannata motioned to approve the application conditional:

- All review fees are paid-in-full
- LCHIP check payable to Merrimack County Registry of Deeds is submitted to the Community Development Dept.
- 2 mylars, 11 paper copies (22x34), 1 paper copy (11x17), and 1 digital
- All outstanding comments from Stantec are addressed to Stantec's satisfaction (see letter dated 10/15/12 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
 - Garage Easement to be submitted to Community Development Dept. for Town Attorney review and approval at applicant's expense
 - Signed Garage Easement document to be submitted to Community Development Dept. for recording with plan set
 - Recording fees for each easement are \$12.00 for the first pg, \$4.00 each pg. thereafter and \$1.99 postage return; total amount payable to Town of Hooksett and submitted to the Community Development Dept.
 - All waivers noted on plan cover sheet
 - Applicant agrees to attend a required pre-construction meeting after (a) all bonds are submitted and approved, (b) site plan compliance monitoring escrow is in place, and the Inspection Funding Agreement is signed and submitted, and (c) the plans are signed and recorded
 - Applicant agrees to site plan compliance monitoring
 - Applicant agrees to remit * in impact fees 10 days prior to the issuance of the Certificate of Occupancy subject to NHRSA 674:39 (Schools, Public Safety, Recreation, and Roadway). *to be determined by Town Planner
 - 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.

Vote 8 in favor, 1 opposed (D. Shankle). Motion carried.

D. Shankle: When do you expect to be back to this Board on the back parcel?

D. MacGuire: We will start with staff, and then go to the TRC.

D. Marshall: A month or two months?

D. MacGuire: It will be at least a month for the TRC.

D. Shankle: How do you know the project in the back is OK with the Fire Dept.

D. MacGuire: We have already discussed it with them and have their approval.

***PUBLIC HEARING – EXTENSION REQUEST – ACTIVE & SUBSTANTIAL PERIOD PER RSA 674:39 EFFECTIVE 06/27/11**

4. *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.

- **Extension Request** – Development Regulations (06/04/12) Section 22. Legal Provisions 22.02 Five-Year Vesting Period. Active & Substantial period to expire on 11/7/2012 (expired 11/7/2011 and on 7/9/12 Board granted a 1 yr. extension to 11/7/2012). Applicant now requesting another 1 yr. extension to this approval to **11/7/2013**.

J. Duffy: This applicant asked for an extension last year. This project for an office building on Lindsay Rd. was approved a few years ago, and they haven't gone forward because of the economy.

Chris Tymula, MHF Design: I was back here in July 2012. I am looking for an extension to 11/7/2013.

Open public hearing

No comments.

Close public hearing

***T. Walsh motioned to grant an extension to November 7, 2013 for the Active & Substantial period. Seconded by S. Lovas Orr.
Vote unanimously in favor.***

J. Gryval: We don't know how many of these extension requests we will keep giving.

**REQUEST FOR RECONSIDERATION OF THE 10/15/12 PLANNING BOARD
CONDITIONAL EXTENSION PER DEVELOPMENT REGULATIONS (6/4/2012)
SECTION 10.03 2) TIME LIMITS FOR FULFILLING CONDITIONS – PER NH
SUPREME COURT DECISION 74 COX STREET LLC V. NASHUA, 156 N.H. 228
(2007).**

5. 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 received a 1 yr. conditional extension to this approval to 11/2/2013.
- The applicant will not be able to meet the Board's conditions and request the Board modify its decision to extend the application for an additional 60 days, to January 9, 2013.

Sharon Cuddy Somers, Donahue, Tucker & Ciandella, PLLC: I am representing Miacomet. With me is Jim Gove and Mike Gospodarek. We request you reconsider the Board's decision to reconsider your 10/15/12 conditional extension to modify the conditions and extend to January 9, 2013. You can reconsider on your own without having a public hearing, or you can decide to have a public hearing. There are events that took place today. We can move on to the November 19th Board meeting for a full presentation at that time.

J. Gryval: In my opinion, the Board has never reconsidered without a public hearing. The abutters have no right to speak tonight. If we decide to grant the reconsideration, I would like a public hearing.

J. Duffy: If you decide to reconsider, abutters will need to be notified, and public comment will be taken from both parties on November 19th. You are here tonight to decide if you will rehear the case.

Atty. Somers: You do have the option to reconsider your 10/15/12 decision tonight.

D. Shankle motioned to reconsider the 10/15/12 Planning Board conditional extension per Development Regulations (6/4/2012) Section 10.03 2) Time Limits for Fulfilling Conditions – per NH Supreme Court Decision 74 Cox Street LLC v. Nashua, 156 N.N. 228(2007). Reconsideration hearing scheduled for 11/19/12. Seconded by D. Marshall.

S. Lovas Orr: What has changed since the last meeting?

D. Shankle: If we are going to rehear it, and if this goes on and goes to court, we looked at it every possible way. I am concerned if we hear too much tonight, we will make-up our mind before the public hearing. I think it should all be presented all at once at the public hearing.

J. Gryval: At the time we denied that, we required them to work on the ravine and they did not have the permit.

D. Shankle: They have been denied, and continue to be denied.

M. Cannata: If we have a public hearing, is it appropriate to ask those of the public tonight if they want us to reconsider?

D. Shankle: At the public hearing they would hear the same information we would hear. Then at that point, we can table it to get further public input if needed. I don't think they will push us on this.

Vote unanimously in favor.

RECONSIDERATION HEARING SCHEDULED FOR NOVEMBER 19, 2012.

OTHER BUSINESS

6. **Article 7 Elderly, Older Person, and Handicapped Housing – A.2) Older Person Housing** – housing intended for, and 100% of the units are occupied solely by, persons fifty-five (55) years of age or older

Tom Flanders, Jensen Communities: We are here tonight, because we recognize the Town has a certain definition for older person housing. In our letter, other communities in

the State of NH and around the country, that definition is different. The Town changed from 62 and older, to now 55 and older. We work with thirty-two (32) communities in nine (9) eastern states. In eight (8) communities we have 2,550 residents 55 and older with a minimum age of someone else in the household at 40 yrs. 40 yrs.-55 yrs. is 3%. We would like to open dialogue to see if you all would be willing to put on a warrant article for next year to amend the age criteria.

J. Gryval: We went from 62 yrs. to 55 yrs. There are a lot of reasons why someone younger would be living with them. An elderly couple could have a family member live with them to help them out. We will see how the Board feels about making a few changes.

D. Winterton: I would totally support this. I looked at a property in Town with the 55 yr. and older requirements. This would be the “trophy wife” (55 and older with a minimum age of someone else in the household at 40 yrs.) amendment; it makes sense. We need to design this somewhere. If there are limits, I can envision two grandparents and need to support a grandchild, because the parents die in a car accident.

D. Marshall: For child perpetual care, a lot of residents don’t expect children running in their 55 yr. and older development. There is no question we need to look at this again. Whatever we craft we will need to comply with any federal issues, especially with funding. We can instruct staff to look at similar ordinances within other communities that meet federal guidelines and show a compassionate need.

M. Cannata: My background relative to issue, how is it monitored? If there is abuse or a marginal situation, how does the intervention take place? Is it self-governing?

T. Flanders: Our experience in our communities is the land is leased. They fill-out an application to include whoever is going to reside in the residence.

M. Cannata: You already have their application approved, and then they have a change in life-style to bring someone in. Then what?

T. Flanders: We would send them a letter that they don’t meet the resident requirement. We will know if they follow policies and procedures. They will fill-out an additional occupancy request. If someone just comes in without doing the process, it is “self-governing”.

L. Lessard: I have done 55 yrs. and older housing. If someone in there is under 55 yrs., all the other residents will squeal on them.

D. Shankle: From a Town perspective, we almost will never check on that.

D. Marshall: In a community like that, residents there will raise the alarm. I think we will be OK.

J. Gryval: Do we want someone to come in and meet with the Board? Do you want to have a workshop?

J. Duffy: We can do that as part of our zoning workshop in January 2013. I don't think you need to have someone come in.

7. CAPITAL IMPROVEMENT PROGRAM (CIP) – CIP Handbook
recommendations from CIP Committee to Planning Board for the Board to review & adopt

J. Duffy: CIP committee met recently, and as you are aware they do have a CIP handbook. The last time it was updated was 2007. They would like to make a few changes to make it a smoother process. Page 8 operating, maintenance, and probable revenues costs – if submitting for future impact of budget, example new school, it would be nice to know what the operating, maintenance, and probable revenues costs would be, but that cost is not part of the CIP plan.

Proposed:

- Estimated total costs, probable operating and maintenance costs, and probable revenues of each project (these costs are for discussion purposes only and are not included in the dollar amounts of the CIP plan); and

D. Marshall: Page 8

Adopted:

- Estimated total project costs;
- Estimated total costs for project operating, maintenance, and probable revenues of each project (these costs are for discussion purposes only and are not included in the dollar amounts of the CIP plan); and

J. Duffy: Page 9:

Proposed and adopted:

1. Acquisition, or lease, of land or interests in land for public purposes except for conservation land per RSA 36-A:4 & 36-A:5. The Conservation Commission may participate in the CIP process if time is feasible and they comply with their own process to include the above RSA criteria.

J. Duffy: Page 10:

Proposed:

Meetings, Attendance

The Planning Board may declare a vacancy and/or non-voting status if a committee member has two (2) consecutive unexcused absences from scheduled meetings in sequence, or has missed ¼ of all meetings within one (1) committee \ period (mid-October thru end of November).

T. Walsh: I don't recall two (2) unexcused/excused. I thought it was three (3).

D. Winterton: Then there is the section on ¼ meetings, with only seven (7) meetings that is 1.75 meetings.

S. Lovas Orr: That is two (2) out of seven (7) meetings. With all due respect, that is hard to conduct business if you don't have a full boat.

M. Cannata: Susan are you including both excused or unexcused?

S. Lovas Orr: Yes even excused. I know it is hard to find people to volunteer.

D. Winterton: Unless you make six (6) of the seven (7) meetings, you won't be able to vote. If you miss two (2) you can't vote.

T. Walsh: We created this section, because we wanted D. Argo on the CIP Committee. He is the one who misses a lot of meetings. This was a solution to try to correct it. You can read minutes all you want, but it is important to attend the meetings.

J. Duffy: Page 10:

Adopted:

Meetings, Attendance

The Planning Board may declare a vacancy and/or non-voting status if a committee member misses two (2) scheduled meetings within one (1) committee period (mid-October through end of November).

J. Duffy: Page 12 - departments to break everything down. Schools submitted at first as one item district-wide, then the CIP Committee wanted them to break down their projects to know what is happening with each school. They could present district-wide and have a break down underneath. The Town department projects are not an issue. School is different.

Proposed and adopted:

Department Project Submissions and Briefing

The CIP projects are those that meet the objectives of the CIP and fall within the Definition of Capital Improvements Projects in Section I. Projects that do not meet these objectives are returned to the departments to be addressed within their operating budgets. Similar department CIP items should be grouped into one department project on the CIP plan with a breakdown of that project.

*D. Marshall motioned to adopt CIP Handbook pages 8,9,10,&12 CIP Committee recommendations as listed as **“adopted”** above. Seconded by M. Cannata. Vote 8 in favor; Dr. Shankle recused himself. Motion carried.*

8. PERFORMANCE ZONE (PZ) – Is it doing what we expected?

D. Winterton: I thought the timing was appropriate to talk about if the PZ is doing what we expected. In 2006 when it (PZ Article 10-A ordinance) was written it was different environment than what we are dealing with in 2012. Before this Board have been

multiple questions about signage for one. It is kind of scary to drive-up Rte. 3 and the most profitable item is plywood on buildings.

D. Marshall: One problem we face is a cyclical pattern. We got the regulation to serve the purpose to bring in good commercial development in this area to make it aesthetically pleasing and get rid of sign pollution. The Planning Board felt strongly about this. Then when the economy gets bad we (Board) get the pressure not to apply the PZ rules. Then if we do not apply the PZ rules, when the economy gets better, you are stuck with pollution you created in that area. If we had to relive the Merchants Motor sign again, they never would have got their signage approval. Now everyone says there is pressure to do something from Manchester to the split at Rte. 3 and Main St. to clean it up. During the Master Plan pressure, people were saying they were tired of sign pollution and the honky-tonk area. Now following the PZ, there are corners along Rte. 3 with monument signs and great landscaping. Cinemagic has an unobtrusive sign, because they conformed with the PZ and that is good for the community. That is why in the PZ, this Board has given leeway to make changes and negotiated to get the best for the community. Have we always been successful in the PZ? No. There are still things to clean-up. I think we are on our way with the PZ. I would hate to see it radically changed. There is always room for tweaking.

T. Walsh: I agree with Mr. Shankle that we have the same waivers over and over and over. I think our regulations went too far to shrink the signs too. Rte. 3 is turning into a "B" area, and exit 10 is now the "A". I would be open to a workshop to look at the whole PZ thing. I think it could use changes myself.

J. Gryval: In the PZ there is room to negotiate a larger area in Town for a larger sign. That is a sticking point.

M. Cannata: Overall the PZ has worked well. However at Shaw's Plaza the Tractor Supply Company is so small, that they are not getting the visibility they need. We grinded them a little bit on their signage.

J. Gryval: They don't have windows to add more signage.

T. Walsh: Downtown Hooksett (PZ) has utilities above ground and that is worse looking than signage.

D. Marshall: Yes. Are the overhead utilities still staying on Rte. 3 with the NHDOT roadwork improvements?

J. Duffy: Yes.

D. Marshall: We get a lot of pressure from sign companies. That is different than the people (business owners) coming in. I agree with Tractor Supply Company signage, but then we let them have sandwich boards along Rte. 3. I have always been a fan of stores closer to the road and parking in the back.

M. Cannata: Bedford has new development on 101 & 3.

T. Walsh: Does Bedford have an architectural design criteria?

J. Duffy: Yes Bedford does have architectural design that is more detailed than ours on Rte. 3. 101 has a different criteria.

S. Lovas Orr: And no LED signs either.

J. Duffy: Their meat house and pharmacy are in the historic district and they are strict down to the color of the paint. They have to go to their Historic Commission for permission.

D. Winterton: I thank you for this discussion.

9. APPROVAL OF STANTEC INVOICES

D. Marshall motioned to authorize the Planning Board Chair to review and approve the Stantec SPR invoice presented as of 11/05/12. Seconded by M. Cannata. Vote unanimously in favor.

10. CHANGE OF USE

J. Duffy: Provided overview and status of change of use applications reviewed 10/25/12:

J. Duffy: 310 Londonderry Turnpike, Map 31, lot 10 – use of vacant body shop for showroom and estimating office. Existing business at 8 Industrial Park Drive to remain as location for repairs. Approved for display and office use only, pending inspection by Fire and Bldg.

M. Cannata: Are they going to make cabinets there or just display?

J. Duffy: Just display.

J. Duffy: 314 Londonderry Turnpike/24 Whitehall Road, Map 31, lot 9 – Use of $\frac{3}{4}$ acre of rear parcel for outdoor recreational, and picnic area which will include sale and consumption of liquor. Approved with conditions – no outside lighting without Planning Board approval. No use after 9 pm. The Deerhead purchased an additional lot. It has a single family home on it with a lot of extra green space. They want to use the back piece for a bar, fire pit, and hammock to use for the summer months. The special events they currently do in their parking lot they would do in this area. The area would not be lit. If it was lit, they would need to come before the Planning Board. The area cannot be used after 9pm during warm months.

M. Cannata: Is the house still there?

J. Duffy: Yes and they are renting the house out.

J. Gryval: They will only use for outdoor functions for BQs.

J. Duffy: They will use the area for their members roughly six (6) times a year. They do that now, but in the parking lot.

Hooksett Landing – Gaming Business

S. Lovas Orr: There was a lot of talk about the gaming place, and now they are gone.

J. Duffy: I heard from Matt a few times that no one was in there. Also a new restaurant going in that location “New England Tap House and Grill”.

Amended Plans

D. Shankle: One of our applicants said he didn’t need to do a full application, because he had been to this Board the last 4 years. How many of the Board members now have been here for 4 yrs.? Only 3 out of 9 on this Board have been here the last 4 years.

Extensions

J. Gryval: How many of these extensions will we keep granting? Do you think they are coming in so they don’t need to meet the new regulations?

L. Lessard & S. Lovas Orr: I don’t think so.

J. Duffy: What we have seen in the last few years, we have never seen in the last 20 yrs. with the economy. People can’t get loans. I think we need to wait until things pick up.

D. Shankle: When things are slow, you look to see how you want things done differently. If you give everyone waivers you defeat the purpose. And there is the issue if everyone is grandfathered.

D. Marshall: You are either going to grant the extension or not.

T. Walsh: I have only been here 3 years and don’t see that the regulations have changed that much.

D. Marshall: Miacomet (Webster Woods) is a perfect example. Phase II could never get built if they don’t get their extension, because it is in a commercial zone.

J. Duffy: AOT and our drainage has changed.

J. Gryval: The next meeting for Miacomet, everybody needs to be up to date that things have changed so much. I read a letter from October 30th and they are changing so much. The #3 guidance received from DES is for a phased approach. Based on economic feasibility, they will proceed with design. Jo Ann, you said it has changed, but changed to

what?

J. Duffy: That will be discussed at the next Board meeting.

SNHPC Planning Board Meeting

J. Duffy: November 12th is the workshop with SNHPC.

Neighborhood Heritage District

J. Duffy: We hired Roger Hawke and he will work with us for a plan in the Village area along with Kathie Northrup and Maggie Steer (Preservation Alliance in Concord). Now we are working on meetings with focus groups; 2-3 people at a time. If any of you would like to participate, we are having focus groups on December 5th & 12th with some in the daytime and some in the evening to come up with ideas and move forward.

M. Cannata: Does it include the old Town hall?

J. Duffy: Yes.

Hackett Hill Rd. & Rte. 3A Intersection – Roadway Design RFQs

J. Duffy: We are seeking RFQs (Requests for Qualifications) for qualified applicants. We don't get a price at this time. We get qualifications of each engineering firm. We talked about a traffic light, or round-about. RFQs are due back November 8th. Once back we will form a sub-committee to review what they have to offer with their qualifications. Then when we decide on one firm, then we can talk cost. If that firm doesn't meet our needs, then we go to the next qualified firm and talk cost.

D. Marshall: The State is accepting all sort of ideas, and they would consider a round-about?

J. Duffy: We are not locked into a traffic signal at this point. I am expecting quite a few responses.

GE/Industrial Park Drive (south entrance) – Traffic Light Proposal

J. Duffy: We have also met with GE for a southern traffic light at Industrial Park Dr. SNHPC is doing a study to meet peak hour needs for a traffic light. I have a call into DOT to see if meet even one.

D. Marshall: You can meet any of the warrants.

J. Duffy: They are anxious for a traffic light there for a north bound left turn for their employees.

M. Cannata: Did MS&G get involved?

J. Duffy: Not for this particular light. If they have future development in the valley, then yes.

D. Marshall: They would need something much more extensive than GE.

Walmart Sewer

J. Duffy: Our attorney is working with the attorney from Walmart. We came up with one agreement, and it went back to the Sewer Commission. It has been going back and forth, but it looks promising.

D. Marshall: The sewer line is more than just for Walmart.

J. Duffy: Right, Walmart will run the line and pay upfront for it. Then as the other projects septic fails or a new development comes in, they would tie into the new sewer line and pay back Walmart. They were very receptive; it is a win-win. The day we met with sewer we said we wouldn't leave until the issue was resolved.

D. Marshall: Has Walmart awakened to the fact that part of their impact fees is being used at the Hackett Hill Rd. intersection?

J. Duffy: Per the ordinance and study, we can use impact fees anywhere in the corridor. We are not doing anything illegal. Some of their money will be used for the Rte. 3A hourglass. Some of their money was also going to be used for sidewalks in front of Walmart. I asked them if we could hold the funds for 10 yrs. (vs. 6 yrs.) Dr. Shankle signed-off to encumber the hourglass project. The hourglass remains on the DOT list of projects, so it doesn't disappear. Once the Hackett Hill Rd. project is underway, then we can encumber funds for the hourglass.

D. Marshall: Has the connector road gone over to the Town?

J. Duffy: Yes.

D. Marshall: Is the sidewalk project on the connector road going forward?

J. Duffy: Yes, Leo has been attending CMAQ workshops.

L. Lessard: I attended classes. I have had to read the CMAQ manual over the past 6 month. My procrastinating is the hold up. I am doing the best I can, but the State understood.

D. Shankle: And the State stalled 6 months to have a class.

***D. Marshall motioned to adjourn at 9:05pm. Seconded by T. Walsh.
Vote unanimously in favor.***

ADJOURNMENT

Chair J. Gryval declared the meeting adjourned at 9:05pm.
Respectfully submitted, Donna J. Fitzpatrick, Planning Coordinator