

**Official
As of 02/13/13**

**HOOKSETT PLANNING BOARD
MEETING MINUTES
HOOKSETT MUNICIPAL BUILDING
Tuesday, February 12, 2013**

CALLED TO ORDER

Chair J. Gryval called the meeting to order at 6:00pm.

ATTENDANCE – PLANNING BOARD

Chair John Gryval, Town Administration Rep. Leo Lessard (DPW Director), David Rogers, Donald Winterton, Tom Walsh, Frank Kotowski, Robert Duhaime and Thomas Prasol (arrived 6:10pm).

Excused: Vice-Chair Dick Marshall and Town Administrator, Dr. Dean E. Shankle, Jr.

Absent: Town Council Rep. Susan Lovas Orr.

REPRESENTING TOWN OF HOOKSETT

Jo Ann Duffy, Town Planner.

APPROVAL OF MINUTES OF 01/07/13 & 01/14/13

*D. Winterton motioned to approve the minutes of 01/07/13. Seconded by F. Kotowski
Vote 5 in favor. D. Rogers and R. Duhaime abstain.*

*D. Winterton motioned to approve the minutes of 01/14/13. Seconded by D. Rogers.
Vote 6 in favor. R. Duhaime abstains.*

J. Gryval: Robert Duhaime will be voting tonight for Dick Marshall.

DISCUSSION

**1. SNHPC TEN YEAR TRANSPORTATION IMPROVEMENT PLAN
TIM WHITE, SNHPC**

Tim White, principal transportation planner at SNHPC: I am here tonight to discuss the 2015-2024 ten-year highway plan. Back on 11/1/2012 I discussed the 2013-22 plan. These are challenging times for maintaining transportation infrastructure. The DOT priority for this cycle is to maintain the existing infrastructure for safety & good repair, and work on the red listed bridges. Other projects are Exit 4A Londonderry & Derry I-93, and Exits 6 & 7 Manchester I-293. Provided overview of the flowchart of the 10 yr. cycle to include air quality analysis, transportation improvement program, and long-range

planning. Now we are starting a new cycle 1/11/13. We are asking the Chair of the Hooksett Town Council for projects for the next ten-year plan. By 3/8/13 we want the list of projects to rank them for all towns in the SNHPC region. Then we will submit the list to NHDOT by 7/1/13. Following 4/1/13, this fall the Governor's Advisory Council on Transportation will hold meetings to get public input on the 10 yr. highway plan. Referred to Hooksett projects to include Hackett Hill Rd. & Rte. 3A. NHDOT is asking us to evaluate projects from towns. What is in the plan? NHDOT has asked us to consider their priorities for this cycle "safety and state of good repair".

T. Walsh: CMAQ grant and sidewalks for College Park Drive, I thought they were on the plan?

T. White: It is probably in the transportation improvement program of plans being implemented.

R. Duhaime: Impact fees from Walmart will be used on Rte. 3. Even though we collect impact fees it doesn't mean it gets on the ten-year plan.

T. White: The Ten-Year plan is one opportunity SNHPC can offer to towns in our region.

F. Kotowski: Thank you for coming tonight. If I heard you correctly, the only things that will happen are to maintain current infrastructure and work on redlined bridges.

T. White: That is the NHDOT priorities.

J. Duffy: The current ten-year plan has Cabela's. When we went to the State and talked about Hackett Hill Rd. & Rte 3A, we got the State to use monies from Cabela's for phase I and the remaining funds for the phase II hourglass. We are going forward with TF Moran, Inc. to the Town Council for them to sign the contract for phase I. The project should begin next Spring. We need to address what is in the ten-year plan and modify it to what is going to happen out there. I would not want someone seeing Cabela's on the plan and take that off because that project is no longer. Walmart funds we can hold for 10 years and we are into year three. Market Basket has no time limit for their funds.

F. Kotowski: Do you know, Leo, what Town Council or you have in mind for projects in Town?

L. Lessard: Phase I (Hackett Hill Rd. & Rte. 3A), Phase II (Rte. 3A hourglass), and CMAQ (connector road sidewalks).

D. Winterton: Are there any redlined bridges in Hooksett?

T. White: No.

J. Gryval: Thank you for your presentation tonight.

FIRST PUBLIC HEARING FOR PROPOSED ZONING CHANGES 2013
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ARTICLE 2

Amendment No. 2

Are you in favor of the adoption of Amendment No. 2, as proposed by the Hooksett Planning Board, for the Hooksett Zoning Ordinance to amend Article 30, Impact Fee Ordinance, Section H., which currently reads, “1) A party aggrieved by a decision made by the Code Enforcement Officer regarding the assessment or collection of impact fees authorized by this Section may appeal such decision to the Planning Board/ 2) A party aggrieved by a decision of the Planning Board under this Section may appeal such decision to the Merrimack County Superior Court as provided by RSA 676:5, III and RSA 677:15, as amended,” and replace it with, “1) A party aggrieved by a decision made by the Planning Board regarding the assessment or collection of impact fees authorized by this Section may appeal such decision to the Planning Board; 2) Upon denial of the appeal, a party aggrieved by a decision of the Planning Board under this Section may appeal such decision to the Merrimack County Superior Court as provided by RSA 676:5, III and RSA 677:15, as amended.”?

Explanation: The purpose of Amendment No. 2 is to clarify that jurisdiction of impact fee decisions fall under the Planning Board and not the Code Enforcement Officer.

J. Gryval: Read amendment No. 2 into the record.

Board: No comments.

Open public hearing

No comments.

Close public hearing

F. Kotowski motioned to send Article 2 Amendment No. 2 to the voters on the ballot.

Seconded by R. Duhaime

Vote unanimously in favor.

Amendment No. 1

Are you in favor of the adoption of Amendment No. 1, as proposed by the Hooksett Planning Board, for the Hooksett Zoning Ordinance to amend Article 30, Impact Fee Ordinance, Section F.8., which currently reads, “The total impact fee, as calculated from the applicable fee schedule is to be assessed to the applicant if a new development is created on vacant land or on land wherein there has been a structure and/or use that has been vacated for a period of one (1) year or more. If a new development replaces an active, operating use, then the assessed fee is to be calculated as the net fee between that of the former use and that of the replacement use,” and replace it with, “The total impact fee, as calculated from the applicable fee schedule, is to be assessed to the applicant if a

new development is created on vacant land or on land wherein there has been a structure. If a new development replaces an existing use, then the assessed fee is to be calculated as the net fee between that of the former use and that of the replacement use.”?

Explanation: The purpose of Amendment No. 1 is to remove the requirement that a new structure must pay an impact fee if the former building was vacant for more than one (1) year.

J. Gryval: Read amendment No. 1 into the record.

Board: No comments.

Open public hearing

No comments.

Close public hearing

R. Duhaime motioned to send Article 2 Amendment No. 1 to the voters on the ballot. Seconded by D. Winterton. Vote unanimously in favor.

Amendment No. 3

Are you in favor of the adoption of Amendment No. 3, as proposed by the Hooksett Planning Board, for the Hooksett Zoning Ordinance to “rezone a portion of Map 25, lot 18-1 as shown on a plan entitled “Lot Line Adjustment Plan – Boundary Survey, Map 25, Lots 18-1 & 18-2, John M. Kelly & Stephanie L. Roy, Hooksett, Merrimack County, New Hampshire” dated July 7, 2011 and last revised August 16, 2011 prepared by Holden Engineering & Surveying, Inc. and recorded on even or near date herewith. This property contains approximately 17,226 square feet or 0.395 acres. The property would be rezoned from Medium Density Residential to the US Route 3 Corridor Performance Zone.”?

Explanation: The purpose of Amendment No.3 is to amend a portion of a parcel of land located on the corner of Lindsay Road and Route 3 formerly owned by Stephanie Roy and now owned by Heritage Family Credit Union. This area was annexed from the Roy parcel and joined with the Heritage Family Credit Union parcel.

J. Gryval: Read amendment No. 3 into the record.

Board: No comments.

Open public hearing

No comments.

Close public hearing

T. Walsh motioned to send Article 2 Amendment No. 3 to the voters on the ballot. Seconded by R. Duhaime

Vote unanimously in favor.

Amendment No. 4

Are you in favor of the adoption of Amendment No. 4, as proposed by the Hooksett Planning Board, for the Hooksett Zoning Ordinance to amend Article 18 Wetlands Conservation Overlay District, ~~Section C. Definitions, by adding a new definition 12, Wetland Buffer to read as follows: “12. Wetland Buffer: A zone of noninterference extending from the edge of the wetland area, or area of poorly drained or very poorly drained soils, or from the top of the bank of a surface water body toward the adjacent upland environment.”~~ And, further, amending Article 18, Section G. Special Provisions, 2.a., which currently reads “a forty (40) foot setback shall be required from the wetland boundary to any structure or any paved area and shall remain in its natural undisturbed state,” and replace it with “A forty (40) foot buffer shall be required from the wetland boundary and shall remain in its natural, undisturbed state.”?

Explanation: The purpose of Amendment No. 4 is to provide for a forty (40) foot natural, undisturbed buffer surrounding all wetlands of one (1) or more acres.

J. Gryval: Read 2/11/13 Keyland Enterprises, LLC letter into the record.

J. Gryval: Read amendment No. 4 into the record.

F. Kotowski: Did this go to the Conservation Commission?

J. Duffy: This change turned out to be very simple until our Town Attorney got involved. Matt and I were trying to say instead of a setback it is a buffer. People thought they could make driveways in this area. Our Attorney added a sentence about surface water. The intent was to clean-up what was already there. When you add surface water you add a whole other requirement. What Alden (Keyland Enterprises, LLC) proposes makes sense.

D. Winterton: Is there a technical difference between poorly drained soils and very poorly drained soils?

Open public hearing

Alden Beauchemin, Keyland Enterprises, LLC: I am a professional wetland scientist and do this in the field every day. There are jurisdictional wetlands and areas of poorly drained soils. Not all poorly drained soils are jurisdictional wetlands. I am not sure you need “poorly” or “very poorly” in your wording. Your ordinance (Article 18) on wetland conservation district is written well already.

J. Duffy: Referred to Article 18 Wetlands Conservation Overlay District C. Definitions poorly drained, somewhat poorly drained and very poorly drained soils. It is for wetland areas of one (1) acre or more in size.

A.Beauchemin: Referred to Article 18 Wetlands Conservation Overlay District B. Wetland Conservation District Defined. What is clear in this ordinance is areas that are considered jurisdictional. Wetland areas that are jurisdictional and others that are not (i.e. a lot of roadside ditches).

J. Duffy: Clarification, Alden are you saying to eliminate the definition completely?

A.Beauchemin: It was worded as a setback and should have been a buffer all along.

J. Duffy: That was the intent all along.

David Campbell, MSG: I agree with the discussion that just took place. Brooks would have curtailed development (i.e. PSNH next to safety center). Clarify the buffer is fine. We would be in agreement with the discussion that just took place.

***R. Duhaime motioned to hold a 2nd public hearing on Article 2 Amendment No. 4 per the rewording above. Seconded by D. Winterton.
Vote unanimously in favor.***

SECOND PUBLIC HEARING AMENDMENT NO. 4 MARCH 18, 2013.

Amendment No. 5

Are you in favor of the adoption of Amendment No. 5, as proposed by the Hooksett Planning Board, for the Hooksett Zoning Ordinance to amend Article 7, Elderly, Older Person and Handicapped Housing, Section A.2., which currently reads, Older Person Housing – housing intended for and occupied solely by, at least one person fifty-five (55) years of age or older, and replace it with, “Housing intended for and occupied by at least one person fifty-five (55) years of age or older, and others to be at least forty (40) years of age or older.”?

Explanation: The purpose of Amendment No. 5 is to allow for a change in the age requirement from 100% of the residents requiring a minimum age of 55 to at least one person being 55 years of age and others being no less than 40 years of age.

J. Gryval: Read 2/11/13 Vincent Iacozzi (Berry Hill Estates, LLC) AND 2/4/13 Donald & Marie Ingalls (Webster Woods) letters into the record.

J. Gryval: Read amendment No. 5 into the record.

D. Winterton: The first letter read tonight from Mr. Iacozzi states we are currently not in compliance with the Fair Housing laws.

J. Duffy: We can be more restrictive.

D. Winterton: My concern is to make sure we are in compliance.

R. Duhaime: How did this amendment get added?

J. Gryval: Now all residents in these communities have to be 55 yrs. and older.

R. Duhaime: Jo Ann, when did we go from 62 years old to 55 years old?

J. Duffy: 2008.

T. Walsh: I agree with the Ingalls. This is how their community was set-up. Even Berry Hill is 55 yrs.+.

J. Duffy: We only have two projects in Town 62 yrs. and older – Holly Berry and Westview Terrace. I looked up declarations at the registry that each resident has to be 55 yrs.+ I checked with our Town attorney. The existing communities can stay the way they are and they don't have to lower the age requirement. New projects could come in and request that everyone be 55 yrs.+ Residents that live in these communities want everyone 55 yrs.+ but the ones who are marketing the units want the new change. We went around this at our workshop. An example for the proposed change is a parent living there and having a less than 55 year old adult child living with the parent. What happens if you had to sell it? Mr. Flanders recommended no one under 40 yrs. vs. 21 yrs. If someone came to live with you, son or daughter, for the elderly who needs care, they are probably in their 40's vs. 21 yr. old. The rules are specific that a 40 yr. old could not start a family. It would be monitored by the association. There are problems with this whole thing.

J. Gryval: Existing communities are now approved for 55 yrs+ for all residents. If this is changed, would they ask for a waiver?

J. Duffy: No, they could just change their association regulations (to be stricter).

F. Kotowski: We are opening up a can of worms. You could have a 35 yr. old caregiver. That is where this all started, because someone in a 55 yr.+ community couldn't take care of themselves. The language should stay the way it is and take out this amendment. People bought into these 55 yr. communities and it should be with the association not the Town to change it.

Open public hearing

Tom Flanders, VP of Jensen's Communities: This can be a confusing issue. We suggested a minimum age of 40 year old. We manage communities in six (6) east coast states with the secondary resident being over 40 years old. We have over 125 units land leased in eight (8) communities. Less than 3% of the total residents are between 40-55 years old. This allows for an aging parent to have their son or daughter take care of them in their home. It is not a self-serving manner in regards to Brookridge. There are four (4)

out of 91 left to sell. This will allow the residents who live there now to continue to live there. It is a non-binding association voting group that sees the benefit of this. They don't see the community being overrun by 42 year olds. Our make-up is 33 between 40-55 years old, 85 between 55-75 years old, and 35 with 75 years old and older.

F. Kotowski: Who would force them out?

T. Flanders: 55 yr.+ with a health issue would force them out. A person who meets the 55 yr. and older with a disabled child in the 40'sh range, I am not completely positive that was the intent.

F. Kotowski: Is there a difference between a land lease development and Berry Hill where the owners are the association?

T. Flanders: Land lease is they own their home and we own the land. If this new 55 yr.+ language passed the other person living in the household wouldn't be on deed. They would have to apply to us to live as a resident in the community and meet our requirements (i.e. income, etc.). If they don't meet our criteria, they would have to sell.

F. Kotowski: Not Homeowner's Association, the owner would force the issue of leaving the property?

T. Flanders: People only live in our community that meets the criteria that Jensen's has set.

F. Kotowski: You set your own requirements?

T. Flanders: Yes.

Marian Kolesar, Webster Woods Association President: I concur with Don Ingalls on the various items in his letter. When we purchased, we looked for one year for a community 55 yrs.+ . The social aspect of 55 yrs.+ is different than younger ages. We could have moved into a community like Berry Hill, but didn't want the noise. We also have a clubhouse. I am also speaking for others at Webster Woods who don't want this changed. I am the sole provider to my husband. I am president of the association right now. There is a lot of grey area if you change these things. Who would police this if a woman gets pregnant and has a child and now you have to move because you have a child? My son is 40 years old and likes to party. Residents now ask why there are younger people driving through our community. They think they are casing us. We had two issues in the past with someone younger living there. Most residents don't read the documents. Your granddaughter can't live here. A child with a medical condition could still live with the parent, but only allowed for a few weeks visit. They can't permanently live there. It is an unpleasant time to knock on doors and tell them they need to move, because both residents have to be 55 yrs.+ . What happens if a spouse passes and has a younger spouse? 13% of our community can be rented out. You don't have to sell if you are close to 55 years, you can wait and move back in. You can't please all the people all

the time. This Board should think seriously about changing the age requirements. If someone does have a handicapped community, there are other communities they can move into. To change the age requirement midstream is not right.

D. Winterton: I appreciate your argument. There are a lot of what ifs. What happens when a 69 year old husband dies, and then the 59 year old spouse marries a 40 year old?

M. Kolesar: When people first purchase at Webster Woods, they have to put down their age. If age is questionable, they provide a photo of their driver's license. We are only 40 units now. When and if the second phase gets built, there will be another 43 units for the Board to monitor and make sure everyone is in compliance. There is a lot of gray area.

R. Duhaime: Several years back when retirement communities were approved, we led the State in these communities. People moved into these because of the 55 yrs. +. Now to change the age is against what the zoning was originally.

M. Kolesar: I spoke with other 55 yr.+ at Webster Woods and to have someone younger is not what they were led to believe when they purchase and then they would be forced to move because they didn't like it.

Gerry Ouellette, Webster Woods, 11 Dogwood Drive: This amendment should not go through. The last sentence states that all other can be 40 yrs-50 yrs. old. We could have more people in this range. If there has to be an amendment, someone could come in with a care giver under medical reasons with reference from a doctor. A person not in compliance could leave with an eviction within 30 days, then there is no problem with them living there. How many times would it be? If my wife had a problem, but didn't need to be in nursing home but needed care, and something happened to me, someone could come in and live there and when she passes away that person would have to be evicted in writing for a special thing. Other than that we went into a 55 yr. old community for all and expect it to stay this way.

Don Ingalls, Webster Woods, 4 Hickory Court: I question why we are here. Mr. Flanders for his community states there are 91 units with 87 sold and only 4 left. To impose this new language for 525 elderly units in Town just to sell the last 4 of their units is not right. I received comments from other residents at Webster Woods. It might make it easier to sell their unit, but I am strongly opposed to it. Were this to pass, any elderly community has the option not to conform with that.

Close public hearing

***F. Kotowski motioned to remove Article 2 Amendment No. 5 from the 2013 zoning amendments and leave Article 7 Elderly, Older Person and Handicapped Housing as is. Seconded by T. Walsh.
Vote unanimously in favor.***

Amendment No. 6

Are you in favor of the adoption of Amendment No. 6, as proposed by the Hooksett Planning Board, for the Hooksett Zoning Ordinance to amend Article 20, Signs, Section C.1 & 2. by adding a new paragraph 3 to read as follows: “3. Signs shall comply with Sections 16.10 Illuminated Signs and 16.11 Electronic Signs of the Town of Hooksett Development Regulations.”?

Explanation: The purpose of Amendment No. 6 is to cross-reference sign regulations currently included in the Development Regulations.

J. Gryval: Read amendment No. 6 into the record.

Board: No comments.

Open public hearing

No comments.

Close public hearing

R. Duhaine motioned to send Article 2 Amendment No. 6 to the voters on the ballot.

Seconded by D. Rogers.

Vote unanimously in favor.

Amendment No. 7

Are you in favor of the adoption of Amendment No. 7, as proposed by the Hooksett Planning Board, for the Hooksett Zoning Ordinance to Amend the following Articles: Article 4, LDR, D.2.; Article 5, MDR, D.2.; Article 5-A, UDR, D.2.; Article 6, HDR, D.2.; Article 7, Elderly, B.2.d.c.; Article 8, Conservation Subdivision, D.7.; ~~Article 13, Mixed Use District 2, H.2.c.; Article 16, Mixed Use District 5, H.3.b~~ to change the following language from: “Building height shall not exceed thirty-five (35) feet when a Hooksett Fire Department ladder truck is unavailable. If a Hooksett Fire Department ladder truck is available, no building shall exceed seventy-five (75) feet in height” and replace it with, “Building Height shall not exceed thirty-five (35) feet in height.”?

Explanation: The purpose of Amendment No. 7 would reduce the height of buildings from seventy-five feet (75) feet in all residential zones to thirty-five feet (35).

J. Gryval: Read amendment No. 7 into the record.

Board: No comments.

Open public hearing

David Campbell, Attorney for MS&G: My concern with this is the MUD 5 zone is called out in here. The intent of this amendment is for residential. A dozen or so years ago, precluding variable zoning, in MUD there could be a lifestyle center of condos over retail. This was well before the recession. I understand the intention, however that would mean we couldn't put a hotel in a MUD 5. There is also a rep from MUD 2 zone here tonight. Anything over 35 ft. would have elevators and sprinkler systems. Take out the MUD districts for 2013 and then you can globally study it and bring it in for

developers to talk about it. Leaving the MUD districts in this zoning amendment, you could hurt the good and future development. We still have our MS&G site on Rte. 3, and we would not want to discourage development.

J. Duffy: I would agree with David, both MUD districts should be removed.

***R. Duhaime motioned to hold a 2nd public hearing on Article 2 Amendment No. 7 per the rewording above. Seconded by D. Winterton.
Vote unanimously in favor.***

SECOND PUBLIC HEARING AMENDMENT NO. 7 MARCH 18, 2013.

Amendment No. 8

Are you in favor of the adoption of Amendment No. 8, as proposed by the Hooksett Planning Board, for the Hooksett Zoning Ordinance to insert the following language into the Zoning Ordinance: Article 3, General Provisions, “Q.: Sprinklers shall not be required in any single-family or two-family dwelling or manufactured housing unit.”?

Explanation: The purpose of Amendment No. 8 is to eliminate the requirement for fire suppression sprinkler systems in one and two family dwellings and manufactured housing units.

J. Gryval: Read amendment No. 8 into the record.

Board: No comments.

Open public hearing

No comments.

Close public hearing

***D. Winterton motioned to send Article 2 Amendment No. 8 to the voters on the ballot. Seconded by R. Duhaime.
Vote unanimously in favor.***

COMPLETENESS

**2. Southern New Hampshire University (SNHU) (plan#12-26)
North River Road, Map 33, Lot 67 & Map 38, Lot 38-1**

Site plan for the construction of a proposed 3-story Library Learning Commons (with partial basement) and associated access. Basement footprint is 4,575 sq. ft., 1st floor footprint is 18,570 sq. ft. and the 2nd & 3rd floor footprint is 11,150 sq. ft.

- Waiver Requests – Development Regulations Part III – site plan completeness 19, 24, 31, 33, 35, 40
- Waiver Request – Development Regulations 11.12.1 Rainfall Intensity
- Waiver Request – Development Regulations 11.12.2.t minimum flow velocity
- Voluntary Merger – Map 33, Lot 67 & Map 38, Lot 38-1

Jeff Kevan, TF Moran: We are proposing a Library Learning Center at SNHU.

J. Duffy: They are only here for completeness tonight.

J. Kevan: The proposed Library is across from the walkway next to the Dining Facility on the east side of North River Rd. It will be to the right of the Dining Facility. It is a proposed 3-story library building with no proposed parking. There is a nice green area out front with 3-tier stone walls. Carol Johnson out of Boston is the landscape architect and Paradigm out of Boston is the building architect. There will be access from the back for fire and maintenance vehicles, but no access for anything else. It is a walking campus. The left wing of the building is a 2-story, and there is another section that is a 3-story. The shade areas are wooden. For the existing 20,000 sq. ft. library they are not sure of the future use. The existing remaining 10,000 sq. ft. is the audio center. The old Student Center has recently been upgraded. The buildings now facing North River Rd. have glass and metal panels. Next we are coming in for some parking lots. They want the existing main parking lot (across from dining facility – 270 spaces) to become green space/quad. There will be a complete loop from the new dormitory to the south lot in front of the Operations Center.

R. Duhaime: Is one structure being removed?

J. Kevan: Yes, the round house and its driveway.

J. Duffy: We had a second TRC on this application 2/7/13.

R. Duhaime motioned to find the application complete. Seconded by F. Kotowski. Vote unanimously in favor.

J. Kevan: When we come back for our public hearing 3/4/13, do you want the architect here?

Board consensus: Architect not needed.

J. Kevan: I will make sure you have elevations.

PUBLIC HEARING MARCH 4, 2013.

PUBLIC HEARING-FINAL APPROVAL OF HEAD'S POND DEVELOPMENT TO INCLUDE DEVELOPMENT AGREEMENT

- 3. MANCHESTER SAND, GRAVEL, & CEMENT (MS&G) – HEAD'S POND (plan #07-05 & 07-42)
Hooksett Rd., Map 3, Lots 1 through 11, 17, 19 through 24, 26 AND
Map 14, Lots 2 through 5**

The proposed project includes:

- Lot line adjustment & consolidation

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

Application conditionally approved on 06/20/2011. Time Limits for Fulfilling Conditions = 1st extension to 12/20/2012 (PB 07-09-12), & 2nd extension to 02/12/2013 (PB 12-17-12).

**4. MANCHESTER SAND, GRAVEL, & CEMENT (MS&G) (plan #11-10)
Hooksett Rd., Map 14, Lots 2, 10 & “A”**

Lot line adjustment between Map 14, Lots 2, 10 & “A” to provide 80.926 acres for Map 14, Lot 2 (Head’s Pond project proposed school parcel).

Application conditionally approved on 11/07/2011. Time Limits for Fulfilling Conditions = 1st extension to 12/20/2012 (PB 07-09-12), & 2nd extension to 02/12/2013 (PB 12-17-12).

R. Duhaime: I am stepping down from #3 & #4 applications above.

J. Gryval: Tom Prasol will be voting tonight for Dick Marshall on this application only.

David Campbell, Attorney NS&G: We are here tonight for final approval for the Head’s Pond project. With me is Peter Holden, Holden Engineering and Ron Corriveau, J&D Realty. I want to thank Jo Ann Duffy (Town Planner) and Donna Fitzpatrick (Planning Coordinator) for working with us over the years, as well as all the Boards and Committees. We worked with your attorney for the final Development Agreement.

J. Duffy: Once the Development Agreement is signed by the Planning Board Chairman, then it gets recorded.

P. Holden: There are 77 main plan sheets and 8 miscellaneous for recording out of the 900+ sheets in the plan set.

Open public hearing

No Comments.

Close public hearing

D. Winterton motioned to grant the FINAL approval for the HEAD’S POND (plan #07-05 & 07-42) 428 unit project. Seconded by F. Kotowski.

Vote unanimously in favor.

F. Kotowski motioned to grant the FINAL approval for the HEAD’S POND (plan #11-10) school parcel. Seconded by T. Walsh.

Vote unanimously in favor.

D. Campbell: We will be doing wetlands work in the next couple of years. We will start the phases as soon as the economy improves.

L. Lessard: I only have been here a little over a year, and it has been a pleasure to work with David and Ron. They are great.

PUBLIC HEARING-WAIVER REQUESTS

- 5. GREEN VIEW MANAGEMENT, LLC, University Heights, Blackwater Rd., Map 14, Lot 1-16
SMC MANAGEMENT CORP. University Heights Apartments Scholar Way Map 14, Lot 1-12**

Applicant request that Planning Board recommend the following to the Town Council (plan#12-30):

- Waiver Request – Zoning Ordinance Article 30 Impact Fee Ordinance E (2) waiver to recreational impact fees for University Heights Apartments (Map 14, Lot 1-12) in lieu of improvements to public use parcel
- Acceptance of the public use parcel (Map 14, Lot 1-16)

David Rogers, Tom Prasol, and Robert Duhaime are stepping down from this application.

Jeff Burd, RJB Engineering: Our request for a waiver got tabled, because the Planning Board wanted us to meet with the Parks & Recreation Advisory Board for their comments. We met with them and they unanimously support the building of the park in lieu of recreational impact fees.

T. Walsh: My only question is the money that would be waived, could it be put to better use for existing areas to improve?

L. Lessard: I would go for this. It is definitely worth it for this development. I am for it 100%.

D. Winterton: We discussed last time you were here about park equipment for special needs people. I am not sure there are playgrounds with that equipment in Town. The Library often has people during the day with people with special needs, and if you can incorporate into your design that would be a wonderful thing to do.

J. Duffy: There are two parts to this request:

> **1)** owner of University Heights is zoned MUD2 and requires a master plan. In 2006 or 2004 the Board approved a master plan to include the donation of land for public use and this is public use. If someone donates land for public use, they get a credit for impact fees (Article 30). University Heights owns land and they would have to produce an appraisal for fair market value of the parcel and then the Town would need to agree with it and the Town Council would have to accept the land. University Heights would get that credit.

> **2)** on the same parcel is the University Heights apartment developer who wants to donate their recreational impact fees for improvements to the public use parcel. Then they would have to go to the Town Council for them to accept the land for the credit to University Heights in the future.

D. Winterton: Fair market appraisal of land or \$1.00 donation?

J. Duffy: The ordinance for fair market value for University Heights is not for the impact fees being used for improvements by the apartments.

J. Kevan: Does the Planning Board need to take action?

J. Duffy: The Planning Board doesn't take action on credit or make any recommendation on the donation, but I just wanted to inform them of it.

J. Gryval: All we have to do is recommend?

J. Duffy: The apartment wants to donate their recreational impact monies to improve the public use land.

F. Kotowski: This has already gone to the Conservation Commission and Parks & Recreation Advisory Board. They received positive statements from both of them. We would be remiss if we didn't add our name in favor of this. I can't see the Town Council not going through with this from the recommendation of three Boards.

T. Walsh: Are they putting the cart before the horse? Why wasn't the parcel before the Town Council earlier?

J. Duffy: Less than 50 single-family houses have been built and the apartments are under construction. There was no time constraint on the public use parcel approval.

J. Gryval: The problem is that when the development is built out, it (public use parcel) will become more of a private use vs. public use. It is a good idea, but I want to be sure that the rest of the residents of the Town make use of it.

J. Duffy: The roadway through this development will be public. The Whole area is open to the public; it is not private.

J. Burd: The public use parcel will draw from the Mount Saint Mary's residents and the future townhouse area. It is an appropriate size park for that development. One reason we were looking at special needs equipment is that it would attract more people from Town.

J. Duffy: Even though it is a public road up to Mount Saint Mary's, it does look private.

L. Lessard: I think it will get used quite a bit.

F. Kotowski: There will be signs?

J. Kevan: Yes.

D. Winterton motioned to send a letter to the Town Council that the Planning Board supports the waiver of recreational impact fees for SMC MANAGEMENT CORP. (AKA University Heights Limited Partnership) for the University Heights Apartments at Scholar Way, Map 14, Lot 1-12 in lieu of the funds being used for improvements to the public use parcel owned by GREEN VIEW MANAGEMENT, LLC, University Heights, Blackwater Rd., Map 14, Lot 1-16. The conveyance of the public use parcel to the Town is pending the Town Council's acceptance.

Seconded by F. Kotowski.

Vote 4 in favor; J. Gryval opposed. MOTION CARRIED.

6. SGB & RGB VENTURES, LLC (plan#13-01)

“GERBER DENTAL GROUP”, 1106 Hooksett Rd., Map 41, Lot 87

- Waiver Request – Zoning Ordinance Article 10-A I.3.d = building sign size
- Waiver Request - Zoning Ordinance Article 10-A I.3.d = additional building sign

J. Gryval: The applicant did not show up for tonight's meeting.

T. Walsh motioned to continue this application to 3/4/13 Planning Board meeting.

Seconded by R. Duhaime.

Vote unanimously in favor.

CONTINUED TO MARCH 4, 2013.

OTHER BUSINESS

7. APPROVAL OF STANTEC INVOICES

R. Duhaime motioned to authorize the Planning Board Chair to review and approve the Stantec SPR invoices as of 02/12/13. Seconded by D. Winterton.

Vote unanimously in favor.

8. CHANGE OF USE

1. John Stanton, 1368 Hooksett Road, Map 18, lot 41. Landscaping Company to occupy a unit in the former WoodMaster Building, which was previously occupied by White Birch Brewery. No change to the site or building. Approved by the committee.
2. PSNH, 5 Sutton Circle, Map 49, lot 3-2. Request to use existing paved parking area to store PSNH poles. No change to the site or building. Approved by the committee.

9. CHANGE OF USE PROCESS

J. Duffy: Provided overview of current Change of Use procedure. We have been meeting now for 2-3 yrs. on this process. The Town Administrator 6 months ago asked

we bring the Planning Board into the loop, so you understood what is going on. We have Change of Use approvals on the Planning Board agendas to discuss. Since then the Town Administrator suggested we bring back the process to the Board and see if you wanted to see the applications for approval. We provided you with a sample application that we use. One suggestion is to add a checklist. Donna contacted some other communities on how they do it. This started when Carol Granfield, previous Town Administrator, was here. We mimicked the Town of Derry. We expanded our process to meeting twice a month and have the applicant come in and talk to us about what they want to do. Derry takes in the information and distributes it to departments. Merrimack and Bedford do a very similar process. They have no meetings with staff and just process via e-mail. We are here tonight to talk about how you feel about this process, and if you would like to make the approval on these Change of Use applications. We are looking for feedback.

F. Kotowski: I feel we have pretty confident staff. The only thing I would like to see are those things with real questions, not the cut and dry applications. I don't need to see everybody who walks through the Town Hall doors.

T. Walsh: The current process is working and not deterring businesses from coming in. I like to see them come before us just for notification purposes. If you can do it with us before the Change of Use committee makes their decision that is good, but I do not want them before if it is holding-up the process.

L. Lessard: Dr. Shankle wants us to have a checklist and form that the Planning Board approves the format, so that we are not making decision that we think are good, but the Planning Board wouldn't like it. We are not asking to be micro-managed from the Planning Board, but we want to make sure that you are happy with this process so nothing gets through the cracks and everyone is on the same page.

R. Duhaime: From being in the landscape field on commercial sites, in other towns we apply for building permits and they pull plans and make sure the existing landscaping gets replaced if needed. I think staff is doing a great job.

J. Gryval: How would a checklist work?

J. Duffy: We would bring a checklist to you in draft form and make sure you are OK with the format, and then it would be attached to each Change of Use application. We sort of have a checklist now, but we might want to expand on it in a list form.

J. Gryval: And the completed checklist would come before the Board for each applicant for our approval?

J. Duffy: No.

L. Lessard: You would just see the blank checklist to approve for the format to put into the Change of Use applications for the committee to make the decision.

D. Rogers: Simple things could be decided on Administratively with staff, and more complex things would come here to the Planning Board.

J. Duffy: Sometimes we would recommend someone come to you for a waiver of site plan. An example is the old Caruso site (4 Pleasant St.). They were just adding some pavement. Leo went out and looked at it and it still went to the Planning Board for a decision. Another example is the Gerber Dental building that was the Teach & Learn. Not much change to anything, so it was approved by the committee. Before the Change of Use process began, businesses just went to the Building Inspector for a tenant fit-up. This is a better process, because more people have input. But we don't want to interfere with the Planning Board process. If you want them to come before the Board, that is OK too.

J. Gryval: You don't want to hold up a developer and you don't want to take up more Board time.

T. Walsh: When will you have the revised application with a new checklist for our review?

J. Duffy: At the March 4, 2013 Planning Board meeting.

**“UNIFY OUR VISION OF BUSINESS FRIENDLINESS” – EDC WORKSHOP
HOOKSETT TOWN LIBRARY – Hebert Media Room, 31 Mount Saint Mary’s
Way, Hooksett, NH, Wednesday, February 20, 2013 @ 5:30 PM**

J. Duffy: The HOOKSETT ECONOMIC DEVELOPMENT COMMITTEE IS HOSTING & FACILITATING A WORKSHOP MEETING “UNIFY OUR VISION OF BUSINESS FRIENDLINESS”. It is a JOINT WORKSHOP MEETING WITH ECONOMIC DEVELOPMENT COMMITTEE, TOWN COUNCIL, PLANNING BOARD, ZONING BOARD OF ADJUSTMENT, CONSERVATION COMMISSION, AND DEPARTMENT HEADS/STAFF.

LIBRARY SIGN

R. Duhaime: We will need to defend our Library signage in the future. Now it is very bright.

D. Rogers: I am on the Board of Directors at Mount Saint Mary’s condos. There was an easement with Brady Sullivan, but the Library is making an overuse of the easement and we have our attorney looking into it. The first night lit, the Library sign was very bright. I spoke with the CEO about it. We were not approached by the Library as the Board of Directors about the sign.

T. Walsh: When did we (Board) approve that sign.

R. Duhaime: We didn't.

D. Rogers: It exceeds the easement that was granted and we weren't contacted at all.

*D. Winterton motioned to adjourn at 8:20pm. Seconded by R. Duhaime.
Vote unanimously in favor.*

ADJOURNMENT

Chair J. Gryval declared the meeting adjourned at 8:20pm.

Respectfully submitted,

Donna J. Fitzpatrick,
Planning Coordinator