

## Official

# HOOKSETT PLANNING BOARD MEETING MINUTES HOOKSETT MUNICIPAL BUILDING Monday, April 15, 2013

### CALLED TO ORDER

Chair D. Marshall 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), David Rogers, Frank Kotowski, Thomas Prasol., Donald Winterton, and Robert Duhaime (arrived 6:07pm).

Excused: Tom Walsh.

### REPRESENTING TOWN OF HOOKSETT

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

**J. Gryval: Tom Prasol is a voting member tonight in place of T. Walsh.**

### APPROVAL OF MINUTES OF 04/01/13

*D. Marshall motioned to approve the minutes of 04/01/13. Seconded by D. Rogers. Vote 8 in favor; J. Gryval abstains.*

### COMPLETENESS HEARINGS

1. **RESCHEDULED TO MAY 6, 2013**  
**SNHU – EAST PARKING LOT (#13-02)**  
**East Side Dr. & North River Rd., Map 33, Lot 67**  
**(and Manchester, NH Map 558, Lot 1)**  
Site plan to construct a 436 space parking lot with associated access.
  - **Waiver Requests** – Development Regulations Part III–site plan completeness 19, 24, 31, 33, 35
  - **Waiver Request** – Development Regulations 11.12.1 Rainfall Intensity
  - **Waiver Request** – Development Regulations 11.12.2.jj Interior Pond Slopes
  
2. **RESCHEDULED TO MAY 6, 2013**  
**SNHU – DEPOT PARKING LOT (#13-03)**  
**Depot Rd., Map 38, Lot 1**  
Site plan to construct a 156 space parking lot with associated access.
  - **Waiver Requests** – Development Regulations Part III–site plan completeness 19, 24, 31, 33, 35
  - **Waiver Request** – Development Regulations Part III–3.04.4.d.1.a Landscaped Open Area

- **Waiver Request** – Development Regulations 11.12.1 Rainfall Intensity

*D. Marshall motioned to reschedule the completeness hearings for items #1 & #2 above to May 6, 2013. Seconded by D. Rogers.  
Vote unanimously in favor.*

**COMPLETENESS RESCHEDULED TO MAY 6, 2013, PUBLIC HEARING MAY 20, 2013.**

**COMPLETENESS WAIVER & PUBLIC HEARING**

**3. 3-3 EAST POINT INDUSTRIAL PARK, LLC (#13-07)**

**2 Sutton Circle, Map 49, Lot 3-3**

Amended site plan for a loading dock (now ramp), ramp for lower parking lot, and dual fuel tanks.

- **Waiver Request** – Development Regulations Part III Site Plan Completeness Criteria – Checklist

David Udelsman, Architect @ Udelsman Associates and Ben DeBello, Keach-Nordstrom Associates, Inc.

D. Udelsman: The site is 6.3 acres at Sutton Circle and East Point Drive. United Rentals will be leasing the building previously occupied by PSNH. There is an existing fence lot, paved area, and main building. We propose minor site renovations to include connecting the upper and lower lots, have a grass swale, 18 ft. paved wide ramp to store vehicles in the lower yard, and 30' x 25' concrete pad with bollards for gas & diesel tanks. There are two existing loading docks that are 4 ft. heights. United Rentals has servicing lifts. There are two retaining walls and a paved ramp to drive vehicles in. We are also widening the store front and redoing the side walk. We came in for a change of use on this property. The building as it stood in its original state was PSNH's primarily for a warehouse and office space. There is a 23,000 sq. ft. building with a 500 sq. ft. mezzanine. There is a self-contained wash-bay. The 2,000/1,900 sq. ft. showroom is a change from office space. It will also be used for a small sales area. In Stantec comments he is requesting the retaining wall drawings and that will be provided by Keach's office. The fueling pad has steel bollards 4 ft. on center protected on all four sides.

J. Gryval: In your request for the above waiver you state it would be an unnecessary hardship to complete the checklist.

B. DeBello: It is more than just filling out a form. There is a lot of engineering to be completed if the checklist is completed.

J. Gryval: There are 29 comments in Stantec's letter. If you don't do lighting you need a waiver for that. No granite bounds you need a waiver for that. All of these things would have been picked up if you did the checklist.

D. Tatem: Looking at a typical amended site plan, the checklist is not needed, because it has a lot of outside information. Most of my comments are technical for plan review vs.

for completeness. From the engineer's point-of-view to find data on sewer or wells, if they were building a new building or expanding that would be different. In this case they are not missing a lot by not completing the checklist.

J. Duffy: Applicant first came to us for a change of use. Staff approved changes in the building itself. The footprint did not expand. The only reason they are here before the Planning Board is because they are making changes to the exterior ramps and pad for fueling tanks and staff doesn't have the ability to approve additional pavement. That is why they are doing an amended site plan and don't do the checklist, because the building is already there. When someone comes in for a change of use and there is an existing building and another tenant comes in with no intensity of use or site work, technically they are there legally to have their business. We wouldn't ask for "buildings within 200 ft., etc." again.

J. Gryval: Will the landscaping be left as bad as it is?

J. Duffy: Dan went out there today and I would recommend addition landscaping based on his findings.

J. Gryval: And granite bounds?

J. Duffy: That is another item before you to approve.

R. Duhaime: PSNH was here before?

J. Duffy: PSNH used this site for storage.

R. Duhaime: The storage of equipment is proposed to be expanded?

D. Udelsman: We are not expanding. We are making a ramp, a concrete pad for fuel tanks, and are widening the drive into the building.

R. Duhaime: Jo Ann, you don't have the approved landscape plan? Did the inspector go out to the site with the landscape plan?

J. Duffy: Yes, Dan went out to the site with the landscape plan and couldn't match it up to the site.

R. Duhaime: They should bring the site up to code for what was originally approved for landscaping.

***D. Winterton motioned to grant Waiver Request #1 – Development Regulations Part III Site Plan Completeness Criteria – Checklist. Seconded by D. Marshall.***

D. Shankle: I will vote against the waiver. Staff, our engineer, their engineer and the Board don't think this waiver is necessary. This is a regulation that needs to be changed. Why

bring this before the Board?

***Vote 5 in favor; 4 opposed. MOTION CARRIED.***

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

D. Tatem: For the lighting plan, this is not a retail store. They will have rental equipment. They will be open in wintertime at night, so maybe just have lighting for where the customers will go?

J. Gryval: At least where the customers are going should be lit.

R. Duhaime: The warehouse, accessory office, and showroom have been granted through the change of use process. Having lighting just during business hours.

J. Gryval: If someone is renting equipment it will most likely be returned at 4:55pm at closure time when it is dark.

D. Shankle: Was Stantec's questions on lighting whether this Board thinks there should be lighting because of a retail store?

D. Tatem: Yes.

D. Shankle: Then I think there should be lighting.

J. Gryval: (Applicant) show us where there will be lighting and have a waiver to show where the rest of the lighting will not be.

J. Duffy: There are several items in Stantec's letter that they haven't had a chance to review. That is why I recommend this applicant be continued to the May 6<sup>th</sup> Planning Board meeting.

D. Marshall: At the same time we shouldn't send them away without guidance on the lighting and landscaping.

D. Udelsman: I am representing United Rentals a tenant to who owns this property (3-3 East Point Industrial Park, LLC). For lighting and landscaping, I would need to speak with the owner. The showroom is a minor component and I have spoken with United Rentals. To redo the landscaping on the existing property? Our improvements are on the driveway, pad, and ramp.

D. Marshall: You are here representing a company who is renting from someone who owns a building. You need to tell the owner, Carmine, to make the amendments or you cannot operate there. That is the advice we give you to take back to the owner. Come back with a letter from the owner you have authority for "x".

D. Udelsman: Clarification to bring back to the owner, the landscape design originally

approved, is it in place?

D. Marshall: You need to look at lighting where the public is coming and have the landscaping go back to what is approved. I personally would not ask you to do more.

F. Kotowski: I would like to see folks like you to see some sort of a list that staff believes are absolutely required, before they come back to the Board.

D. Tatem: Existing conditions of the site, bituminis curbing not in good shape and inches of sand on site along with drainage issues. It would be good to get the Board's input on repairing the curbing and having the parking lot swept up.

L. Lessard: Stantec has a good list I received today and the applicant needs to do everything on the list.

D. Udelsman: Sweeping sand, fixing curbing, and deteriorating parking lot – pavement patch? Is this the extent of deterioration?

D. Tatem: If it seems appropriate, we could meet at the site with the applicant and specify the areas for repair.

#### **Open public hearing**

No comments.

*D. Marshall motioned to continue the public hearing to May 6, 2013. Seconded by F. Kotowski.*

*Vote unanimously in favor.*

***PUBLIC HEARING CONTINUED TO MAY 6, 2013.***

#### **PUBLIC HEARING AND WAIVER REQUESTS**

##### **4. SJB DEVELOPMENT, LLC (plan #13-04)**

##### **290 West River Road, Map 17, Lot 10**

Site plan for the construction of a new 8,000 sq. ft. commercial building with paved parking (41 parking spaces), drainage and grading improvements, septic and municipal water.

- **Waiver Request** – Development Regulations Part III – site plan completeness checklist item #2 1" = 40 scale
- **Waiver Request** – Development Regulations 11.12.G Surcharged Pipes
- **Waiver Request** – Development Regulations 11.12.T – 2 FPS Flow In Pipes

J. Gryval: Read letter from Carl Park, abutter @ 269 West River Rd., dated 04/09/13 into the record “. . . The location of the land to be developed is located at a higher elevation than my property. While the specific information in your letter is sparse, the building contemplated could potentially cause environmental impact as time ensues . . . .”

Jon Rokeh, Rokeh Consulting, LLC: SJB Development is looking to develop at the

former Northwood Power Equipment site that was approved in 2010. I extended their permit last year. This new owner wants to have a different building similar to what they have done down the street (Giovanni's strip mall). The previously approved site was for a 5,000 sq. ft. building. We will use the same entrance and parking. The new building is 8,000 sq. ft. We need access around the building. There is a dumpster out back. The old tractor display area was in front, but we needed more parking. We made a triangle for parking with a detention pond in the middle. The building design criteria is addressed. I believe we have sign-off from Stantec. We have approvals for the septic and driveway entrance. The site is served by Village water and we will have a hydrant for fire protection. There is a sprinkler system in the building. The reason why I offered to speak with Mr. Park is that he is on the other side of Rte. 3A diagonal to this site. There are nitrate setbacks to the edge of the infiltration pond with oil & water separation for a 100 yr. event. For a 200-300 yr. event, the overflow would go to Rte. 3A catch basins. Mr. Park was optimistic his concerns were being addressed. I wasn't sure he even knew of the pre-approved tractor site. There is enough parking for full retail use of the building. Stantec and the State of NH questioned the use for traffic. Steve Pernaw provided different scenarios of the building use. Rte. 3A has a lot of traffic; therefore it would take a lot of traffic to trip the studies. This proposal has better access, slopes and landscaping.

J. Gryval: It looks like all of the TRC items were addressed and there is a driveway all around the building now.

R. Duhaime: Where is the snow storage?

J. Rokeh: On both sides of the dumpster.

R. Duhaime: Is drainage to the retention pond out front?

J. Rokeh: Yes. Snow storage will be 50 ft. along both sides of the dumpster and not in the riprap. The site grade pitches towards the basins.

R. Duhaime: For the newer parking lot the trees continue, but there is a break in the plantings? Is that because of snow storage? There are five (5) trees along the street.

J. Rokeh: The break in plantings is because the utilities go through there. Between the trees, I could add low lying plantings. The existing building SJB has down the street (Giovanni's strip mall); they will build the same building on this site.

### **Open public hearing**

No comments.

J. Duffy: My only concern with this site is the location on Rte. 3A for their driveway. There is a traffic memo by Steve Pernaw and he lists different types of businesses. I wonder if the Board can put a condition if a potential tenant has high traffic counts than the 500 count threshold they would need to come back to the Board for further consideration. Their driveway is just north of Cross Rd. There have been many

accidents here. I believe the speed limit is 35 mph, however cars go much faster. There are near miss accidents for cars turning off Rte. 3A. If they secure a tenant with a higher intensity of use it is a safety issue.

R. Duhaime: Bayview Terrace has issues with their existing driveway. There should be widening on the State road on the right hand side heading north to allow cars to go around someone who is turning.

F. Kotowski: Has the driveway plan changed from the original plan (tractors) to this one? Was the original plan approved?

J. Rokeh: Yes the site was prior approved. The State also commented that if there was a more intense use (more than the 500 count threshold), the State would be concerned too.

Scott Bussiere, SJB Development: What is a 500 count threshold?

F. Kotowski: I would defer that question to our DOT experts. The State approved the plan for the prior building, however now they say if a more intense use tenant they would be concerned.

J. Rokeh: The State needs to make improvements for Rte. 3A left-turn and right-turn lanes. Steve Pernaw did the traffic study.

S. Bussiere: I agree if my tenant is over the 500 count threshold that I will come back to the Board for further consideration.

J. Duffy: 5,000 sq. ft. building was prior approved and this building is 8,000 sq. ft.

### **Close public hearing**

#### **Waiver Request #1 – Development Regulations Part III – site plan completeness checklist item #2 1” = 40 scale**

*D. Marshall motioned to grant waiver #1 above. Seconded by T. Prasol.  
Vote unanimously in favor.*

#### **Waiver Request #2 – Development Regulations 11.12.G Surcharged Pipes**

D. Tatem: The site is so flat that they can't make the pipe deeper, but the pipes will be surcharged. They did the best they could and will function as presented.

*D. Rogers motioned to grant waiver #2 above. Seconded by T. Prasol.  
Vote unanimously in favor.*

#### **Waiver Request #3 – Development Regulations 11.12.T – 2 FPS Flow In Pipes**

D. Tatem: This waiver is directly related to the same issue for the previous waiver.

***D. Marshall motioned to grant waiver #3 above. Seconded by S. Lovas Orr.  
Vote unanimously in favor.***

***Waivers above per RSA 674:44 (III) (e)***

***F. Kotowski motioned to approve the application conditional:***

1. All review fees are paid-in-full
2. LCHIP check payable to Merrimack County Registry of Deeds is submitted to the Community Development Dept.
3. 2 mylars, 11 paper copies (22x34), 1 paper copy (11x17), and 1 digital
4. All outstanding comments from Stantec are addressed to Stantec's satisfaction (see letter dated 04/11/13 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
5. All outstanding Federal, State, and local permits are obtained and submitted to the Town and Stantec
6. Letter from Village Water stating they have capacity and approve this project
7. All waivers noted on plan cover sheet
8. Applicant agrees to come back to the Board for further consideration in the event he gets a tenant that exceeds the 500 count vehicle threshold
9. Applicant agrees to attend a required pre-construction meeting after (a) all sureties are submitted and approved, (b) site plan compliance monitoring escrow is in place and the Inspection Funding Agreement is signed and submitted, (c) the plans are signed and recorded, (d) contractors schedule of work is submitted, and (e) if applicable, retaining wall shop drawings are submitted
10. Applicant agrees to site plan compliance monitoring
11. Applicant agrees to remit "\*" in impact fees 10 days prior to the issuance of the Certificate of Occupancy subject to NHRSA 674:39. \*Town Planner to assess fees.
12. Prior to issuance of CO, the applicant also agrees to provide: 1) original approved and stamped as-built to DPW-Building, 2) 2 yr. landscape surety from date of plantings, and 3) Community Development with PDFs of Planning Board signed plan set and approved as-built plan

***Note: The above conditions in no way reflects all requirements to be met by the applicant per the Town of Hooksett Zoning Ordinances, Development Regulations, Minutes of Boards/Committees/Council, Stantec, and Merrimack County Registry of Deeds.***

***Seconded by T. Prasol.***

***Vote 8 in favor; D. Shankle opposed. MOTION CARRIED.***



D. Shankle: I would like to see a list of possible uses at this site that could be an issue and wouldn't be OK.

R. Duhaime: The traffic backs up around the curve at peak hours.

**5. GCD, INC. (plan#13-06)**  
**VETERAN'S SIGNAGE "VET CENTER"**  
**1461 Hooksett Rd., Map 18, Lot 49C**

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

Cathy Champagne, Jutras Signs: I am the agent for GCD on behalf of the Veteran's Center. The "Vet Center" occupies the 2<sup>nd</sup> floor of the Granite Village Shoppes. They are requesting a larger sign for visibility for traffic and the public, and to also be an indicator that they are located on the 2<sup>nd</sup> floor. There is one sign for Bavaria on the end of the building. Southbound traffic gets the first and best view of the peaks of the building, and those are very prominent and overpower the ground signs. The twelve (12) tenants listed are not legible unless you are sitting in the parking lot, because the size is too small. The rendition I am showing on the peak has an opaque background in keeping with the Bavaria sign. It has a dark green background as well. The background of the building yellow with green trim. We are here seeking relief for two items: 1) size and 2) height.

J. Gryval: The Bavaria sign pictures was taken closer.

C. Champagne: If you look at the picture for the Sun Body Spa at the bottom, that is where the temporary banner is now.

J. Gryval: You are seeking twice the size (allowed 12 sq. ft. is allowed, requesting 24.59 sq. ft.).

C. Champagne: We looked at distance, visibility, and legibility of a sign. 30 years ago or so when this building was constructed I don't think there was as much traffic on the roads. It is good to look at today's needs and adjust for improvement.

D. Rogers: Language and lettering on the sign, why is it necessary to have "Veterans Readjustment Counseling"?

C. Champagne: For one "Vet Center" I told my client it could be deemed to be a veterinarian center vs. veteran's center. They said clients coming here know what it is. For the rest of their wording, it is part of their branding. If the sign simply said "Vet Center", there is nothing to say it is not a veterinarian.

D. Rogers: Those are 2 ½' letters. Doesn't that go against why you want larger letters?

C. Champagne: There would be no way to get the sign large enough to have all larger letters. Yes those letters are small. If the "Vet Center" does draw someone in you can read it from the parking lot.

D. Rogers: Eliminate the wording from the bottom and put it at ground level.

C. Champagne: There is the entrance at the back once you are there. It is a lot calmer back there.

D. Rogers: "Vet Center" in front and now you are in the parking lot going 5 mph, then why is the 2 ½ inch type necessary?

C. Champagne: You can see it from the parking lot. If drawn in by the "Vet Center", you will learn it is not a veterinarian and keep their branding intact. I come to you with a reasonable request.

S. Lovas Orr: You showed us a picture of Bavaria as a sample. Is the size comparable? Is it the same size or smaller or larger than what you are proposing?

C. Champagne: We did not measure the Bavaria sign. Our intention was to make our sign similar to the proportion of Bavaria. We want to make our sign as legible as possible given the information they needed to display.

S. Lovas Orr: What is the size of the Bavaria sign?

J. Duffy: Bavaria did not come to this Board for a signage waiver.

S. Lovas Orr: You know you are looking for it and you know it is in the Granite Hill Shoppes. Bavaria is perfectly legible. It makes sense that any additional signage should be consistent in size and look to Bavaria. I am agreeable that your signage should be no larger than the Bavaria sign.

F. Kotowski: You can count the shingles for a comparison.

C. Champagne: "Vet Center" sign is a little bit longer than the Bavaria sign.

R. Duhaime: These shops wanted to be so far from the roadway. Aesthetically the proposed sign shouldn't be larger or smaller but be consistent with the Bavaria sign. Keep signage to a minimum.

J. Gryval: We don't know the size of the Bavaria sign.

C. Champagne: My guess is the Bavaria sign is 3' x 6'. We will go with the same size as Bavaria.

**Waiver Request #1 – Zoning Ordinance Article 10-A I.3.d = building sign size – requesting 24.59 sq. ft. when 12 sq. ft. is allowed.**

**Open public hearing**

No comments.

**Close public hearing**

*S. Lovas Orr motioned to grant waiver #1 above. Seconded by D. Winterton.  
Vote unanimously opposed due to size being too large.*

J. Duffy: We could table this to the next meeting and we can check with the Building Dept. for the Bavaria sign dimensions.

C. Champagne: My client has an event in a month and would like their permanent sign in place.

D. Marshall: You can apply for a temporary sign permit for the event.

C. Champagne: I will research in the next couple of days for the survey information of record.

L. Lessard: If we go back to other waiver, Councilor Orr is asking DPW to measure the Bavaria sign and then the veterans can have their open house.

**Waiver Request #2 - Zoning Ordinance Article 10-A I.3.d = building sign height – requesting 25' +/- when 12 ft. is allowed**

**Open public hearing**

No comments.

**Close public hearing**

*D. Shankle motioned to amend waiver #2 above to allow the “Vet Center” sign to be the same dimensions as the Bavaria sign. Seconded by T. Prasol.  
Vote unanimously in favor.*

*Waivers above per RSA 674:44 (III) (e)*

**\*CONTINUED PUBLIC HEARING – EXTENSION REQUEST – CONDITIONAL APPROVAL PERIOD**

**6. \*AUSTIN WOODS (plan #08-02)**

**South Bow Rd. & Mountain View Rd., Map 12, Lots 13 & 14-4 AND  
Map 16, Lot 53**

43-lot subdivision (+ 2 open space) - conditionally approved on 03/19/2012 and granted an extension to 04/16/2013 (Planning Board meeting of 3/18/13). Applicant requesting a 1 yr. extension to the approval to 03/19/2014.

- **Extension Request** – Development Regulations (6/4/2012) section 10.03 2) Time Limits for Fulfilling Conditions.

Bruce Fillmore, Homes for a Lifetime: I am here tonight to request a 1 year extension to my conditional approval. Our hearing was continued from last month. A couple of Planning Board members had questions.

D. Winterton: I did research with staff and found the resident that asked question, Mr. Pilotte, was noticed of a meeting for the Labonville subdivision and I am satisfied to move forward with the Austin Woods project.

**Open public hearing**

Marc Pilotte, 7 Mtn. View Road: I am here to speak to you about not approving the extension for this development. It has been 6-7 years of hearings. First there was a hammerhead and then a couple of land owners came together to form Austin Woods. The proposed road, Causeway Rd., was not shown on the plans. In 2009 a driveway was less than 200 ft. from the intersection. I have raised this a number of times. March 19, 2012 when this plan was approved, I was not at the meeting and did not have an opportunity to speak. At the last meeting that regulation was worded differently that a new driveway is not allowed within 100 ft. of an intersecting road. The regulation is in there for safety reasons. Regardless of how it is written it is still a safety issue. The developer and engineer were supposed to rule out that it is a safety issue. The Board should not approve this project until that has happened. The developer has been told to bring Causeway Rd. out to Mtn. View Rd., but not to South Bow Rd. for the cul-de-sac. Thank you for your time.

Jason Perry, 5 Mtn. View Road: I am neighbors to the person who just spoke. I was not at the 2012 meeting due to personal reasons. Question for the Board is how many easements and exceptions in total were granted for this development? In 2009 there were in excess of 30. We bought our home in 2008 with no knowledge of this development. That was our fault for not doing research. How many easements and exceptions were there?

J. Gryval: At our meeting of March 19, 2013, we extended this applicant to April 16, 2013 and now they are asking for a 1 yr. extension to March 19, 2014.

R. Duhaime: The special exception for the subdivision was not granted. Now they have a cluster subdivision.

J. Duffy: There may have been some variances for wetland crossings.

B. Fillmore: There were driveways for the buffer zone adjacent to the wetland for road crossings.

J. Perry: Development Regulations section 3.01 2) "To assure the adequate provision of safe and convenient traffic access . . . coordination of streets and ways within a subdivision in relation to other existing or planned streets . . . That sums up the current resident of South Bow Rd. On the site plan there is an outlet to South Bow Rd.

R. Duhaime: We had 2 or 3 subdivisions that over a period of time was one lot. There was a smaller subdivision off South Bow Road, then Mtn. View road turned into a cul-de-sac due to wetland crossings.

J. Gryval: I would like to see the match line road.

J. Duffy: Mr. Labonville came to the Board several years ago for a site off Mtn. View Road where there is a cul-de-sac. He wanted a cul-de-sac off a cul-de-sac and was denied by the Board. Mr. Labonville took the Town to court and lost. He went back and teamed up with some

others. For Mr. Labonville to purchase the lot they would come into a regular LDR zone. It then was turned into a conservation subdivision. Several residents back then who lived off Mtn. View Rd. did not want to see a cul-de-sac off a cul-de-sac. It now meets our regulations. The design of this plan already meets our regulations and was approved. You just can't pick up one issue of a driveway. Subdivision regulations apply to a new subdivision, therefore we can't say existing driveway to a new road.

J. Gryval: Where does Causeway Dr. go after sheet R3?

J. Duffy: It meets up with South Bow Rd. at the Hillis property.

F. Kotowski: It sounds like we are trying to back. The issue before us tonight is whether or not to give this applicant an extension. This is the only issue we should look at.

J. Gryval: If there is a safety issue, we should know about it.

J. Perry: An oversight by the Planning Board should not be ignored because it is in the rear view mirror. Something should be done even if there is an inclusion of a speed bump on Causeway Dr. There are 42 lots with a cul-de-sac. There are only two houses below where the streets intersect. 6 of the 7 homes have young children under 8 years old. I was unable to do extensive research on home values with having the new development. In Halifax Canada 10-20% of the home prices are impacted on thru streets or cul-de-sacs. Aesthetics and safety affects the value of properties. It should not be ignored just because the Planning Board regulations have changed or were done retroactively.

J. Gryval: This was not a Board oversight. That is what the regulations was at the time.

J. Perry: Frank's comment was if there is an issue we shouldn't be concerned now. I don't always get out of work at 5:00pm to make these meetings. Thank you for your time.

S. Lovas Orr: Why are you looking for an extension at this time?

B. Fillmore: We need additional time to meet conditions. One condition is extinguishing logging rights on one of the three parcels. I am in the process of getting that done, but we haven't been able to that that yet.

J. Gryval: Do we have a limit on conditions?

J. Duffy: Back then no. Now it is 1 yr. from the date of conditional approval. The date for which regulations you follow is when the date the applicant was found complete. It took several years to go through the process based on the complexity of this project.

D. Shankle: Your request for an extension only relates to getting those logging rights extinguished? You can meet every other condition?

B. Fillmore: I have not met the other conditions, because they are pending the logging rights.

D. Shankle: If you get the logging rights extinguished, you will not be back for another extension?

B. Fillmore: Correct.

D. Shankle: Why do we care about that condition for logging rights?

R. Duhaime: They have approval for the site. If they build homes and someone comes in to take trees down? That needs to be eliminated before the building moves forward.

S. Lovas Orr: What has been met on the conditions list?

B. Fillmore: They are standard conditions.

S. Lovas Orr: It is one individual for the logging rights and that is already in process.

B. Fillmore: My attorney is in talks with their attorney. It is not as simple as logging rights. This fellow produced a letter from Mr. Austin that we would provide him 5 acres of land and not just logging rights.

D. Rogers: You just hired an attorney, but you first tried between gentlemen.

B. Fillmore: It was an unrecorded letter. It could happen anywhere in NH. The deeds are clear to what is on file.

D. Rogers: There is no litigation or quiet title petition?

B. Fillmore: Not at this point.

J. Gryval: We don't work on hope here.

D. Winterton: Whether he gets the logging rights extinguished or not, if we extend for a year and it is not OK that is his business. He is here to request an extension. He has the right, because it is his land.

#### **Close public hearing**

*D. Winterton motioned to grant an extension to Development Regulations Section 10.03 2) Time Limits for Fulfilling Conditions to 03/19/2014. Seconded by T. Prasol.*

#### **Open public hearing**

J. Gryval: I don't typically reopen a public hearing after a motion, but I will tonight.

Annette Pilotte, 7 Mtn. View Rd.: If he fulfills his conditions, when does it become an issue for the safety of the roadway with my driveway distance in the requirements? It is OK for the Town to put in a roadway next to my driveway, but not OK for me to put in a driveway next to the Town roadway.

J. Gryval: It was not overlooked. It was under the old regulations.

R. Duhaime: The road is within the regulations of 2006. We couldn't tell them now, because they met the regulations. We follow the State RSAs and rules given to us. We can't stop a land owner to develop if they meet the regulations.

A.Pilotte: What will be done for safety of the road?

R. Duhaime: Years from now if there is a safety issue, you can come to the Town Council to address.

A.Pilotte: If all conditions are met can someone please talk to me to make is safe? People will be stopping going down the hill at that turn in front of my driveway. Headlights will go right into my bedroom. Can the developer put up trees for a buffer? When is it the right time for me to ask for these things?

J. Gryval: If you have unsafe conditions you report it to the Town. Tonight we are here for the extension. Unless there is a problem with the regulation not being adhered to we extend it.

D. Shankle: I am going to vote against the extension motion, because there is the issue of ownership of land with the logging rights. He brought it up and now we know there is a question on ownership of the land.

J. Duffy: Mrs. Pilotte mentioned she will have car traffic lights going into her home. Bruce Fillmore has been more than cooperative for issues people have had with the site. I am sure he would do a buffer should this project ever get built.

### **Close public hearing**

*Vote 7 in favor; F. Kotowski and D. Shankle opposed. MOTION CARRIED.*

### **OTHER BUSINESS**

#### **7. APPROVAL OF STANTEC INVOICES**

*D. Winterton motioned to authorize the Planning Board Chair to review and approve the Stantec SPR invoices as of 04/15/13. Seconded by T. Prasol.  
Vote unanimously in favor.*

#### **8. CHANGE OF USE**

##### **1. Faulkner's Landscaping & Nursery, Inc., 1122 Hooksett Rd. Map 41, Lot 7**

J. Duffy: Mr. Bees moved out and Faulkner rents from the same owner. He is expanding his display area into the Mr. Bees site behind the existing building. The person who owns Faulkners has a 6-month least to try out this summer.

D. Marshall: The owner owns both Mr. Bees and Faulkners sites.

J. Duffy: A condition is no parking off asphalt, have a silt fence, and for Faulkners business only.

D. Marshall: How much longer is Faulkners proposed site across from the Brick House good until?

J. Duffy: 11/3/2013.

**2. Anthony Carpenella, 1900 Hooksett Rd., Map 2, Lot 12.**

J. Duffy: He is requesting a second hand shop in his existing home zoned commercial.

**Heritage District – Village Forum April 22<sup>nd</sup>**

J. Duffy: 30 residents attended the first forum on April 11<sup>th</sup>. The discussion was what to preserve and what they liked about the Village area. Our 2<sup>nd</sup> forum is Monday April 22<sup>nd</sup>. 6:00-8:30pm. At the next session we will discuss how we can get to the goals. Most people are not keen for creating regulations for color and design of their homes. Overall the 1<sup>st</sup> forum was a good night and attendees were very active. Everyone had a lot to say.

**Checklist**

R. Duhaime: In addition to the plan #, could you please have the address of the property written on the top of the checklist?

**ADJOURNMENT**

*F. Kotowski motioned to adjourn at 8:00pm. Seconded by D. Marshall.  
Vote unanimously in favor.*

**ADJOURNMENT**

Chair J. Gryval declared the meeting adjourned at 8:00pm.

Respectfully submitted,

Donna J. Fitzpatrick  
Planning Coordinator