

Unofficial

**HOOKSETT PLANNING BOARD MEETING
HOOKSETT TOWN HALL CHAMBERS (Room 105)
35 Main Street
Monday, August 5, 2013**

MEETING CALLED TO ORDER AT 6:05 P.M.

PRESENT: David Rogers (Chair), Dick Marshall (Vice-Chair), Tom Walsh, Frank Kotowski and Donald Winterton (Town Council Rep.)

EXCUSED: Tom Prasol

STAFF: Jo Ann Duffy (Town Planner), Carolyn Cronin (Assistant Planner), Dean Shankle (Town Administrator), Dan Tatem (Stantec) and Leo Lessard (Dept. of Public Works)

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES OF 07/08/13

D. Marshall moved to approve the minutes of the July 8, 2013 meeting as amended. Motion seconded by F. Kotowski. D. Winterton abstained as he was not present at the July 8, 2013 meeting. Motion carried unanimously.

DISCUSSION

RITCHIE BROTHERS AUCTIONEERS

39 Hackett Hill Rd. & 350 West River Rd, Map 13, Lot 51

Discussion about soft opening.

S. Webster (Dutton and Garfield Contractors): I would like to give a brief update and have a discussion concerning the request to have, what Richie Brothers calls a soft opening, on October 11 for a sale. They are looking to have the sale to test their systems in coordination with the city departments. The grand opening would be in the spring of 2014. The delivery of equipment that they are planning for the sale would be about 4 weeks prior to the soft opening which would be around September 9. Prior to any delivery of equipment the horizontal improvements regarding fencing, paving, landscaping, fire cistern, ground water monitoring, sight lighting, etc. would be in place. Also, in place would be a wash building, that I am working on. They have started erecting steel last Friday on that building. Things are on schedule and we have not had any issues. We still have to get a couple of Certificates of Occupancy for the wash building construction and another for some minor renovations to the existing office building to be used by their staff. Those buildings will not be used unless they have Certificates of Occupancy.

D. Rogers: What would you propose in lieu of the building themselves? Temporary buildings or trailers?

S. Webster: They wouldn't be necessary. There are two trailers that will be installed for check in and

registration, which is part of their process.

N. Golon (TF Moran): I am here to answer any questions on how the project is going or where they are as far as having the auction and if the site is stable. TF Moran has been employed to do on-going storm water inspections. The town has been doing a fantastic job. This crew and Continental have made a tremendous amount of progress on that site. From a site stabilization standpoint that is set to be stable next month.

Opened to Discussion

F. Kotowski: Am I correct to think the soft opening would be a test that would benefit the Fire and Police Departments, and other entities that will have to oversee from both on and off site to provide safety. Is this what this soft opening is about or is it strictly a bid sale?

S. Webster: It is a bid sale but all of those things are coordinated ahead of time.

N. Golon: It is a fantastic example of making sure everything is lined up prior to having a big a grand opening.

F. Kotowski: Have the various departments been notified about this and are they prepared to assist should that be approved.

N. Golon: My understanding is yes.

Closed to Discussion

J. Duffy: We had a meeting with Ben Swanson of Richie Brothers, Leo from the DPW, Mike Hoisington from the Fire Department, and myself and we are in full support of this soft opening. It is my understanding that they won't be washing any vehicles if that building is not completed by that date. We think this is a good way to go forward and try it out for the grand opening in the Spring.

D. Rogers: Is the scale of this potential auction in the Fall similar to the scale of an auction for the other events.

S. Webster: They have two types of auctions, a soft auction and a world wide auction. The soft auction does not have the immigration and customs enforcement and the on-line bidding. They both have their systems in place for the sale, however, with the soft auction if there is a problem they can go ahead and stop it.

D. Rogers: That would be related to the people for the on-site bidding?

S. Webster: Probably not, but they do that in case the systems don't work.

D. Rogers: In terms of the number of pieces of equipment that are auctioned, is that different one way or the other?

S. Webster: I'm sorry, I don't know answer to that.

D. Rogers: Jo Ann, do we need to do anything with this as far as any motions?

J. Duffy: We were just looking for support of the Planning Board to go forward because our normal way of the procedure is that they have their Certificate of Operations and then they open for business. This would be an exception to the rule.

D. Rogers: A consensus of the Board would be acceptable?

J. Duffy: Yes.

D. Rogers: Is there any one on the Board that would oppose this soft opening?

All members of the Board were in agreement with the soft opening.

EXTENSION REQUEST

RIDGEBACK SELF-STORAGE (plan #06-33)

Thames Rd & Hooksett Rd, Map 18, Lot 49D

Site plan for a 49,500 sq. ft. metal self-storage unit buildings and an 864 sq. ft. granite block office building. Active & Substantial period expired on 09/22/12. The Planning Board granted a 1 year extension to 09/22/12 and a second extension to 09/22/13. Applicant requesting another extension to 09/22/14 per the following:

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

Dave Grappone (Ridgeback Self-Storage): On our permit application it shows our approvals for an extension from last year to this year and we are requesting an extension of another year.

D. Rogers: What is the reason for the extension?

D. Grappone: We have done some economic viability studies for this and we feel we need another year to get this in place. We also are looking immediately to put a curve cut in and we've talked with Leo Lessard from the DPW to do that as well. From there, we plan on doing more extensive work so that we can secure the project the way we planned from the beginning.

D. Rogers: Is there any staff input?

J. Duffy: We are ok with this.

L. Lessard: I am ok with this and it is not going to change anything if you grant the extension.

*D. Marshall moved to grant an extension until September 22, 2014. Motion seconded by D. Winterton. **Motion carried unanimously.***

COMPLETENESS HEARING

PAUL, DAVID & KENNETH SCARPETTI (plan #13-13)

27 Londonderry Turnpike, Map 49, Lot 10-2

Site plan for a proposed 12,500 sq. ft. medical office building.

D. Marshall stepped down.

D. Rogers: Do you have your presentation?

D. Scarpetti: Did you want us to do a presentation this evening?

D. Rogers: It is a completeness hearing.

J. Duffy: Normally we find that the plan is complete or incomplete and then announce the date of the public hearing.

D. Rogers: It appears that it is complete.

F. Kotowski moved that the site plan for a proposed 12,500 sq. ft. medical office building is complete. Motion seconded by T. Walsh. Motion carried unanimously.

D. Rogers: The public hearing will be held on September 9. We will see you back on that date.

D. Marshall returned.

WAIVER REQUESTS

NH SIGNS / VALVOLINE (plan #13-18)

1246 Hooksett Rd, Map 31, Lot 95

➤ **Waiver Request** – Development Regulations (6/4/2012) Section I, 11.16 – Signage.

D. Rogers: As I understand, the waiver request is to exceed the 32 sq. ft. that is allowed currently. Your sign is currently 31.7 sq. ft. and you are requesting an additional 120 sq. ft. of signage.

Grant Michael (NH Signs): Correct.

D. Rogers: Could you please give us a little background on why this is being requested.

G. Michael: Valvoline, as a whole throughout the country, is updating their stores with regard to image. The existing store image had a red fascia band around the entire building with a illuminated barrel and a V type logo. They are changing their corporate image to include a cleaner looking building with a neutral theme and they have proposed putting a V logo style sign back up and the long fascia band is for the image over the bay doors to dress up the building. What they are looking to do is create a consistent company image throughout their stores using these long fascia bands as a recognition for their store fronts. With the sign update we are also bringing all of the signs up into code during the night. I believe there were new sign regulations passed in 2010 to make all of the signs look bright at night in the Performance Zone. We are bringing all of the signage up to that current code.

T. Walsh: Is the street sign staying the same?

G. Michael: Yes. There is a new face going on it but it is not changing.

D. Winterton: Have these changes been made at other Valvoline locations?

Barry Gluck (Henley Enterprises): We recently did it in Nashua. Henley Enterprises owns about 200 Valvoline Instant Oil Changes throughout the country. We are based in Massachusetts but we have about 13 in New Hampshire. We are in the process of re-imaging 20 of the older ones to bring them to what standard, current Valvoline Instant Oil Changes locations look like. The locations we have in New Hampshire have been high performing but they have very old signs and don't have a clean professional look that we are trying to get. We have targeted Hooksett and we recently did Nashua. We are re-imaging Keene, as well, and some in the Merrimack Valley in Massachusetts.

D. Marshall: This is in the Performance Zone and we've tried to minimize signage in the Performance Zone as stated in the regulations. If we said you had to strictly conform, what would the hardship be? You are not going to lose business because the street sign is still there and it is not changing. Adding all of things to the building, we are right back to where we started when the residents of the town said we need to cut down on the amount of signage.

G. Michael: I don't think the sign adds any greater impact if it stays within the confines of the building.

D. Marshall: What is the hardship if we don't grant it?

B. Gluck: Valvoline Instant Oil Change is not just an oil change place. We have an image that people recognize. If you look at the building and what we would be allowed to do, we are replacing what is already there. If we take off what is currently there, it looks like an industrial building. The one small logo we have there does not look like what the current brand Valvoline Instant Oil Change would be. We would be better off if we were limited to just the one cabinet sign or leaving the old barrel sign up. We are simply trying to bring it up to be a cleaner more professional look and to match what our other service centers look like.

D. Marshall: I am not saying which way I am voting, but I have a problem when it says hardship. The sign that attracts you is out there. I am trying to bring out the points of people that are from different businesses. If the regulations say you have to show there is undue hardship, what you have to show is a hardship.

Open to Public

No public comments

Closed to Public

*T. Walsh moved to grant the waiver to exceed the allowed signage square footage on this Valvoline as drawn. Motion seconded by D. Winterton. **Motion carried unanimously.***

KEITH AND SKYLA NORMAND (plan #13-15)

41 Pearl D. Rogers., Map 16, Lot 78-1

- **Waiver Request** – Development Regulations (6/4/2012) Section II 2.24 –Residential sprinkler requirement.

D. Rogers: Do any Board members have any comments or questions on this waiver request?

T. Walsh moved to grant a waiver of a residential sprinkler requirement. Motion seconded by F. Kotowski. Motion carried unanimously.

COLLEEN SCARNEO AND DAVID LACASSE (plan #13-16)

Quimby Mountain Rd, Map 16, Lot 78-5

- **Waiver Request** – Development Regulations (6/4/2012) Section II 2.24 –Residential sprinkler requirement.

D. Rogers: Is this the same request as the prior petitioners?

D. Lacasse: It is in the same development.

D. Rogers: Do any have the Board members have any questions or comments on this request?

D. Winterton moved to grant a waiver of a residential sprinkler requirement. Motion seconded by D. Marshall. Motion carried unanimously.

COMPLETENESS AND PUBLIC HEARINGS

BOND AUTO PARTS / FEB REALTY (plan #13-17)

1109 Hooksett Rd, Map 41, Lot 56

Amended site plan for Change of Use from former Colonial Hardware to a Bond Auto Parts store.

D. Winterton: I would like to confirm that the owner is not JRB Associates, as stated on the sheets that we have. If it were JRB Associates I would be stepping down, however, if that property has changed hands I will stay and vote.

J. Duffy: I checked the records and the new owner is FEB Reality.

D. Marshall moved to find the amended site plan for change of use from former Colonial Hardware to a Bond Auto Parts store to be complete. Motion seconded by T. Walsh. Motion carried unanimously.

N. Golon: Our purpose here is for clarification as to how the site will work and make sure the town is comfortable.

Chris Bond (Bond Auto Parts, Inc.): Bond Auto Parts is a 3rd generation family business incorporated in Vermont in 1956. We currently operate 42 stores and a distribution center in 4 states, Vermont, New Hampshire, Massachusetts and the State of New York. We have 16 locations in New Hampshire, and this will be our 17th. We have been doing business in New Hampshire since the mid 1960's. Our Claremont store was the first one. Starting in 2007, we added a store in Concord and we now have a store in Manchester, Nashua, Tilton, and Bristol and we are excited about coming to Hooksett. Our business model is something like a Napa Auto Parts. We sell car and light truck parts and accessories

both wholesale and retail. Most of our stores in the Southern New Hampshire area have been wholesale only, but this will be our first retail location in this vicinity.

F. Kotowski: I heard you say repairs are you planning on doing repairs in that building?

C. Bond: No. We sell parts to repair shops.

D. Marshall: This is going to retail as well?

C. Bond: Yes.

D. Marshall: You will be the 3rd active auto parts store in Hooksett. Is there something unique about yours that draws people to Bond Auto Parts versus other auto parts stores?

C. Bond: One is the retail/wholesale mix. Certain competitors are not playing in the same markets as we are. Which competitors are in a market goes into our decision on where we are going to put a building. We also have metrics that we run internally. We know the population base to the number of parts stores a community can hold. This is not a saturated market.

N. Golan: There are no formal substantial changes to the site. On the site plan, there is a thin gray line along the green space that represents the location of the present pavement. Approximately 6500 sq. ft. of that pavement will be removed as part of project. The under drain would be installed for drainage to increase the rate of runoff. Required handicap parking will be provided at the main entrance as well as proposed signage and landscaping. Fire and emergency services will have access. This is a great opportunity to reuse the building.

T. Walsh: I have a concern with the location of the loading dock. Are you planning on doing your deliveries off hours?

C. Bond: Our distribution center is in Vermont and has 5 day a week delivery after hours. They will be always be done after hours.

D. Rogers: What are the operating hours of the business?

C. Bond: The anticipated hours are 7:30pm - 5:00pm Monday – Friday and 8:00 am to noon on Saturday initially. Depending on the demand on the commercial side, we might extend the Saturday hours at some point in the future. Some of our stores are open on Sunday, but there is no plan to do that at this time but at some point it might be possible.

D. Rogers: The entrance is steep. Is there going to be grading or any sort of work in conjunction with the re-paving and re-surfacing?

N. Golan: We are proposing to maintain the existing sight grade but we would like to remove some of the overgrowth to provide better side lines. We also are planning to seal coat so it is would be more attractive. There is not a lot of opportunity to rebuild that driveway provide a flatter or smoother transition. Hooksett Road is flat and the apex of that slope will provide a smoother transition.

Open to public.

No public comments.

Closed to public.

D. Marshall moved to grant a waiver of the development regulations of Bond Auto Parts Store. Seconded by D. Winterton. Motion carried unanimously.

D. Marshall moved to grant the completion of the site plan. T. Kotowski seconded. Motion carried unanimously.

CONTINUED HEARING ON FINAL APPROVAL

**BEAVERBROOK DEVELOPMENT OF HOOKSETT, LLC (plan #06-18 & #09 03)
Londonderry Turnpike & Jacob Ave, Map 49, lots 49 & 58
87-Lot subdivision conditionally approved.**

Scott Boucier : I dropped all of the paperwork off and I think we are done.

J. Duffy: The plans were dropped off but were picked up again today to obtain some additional information. \$5000 was dropped off for the conservation commission, the easement and the monies that were owed for the outstanding legal review for our attorney. Everything else has been submitted and we are ready for the Board to take action on final approval. They have met all the conditions and are ready to move forward.

D. Winterton: In terms of traffic studies that are proposed, one of the traffic studies is for the corner of Beaver Brook Rd. and Smyth Rd. Is that going to exist and if so where?

S. Boucier: We access on Jacob Ave. and Beaver Brook Rd. accesses onto Jacob Ave. The traffic study they might be talking about is coming out onto By-Pass 28. At the time this was built, there was a subdivision across the street. It is all documented on paperwork how it is supposed to be done, however, I don't know all of the steps at this point.

J. Duffy: There is a phasing agreement that goes along with this approval which lays out what needs to be done in each phase. There are also off site improvements that have been made on Jacob Ave. and there is a separate set of plans for those off-site improvements. Everything was spelled out in the phasing agreement which has been approved by our attorney.

D. Winterton: If the plans say it is on the other side of Beaver Brook Rd. and Smyth Rd., where would that intersection be (reference made to sheet 6 of 82 of the plans).

S. Boucier: There must be an error because there is no Beaver Brook and Smyth that intersect one another. It should say Beaver Brook Rd. and By-Pass 28 which is where it should be.

Dan Tatum: It doesn't say the intersection of those two roads. The intent of that is to study that intersection and the intersection of Smyth and 28 after the 3A connector to see if people are using Beaver Brook and Jacob as a cut though.

D. Winterton moved for final approval of the 87-Lot subdivision. D. Marshall seconded. Motion carried unanimously.

**MIACOMET DEVELOPMENT, LLC (plan #07-37)
Webster Woods, Phase II, Map 6, Lot 114
Final site plan approval.**

D. Rogers: E-mail dated Aug. 2 from Moe and Sylvie Beauchesne to JoAnn Duffy was read into record.

Sharon Summers (Attorney Rep. for Miacomet Development): We are hear tonight to make sure that various conditions of approval have been met. Plans have been submitted and reviewed on what we have done. The easement has been signed off on. The only outstanding issue before us is erosion control. We have had some terrible weather conditions in July and if it wasn't for these conditions we would be done by now. Approximately a week ago a decision was made based on some professional concerns presented to us regarding safety and life interest. We had a discussion amongst ourselves and the association attorney and we decided, due to overly saturated soil, it would be best to hold off going full boar until the soil had enough time to dry out. The work is unable to continue at the pace we want it to and we are not going to pick that up again until late August. Once the work resumes at full speed, it will take another 3 weeks to finish, assuming the weather cooperates. We have been unable to meet the August 5 deadline solely due to the issue of weather. We are requesting a brief extension.

D. Marshall: Define brief extension.

S. Summers: I am going to say 5 weeks to allow a cushion, which would be the 2nd week in October. This takes into account any potential bad weather, if he starts at the beginning of September.

D. Rogers: If the extension is from today it would be a total of 9 weeks.

S. Summers: I am hypothetically saying if we start at the beginning of September, it will take 3 weeks and I am adding a couple of weeks on, in case of bad weather to be on the safe side.

D. Marshall: New Hampshire tends to have a lot of rain in September.

S. Summers: Unfortunately we cannot predict the weather.

D. Marshall: There have been an accumulation of delays since 2007, so I am just anticipating that this a project that could go on for a long time.

S. Summers: We hope it doesn't.

D. Rogers: When did work on the erosion aspect begin?

S. Summers: Towards the beginning of July.

D. Rogers: The extension was approved on May 19, so why is there a 6-7 week delay on the work.

S. Summers: I will let the contractor speak regarding those details. My understanding is that they had to order materials and other prep work needed to be done before they could get out into the field and begin the work.

D. Rogers: When you were here in May, I listened to a similar presentation and that was part of the process at that time. My understanding at that time was that they were ready to go. Perhaps I may have misunderstood. As far as being out in the field that may not have been the case. They were ready to start in terms of the preparation work and they did.

Steve Height (Height Engineering): There was a lot we had to do for preparation such as shop drawings, rock and other materials that had to be constructed. There was some coordination relative to getting plans signed. We weren't going to start until we had a signed plan and that was a mutual agreement between Stantec and the contractor. The weather did not cooperate in June or July. In addition to ordering the materials, some of the stone had to be blasted and prepared for us. There was some lag time needed to get materials in order. Tokie has been out there for about 3 weeks solid and has only been able to work for one day. Our anticipation was, that once the work was started, we would be able to continue until we were finished. Unfortunately, we've had to address and fix other things that have come up, such as slope issues. With regards to the work itself, we had a contractor on board, but due to the weather the work had to be postponed and was started at the 1st part of July.

D. Marshall: Obviously, you need to start doing something in Phase 2, which can't be done until everything is corrected and done in Phase 1. What is your intent on starting building construction in Phase 2?

S. Summers: Our focus has been to get the final approval and complete the erosion control work. At that point we can turn our attention to the construction in Phase 2.

D. Marshall: Are you working under any requirements, such as dates, to be in construction in Phase 2 from your condominium agreements?

S. Summers: There is an amendment to the declaration with regard to Phase 2, and that references a date at the end of December 2013.

D. Marshall: Does that mean you would have 40+ homes built by that date?

S. Summers: We are going to need to have further discussions with the condominium association to get another amendment to the declaration about the construction schedule. I have already had discussions with the condominium attorney to that effect.

F. Kotowski: I would like to hear from our Public Works Director and from the staff. Are we close enough that this could realistically be approved?

J. Duffy: Based a conversation that we had with Stantec, they believe they are at approximately 50% completion. The condominium documents state that construction of the units should be started by

September and be completed no later than December, 2013. Those documents would have to be amended and agreed to by residents of Phase 1 in order for this project to move forward. If you grant them the extension, it would bring them to October 14 which would be 70 days, however, your Planning Board meeting is not until October 21, which would be a 77 extension from today.

L. Lessard: I was under the impression that when we previously met, everything was in operation to start the following day once the extension was made. As far as materials, you have several companies in town that carry the materials that you need. I am not sure why there was a hold up on material. I think it is just another going back to the well, and in 77 days they are going to go back to well again. This is a DES problem now. Whether you grant the extension or not it does not matter because the DES is involved and they will make them finish the washout.

D. Winterton: The minutes of the May 6, 2013 meeting state: “We are ready to go out there and address the erosion right now. Since 2009, the intention was to move forward with this erosion and the focus has been to nail down the erosion problem.” My vote, at that meeting was because of that commitment to go forward and address the erosion right away. From May 6 to having rain in July troubles me in terms of continued extensions. My concern is the residents, and I would like to hear what they have to say.

S. Height: We have the exact same concern with the residents. That is one of the reasons we want to give ourselves time to let things dry out. With regard to materials, we had looked into local quarries and they weren't blasting, at the time, what we were looking for. We have it now and we need to get the work done. The reality is that while we have been working, the weather that we have had has been dramatic. We have had conversations with the Association and the homeowners trying to address their concerns. When we first started this project we were ready to start working, but we had to line everything up. This is not something we expected or wanted to happen. We would like to be done and not have to ask for an extension. From an engineering prospective, everything has been done to get out there and continue forward. Some days we are taking one step forward, two steps back due to materials and weather. We have a conversations with Stantac, staff and residents. We have had wind storms with trees blowing over and that is not a good situation. Work has been done every day that it can be. The request for the extension is for no other reason but to get this work done. We have been in contact with DES and Alteration of Terrain.

Open to Public

Marian Kolesar (21 Cedar Street in Webster Woods/President of the Condominium Association): A week ago Friday, I spent the day at the clubhouse going through the plans of Phase 2, and I opened it up to the residents to come in to ask questions with regards to Phase 1, and to hear any concerns with the plans for Phase 2. We compiled questions and invited Steve Height to come to our board meeting this past Wednesday to answer questions regarding the infrastructure of Phase 2. He assured us that our questions were viable and we did not have many problems except with the end of Bernice Street. It is a one way out. Looking at the 52 homes averaging 2 cars per home, coming back upwards onto Dogwood, to come out onto Hooksett Road, is a lot of traffic for the residents on Dogwood Drive. Currently, they park on both sides of the street. The street is 24 ft. wide which we are aware of but there is no guest parking so we would have to mandate that there is no parking on the street. We would like the Board to revisit Bernice Street and make it a two way street. The second issue is the construction and repair on the culvert. I believe the first equipment that arrived was in the middle of June. It was parked in the back of the Phase 2. It sat there for a while and then it rained. A second

piece of equipment came and it sat for a while and it rained. They came at the early part of July with the rest of the items. We don't have control over mother nature but they have been out there everyday. If they are not in the culvert, they are stockpiling. The trucks have been coming and going. As far as the Condominium Association Board and on behalf of most of the residents we ask that you grant the extension. If it doesn't get finished, the result is that the residents of Webster Woods are stuck with it and who knows where we go from there.

Don Ingalls (4 Hickory Court, Webster Woods): I understand there is nothing on the current amended site plan to account for replacement of vegetation. The scope of the tree removal is much greater than what we anticipated.

D. Rogers: Correct for Phase 2.

D. Ingalls: I have been preparing for final site plan approval. Are they just looking for an extension?

D. Rogers: Yes.

D. Ingalls: I have sent emails to the Board regarding the removal of trees. There is nothing in the current amended site plan regarding vegetation. The scope of the tree removal was greater than what we anticipated. The 2010 plan called for removing all the trees and replacing them with over 400 trees. We are happy they are not removing all of the trees, however, we thought they were going to keep as many as they could. We realize that replacing vegetation is not part of the plan and there is not much we can do about it.

J. Duffy: On the plan itself it shows there are supposed be some shrubs planted along the perimeter, however, it doesn't show a typical landscaping plan which shows where those plants were going. I suggested to the applicant that they work with Mr. Ingalls to try and restore parts of what he is referring to, which looks like a gravel pit. I received back an indication that they told him that brush would grow back eventually. I brought it up again encouraging them to work with Mr. Ingalls, but have not received a reply.

D. Ingalls: Behind our unit the construction company has done a great deal of work. We feel safer now as there were signs of erosion. We are pleased with the effort made so far. One of the concerns we have is on July 23, one tree trunk broke off of a large oak tree containing two tree trunks, went across the ravine, up our slope and the canopy ended up about 7 ft. from our house. The other trunk of this oak tree has a rotted base tree and it is still there. It presents a hazard and nothing has been done about it. There is not always follow through. Another concern we have is clay deposits. After each rain there is an area that bubbles up in the stream bed, approximately 10 ft. in diameter. There are pools of water and clay. We would like to know what the reason for that is. Is it a hazard to the stability of the slopes and can anything be done about it? Another thing is they have excavated one slope between Units 34 and 35. They put in erosion cloth filled it with rock and left it. It looks great, however in one place there is a tree. During the excavation they cut the roots of this tree but did not fill around it with any material. Half of the roots are exposed and we know that this tree has to come down. I was prepared come this evening, based on my reading of the agenda, to ask you to deny the final site plan approval, but that is not what we are here for. My thoughts are to grant them an extension so that they can continue.

J. Duffy: The item on the agenda was continuing from the May meeting, for an additional 90 days.

The the purpose of tonight's meeting was to grant or not grant final approval on Phase 2. The applicant came tonight and now said they are requesting another extension, but that was not the intent of the item.

Closed to Public

S. Height: We met with Mr. Ingalls and he is correct. A lot of trees were removed along that slope and that was due to specific construction during the time frame and the weather. It was safer to take out additional trees along that edge. We have no problem cleaning out the trees that we know are dead we will take all we can with us. In terms of the clay deposit, it is at bottom of slope closer to the ravine itself. We have under drains on both sides of that. Typically, over time, we can drain them out. It doesn't cause a stability issue. We are going to add additional stone in that area to dress it up. Around the tree we can add additional stone. We have discussed these issues and will address them.

J. Duffy: Have you talked about planting additional trees?

S. Height: No, we talked about the landscaping plan, but have no problem adding shrubbery to the top of the slope for buffering.

J. Duffy: Before you vote can you hear from Stantec as to a synopsis.

D. Tatem: We issued a letter to the Board. As far as Phase 1, out of the last 20 days they have been working on site the contractors have worked 15. They have 2 excavators on site, one rock truck and one 10 wheeler that is delivering stone. The contractor informed us today that he estimates there are 3 more weeks of work, which would be another 15 days, so he is estimating it is half completed. I don't see a value to stopping work in the summer. We have been there virtually everyday that he has been working even it it is 1 or 2 hours a day. I strongly believe the water they are seeing is not going to dry out at any time of the year. I have talked about it with Steve and Jay several times. There is water coming out of the slopes several feet up. You are not going to get water to drop that far out of their work zone in a month. Jay is making relatively good headway. As far as Phase 2, we made a final paragraph in the 4th paragraph of our letter with regard to the close proximity of some of the building units to the edge of the existing slope. Mr. Ingalls house is 20-25 ft. from top of slope, now it is about 15-18 feet away. In the Phase 2 design, there are a number of units that are about 10 ft. away. They have some under drain measures put in and they have done a lot of geo tech study, but I think now, with Steve's first hand experience, we recommend that they take a second look at that. If they find they have adequately prepared for it, I think they should submit something stating this has been looked at that and they are comfortable with the design. If they are not comfortable, and they realize it is a little more erosive than they originally anticipated that they may move some of those units away from the slopes.

D. Shankle: When we are talking about the final site plan are we talking about Phase 2?

J. Duffy: Correct.

D. Shankle: My understanding is if the extension is not granted, that means the Board will be turning down Phase 2, however, the erosion control that DES is requiring would still need to be finished?

J. Duffy: Correct. Even though it was a condition of the Phase 2 approval, the town filed a complaint, about 2 years ago and caused DES to take action on it and they have said that this must be done.

D. Shankle: If they don't grant the extension, what will happen is that, if they want to continue with Phase 2, they will need to do a new site plan which will address the issues that were just brought up and require better drainage, because the rules and regulations have changed. The worst case scenario is if they turn this down, Phase 2 will be a better project and less of a problem when they come back.

D. Marshall: Isn't the zoning changed?

J. Duffy: I believe they have a variance, because Phase 1 was grandfathered in even though it was zoned commercial. Phase 2 got their approval afterward and it was still zoned commercial.

D. Marshall: I would need to see the validity of the variance as it applies. If Phase 2 disappears they are starting from ground zero.

J. Duffy: I am going to let Steve Heights speak to some of the comments that Dan Tatem made just for the record so that he can clarify our response. If Phase 2 is turned down for final approval, I don't know what my client is going to do. The notion of a new Phase 2 site plan being submitted and starting from scratch, based upon concerns which are being raised for the first time tonight, is not realistic. I want to make it clear that while I appreciate concerns it is not a realistic approach to take.

S. Height: Dan Tatem and I have have talked quite a bit about the work. What we are suggesting, in regards to construction, is to give it some time to drain. We are working at a slow pace. Our thought was, if it is not going to be raining for a little while, this would be an opportunity to let the soils drain out and would give us an opportunity to be able to hit it harder and continue. We have no problem inching along, but one of the issues we have is what happened to Don Ingalls house. We would like to give it a week or so rest. In my professional opinion it would make sense to have a drier situation. In regard to the Phase 2 house locations, one of the issues we have with those ravines is the erosion at the bottom of the ravine. By doing what we are doing now we are eliminating the erosion at bottom of slopes. If zoning allows it, we have no problem pushing those houses closer to the road away from the ravine. It makes sense if we have the space to do it. That is part of the conversation I had with Dan. I don't think that would require a new site plan? All we are talking about is relocating so they are further away from the slope.

L. Lessard: Regarding stopping the work order. What they are dealing with now is mostly ground water, as Stantec said. The ground water will not dissipate. There is a difference between ground water, run-off and rain water. They are always going have that ground water there at this time of the year and moving forward. I don't suggest they shut down.

S. Height: When rain water is on the surface of the ground, it peculates down through. What we are trying to do is let the soil above it dry out as much as possible. We know we will be working in wet down at the bottom, but we are trying to get as much of the water out of there as possible, so we have an opportunity to try to get this done once.

D. Rogers: I understand you are requesting an extension to our first board meeting in October which would be October 7. The second one would be the 21st. Would the 7th be a feasible date?

S. Summers: Yes, that would be fine.

F. Kotowski: I would like the extension to October 7 be granted only with a caveat that, unless the

work is done by that date, this Board doesn't even entertain completeness and allow them to move to Phase 2.

F. Kotowski moved to grant an extension to October 7, 2013. Motion seconded by D. Winterton, due to the request of the residents. D. Marshall opposed. Motion carried.

APPROVAL OF STANTEC INVOICES

D. Marshall moved to approve the Stantec invoices. Motion seconded by D. Winterton. Motion carried unanimously.

OTHER BUSINESS

REDUCTION OF SURETY BONDS

L. Lessard: Some time ago I began talking about the reduction of surety bonds for site projects and turning them more into a reclamation bond. We were going to view what other towns are doing for private sites. What we do now is take 30% of the items of the complete site construction and that is the bond amount. An example is the parking lot at SNHU. The 400 foot parking lot comes out to \$1,300,000 for the job and the surety bond is \$600,000. That is a lot of money for a surety bond on private property. If it wasn't the college, we are not going to go in there and finish the job. The most we would do is put up a silt fence and put down some mulch. Even at that point, we wouldn't have to do it because the bank would be responsible for all of that. I called some towns and got some information. The town of Dover takes \$2,500 per acre for their surety bond. The east parking lot is 1 ½ acres so that would be \$3500. In Laconia they take the construction amount, add 10%, and take 10% of that. What I have done is taken the Depot Rd. lot of SNHU. Their grand total, to do the job, is \$572,000. Our 30% comes out to \$171,000 for surety bond. If this was Dover, it would be \$3,750. If it was in Laconia, it would be \$63,000. If it was up to the DPW in Hooksett, I would take certain items and add them up. It comes out to \$28,000 vs. \$171,000. To me that is fair and what I would like to do is, when we get breakdowns, go through the items, pick the items that I know will have to get done and what those amounts have to be, and that is what we would make surety bond. Another example is Al Terry Plumbing. The complete site job is \$173,000. 30% of that comes out to \$52,000. If I were to take items such as erosion control, stabilization, infiltration trench, erosion fabric, etc., it comes out to \$16,000. In my opinion, that is what the surety bond should be for that one. The last one is the north parking lot which is 400 lots at SNHU and is a \$2,100,000 site job. That surety is \$636,000. Some of the items I would be looking at are grading, erosion control, stabilization, silt socks, and landscaping as well as a couple of others, and my estimate comes out to \$146,000. I had TF Moran put a price together with their opinion because they designed it and they came up with \$213,000, so I am still lower than they are. I would like to do is lower these surety amounts. I would like to go through them, come back to the Board, present what the options are, let the Board decide whether I am right or wrong, and go from there to establish the surety bonds for these privately owned sites. Other towns I have called such as Nashua, Manchester, and Hudson don't do them for private sites. I am not saying I want to take the surety bonds on private sites away, but I think it would be a happier place to do business in town, customer service wise, if people were to come to the Board and we could explain ourselves as I did now.

D. Winterton: Is there any problem with the fact you may be doing it arbitrarily based upon the work they are doing. Would we be alright legally with that?

L. Lessard: Yes. What will be happening is that I will be taking, mostly always, the same items and the items will be higher or lower because of the size of the job. For example, the silt fence on Depot Rd., because it is a smaller job, is \$2700, and the erosion control on the north parking lot is \$6,600. Due to the size of the job, it is not a percentage, it is what these items come out to be.

D. Winterton: I think it makes us more attractive to business as long as we are not arbitrary.

L. Lessard: For some items, the quantity is going to be larger, due to a bigger job, so the amounts will be more.

D. Rogers: As long as it is done equally across the board.

L. Lessard: We will always take the same items, sometimes it might be more items, depending on the nature of the job. We might have a retention on what we would like done before coming to our system. 90% of the time those are the first things done anyway. It is going to be what the job consists of.

D. Rogers: As opposed to just a straight percentage ?

L. Lessard: Dover takes \$2,500 an acre because they feel that is what it costs to restore an acre.

F. Kotowski: I think that is a good idea because it accurately reflects the actual cost of reclamation should we have to do that. It shows the contractor that we indeed know what the figure is, as opposed to a percentage.

T. Walsh: I agree also that with the cost to do business in town, it can only help. I like the principle. Maybe we could get other towns to help us with language or regulations that we could use.

J. Duffy: Carolyn is in the process of going through regulations for other suggested changes. We will add this to the pile and come back and do it all at once.

L. Lessard: The college is up for a surety bond for their parking lot and their dorm bond is being reduced. We are going to Council for that to take it from one and lower it down to another. Do I need you to vote on this so I can lower it from \$600,000 to \$140,000.

J. Duffy: I mentioned to Bob Vachon to present that change in that intersection of Martins Ferry and North River Road, when he goes to Council. I believe it has to get Council permission to switch from one project to another. I thought he was planning to come in and ask. Technically, it requires a waiver because it is in our regulations that we ask for 30%, so I thought he said he was going to come to the Planning Board if the Council agreed, but I have not heard from him.

L. Lessard: They are going to Council on August 14 to talk about what they are planning for the future of the college. I told him if I came here tonight and you agreed you could vote on it. That could be why he is not here.

D. Rogers: I think, conceptually, we are ok with the idea of it, but it is part of our regulations. We would need a form of waiver request and mediate regarding that 30% which is the current regulation. I don't think what you are proposing is unreasonable in the specific circumstance with the dorm parking lot issue. Anything beyond that we would have to revise and amend our regulations.

J. Duffy: The last time I spoke with him, he talked about transferring it from one project to another. He did not talk about a reduction. He was agreeing to do that because there was enough money from one pot to the other. Last I knew he was good with keeping that larger amount.

L. Lessard: He would like to use some of that money on bonds. With the \$600,000, he would be able to bring almost \$200,000 for the north parking lot, and \$28,000 for the lower parking lot and they would get back the rest of the money.

D. Shankle: When is the next Planning Board meeting? Is there time to go through the process for the waiver between now and then?

J. Duffy: If he applies within the next two days.

D. Shankle: Would anybody object to the Council essentially making that switch contingent upon them coming to the Planning Board for a waiver?

D. Rogers: Is it already on the agenda for Council?

D. Shankle: Yes.

D. Rogers: That would probably be the most efficient way to do it.

SIGN REGULATION SUB-COMMITTEE

T. Walsh: I went to the Zoning Board meeting last week when they were talking with Bass Pro, and was looking at what we do on a regular basis in terms of our sign regulations. We grant most of them that come here looking for them. For a while, I have often needed to revisit these, and I was wondering if anyone would be interested in a sub-committee to go through our regulations, with regard to signs, and to make some recommended changes. I am volunteering my time and would like to know if anyone else is interested.

D. Marshall: It is an admiral idea, but the fact remains that, when we were doing the master plan, we supposedly we did a grassroots master plan and the constant complaint of the people that were working on it was that something needs to be done about the sign pollution in this town. The concern was that the signs keep getting bigger and gaudier and it would be better to have something that is less, not more. One of the things we ended up with was the Performance Zone but now we keep granting waivers.

J. Duffy: The biggest request for waivers is the wall signs, not so much the signs along the road. I think that when people said they wanted to go with smaller signs, they were referring to when we allowed 50 sq. ft. along the road, and now we are down to 32 sq. ft. More people are acceptable of that when they come in for a request, than the wall signs. They used to be 15% of the building facade. That made sense because it depended on the size of the building. For one business in one building, it is 32 sq. ft. unless you are more than 150 ft. away from road, then there is a formula. If you have more than one tenant it goes down to as small as 16 sq. ft. Those signs are difficult to see while driving on a busy road like Hooksett Rd. That is what the biggest complaint has been. That is why you are seeing more

banners and signs out by the curbs because business are trying to get your attention as your are driving by.

L. Lessard: I think the regulations on the monument signs on the front of buildings has to be changed.

F. Kotowski: I think one of the most contentious things that this Board is trying to deal with is to be fair to each business entity that comes in. If the building is set back 300 ft. from the road, we still require them to maintain a certain signage size. Each individual case has to be looked at separately. We want business in town and are trying to build tax base. A lot of these businesses have certain standards that is part of their corporate identification. We can't help them do business in town if we are so particular about the signs, and we are not going to get that tax base.

D. Marshall: We go though this every time we approve a site. Granted, if a business is far from the road you need a bigger sign for your building. So we increase the assigned square footage allowed for a building on their sign. I will guarantee, as soon as that regulation is in place, the first five people at that table are going to look for a variance or a waiver to get a bigger sign. Regardless of what you give them they will want it bigger and a corporate logo will be bigger. They want to grab you and be more noticeable than other businesses. We go through this every 10 years. If you are going to revisit it, bring in some professional help because, otherwise, you will face the issue of waivers again. If you go to variances, you know they are going to be granted. You do need to get people into your business and have a reasonable amount of signage, but you don't need to pollute the world to do it.

L. Lessard: It would be a good idea to have people on the committee that are sign people.

J. Duffy: We had a new bank replacing an old bank that wanted to replace the awnings. I let them know that required a waiver because this is considered a sign, and they handed me a revised package.

D. Rogers: The reason for the ordinances is to get people to come forward. We also have to look at what types of things would adversely affect businesses.

D. Winterton: I see your point about doing this every 10 years. Maybe if we do this in a thoughtful manner we can get the cycle to stop.

L. Lessard: I agree that we should get some professional help.

F. Kotowski: I love signs that provide me with information. I would rather have a sign that tells me where I'm going than rely on my GPS.

T. Walsh: Why are there no logos allowed on a directional sign?

J. Duffy: It was made that way to keep it more simple. The purpose is to show direction not to advertise.

D. Marshall: One of the reasons that happened was when they allowed them on directional signs we saw an increase in the number of directional signs. Re-examine it but be cautious on how you do it. If it's going to be another question of granting waivers like we have been, than why do it.

J. Duffy: A lot of times when people come in and we tell them what they want to do doesn't meet the

regulations and they need to go to the Planning Board, they decide to conform. Sometimes when that happens, a couple of years later they decide the sign is too small and they should have asked for a waiver in the first place.

D. Winterton: I would support a sub-committee but include local professionals who are in the sign and development business.

D. Rogers: Caution should be made with bringing professionals and staff in.

T. Walsh: They don't necessarily have to be on the committee, but the committee could call them in for their opinion.

T. Walsh, L. Lessard and D. Marshall stated they would be willing to sit on the committee.

CHANGE OF USE

In regard to a meeting on July 9, the woman who has the winery moved into another unit that was larger, and a pet store moved into the winery unit. That was approved. Also, there is a report from Southern New Hampshire Planning regarding high accident intersections. There are a total of 22. They came up with this information by looking at the crash data from New Hampshire's Department of Transportation. The final list will be used for an accident location study in the future and could apply to a road safety audit of the intersections as well. When I went through the information for the Hackett Hill Road project, I noticed there were several accidents at the intersection of North River Road and Cross Road. According to this report there have been 11. There are others that are much worse. Some were included in the report we received from Stantec a few years ago. In some locations, minor things have been recommended such as identification that a road exists because some roads look like a driveway when you are driving by. I can pull that report out to look at it.

D. Marshall: It would be interesting to see if the accidents occurred prior to or after projects were completed and changes were made.

J. Duffy: Another item is that Paul Scarpetti has applied to be a member of the Planning Board. I believe this is being brought up at the next Town Council meeting for a possible nomination. He is applying to be a regular board member, however, we still have 3 alternate positions open.

D. Rogers read a thank you note from John Read and thanked him for his service.

BOARD DISCUSSION

ADJOURNMENT

The meeting was adjourned at 8:20 pm.

Respectfully submitted by,

AnnMarie White

Recording Clerk