

Unofficial

**HOOKSETT PLANNING BOARD MEETING  
HOOKSETT TOWN HALL CHAMBERS (Room 105)  
35 Main Street  
Monday, September 9, 2013**

**MEETING CALLED TO ORDER AT 6:00 P.M.**

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

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

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES OF 08/19/13**

*D. Marshall moved to approve the minutes of the August 19, 2013 meeting as amended. Seconded by T. Walsh. Motion carried unanimously.*

**PRESENTATION**

**NHDOT**

**I-93 Hooksett Rest Area**

David Smith (Assistant Administrator with the Bureau of Turnpikes): We want to present our improvements at the Hooksett rest areas, north and south bound along Route I93. We would like to give you an overview of the proposed improvements which we have been making great strides on over the past few months. Here with me are Rusty McClare, and from the DOT side, Dana Abbott with the Bureau of Public Works, and Andy Davis and Jim Richards from the New Hampshire Liquor Commission. Rusty would you like to introduce your team?

Rusty McClare (Granite State Hospitality, LLC): With me are Tom Boudette, our project manager, Jeff Downing from CCI, our construction manager on the north bound side, Ross Courier from CCI, construction manager on the south bound side, Gordon Leedy from VHB Engineering, Samyn - D'Elia, Architects, P.A., and Alex Ray from The Common Man.

D. Smith: With your approval, we would like to give you an overview of the improvements and answer any questions you may have. We have also passed out a packet of information that includes a fact sheet, some renderings from the proposed facilities, and the site plans for the north and south bound barrels. The intent of improvements at the Hooksett rest areas is to improve what we have there and re-develop the sites. They were built in 1977. Our goal is to replace the sites with new high end facilities. To do that, we have entered into a 35-year ground lease with Granite State Hospitality, Mr. McClare

and his group to bring that forward. It requires that the developer design, build, finance, maintain and operate these facilities. This is with the exception of the liquor stores which will be operated by the Liquor Commission, for that contract period. We set out on this journey with three goals. First was to obtain new high quality facilities. Second was to develop facilities that provide a positive customer experience. Third to provide a fairer turn to the Bureau of Turnpikes, specifically the DOT. The facilities will include a single structure on north and south bound barrels. In those facilities, you will see a 16,000 sq. ft. welcome center, and a 20,000 sq. ft. liquor and wine store. There will be several food offerings at each facility which will include a 50's style diner, an Italian farmhouse, Old Time Deli, coffee and breakfast shops, country style convenience store, as well as the state liquor and wine outlet stores. There will also be an interactive and informative visitor center replacing the one that is currently there. Other amenities will be full fuel accommodations, 16 fuel stations for passenger vehicles only, restrooms, a bank, pet walk area, and landscaping on both sides. There will be about 380 parking spaces on the north bound site and about 310 on the south bound site. In addition to the site improvements, we will be relocating the transmission line that traverses the site along the north bound barrel, realigning it westerly to be parallel to I93. As far as the schedule, we have been formally underway since the middle of June. We had G & C approval for the contract. We have been working to develop the architectural, engineering and site plans. We will continue that through the next few months and certainly through January of 2014. That includes permitting. We will be initiating construction in October for the north bound barrel and January, 2014 for the south bound barrel. It will be a phased opening of the facilities on each site. We have been working closely with the Town of Hooksett, as well as many other groups represented here. We have worked with the Department of Resources and Economic Development, the Bureau of Public Works, the State Fire Marshall's Office, as well as the DOT, which has been the lead for the overall effort. For the developer/operator, Rusty has talked about his team. I provided a project website on the bottom of your sheets where you can find renderings as well as some site plans. This is for public consumption. I also brought some packets for the public.

D. Marshall: Will there still be access for people not using the turnpike such as off of 3A and Springer Road?

D. Smith: Yes. We will maintain access and have accommodations for both.

T. Walsh: Are there 25 spaces off of 3A for non-turnpike use and 21 from Springer Road?

D. Smith: Yes. On the site plans, is a table identifying the parking spaces. Both have dedicated spaces that we are providing as well as emergency access via both those routes, by way of a gate, as we do today.

F. Kotowski: The Hooksett Sewer Department has a concern. We have a line that I assume you are going to be contributing more sewerage to that goes along Rt. 3A. Have you touched base with the Sewer Commission to discuss that particular issue?

R. McClare: Yes we have. We have cameraed and surveyed that. We are putting in low flow, high tech toilets and urinals, 26 ladies and 15 mens, and with those toilets it reduces the flow.

F. Kotowski: Have you taken into consideration the addition of restaurant operations?

R. McClare: Yes. We have taken that into consideration with the design. However, 99% of the serving material is paper.

D. Smith: The Department was made aware of the issues early on, and we did reach out to the Sewer Commission many months ago, and Rusty did as well, relative to the needs. We have all worked to address that concern.

F. Kotowski: Thank you for being aware and please do follow up with the Commission.

R. McClare: We just received a survey by the town and that was helpful to us. We will be reaching out to you next week.

D. Winterton: I am on the Planning Board but I also represent the Town Council. Could you please explain the ramifications of the state leasing the property to the private businesses in terms of property tax revenue to the Town of Hooksett.

D. Smith: The site itself is classified as a governmental use site. The majority of that will still be in place. The liquor store facility and the pad that sits on, as well as well as the land itself will remain in governmental use. The new structure and facilities will be a taxable structure and facility.

R. McClare: AG is looking into that because it reverts back to the state. There are other issues and we are looking into them for you.

D. Winterton: If you could keep the town apprised of that we would appreciate it. We have businesses at exits before and after that might be impacted.

R. McClare: Anything I get set up with the AG, I will give you a call.

D. Winterton: Thank you very much. I appreciate it.

P. Scarpetti: Do they have an option after 35 years?

D. Smith: They have two 5-year extensions that are available.

T. Walsh: As a follow-up to the non-turnpike use parking. Are those increases, decreases or about the same?

D. Smith: It is similar to what we have. We have about 18 to 20 there now.

T. Walsh: I was hoping that you were considering that, with the expansion, you might get more business from non-turnpike use.

D. Smith: We have talked about that considerably. We wanted to be sensitive to the people on Springer Road and, therefore, did not want to make the parking lot much bigger and entice more customers. 3A is heavily traveled and less of a concern. We tried to mimic what we have there. The main intent for those spaces is for the employees that will be working at the facility.

D. Rogers: What is the impact going to be while construction is taking place in terms of periods of down time?

D. Smith: The goal is to not have any down time and have continuous operation. It will be an active construction site and you will see buildings demolished and other buildings go up. There be temporary restrooms to accommodate customers in trailer type facilities. The existing liquor store will remain almost in tact until a new one is built and transitioned over to it. It will be more compact than it is today, but we have accommodations for 75 parking spaces during construction, as a requirement, and the fact that they need to maintain these facilities during that time frame.

R. McClare: By contract we have to keep 75 spaces and the liquor store open. If we were to fail on that, there would be a severe financial penalty.

D. Rogers: By comparison, what is the current square footage of the liquor and wine outlets.

R. McClare: 8,500 sq. ft.

D. Rogers: So this is basically 2 ½ times the size on both sides?

R. McClare: Correct.

### **Open to Public**

### **No Public Comments**

### **Closed to Public**

D. Smith: I provided you with a letter formally presenting the plans and the presentation tonight. We have been in close coordination with the Town of Hooksett. JoAnn Duffy has been involved with us and has been attending by-weekly meetings. The Fire Department, and Leo Lessard have been involved as well. We have identified a set of responsibilities between the State Fire Marshal's office as far as permits and approvals. Things have been going very well from that perspective. If we proceed forward, we are committed to and want to reach out to the abutters. We would like to seek some insight from you with regard to how you would like the public informational meeting held. We can come back to you during a planned board meeting and invite the abutters and make a presentation or we can invite the abutters to a separate night. Local officials would also be invited to attend.

D. Rogers: JoAnn, is there any preference on doing this at a Monday regular meeting as opposed to a

separate meeting?

J. Duffy: There is no requirement on the town's part to have a hearing with abutters, however, per David, there is something in the contract that states they will hold a hearing for the abutters. Whatever you would prefer we can do.

D. Rogers: A separate night might be better because the agenda from meeting to meeting can vary widely. I would like to not rush these people along, especially if there is public interest and people have questions. I want those to be adequately addressed.

R. McClare: Was the public notified about this meeting?

J. Duffy: It was listed on our website and the agenda was listed in public places, but the abutters were not notified.

D. Rogers: Would the preference for the separate meeting be within the next 60 days?

D. Smith: Sure, that is not a problem.

F. Kotowski: If you are starting construction in October, 60 days might be a little late. I would suggest that 30 days might be better time to do that, to address any issues prior to the start.

D. Rogers: Alright, we will work within a 30 day window.

### **WAIVER REQUESTS**

#### **SCOTT BUSSIERE / HEMLOCK ESTATES (plan #13-23)**

##### **Pearl Drive, Map 16, Lots 79-1, 2, 3, 4, & 6**

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

S. Bussiere: We are here for a waiver request for the sprinkler systems.

J. Duffy: The Fire Department has advised me to request a review of the lot layout for the homes and the driveways to ensure that they won't be difficult to access. Apparently, there is a fire code that if a house is difficult to access and is so far back from the road, they can ask for sprinklers. The Deputy Fire Chief would ask for the layout of where the houses would be going once the developer knows where that is so they can make that determination.

D. Rogers: Mr. Bussiere, are you aware of that request?

S. Bussiere: I am not, but that is easy to address. The house is only 50 to 70 feet off of the street. It is a small lot.

D. Winterton: Is there public water?

S. Bussiere: No. There are going to be wells for each house.

T. Walsh: What is the distance from the furthest lot from that cistern.

S. Bussiere: No more than 200 feet.

***T. Walsh moved to grant a waiver for Development Regulations (6/4/2012) Section II 2.24 – Residential sprinkler requirement. Seconded by D. Marshall. Motion carried unanimously.***

### **PUBLIC HEARINGS**

**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.

**P. Scarpetti and D. Marshall stepped down.**

D. Rogers: This application was found complete on August 5, and we are now here for the public hearing.

Roger Dignard (Dignard Architectural): We received Stantec's review notes about a week ago and we have responded with a memo, but the drawings have not been revised in accordance with their comments. We thought we should go ahead with the public hearing, just in case this group sees some issues that we should address before you potentially take action, if that sounds reasonable to you.

D. Rogers: My understanding is that the presentation will be made and the public hearing will be held but any vote will be postponed until October 7.

R. Dignard: That was our understanding as well.

Jay Heavisides (Meridian Land Services): The project is located on Londonderry Turnpike. It is about 1.94 acres. The reason I cannot be more exact is that there is some discrepancy with the property lines. This is the last lot that was left out of a larger lot where 3 or 4 of the lots have been taken and precise surveys were not conducted. We are in process of clarifying where the actual boundary lines are. We are talking with the abutters to the north and the south of us to come up with property line agreements. Once we have that I will be able to give you an exact property size.

D. Rogers: Do you have a time frame on when you expect to resolve that?

J. Heavisides: It will be before the October 7th meeting. We have met with the abutters and they want us to stake out where we think the property line is so they can get a visual and then come up with an agreement.

R. Dignard: The entire site plan design is based on the premise of the worst case scenario on the lot size and we are talking about slivers on the borders of the property.

J. Heavisides: One side is 10 ft. and the other side is 5 ft. We did design to the more constraining lot

dimensions. What we are proposing is a 12,500 sq. ft. medical office professional building to be built in 2 phases. The 1<sup>st</sup> phase would be about 7,000 sq. ft. and the 2<sup>nd</sup> phase would be about 5,500 sq. ft. We are also proposing to phase our parking to go along with the building. In the 1<sup>st</sup> phase we would require 35 parking spaces, but we would be installing 43. With a full build out, 63 spaces will be needed and provided. We will end up with about 58% open space. To handle the storm water run off, we are using several different methods. In the front, we have a combination treatment swale infiltration basin. In the back we have another infiltration basin. The major feature is the front parking will feature pourous pavement and under the entire front parking we will have a stone reservoir to store the storm water and to infiltrate it back into the ground. We will be able to maintain the current flow rate from the site and volume. Overall there is no increase from the site. There is a very small change to the amount flowing out to Londonderry Turnpike. We have discussed this with NHDOT. We are waiting for a letter from them saying they are fine with it. We have met with them on the driveway permit. They were fine with our design. They are waiting until we go through this process, get your comments and make whatever changes necessary before they will issue a permit. All of the utilities will be underground. We will be tapping into the water line which is on other side of street, but we will be boring underneath Londonderry Turnpike so we do not have to tear it up. There will be a pole on site for electrical to be brought over to the facility and there is gas on our side of the street for service. Everything else is building related.

R. Dignard: The building is 12,500 sq. ft. The intent is to build about 7,500 sq. ft., although it is under discussion that we might proceed to do the entire shell of the building. The occupancy is medical offices. The 7,500 sq. ft. would consist of a 3 practitioner primary care office, a satellite lab draw facility and a physical therapy area. The ability to expand the primary care practice is part of the flexibility in the floor plan of this facility. The building is 1 story, however, it will give the appearance of being 2 stories. It is a 10 ft. plate height with a sloped roof and very traditional materials. There will be a 2 tone color on the building and broad trim. There will be a variety of shingle and clapboard texture, asphalt shingled roofs, a couple of dormers to help break up the roof scape and some copper trim accents. One comment worth mentioning, that Stantec raised, was the rear elevation of the building is not interrupted as your site plan or design regulations seem to indicate. It is our preference not to change this elevation. There is no visibility of that side. We are putting a lot of value into the three visible sides of the building. The rear elevation will have a variety of windows and doors and will be finished much like the face of the building. As I read your design guidelines, it appears that the Board could waive or reduce the requirement if the proposed structure is not visible from the road or by an abutting property. I don't know if that would we require a formal written request or if that is something you could take into consideration but that is one element we would ask you to consider.

F. Kotowski: Is there public sewerage?

J. Heavisides: No. We would have an on site septic system and we have received approval from the state last week.

F. Kotowski: The state is aware of the use of the building as being a medical facility?

J. Heavisides: Yes.

J. Duffy: Normally the types of business that have come before you have been those that have not had any windows. This building has windows in the rear. It says in the regulations that you could reduce, without needing a waiver. I don't see this as a problem. It is facing the rear of the property and it is not unpleasant to look at.

### **Open Public Hearing**

### **No Public Comments**

### **Closed Public Hearing**

D. Tatem: Are there any questions or concerns, other than architectural, for the Board?

D. Rogers: Is there anything on the Stantec letter that you would like to address?

J. Heavisides: I think we have raised all of them.

D. Rogers: My one concern would be the lot line adjustments. I realize they are not large swatches of land, however, my experience is that little slivers of land can cause problems down the road. If you could get those resolved by October 7<sup>th</sup> that would be appreciated. We have had public input and have heard your presentation but we will hold off on taking a vote until October 7<sup>th</sup> when you return. Hopefully by then everything will be in place. In the meantime, work with Stantec and keep us apprised of anything that needs to be notified.

**P. Scarpetti and D. Marshall returned.**

### **COMPLETENESS AND PUBLIC HEARINGS**

#### **JK MULLIKIN / DUVAL SURVEY (plan #13-25)**

##### **Smyth Road, Map 48, Lots 19-6 & 19-7**

Subdivision of Map 48, Lot 19-6 into two lots.

Modification to the existing drainage design for Map 48, Lots 19-6 & 19-7.

**Waiver Request** – from the completeness checklist, except for drainage plan and calculations, for aforementioned Modified Drainage Plan.

**D. Winterton stepped down because he is an abutter.**

Don Duval: The plan before you is to take a 5 acre lot and cut it into 2 lots. Most of the work was done from the prior plan, but we have gone to DES for their approval, which I have. In addition we

have a proposal to modify the drainage from the previous listed subdivision.

Jon Rokeh (Rokeh Consulting, LLC): All four lots are together. The original subdivision was two smaller lots, and the remainder is a larger lot we are also subdividing. Due to the fact this is in the Massabesic watershed district, you have to infiltrate the 50 year event, but you cannot run-off any water from the new improvements. The original approval for these 3 lots had taken into account an

underground mechanical system to infiltrate all of the run-off. It was varying sizes on each lot. I tried to come up with a generic way of breaking that up between roof run-off and driveway run-off and do it with something a little more maintenance friendly for the homeowners. I came up with a rain garden to hook all of the roof run off up to. That is using either the rain gardens or infiltration trenches around the outside edge of the building into the rain garden and then pitching the driveway to an infiltration basin down near the road. You would end up with a net zero run-off during the 50 years. I applied this to all four lots including the 2 new lots you are considering tonight. We are asking for a revision of the old approval to have this as an option. This house is constructed right now. The builder went ahead, after having meetings with Leo and JoAnn. This infiltration pond and the rain garden are constructed. We have been having inspections and we had a couple of rain events, while these have been constructed, and they are working well. We have a house that is ready to go with those as well and is scheduled to close later on next week.

L. Lessard: When I told Stantec I did not want any water coming across Smyth Road and all the water had to stay on site, the pipe would have had to be upsized. Stantec came up with the idea of the elaborate system which is why Don and I and came up with rain gardens. I have no problem with this. I think he did a great job designing it. The builder already has the 1<sup>st</sup> one built. We had 7 inches of water last weekend and it took it without a problem. This is a good thing. It is better for the builder. The only thing I had the engineer do was put on the plan a maintenance agreement for the systems, so they have to have it checked yearly and a report needs to be submitted so it doesn't get grown in and vegetated causing it to clog up and spill into the road.

D. Rogers: Do you anticipate it applying to the other 3 proposed houses as well as the one that is already built?

L. Lessard: Yes.

J. Duffy: Will that plan be recorded?

D. Duval: Yes. However you want to do it.

P. Scarpetti: Are gutters on all the houses?

D. Duval: Either gutters or a drip edge that has appropriated pipe in the rock around the edge. The under-drain has to go the rain garden also.

P. Scarpetti: What is a rain garden?

D. Duval: It is essentially an infiltration pond with layers of mulch and dirt and water tolerant plants that help uptake everything. It is something that the State of New Hampshire is allowing for the AOT regulations to get infiltration requirements. It is in hydrocad and the State of New Hampshire accepts it as an acceptable practice.

P. Scarpetti: Wasn't there a little bit of washout?

D. Duval: I don't know what there was for washout. I know it was just loamed and seeded but if there are any washouts it has to be maintained according to the plan.

***D. Marshall moved to grant a waiver from the completeness checklist, except for drainage plan and calculations, for aforementioned Modified Drainage Plan. Seconded by F. Kotowski. Motion carried unanimously.***

### **Open to Public**

Don Winterton (10 Prescott Heights Road): The entire back of my property will abut this and I have a couple of questions. Why this was originally not made into 4 lots? Are the plans that I have not drawn to scale?

J. Duffy: The plans are reduced. The larger set has the correct measurements and when they provide us with a reduced copy those measurements no longer apply.

D. Winterton: Was the wetland survey done before or after there were 3 houses on Prescott Road? The houses may have changed wetlands. How deep were the test pits done and is there any ledge abutting the Tennessee gas pipe line. Also, where is the driveway infiltration pond going since there is an easement to the town. On the plans I have, it does not show the entire driveway and the driveway abuts the Tennessee gas line and the wetlands. Not knowing the requirement can you build the pond in the wetlands?

L. Lessard: You cannot go in it but you can be adjacent to it.

D. Winterton: According to the plans I have, the driveway is abutting the wetlands.

Jon Rokeh: We had room between the wetland and the pipe line to get the driveway in without disturbing wetlands. It is a 40 ft. wetland set back. The driveway is 40 feet from the wetland and the pond is just inside the wetland setback. It is not inside wetland at all.

D. Duval: As far as the plans, he is dealing with a reduced copy so nothing is going to be true to scale. As far as the wetlands, since we are doing the subdivision on a lot that no construction has been done and wetlands have been done only a year ago, there is no need to re flag the wetlands. I believe from the wetland locations are good for 4 years. With the test pits we hit some ledge around 4 feet. It was more than sufficient for DES to give us our sub-division approval. I never thought to come to 4 originally and about building behind the gas line but the client that bought the 5-acre lot suggested it.

**Closed to Public**

P. Scarpetti: Are you allowed to have the driveway go through the 4 K area?

D. Duval: Yes. 4 K area is an area were you could build a septic system. Once you have approval from the state, you can put your septic where ever you want. You may be required new test pits, but the state does not hold you into that 4 K area.

*D. Marshall moved to grant a motion for modification to the existing drainage design for Map 48, Lots 19-6 & 19-7 Seconded by F. Kotowski. **Motion carried unanimously.***

*D. Marshall moved to grant a motion for the approval of the subdivision of Map 48, Lot 19-6 into two lots, as proposed. Seconded by T. Walsh. **Motion carried unanimously.***

**D. Winterton returned.**

**OTHER BUSINESS**

**SIGN COMMITTEE DISCUSSION**

D. Marshall: At our last meeting we decided in order to examine and modify the sign ordinance we should formulate a committee. It was also decided that before we scheduled that meeting, that we would get together with staff to put together a package with a suggested outline. We had a meeting with the Town Planner, Assistant Planner, myself, Leo and the Code the Enforcement Officer. We took the 3 sections of the zoning ordinance that involve signs, looked and realized there do need to be some changes because it is not functional. We looked at some possible approaches, marked up those sections, and then the Assistant Planner went ahead and retyped them with the changes outlined in red. We met again, and decided to make the recommendation to create 1 article instead of 3 sections dealing with signs in the zoning ordinance that is for signs. Some for Performance Zone, some for 3A and the rest for the general community. We added that to the list and left it with the idea that we would hold a meeting on September 23. Before that meeting the Economic Development Committee would be notified and businesses would be able to meet with us as well if they had any concerns. Then we planned on having a brainstorming session but we would give the information that we outlined. That is where we stand but it has upset our Town Administrator that we met. As a result, at this time, we no longer have the use of staff because they have been instructed not to do anything. Meanwhile, it has come to our attention, that the Town Administrator is talking with the Economic Development Committee, businesses and politicians without the Planning Board being present and that is our responsibility.

D. Shankle: As far as it not being my responsibility to get involved with businesses in the community, one of the things the Town Council has tasked me with is Economic Development Director. It is odd to me to have it suggested that the economic development director should not be talking to businesses about the sign ordinance. My concern, with the way this was processed, is that when staff is meeting with staff, we are given a lot of leeway in terms of the right to know law. We can produce work until

we present something because we are not making decisions, just bringing things to the Boards. Under the right to know law, as soon as a member of a committee is part of that staff, it is a matter of the public. At that point, you have become an advisory committee and are subject to the right to know law. My understanding and concern with that committee was that they did not post their meetings, they did not take minutes, they did not follow the right to know law. I'm sure this was an innocent mistake on everybody's part, but going forward, I told staff not to work with that sub-committee until we can make sure it is done in a legal manner.

D. Marshall: I disagree. I cannot understand how you believe that for years every operation of the Planning Board meeting with staff was illegal. If you cut off communication with any member of the Planning Board your government comes to a halt.

D. Shankle: I never said that, but as you pointed out, this Planning Board specifically put together a committee. At that point, you created an advisory commission that was going to come back and talk to the Planning Board and the sign committee and that became a legal entity under the right to know law.

D. Marshall: We also said that before that committee ever meets we would like to put together information for them. That was not part of the public committee. It was so they have something consolidated in front of them when they walk in.

D. Shankle: I think every person on the committee has a right to sit down with the staff the same as you did. I think there is an ethical issue even if there is not a legal issue.

D. Marshall: Then what the Planning Board instructed us to do is what the problem is?

D. Shankle: I looked through the minutes and did not see a vote of the Planning Board.

D. Marshall: It was a consensus.

P. Scarpetti: Yes. You were supposed to get together and instead of coming back to us they were going to meet with the sign committee.

D. Marshall: All of these people were there. If that is unethical, in your opinion, that is fine and we will function under your rules. We will be holding a meeting on the 23<sup>rd</sup>, which will be posted, with everyone. I assume that your staff will notify the Economic Development Committee and they will put out feelers to businesses.

F. Kotowski: Dick, you mentioned politicians getting involved. What did you mean by that?

D. Marshall: It appears that we have a senator that wants to get involved.

F. Kotowski: I just want to make sure you were not referring to me.

D. Marshall: I have no objections to him becoming involved.

F. Kotowski: There are two of us on this Board that you could say are politicians and I don't want politicians or any other member associated with this being a problem child. I don't want a stigma associated with my name and I don't want it appearing that politicians are tainting what this Planning Board is doing. I think you have a legitimate complaint and the Town Administrator has legitimate concerns that he has made us aware of, however, there is a way we can make this happen.

D. Marshall: I want to make it clear that if you read just those three articles of the zoning ordinance you will walk away saying I don't understand it and how can you function. There need to be significant

changes. There are all sorts of ways to do it, and in a brainstorming session we can do that and it will be for the better.

D. Winterton: Dr. Shankle, could you please give me the RSA under 91A.

D. Shankle: It is under definitions. I was concerned about this so I called the Municipal Association and talked to their attorney's who suggested that RSA 91A:1 (a) definitions, under vi (d) talks about advisory committees, sub-committees, subordinate bodies, etc. The fact that you have a state senator, that is concerned enough about economic development, that they bring businesses to me that are out there complaining but don't come to the town government, is a good thing. My job is to make sure that the businesses come to town and stay in town.

D. Winterton: I have spoken publicly about my concern with 91A and I have spoken with the state school board legal about 91A on a different matter and as this body knows I was the last discussion this body went into non-publicly. If we have aired and gone into 91A inappropriately, by the opinion of the town legal adviser, we had no desire to hide anything from the public. I am glad that we don't have a recorded vote, that we formed a committee and have a consensus, which is debatable, but I do not want to be a part of any body that violates 91A. I am not sure what the remedy is and we are all learning a lesson. As volunteers we are all getting smarter. We all have the same goal to make town run more efficiently and to make this town a more attractive place for businesses to come. I would ask the Chairman to ask the Town Administrator for a legal opinion of what happened and if there are any legal remedies that we have to go through and then move forward positively.

F. Kotowski: The remedy is simple in my view. Post the meetings. It is open and honest and nothing anyone can say happened behind closed doors.

T. Walsh: I agree with Counselor Winterton. It appears some mistakes have been made. Maybe we were not clear when we put a charge to this committee, maybe we should have put it to a motion, however, there was no malice. We agreed that some kind of outline was necessary. I was surprised it was going to be draft form and was thinking in more general terms, but if it works and we can use it to move forward I don't think it is a bad thing. In terms of 91A, and what has been done to this point, in my opinion, as long as everything goes forward in public forums we should be all set.

D. Shankle: According to legal council, all of the documents that were produced are public information. I am going to request the staff that was present to try to come up with notes and maybe do minutes of the meeting based on their recollections.

D. Rogers: Going forward I agree with notice of meeting and minutes being taken and I think one of the first agenda items would be to ratify what has already been accomplished and specify that in the meeting and in the minutes. That was there isn't any lack of transparency or any issue with what has gone on in the past. I agree that this is a misunderstanding and there was no ill will.

J. Duffy: Could I ask for a motion that you hold a committee meeting of the Sign Committee on September 23?

D. Shankle: Have you actually appointed specific people to this committee or are you going to do that at the 1<sup>st</sup> meeting depending on who comes and shows an interest?

D. Rogers: When the consensus was taken there were volunteers who agreed to serve on this committee and there was going to be some reaching out to others.

D. Shankle: So basically this 1<sup>st</sup> meeting will be an organizational meeting where people who come can tell you if they want to join and then at your next meeting you will appoint people?

D. Rogers: The Committee can set their own agendas but I would assume that would be one of the 1<sup>st</sup> orders of business.

J. Duffy: My understanding was that there was Dick, Tom Walsh, Leo, myself, Carolyn, Matt and 3 or 4 people from the Economic Development Committee.

D. Marshall: My suggestion would be that we have sufficient copies of the zoning ordinance so that everyone that expresses an interest has one in their hands so they have a chance to review it, before the next meeting after September 23.

***D. Marshall moved that a committee meeting of the Sign Committee be held on September 23, 2013 at 5:30 pm. Seconded by T. Walsh. Motion carried unanimously.***

### **OTHER BUSINESS**

D. Rogers: JoAnn, can you please let us know about the Kohl's renovations.

J. Duffy: I wanted you to have a copy of what they are planning to do to the outside of the facade. In the photograph, the top is what is existing and the bottom photo is the plan to make changes. I have forwarded this to Code Enforcement Officer and it is going to go through the building process. There is no approval required by this Board.

D. Rogers: I wanted to mention an e-mail received from the Governor's Advisory Commission on Intermodal Transportation which is being held on September 18 at 7:00 pm at the Town Hall Chambers in Hooksett. It was posted in the event the majority of the Planning Board may attend.

### **CHANGE OF USE**

J. Duffy: We have two applications that went before the Change of Use Committee. One was for a site on Londonderry Turnpike. There was previously a transmission repair business on this site and they are changing it to do automotive repair. This was approved and the applicant stated they may be interested in doing used car sales in the future on that site as well. They were informed they would have to come before the Planning Board for a site plan. The second application was for a kitchen and bath showroom on Kimball Drive in the building down the hill that you cannot really see. We warned them you cannot see the building and the signage would not be along 3A and they were all right with that because their business is by appointment only. That one was approved as well.

### **BOARD DISCUSSION**

D. Marshall: Is there an access Manchester meeting?

J. Duffy: That meeting is tomorrow at 3:00 pm at the Manchester Chamber of Commerce. They are going to have a panel of 3 people speaking about how to entice businesses into town and what they look for. A notice also went out to the Economic Development Committee. The meetings usually last until 5:00. Their office is located on Hanover Street a few doors down from The Palace Theater.

D. Winterton: Have we approved a car dealership next to the White Birch Brewery? It used to be Auto Wholesalers and it's been empty. There are now about 20 cars on north side where the Farmer's Market was.

J. Duffy: No. That has no approval.

D. Rogers: It showed up over the weekend. There are also cars for sale where the old Mobile Station was next to the Barber shop. There are some classic vintage cars there. Has that been approved?

J. Duffy: No.

D. Rogers: Is there any update on the Webster Woods?

J. Duffy: No. You got an email from one of the abutters. I forwarded that to Dan Tatem and he advised me that they have not been out there doing anything. They have until October 7, 2013 and they cannot do anything after that unless you give them another extension.

### **ADJOURNMENT**

**The meeting was adjourned at 7:29 pm.**

**Respectfully submitted by,**

**AnnMarie White  
Recording Clerk**