

Official

**HOOKSETT PLANNING BOARD MEETING
HOOKSETT TOWN HALL CHAMBERS (Room 105)
35 Main Street
Monday, December 16, 2013**

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

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

EXCUSED: David Rogers (Chair) and Tom Prasol

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

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES OF 12/2/13

F. Kotowski motioned to approve the minutes of the December 2, 2013 meeting. Seconded by D. Winterton. Motion carried unanimously.

ZBA SPECIAL EXCEPTION

**1. BRIDGE BAY, LLC (ZBA Case #13-17)
99 Mammoth Rd, Map 41, Lot 36**

- **Special Exception:** A Special Exception for wetland impact was granted on August 8, 2006 for 9,967 square feet (SF), but plan indicated 5,498 SF, 325 SF of which was temporary. A special exception is requested from Article 18, Section E of the Zoning Ordinance to permit construction of a single 21-unit, three story, multi-family residential building instead of the previously proposed two 12-unit buildings. Currently, there is a separate, existing 12-unit, three story, multi-family residential building on site. The proposed building will reduce wetland impacts from 5,498 SF to 5,173 SF and reduce the buffer impact by placing all parking around proposed building.

John Cronin (Cronin, Bisson and Zalinsky): We met with the Conservation Commission and followed up with the ZBA. They have a site walk scheduled and seem to be receptive to what we are proposing. Many of you may remember this site plan from 2006 that originally contemplated a layout that included three buildings. Two of those were located out in the back. Due to the economy and so forth, the first building got built, the back two did not. Bay Bridge bought it; they have completed and do a good job running the front. They want to build it out. They have decided to minimize the number of units and go with one building as opposed to two and to further minimize the impacts, by taking some of the parking that was along the roadway and bring it around the building to the rear. The wetland impacts are lessened but still exist, requiring us to have a special exception. I will ask Jen to go into some of the engineering details and show you where those impacts will be.

Jennifer McCourt (McCourt Engineering Associates, PLLC): The wetland impacts are in the exact same place as they were previously. The road stayed in the same place. We eliminated additional parking that was originally proposed. There were two buildings which we combined into one to provide all of the required parking around the building. We also took three units out of the building to make it fit. There are 21 and originally there were two 12 unit buildings proposed. It is marginal wetland and provides the wetland drains from the south to the north. There is a water shed divide. We will be providing treatment. It will require an Alteration of Terrain permit.

J. Duffy: We have seen this plan several times over the years. Most recently, Jennifer came in for a TRC meeting and met with most of the departments. The ZBA has heard this once for a hearing as well as the Conservation Commission. There is a site walk scheduled for 8am tomorrow for anyone interested. There was a discrepancy in 2006 about the sq. footage of the wetland that was shown on the plan versus the sq. footage that was proposed, but that is old issue and we don't need to bring it up again.

D. Marshall: Our role as a Planning Board is to send a letter stating whether or not we agree that the special exception should be granted or not. Does staff have any objection to that?

J. Duffy: No.

D. Marshall: Questions by members of the Board?

D. Winterton motioned to send a letter to the Zoning Board of Administration stating that find no objection to granting the Special Exception. Seconded by P. Scarpetti. Motion carried unanimously.

D. Marshall: We are changing the order of business to hear Miacomet Development next due to the possibility of Board members leaving early to attend to other obligations.

CONTINUED HEARING ON FINAL APPROVAL

2. MIACOMET DEVELOPMENT, LLC (plan #07-37)

Webster Woods, Phase II, Daniel Webster Hwy, Map 6, Lot 114

Final site plan approval.

Sharon Somers (Attorney Rep. for Miacomet Development): We were here in November and at that time the sole issue outstanding was the placement of Units 1 and 3. There were a number of issues raised relative to whether a geo-tech report could be favorably issued. We explored that and the essence of what we came up with was, at this time, to not go forward with those units. We think that will resolve the outstanding problems. It is my understanding that Stantec has looked at this favorably and I believe we are ready to move forward.

J. Duffy: We are all set and agree with what Attorney Somers said. I have in my report conditions of approval that should be included when the Planning Board is ready to vote. Stantec is all set as well.

F. Kotowski: What are the conditions of approval?

J. Duffy: 1) All review fees are paid-in-full. 2) LCHIP check payable to Merrimack County Registry of Deeds is submitted to the Community Development Department. 3) All outstanding comments from Stantec are addressed to Stantec's satisfaction. 4) Applicant agrees to attend a required pre-construction meeting after (a) all surety is submitted and approved, (b) site plan compliance monitoring escrow is in place and the Inspection Funding Agreement is signed and submitted, (c) 10% ADA units have been designated and noted on plan, and (d) the plans are signed and recorded. 5) Applicant agrees to remit \$135,177 in impact fees 10 days prior to the issuance of the Certificate of Occupancy subject to NH RSA 674:39. Those are the impact fees as of today. If those fees change, whenever the applicant would require their CO for a unit, there may be an adjustment.

F. Kotowski: Is the applicant agreeable to those conditions?

S. Somers: Yes. These are the conditions carried forward from the original 2009 conditional approval.

F. Kotowski: They have not changed?

J. Duffy: The ones that they have completed have dropped off.

Open to Public

No Public Comments

Closed to Public

P. Scarpetti motioned for final site plan approval, subject to conditions of approval. Seconded by D. Winterton.

T. Walsh: I still have my reservations on the drainable pavement. To reiterate that was approved by the Planning Board in the past. Correct?

D. Tatem: Yes it was.

F. Kotowski opposed. Motion carried.

EXTENSION REQUEST & PUBLIC HEARING

3. WALMART (WASTEWATER TREATMENT PLANT) (plan #08-37) 3 Commerce Dr., Map 37, Lot 43

Site plan for the proposed addition of a 249 sq. ft. wastewater treatment plant. The Active & Substantial period expired on 02/03/12. On 08/06/12 the Planning Board granted a 1 year extension to 02/03/13. On 01/07/13 the Planning Board granted a 2nd 1 year extension to 02/03/14. The applicant is seeking a 3rd 1 year extension to 02/03/15.

- **Extension Request** - Development Regulations (06/04/12) Section 22. Legal Provisions 22.02

Five-Year Vesting Period “The Board may grant extensions, upon written request filed with the Board at least thirty (30) days prior to expiration of the Vesting Period, stating the requested length of extension and the extenuating circumstances justifying an extension.”

Jay Surdukowski (Sulloway & Hollis, PLLC): We are seeking a one-year extension to the active and substantial period. In 2008 we got approval for a variance and special exception to facilitate the wastewater treatment plant at the Walmart store. We are in active talks to construct a municipal sewer line which would make this wastewater treatment plant unnecessary. We want to keep getting the extensions, just in case, as a Plan B.

J. Duffy: We have no issues with this extension. We have been working with Walmart representatives for quite a while to try to get the sewer project off the ground and we are heading in the right direction.

Open to Public

No Public Comments

Closed to Public

F. Kotowski moved that a 1-year extension to 02/03/15 be granted. Seconded by T. Walsh.

F. Kotowski: For some time the Hooksett Sewer Commission has been working closely with Walmart to resolve an existing problem they have there. There is a beneficial plan moving forward that would have Walmart construct a sewer main from the Walmart location that would eventually connect underneath the river and to the sewer line on the other side. It is beneficial to the town that we continue to work with them because it is going to open up a vast area on the west side of the river for commercial and industrial development. They have been very good and this is the reason I make this motion and feel good about doing so. Thank you for working with us.

Motion carried unanimously.

PUBLIC HEARINGS

4. AUTUMN FROST / DAVID SCARPETTI (plan #13-20)

Summerfare St, Map 35, Lots 7, 1-8 and 1-9

18-lot residential subdivision with lot line adjustments to lots 1-8 and 1-9.

- Decision of buffer.

D. Marshall: The Board will not make any decisions tonight on the issue because we have two people stepping down and there will no longer be a quorum. We will take testimony and hopefully at the next meeting everything will be in place.

Dick Marshall and Paul Scarpetti stepped down.

Doug MacGuire (The Dubai Group, Inc.): It is our first time at a public hearing and I would like to give an overview. I would also like to discuss a couple of comments that we received from an

engineering review that I would like to get Board feedback on. We are proposing an 18-lot conservation sub-division off of Summerfare St. The parcel we are proposing to develop is close to 50 acres in its existing condition. It has frontage on Summerfare St. as well as on the 28 bypass. Over the years, Dave has been working on this property and looking at different development opportunities. Originally, the property was completely zoned commercial and within the last couple of years, working with staff and the Boards, Dave moved the zoning line. We are proposing to subdivide the lot along the proposed zone line. The lot is still one lot, but what we are proposing to do is sub-divide this lot along the proposed zone line which is now zoned MDR and that is where the conservation sub-division is proposed. The remaining portion, which is roughly half the site, would remain commercial and might be developed in the future with access off of 28 bypass. Because this is a conservation sub-division, we put together a plan to make sure we are showing that we are meeting the correct density and open-space requirements. We are showing our proposed 18 lots. This area is proposed to be open space. The density criteria requires taking and reducing the track by 15 percent and subtracting the wetlands and the water bodies from the site. If we do that the calculation shows that we would be allowed 25 lots, but we are proposing 18 based on some of the open space calculations. We do meet the required 50 percent of the site being open space and we also have large portions of contiguous upland that we are including in the open space. We are proposing to provide walking trails so the future owners can have benefit and use of the open space. We are proposing a 24 foot wide curbed road with vertical granite curbing and a five foot wide asphalt sidewalk along the whole length connecting to Summerfare St. There is an existing sidewalk on the opposite side of the road and we will propose a connection to that so we have full connectivity throughout the neighborhood. From a grading and drainage standpoint we have a curbed roadway, so we are proposing closed drainage. All drainage is collected and routed to the lower part of the property. We are proposing an infiltration system, open pond, at the bottom. All grade slopes uniformly so we are collecting along the roadway routing to one spot. It is very clean; one system for the whole site. This pond meets all of Hooksett, state, and local criteria and there is a lot of capacity in this pond. We have met with the Sewer Commission and they were approving of our design. We plan to meet with the Water Department. One thing I wanted to discuss was when we came in last we discussed the buffers on site. We were proposing a 20 foot voluntary no cut zone. This is a Board decision as it is written in the zoning ordinance so we are willing to offer that buffer. We don't feel this type of a development warrants that but it is to the benefit of both developments to do so. We had a natural vertical grade buffer which is something I have illustrated. I will hand out an exhibit that provides clarity as to what I was discussing. I have prepared a section utilizing the most conservative cut that I could make. The resident of the existing house had cut all of his trees to the edge of his property. This shows you that the existing house off of Autumn Run is a standard Colonial with a garage under. It has a full walk out basement in the back. Based on the grade a lot of the houses along Autumn Run have walk outs. The owner has a deck in the back coming off their first floor living area. Even at the ground level, vertically there is quite a separation between these house lots. We tried to bring these houses as high up as we could to take advantage of the difference in grade within our own development. We have eight to ten feet over the top of the roof. There is not a lot of benefit to these owners. I know there were some concerns with the potential cutting. We spoke with some abutters after the last meeting, and we are going to try to provide physical pins surveyed in as well as put in some no cut placards along that area. This will make it clear that area is to remain no cut and also give any abutters a quick way to see the no cut buffer.

T. Walsh: Regarding the voluntary no cut blind, there is still nothing legal to stop a future homeowner

in your development from going past those placards and cutting down those trees, correct?

D. MacGuire: It would be voluntary on our end. This would be a deed restriction on all of the lots.

D. Winterton: Will the town maintain the plowing of the sidewalks and who would maintain the walking trails for the residents.

D. MacGuire: There is going to be a Homeowners Association set up and that would be part of the requirement. The Homeowners Association made up of the 18 lots would maintain that.

D. Scarpetti: There is no fill for that walking trail. It is going to be a natural walking trail; clear cut.

F. Kotowksi: Will the walking trail be delineated on the final site plan as to where it would be located.

D. MacGuire: We have it shown on the plan now.

T. Walsh: In this type of development, are we still able to build without closed systems and sidewalks? It is my understanding it is, and if it is, is it just your choice to put in curbs, sidewalks and drainage or were you requested to do it?

D. MacGuire: It was discussed at TRC and because there were some existing sidewalks on Summerfare St., it was requested that we continue through with that. The existing sidewalks are sloped granite curbing on both sides of the road and the sidewalk is placed to that. I discussed that with Dan and Leo. There are some concerns over sloped granite curbing not being as much of a curb stop.

T. Walsh: I want to make it on the record that it was at a TRC meeting that it was requested you would go with sidewalks, curbs, and a closed system.

D. Tatem: I was at that TRC meeting. I believe the plans came in with curbs on it. You were just talking about the sidewalk. You proposed a closed drainage system in that project up front. They wanted the curbs but the sidewalk was requested.

D. MacGuire: Yes. I apologize. With this type of grade on the site, it made sense to do closed drainage as opposed to open soils.

T. Walsh: We don't have a quorum so there is nothing we can act on tonight.

D. Tatem: Are there any comments we made in our letter that it would be good to get Board input on or should that be at the next meeting?

D. MacGuire: I was hoping to get feedback from the Board on two items.

T. Walsh: We can listen but cannot act on anything.

D. MacGuire: One of the requirements the Town has is a traffic impact analysis that needs to be done

on any sub-division. A typical rule of thumb is you get about 10 trips per day per house. That would be 180 trips per day for this development. Very low volume roadway standards would be less than 400 trips. Does the Board still want to see some type of traffic assessment or is that something they would support a waiver on based on this size of a project?

F. Kotowski: I would defer to the Director of Public Works who has to deal with roads and these kinds of things. I am sure there is good reason for wanting to do traffic studies in certain places at certain times, but I would rather listen to a professional tell me what should be done there. Leo, what are your thoughts?

L. Lessard: I don't think it needs a traffic study. It is too small of a sub-division and it is not enough impact.

T. Walsh: I agree.

D. MacGuire: When I come back I can propose a waiver.

T. Walsh: You said you had another question?

D. MacGuire: It is in the regulations to require 200' of site distance from all driveways. I am not sure if that was intended to be for a commercial development or if it was meant just for the residential. In any case we have a straight road we are clearing due to the grading around the bends. It seems like a lot of additional work to analyze all of those individually. Looking at the cover we are confident we have 200' of site distance. I talked to Dan about this and he suggested doing a few of the hot spot areas. I would like to limit the sheets in the set. That is something else I would ask for a waiver on.

T. Walsh: I see your point it is pretty straight and open. If that was Dan's recommendation, I think it doesn't hurt to put it to a waiver.

D. Tatem: At the first sharp curve, if that curve stays as it is, the site distance will most likely go out of the right of way. Doug's point is accurate of it being cut now, but in ten years brush comes back and someone is going to mow that and keep that site distance down. There is a good chance they may need an easement across one of the properties for that.

D. MacGuire: When dealing with site distance, cars will be slowing down because there is an intersection. I thought that might have made a difference but we can discuss it. Maybe I can do it as an exhibit to show that one and not put it as part of the plan site. JoAnn, as part of Stantec's review, they noted that we were going to require a special exception for the crossing. I believe at TRC we gained that special exception for multiple crossings previously. Is that something I am all set with moving forward?

J. Duffy: Yes because you are reducing and it is in the same spot you don't have to go back. If you were changing it or increasing it you would.

Open to Public

Cindy Robertson (33 Autumn Run): I want to thank Mr. Scarpetti for the effort he has taken to try to make this development as compatible as possible. With regard to the walking trail, is that going to be open to the public? We are assuming this additional street is part of the Autumn Run development. Is that part of it?

D. MacGuire: If someone is walking that street it would make sense that they would like to utilize the trail. I think in the legal covenants, because the individual house owners of just that development are at task with maintaining that trail, it may be a restricted use. That defaults back to how the town typically handles those. I have seen it both ways.

J. Duffy: Whatever you decide to put in the covenants. I am assuming the homeowners will all be paying a portion of the taxes on that land.

D. MacGuire: I would like to see other users have the benefit, but that is something that Dave's attorney can go through.

Closed to Public

T. Walsh: Seeing as we will not be able to act, we will continue the public hearing until January 6.

Dick Marshall and Paul Scarpetti returned

PRESENTATION

5. STANTEC CONSULTING SERVICES, INC.

Discussion of engineering services.

D. Marshall: You can make your presentation tonight or you can wait until January 6 when I expect there will be a full Board.

D. Tatem: Our intent is to reintroduce ourselves and we want to meet with the entire Board.

J. Duffy: They are scheduled to meet with the Council to give the same presentation on Wednesday. Would it be better to put that off and have them come to this Board first?

D. Tatem: It doesn't matter to us. We are prepared either way.

D. Winterton: I think it is best to meet here first.

D. Marshall: We will postpone until January 6.

OTHER BUSINESS

➤ Adopt Planning Board Rules of Procedure Amendments

D. Winterton motioned to adopt the Planning Board Rules of Procedure. Seconded by P. Scarpetti.

Motion carried unanimously.

➤ **Planning Board 2014 Schedule**

J. Duffy: After talking with the Conservation Commission we had to move some things around because they have changed their meetings to Monday. This is an amended schedule. We moved the first Zoning Amendment workshop to the January 27 which will work better for the Sign Committee and give them more time. The first hearing is now Feb. 24, before it was Feb. 10. March 3 will be a regular meeting but it will also be optional for the second zoning hearing or we could do the second zoning hearing on the 17th. We wanted to see which one you prefer. If we have it on the 3rd we are having them a week apart which probably isn't a good idea. We thought mixing March 3 and keeping March 17 would work better.

➤ **Approval of Stantec Invoices**

T. Walsh motioned to approve the Stantec invoices. Seconded by F. Kotowski. P. Scarpetti abstained.
Motion carried unanimously.

OTHER BUSINESS

Parkway Discussion

J. Duffy: You had asked me about inviting Bob Vachon from Southern New Hampshire University in to discuss The Parkway and why they wanted to eliminate it. I spoke with him and he wanted to know if you all want to go over to the University for a tour and lunch. He said you have not been there for a while and it might be a good time to take a visit. I said I would check with you because some of you have day time jobs and I did not know how many of you would be able to go. He does not have a date in mind at this point. Does that sound ok?

T. Walsh: I think the conversation needs to happen.

J. Duffy: Ok. I will find out some dates and get back to you.

ADJOURNMENT

*F. Kotowski motioned to adjourn. Seconded by D. Winterton. **Motion carried unanimously.***

ADJOURNMENT

The meeting was adjourned at 6:47 pm.

Respectfully submitted by,

AnnMarie White

