

Official

**HOOKSETT PLANNING BOARD MEETING
HOOKSETT TOWN HALL CHAMBERS (Room 105)
35 Main Street
Monday, January 13, 2014**

MEETING CALLED TO ORDER AT 6:02 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), Carolyn Cronin (Assistant Planner), Dean Shankle (Town Administrator), and Dan Tatem (Stantec).

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES OF 12/16/13

F. Kotowski motioned to approve the minutes of the December 16, 2013 meeting, with amendments. Seconded by D. Marshall. Motion carried unanimously. D. Rogers and T. Prasol abstained due to not attending the December 16, 2013 meeting.

PRESENTATION

1. STANTEC CONSULTING SERVICES, INC.

Discussion of engineering services.

D. Tatem (Stantec Consulting): I am Dan Tatem and beside me is Rene LaBranche. I have been working with Hooksett for approximately 7 years and Rene has been working with the Town and Planning Board since 1996. In the last few years the Planning Board members and some of the staff has changed so we want to clear up some misconceptions and misinformation that we have heard at meetings and from developers and staff members. We will give you a summary of projects we have worked on over the years, go over some general misconceptions and historical misinformation, and summarize the benefits that we offer to the Town of Hooksett as your consulting engineer. As a company we have been working for the Town since 1996 doing plan reviews, construction monitoring of town roads, and site plan compliance monitoring of private sites. In the past couple of years the DPW has taken over a majority of the inspection work and managing the construction end of things. As far as reviews, we handle small ones from lot line adjustments and small sub-divisions up to large projects like Heads Ponds. For something like that we would have a regular reviewer to review civil work, as well as a traffic, environmental, wildlife, geo-technical and structural things. It is a massive project, has miles of roads, hundreds of units, and a lot of infrastructure that required multiple people on our end for that review. We even did a fiscal review of their fiscal report to see how a project of that magnitude would affect your schools. A typical review would have a general reviewer, which typically is me. A lot of the time we would pull in a geo-tech to look at retaining wall designs or slopes, some detention ponds that are tricky, traffic and sometimes structural things. That is generally the magnitude of how the reviews are handled. Besides that work, we have done a lot of work directly for the town.

The review work is for development work. We have done town work such as the Benton Rd. box culvert and the Martins Ferry retaining walls over by SNHU that had collapsed. We designed those and did the permitting for their reconstruction. We worked on the Petersbrook Recreation fields with Leo and his staff. With regard to the Rt. 3 hourglass and the Hackett Hill intersection, we are not doing the design of the intersection job, but we started working with the Town a number of years ago on that. There was about \$3.7 million earmarked for the 3A corridor during the Cabela's project. The money had been sitting there and we were concerned the state was going to pull it, so we worked with Dick Marshall and JoAnn, met with the town and the state and got DOT to buy into approving the hourglass project and the Hackett Hill project as one project, because they would not allow the money to be used on two separate projects. Those projects are now moving forward. The Town of Hooksett is an MS4 town, which means that, because of its close proximity to Manchester, the EPA says that the town has a requirement to monitor the drainage infrastructure, existing and proposed, to make sure it is maintained properly to try to control the quality of the run-off that comes out of your site and goes into some of the drinking water supplies and the river. We mapped the towns infrastructure with a couple of subs. We had an aerial flight flown over the town and we provided maps and schedules of all of the drainage infrastructure which was a requirement. On top of that we did the town's annual inspections. Every year the town has to submit a report to the EPA summarizing what you have done to adhere to the requirements. We did a significant study for the town with the impact fee spending analysis. When projects get approved you collect traffic impact fees and there are clear laws about how that money is allowed to be spent. If it is spent without following those laws, the developer who provided that money can come back and say they want their money back. You could lose that money if you are not careful with it. As part of a town wide traffic study we evaluated the three corridors in town and came up with a spending plan on how to proceed with that. We would like to talk about misconceptions that we hear, set the record straight, and let you know we are aware of these and we have done our best to address them. The first is that Stantec's hourly rates are too high. We have compared other proposals, with other projects, in other towns, and other consultants. My rate is \$113 per hour, as a PM, and that is one of the lowest rates as a PM. Our construction monitoring rate is \$93.50 which is a flat rate and includes cell phone use, mileage, and travel time. A lot of consultants will charge a fee and add in those extras. If you take out those other additional fees, our rate is closer to \$88 to \$91 per hour depending on the travel time. The last thing is the site plan compliance rate. That is on a private site where there is monitoring of lighting levels, parking lot stripping, landscaping, and drainage. For that we have found the greatest success with a senior level person. I do a lot of the reviews on these sites in town and know the plans very detailed and very well. I also know the regulations in town that require certain things to be done during construction, so it is most efficient to have myself do those inspections instead of one of our field people who would be at a lower rate. That is why that rate is slightly higher. Another comment we heard was that Stantec sits on projects all day just to bill developers. Going back to what I just described with the site plan compliance monitoring, that is the only monitoring we have done in town since University Heights was built years ago. If you look in the packet I gave you, Handout 1 is an invoice from the Regency mortgage project. You can see the hourly rates, time and descriptions. You can see we don't sit on the site for hours. Switching gears to town roads, back in the 70's and early 80's there was no monitoring and construction was not what it is today. Roads were not built the way they were supposed to be. The 1-year warranty you get from the contractors is for 1 year. Nothing goes wrong in that 1st year and then a number of years later these roads start to prematurely degrade and the taxpayers spend money to fix them. The Highway Department and the Planning Board decided to have the construction monitoring done and spend time reviewing plans and writing regulations, so these

roads are built correctly and appropriately for the vehicle loads they are going to see. They should be built per plan not as they, sometimes, are being built. So the regulations included a requirement for construction monitoring. Handout 2 specifies, if you are putting in drainage you should have an inspector on site full time. That is a requirement of the Highway Department. That is in regulations not a choice that we made. The full time inspection is for drainage, infrastructure and paving. The rest of the projects are part time. When we were working on the University Heights project we were also working for the Water Precinct and the Sewer Commission. There would be times when we would have three inspectors on site. Sometimes two of them were within sight of each other.

R. LaBranche: The developers was upset at the time trying to control costs, so I asked to have a meeting with the Water, Sewer and Highway departments, and I proposed we limit to 1 on-site inspector so we could limit costs as long as they could cover the work appropriately. The Water Department would not entertain that approach. The Sewer and Highway Departments did, so we were able to save some money, but the opportunity has not always presented itself to save or reduce inspection costs on the project.

D. Tatem: Another thing we have heard is that Stantec's reviews are too detailed and extensive. We have talked to some of the designers. Industry standard is the review should cost about 10% of design costs. We have looked at a number of the jobs we have reviewed and we fall within about that 10%. As far as the detailed review, I know you know you regulations and they are detailed. In my experience we found that when loopholes get exploited and things don't get done the way the Planning Board wants them to get done, they fill the hole with another regulation. The regulations are tight, good and they don't leave much to question. When regulations are detailed, it is our job to review per your regulations. If you want to relax your regulations, then the review gets relaxed. Some of the smaller details people may think are not important are in the regulations, so we look at them and we make those comments. The regulations you have limit problems. Another comment was that the designers have to continually address new comments in Stantec's letters. Handout 3 is one of the projects of SNHU. Review 1 is lengthy, but with the second review there are no comments that are new, which is why we do that very detailed first review. Every now and then there is a second review. The one we just did for Summit View had some significant plan changes. On the bottom of the letter I mailed out to you it says, "New comments due to significant plan revisions." We come up with new comments if the plans change. We reviewed Ravinia Cold Storage which is a freezer facility close to 400,000 sq. feet. After the review was done, Tony Marcotte, who is of Bedford Design, and was a Planning Board Chairman years back, sent an email, which you can see in Handout 4, thanking us for our quick turnaround and our detailed review with very few new comments. To get that from a designer, on a project of that magnitude, was telling of the fact that we do our best to not come up with new comments. Another comment we thought should be addressed is that making changes in the field is convenient and acceptable and makes the project go faster. There is a misconception that when we monitor projects we slow down construction, or we cause delays, because changes want to be made and we don't want to approve them in the field. There are a lot of designers that are PE's. They stamp those plans, they review them and take credit for them. Some of the plans are very detailed and technical. It is not appropriate for a field inspector, when the contractor or we find a mistake in the plans, to change it and make it work in the field. When you make things work, a lot of the times things that are downstream don't work anymore. For that reason, standard protocol is to contact the design engineer, show them the mistake, get a redesign on it, and move on.

R. LaBranche: We would also have conversations and come to the Planning Board and ask how they wanted to deal with design changes. The Planning Board established this procedure with us.

D. Tatem: We heard the story of a design change that was detrimental to a local town. There was a town road that had some guardrail to be installed. Guardrail has two components. The standard run of metal beam and a terminal section. If a car hits that it breaks away so it doesn't skewer the car through the dashboard and hurt the person in the car. The local townspeople said they like the look of wood guardrail better, they petitioned their DPW Department and put wood rail instead of the metal rail. Not less than 6 months later a person hit the end of the guardrail and it severely hurt him and now the town is in litigation because of that design change. That is change we would not like to see without appropriate review.

R. LaBranche: Your regulations require the appropriate guardrail systems, but it is one of those things you don't want to change because the contractor doesn't want to do it or it is less expensive. You want to build them appropriately.

D. Tatem: The last thing about design changes is we just wrapped up a project in Goffstown working with their Town Engineer. John Neville, from Neville Excavating, built the project. The project had a good amount of design changes, delays, and some communication issues. At the end of the job, it was the first job we did in Goffstown, I sat with contractor and asked how it went. He said we reviewed their work by the book, looked at the plans and the town's regulations, and changes got documented. It didn't delay the project but you watched us closely and you were fair. When there was an issue we would resolve it, document it and move on. Down the road the town engineer can look at the documentation and see why changes were made. He told me he recommended us to the town to do more work in town, even though he said we were as tough as we were. He said he recognized the value that added to the project for his client. Another comment is that Stantec had billed the town \$300,000 per year for the last 5 years. We have all of our invoices. In 2009, we billed \$300,624, in 2010 we billed 197,892, in 2011 we billed 208,026, in 2012 we billed \$79,081, and in 2013 we billed \$58,494. We bill the town at our hourly rates for the work we are asked to do. The average is \$168,000. The mapping project I mentioned was \$80,361. That required an aerial fly over the town, and a lot of mapping and surveying. We hired a specialist company. They charged us \$75,900. We billed the town \$4,400. The last project we would like to talk about with billing misconceptions is the Benton Road box culvert design which took place between 2008 and 2011. Rene managed that project so I would like him to give you a summary on that.

R. LaBranche: The total billing on that project was \$152,000 and rather than jumping into this and doing everything, we hired local subs to do some of the work. In the end we did 70% of the work and our subs did 30%. That was a funded project where 75% of the funds paid to us were grants from FEMA and 25% was to be paid by the town. I ended up contacting DOT and talked to the Municipal Managed Bridge Program, and got an 80/20 percent grant on the remaining 25% so the town ended up paying 5% of that project. Even though we were paid \$152,000 over a three year period, the town got a lot of that money back from the federal and state government.

D. Tatem: The town ended up paying about \$7,600.

R. LaBranche: A couple of years ago the Economic Development Committee was running a program where they would meet with developers, interview them, write up a summary of the interview and distribute it amongst other EDC members and town department heads. They met with Thibeault Corporation on the Berry Hill project, and on #5 your handout, they were quoted of paying Stantec \$500,000 in inspection fees. What they did not tell the EDC was the water infrastructure on that project was massive and water inspection is full time. There was also sewer which was full time inspection. From the \$500,000 they paid Stantec, \$181,000 and \$99,000 of that was worked for the Sewer Department which was a separate entity. The site plan compliance monitoring that we billed for that project over a 3-year period was \$81,000. The town and sewer combined was \$181,000. The EDC sends out a report without talking to us first and then we have to explain this. When statements come out that are not accurate it paints us in a bad light. One of the other comments we would like to address is that developers and contractors should be happy with the construction monitoring, and they should like the inspectors on the site. We do this work in about a dozen other towns and we have found if you have an inspector who everyone likes, a lot of the time that person is not doing his job well. Inspectors are there to keep an eye on contractors and make sure they are doing things per the plan. Most of the time we are told we are fair, not that they like us, because we do things by the book and follow the regulations. Accurately constructed projects are what you want. You spend a lot of time and effort reviewing plans, looking over things, and doing your regulations. I don't see a point in designing projects and then not monitoring the work and making sure they are built as they are designed. We have been in town since 1996 and we have a proven track record with the town and Board. None of our actions, or lack thereof, have caused the town to be sued or be in any type of litigation because of mistakes or bad advice we have given you. We are a local firm located in Auburn and you deal with me. I come to meetings, review the invoices and do reviews. We have the ability to bring in specialists, but you don't deal with them you deal with me and that gives you the local service we think you deserve. Most of the negative claims you have heard are not accurate. We went on an interview for the Hackett Hill project and were talking about communication. Leo Lessard jumped in and said: "Dan Tatem never calls me back, because he answers the phone every time I call him." That is the kind of service we give you. We like working for Hooksett, we have been working here for a long time, we think we give you good service and value, and the town's interests are what we hold at the highest regard.

D. Marshall: How many other towns do you work for?

D. Tatem: We have worked for as many as 17 since I have been here within the past 7 years. Right now we work for 12 municipalities. Rene does a lot of work for Commissions and Sewer Departments.

D. Marshall: As a Planning Board we require these reviews to be done. They don't cost the town any money. The cost of any review is paid by the developers who wish to do business in Hooksett. It is the Planning Board that determines who is going to do the reviews. That is a state law. For other things such as design, that is under contract and handled by someone else. We have laws that we, as a Planning Board, have to follow. At one time or another, we have had our own engineer employed by the town, but we found, in many instances, he needed to go out to a consultant because he could not have the expertise in all the fields that was necessary. We learned, early on, that you need to have the availability of many disciplines within engineering. At one time, we also had half a dozen consulting

engineers working for the Board and that was a nightmare trying to balance off all of the accounts with the different engineering firms. We decided we needed to have one firm that does those reviews. We have had other firms but right now it is Stantec, and I have no problem with them.

DISCUSSION

2. PAUL SCARPETTI

Edgewater Rd.

Discussion and recommendation on discontinuing a Class VI road.

P. Scarpetti and D. Marshall stepped down.

P. Scarpetti: My wife and I bought this property nine years ago and maintained it. At one point we thought of building our own home there. We have had problems with vandalism, gang markings, and we found syringes on the property. I will walk through the property with the pictures I have provided. At the end of Edgewater Dr. you can see two different colors of the roadway. The lighter tan is the roadway paved and the brown is the gravel onto our property that the town is using as a turnaround. That is the beginning of the roadway that goes onto our property. Picture 1 shows you the end of the road. Picture 2 shows where we have graveled so the town can maintain a turnaround. Picture 3 is the end of the road with a gate. The first one is the Class 6 road we are looking to abandon. Picture 4 is the best passable area. Pictures 5 and 6 are looking north and picture 7 is looking south and you can see the erosion. Picture 8 you can see it has not been passed. As long as we owned it you could not pass on this area of the property. Picture 9 is looking south. Pictures 10 and 11 show more erosion. Picture 12 shows it is completely unpassable with the branches and trees. Picture 14 shows the field on the northern part of property. Picture 15 is looking south where you can see the road we have been maintaining to get into the property to the field. The light at the end of Picture 16 shows the Bow line. That is the end of the Class 6 road. Picture 17 looks south and shows the 5 acre field that we have been maintaining. We hired a farmer who has been cutting it on a regular basis. We had some damage where people have been breaking through from the Bow line, and they tore up the field. I had to hire a bulldozer to grade it so it could continue to be maintained. Picture 18 shows that we have rope swings that people enjoy. It is a hazard from the insurance standpoint. Picture 19 shows markings from some gangs that have walked through and that have been using the property. There are some pictures in the snow where you can see where people are walking on our property. I welcome people to walk on and I had a sign asking people to respect the property and remove rubbish they bring. If you look at your map I have the locations. The red markings were the pictures we took in the Fall. B is in the proposed area of the cul-de-sac. C is as you are starting to walk through, still on our property. D is looking back towards the south and it shows the town right-of-way. The other pictures show our right-of-way that we have been maintaining on our property. E is the brown roadway. On G you can see where we have been maintaining it and where people had have been enjoying it. On H you can see the different elevations. To the right, towards the river, it drops quite a bit. To the left is our right-of-way and you can see out to the field. The last picture shows footprints. There are no footprints on the town Class 6 road, only on our property. Because it is an hourglass design and is over 3,600' long from the end of Edgewater Dr. to the Bow line it has a match sheet as you look at the map. The road that we maintain, that is on our land, is over 2,100' long and the balance of it, to the Bow line, is on the town's Class 6 right-of-way. If you look at the silver numbers on the lower section of the piece of property, you will see it starts out at 30'. Those are the distances from our property to the reference line. You can see at one point it is 2' wide.

There is nothing left to it. It has been lost to erosion. The town right-of-way from the deed shows it as 2 rods wide which would be a 33' wide right-of-way. I was proposing to build a cul-de-sac on our property, have a private drive and a detached condo type development, with one house at the cul-de-sac and 5 up in the field. I have met with TRC. I met with Dean and we proposed to transfer the right-of-way to our road so people can continue maintaining the pedestrian traffic on our property. They are not using the towns property. They are using over 2,100' of our property. Leo did not make it a requirement but he brought up utility easements. I am in favor of providing a utility easement along our roadway and discontinuing the Class 6 road. If this gets approved, I would like to make sure this happens because there is no way you could put any utilities up through to Bow in the 2 foot section of property the town owns now.

D. Rogers: This is a discontinuance? At least that is the first step in this process.

P. Scarpetti: Correct. Dean thought it would be important to get the Planning Board's recommendation. Our next step would be to go to Town Council and they don't have any precedent set as far as discontinuing a Class 6 road. They have the approval to do it, but Dean felt they would want to push in on to the town for the town vote. That is why we are hoping to get the recommendation of the Planning Board and then move on to Town Council.

D. Rogers: Are you on Council agenda?

P. Scarpetti: Not yet.

D. Shankle: I did meet with Mr. Scarpetti. We talked about the fact that it is a Class 6 road. The only way for it to disappear is for it to be discontinued. My understanding is that since there has been a Town Council, as far as we know, there has not been a discontinuation of a road. Technically, we are supposed to have a budgetary town meeting, which is something Town Council could do, but the practice here, with the zoning ordinance, has been to take it to the people. I think this is one of those things that should go. I would suggest that people look at this very carefully before you discontinue, not only the road, but the access to the river. Along the river is town property. I am not sure if they discontinued it in Bow, but it does go straight through. JoAnn talked to John Pieroni from Kiwanis Club, and he thought it would be a good idea to keep it because once you give something like that up it is hard to get it back. I suggested to Paul to come to the Planning Board first to look at it so it did not go in circles. I don't know how Council feels about it. They have not heard anything about it.

D. Winterton: You said the town has 2 rods, or 32', on the right-of-way. In some places has that disappeared?

R. Uchida (Hinkley Allen Attorneys): We are in the process of going back into the 1700 and 1800's and we found the first road from 1771 in the Dunbarton town records. It was a 2-rod road. We found another layout in 1836 that did not specify a width. There is a layout in 1839 which was a vote to discontinue it. It says the town voted to discontinue the Old River Rd. from Hooksett Village to the Bow line. We believe it was at that action that the road became Class 6. In February, 1857, we found an old article, in generic terms, that the town left it to the selectman to act on an article that called for the widening of Old River Rd. by 1-rod from the Bow line to the land of John Prescott, but we could not

find any further action. Our position is that it is a 2-rod road in width per layout. The issue we have is when you have a water body as your boundary, that will physically change the boundary. On the north side of this property the river bank has eroded into that 2-rod right-of-way. It used to be if a road existed over 20 years it was a right-of-way. New Hampshire RSA 229:1 eliminates that as a way to establish a road prior to '68. What we are trying to do is afix the location as it sat in 1948, and if there is any change in the boundary line of the river per that, that would be a reduction in the width of the right-of-way. Part of the reason for the petition for the discontinuance is you have a jagged piece of right-of-way and it has shifted. As part of this proposal there is talk about a trail system to allow for that. It would just be in a location that would be mutually agreed upon. In regard to the ownership of the property in the town, Lots 8 and 9 on the tax map, used to be the salt marsh property that was deeded to the Scarpettis in 2005. There is a specific deed that lists the east side of road to the river. We are still working on finishing that boundary survey. We are looking at this as a way to release the public rights and we can re-establish that as part of the permitting process.

F. Kotowski: Your plan is to swap the current 2-rod wide piece along the river and move that to the west so the road would be in front of the new homes as opposed to behind the new homes along the river?

P. Scarpetti: That is correct. From my property line it is 2' wide in one area so they cannot use this as a trailway. They are using our property because they can't walk through that area. It is lost to erosion. What I proposed is they were maintaining this road as it is. I just want to make it legal. They are using it as a roadway now. We are proposing to do the swap so that they use the 18' driveway going in, it would go along the railroad tracks, then follow a path east back to the right-of-way and continue to Bow. In Bow, RH White is our neighbor and they have the same issue where they lost some of their right-of-way to erosion in their driveway. Right after RH White, which might be about 800' to 900' north, River Rd. is paved and that goes along the river up through Bow. There isn't really a path where someone could go on a trail into Bow. They would be walking on an asphalt road.

F. Kotowski: If things happen the way you would like them to, would the trail be in front of the new homes or in between them?

P. Scarpetti: It would be in front of them for that portion.

D. Rogers: You are looking for a recommendation to the Council from us?

P. Scarpetti: Correct and the utility easement is another thing they could not do right now unless they used our land.

T. Walsh: Would it be fair to ask for more time or is this something that has to happen tonight?

D. Rogers: JoAnn, can we continue this discussion to the next meeting? Paul, does that cause a problem for you?

P. Scarpetti: The Town Council has until March to act on it. Richard, is this correct?

R. Uchida: The issue is it has to get onto the warrant and I do not know where we are with the deadline.

J. Duffy: I believe the warrant articles for non-money is sometime in March.

D. Shankle: You can talk about it at the next meeting.

D. Rogers: When would the next available spot be for them to present this to Council?

D. Shankle: It would be the first meeting in February.

D. Rogers: When are we meeting next?

J. Duffy: Our next regular meeting is February 3.

D. Rogers: If we postpone it until February 3 does that coincide alright with Council?

P. Scarpetti: Yes. I will get on the agenda for Council right after that.

T. Prasol motioned to continue the discussion and recommendation on discontinuing a Class VI road until February 3. Seconded by T. Walsh. Motion carried unanimously.

P. Scarpetti and D. Marshall returned.

WAIVER REQUEST & PUBLIC HEARING

3. JAMES & RACHEL WELCH (plan #13-37)

16 Rae Brook Rd, Map 47, Lot 32-8

- **Waiver Request** to appeal assessed impact fees per Zoning Ordinance Article 30, Section H. 1. Appeals Under Impact Fee Ordinance.

Rachel Welch: I am here with James Welch. Our property is at 16 Rae Brook which is just north of Smith Rd. off of Mammoth Rd. It is a cul-de-sac and an existing and established development. We are asking for an abatement because we felt that our impact to the community was minimal. We are not bringing any children to the community. We understand the purpose of the impact fee is to absorb the new development to the town. It is not so much a new development as much as new construction in the development. We want to support the town. We consider that our contributions through property taxes will do that sufficiently unless there is something more we don't understand. The impact fee is a hardship for us. We were thoughtful in our construction and we are happy to be in the town, but we would like your consideration with regard to the impact fee.

Open public hearing

No Comments.

Close public hearing

J. Duffy: They are asking for a waiver for the park and rec and school impact fees not the entire amount, however, impact fees are based on the structure for life of structure not for the length of time someone may live in the structure. Staff does not recommend the waiver be granted.

D. Marshall: Although you are not bringing children into the system, if something happens that you leave the property the people that come in may have children. We can't go back and say to them that they owe that fee. It is assessed at the time the building is erected and approved for occupancy.

R. Welch: I am looking at a printout that I took from the town's pages which says "What are Impact Fees." It indicates that impact fees help absorb the financial impact of new development for construction or improvement of capital facilities owned or operated by the town. I did not see anything that expressed it was for the life of the building.

D. Marshall: It is at the inception of the building not of the life of the building. The fact that the building has been erected and approved for occupancy, these are the fees, not who moves into it.

R. Welch: My understanding is that it is for the development of the construction not for anything that happens after the construction. It is for the improvement of capital facilities owned or operated by the town. It says nothing of who will live there after we reside and leave the property.

D. Marshall: Say you had two children, you would pay the fees? You would not have any choice.

R. Welch: I would say no. I found the impact fee itself to be rather high.

D. Marshall: That is not the debate. Those are set and we don't play with those. JoAnn who sets the actual fee?

J. Duffy: The fee initially was set by Council and from time to time they are adjusted, but that would be by Council.

D. Marshall: When you say adjusted, the fee may go up or down. We are not talking about abatements, we are talking about the fee structure. That has been established. Each home that is built gets charged those impact fees. It is a dangerous precedent if we grant this abatement because every family that moves in a house with no children is then entitled to the same thing and that will never work on an impact fee system.

J. Duffy: The only impact fees which change have to do with school impact fees for projects that are 55 and older.

D. Winterton: As the representative of the Town Council, I would acknowledge that our impact fees are high. I would also acknowledge that I've paid them in the last two years and I do not have any kids in school. On your building permit the impact fees were listed. We may have a discussion at the Town Council about whether the impact fees are appropriate or not, but I cannot support your request for a waiver.

R. Welch: Why does the town feel it necessary to attach impact fees to any new construction in the town. It seems to me the town is well established and you have a tax base with regard to the new businesses that have come into the town. So many surrounding towns don't have an impact fee so why does Hooksett continue to impose this impact fee?

D. Winterton: That discussion should or might be had at a Town Council public meeting on impact fees, but we can't turn the clock back on your application.

R. Welch: I would not ask you to, but I wonder if there has been any discussion about dissolving impact fees?

D. Marshall: Impact fees are assessed for future growth. When the Cawley school was built we were allowed to use impact fees to provide more room than was necessary to allow for future growth. It is the same for parks and recreation. We need to be able to expand as the community grows. The purpose of impact fees is to provide for that. Often, you will see in a warrant, the expenditure of funds, but at the end of it will say that we will use a certain amount of money from impact fees to accomplish that. The accounting of those impact fees is critical. There are things attached by law.

T. Prasol: As a member of the Parks and Recreation Advisory Board, we do use the impact fees to create more active and passive recreation in the town as it continues to grow. I agree with Mr. Marshall that if we were to grant the waiver and set this precedent moving forward the town could grow and we could lose funds for recreation.

R. Welch: I better understand based on what you have told me. If the town is not able to provide a waiver can they reconsider the sum of the impact fee?

D. Winterton: If the town, over a certain number of years, does not expend your impact fee they will be given back to you. There are only certain things you can spend the impact fee on, and if the town determines we cannot spend them they are returned. You cannot spend them on a new truck for the Highway Department, but you can spend it on the design of the addition of a fire house due to expansion. If the town decides not to expend the impact fees they are returned. In Londonderry, they are returning impact fees to certain individuals and certain companies.

R. Welch: Is there anything in our property taxes that is used for town growth?

D. Winterton: We spend money on economic development, new police cruisers that are needed, and other things in the budget that are needed for growth. You are before the Planning Board which is a function of the community development organization. Yes, we spend money on growth. It is my desire and my input, hopefully, that makes our spending make sense.

P. Scarpetti: As a home builder, I am faced with it everyday. We are not an isolated town. I pay it in several surrounding towns.

R. Welch: I have resided in Manchester and Goffstown and not paid an impact fee in either of those locations.

P. Scarpetti: Manchester does charge.

R. Welch: It could be that is was not new construction.

D. Winterton: This is only for new construction and the requirement is when you get a Certificate of Occupancy.

R. Welch: How will I follow whether or not the impact fees are utilized by the town?

J. Duffy: There is a page on our website that has a spreadsheet listing all of the impact fees that have been collected, what for, who from, and how they are spent. It is updated monthly. It has to go to the Town Council for approval before they can spend anything and that is also reflected on that spreadsheet. The money can only be spend for capital items, not for maintenance costs. You asked if the fees could be reduced. An appeal can be filed, but the Planning Board and the fee payer may establish an alternate, mutually acceptable, schedule of payment of impact fees. I believe you have already paid the impact fee so I don't think that would apply.

R. Welch: We have.

D. Marshall motioned to grant the waiver request to appeal assessed impact fees per Zoning Ordinance Article 30, Section H. 1. Appeals Under Impact Fee Ordinance. Seconded by D. Winterton.

D. Marshall: I urge the members to defeat the motion.

Motion opposed unanimously. Waiver denied.

PUBLIC HEARING

**4. PIKE INDUSTRIES (plan #13-36)
38 Hackett Hill Rd, Map 12, Lot 11**

Site plan to replace two existing plants with one new asphalt plant.

- **Waiver Request** from Development Regulations (06/04/2012) Section 3 Site Plan General Requirements.

D. Rogers: JoAnn there has been no response when there are additional responses needed. Is that still the case?

J. Duffy: I just spoke with Dan about that and his letter dated January 9 states that he is satisfied that those are minor items and if you were to approve this tonight their would just be a condition they would had to satisfy those items. The only thing you need to act on tonight is whether or not you are going to grant the waiver for them to meet the site plan requirements because this is a replacement of an existing asphalt plant. They are asking for a waiver of the full requirements of site plan although the plans they have submitted have been reviewed by Stantec. They are not adding any additional

pavement to the site. They are just taking out two old asphalt plants and replacing them with a modernized one.

D. Rogers: This was conceptually presented to us a couple of months ago?

J. Duffy: They came in for their completeness hearing on December 2 and it was found complete.

John Lorden (MSC Engineering): Here with me from Pike Industries is Jonathan Oakes. In the back for technical questions is Matt Valley, Ted Fitzgerald and Ryan Crosbie. The proposal is to replace 2 asphalt plants that were manufactured in 1967 and 1972. The one being proposed is much more efficient and a better newer product. We are not increasing impervious. We are reducing the overall total structures on site. We came before Planning Board on December 2. The waiver was granted and completeness was established. The waiver was for not submitting the application checklist. On December 5, we attended a Technical Review Committee meeting. On December 13, there was a meeting with Stantec and JoAnn Duffy where it was discussed that an additional waiver would be required for not complying with the site plan requirements. We believe what we provided gives the Board enough ability to review the project. Since the last meeting we have established a new set of plans dated December 19. We added the well head protection area location plan. The parcel itself is within that district, all of the proposed work is outside of that district. We added the limits of the groundwater resource conservation district; we are in that district. We added the SWIP information for an existing SWIP established on this site to the cover sheet. On the existing features we updated existing utilities to better reflect what is out in the field. We are removing part of an existing retaining wall and on the site plan extending a portion of that retaining wall. We also added a building summary of existing and proposed structures to compare the two and show that there is a reduction. There was the removal of a 40x60 rap shed at the southwest corner of the area we are working in. We added Notes 12 and 13. We have showed proposed water and sewer lines to the lab. We took that lab and rotated it. It is a 30x60 lab. We needed a 10' buffer outside of that and a 20' fire line. There are no parking or structures within that. On Thursday, we received a letter from Stantac. Some of the items we are looking at are recording and signature block revisions, written approval from the Fire Department, and we will verify if the Fire Chief would like to see paint depicting the fire line or just having that area left free. Soil compaction notes to be added and overall parcel on the location plan. One thing that wasn't shown, that we will be showing, is the addition of seven new lights on the structures to light the whole area. Labeling the existing parking spaces, clarifying underground utilities, revising the dig safe number, silt sock additions, removing a drainage reference and utility plan retaining wall detail. We have a more detailed plan provided by TAW Associates that we can forward to you for review. We have addressed some of the towns concerns. We are in the process of addressing Stantec's concerns and comments. Nothing has been substantial and we can wrap it up quickly.

D. Tatem: Nothing is changing except for apparatus. My initial thought was they just needed a building permit. I did not think they needed to come for a site plan review but they are adding a building and taking one within the paved area. Normally, with a letter with 16 comments I would not recommend a conditional approval, but with his responses now they are going to do a lighting plan. That was the only concern we had. In the meetings, they agreed to show what was there for lighting and provide appropriate lighting for their employees. That was not in the plan set but he just said they are going to be adding that. These are all technical and small and we have no concern with the nature of the project

if the Board wishes to approve it tonight.

D. Rogers: Some of these concerns came up at the TRC meeting as opposed to when we granted the initial waiver and found completeness?

D. Tatem: Yes. The one waiver they are asking for, and we discussed this in the meeting, is a blanket waiver to the regulations. We look at the important things. It seems like an appropriate waiver because they agreed to a staff review and a technical review.

J. Duffy: If someone is building a building or an addition the regulations don't allow staff to approve a building permit. It has to come to the Planning Board.

Open public hearing

No Comments.

Close public hearing

F. Kotowski motioned to approve a conditional waiver from Development Regulations (06/04/2012) Section 3 Site Plan General Requirements, subject to the items in Stantec's letter that need to be completed. Seconded by D. Marshall. Motion carried unanimously.

5. 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.
- **Waiver Request** from Development Regulations (06/04/2012) Part II: Site Distance
- **Waiver Request** from Development Regulations (06/04/2012) part II: Traffic Impact Study

P. Scarpetti and D. Marshall stepped down.

Doug MacGuire (The Dubai Group): Last month, when we came in, I gave a quick overview of the project and I discussed a couple of waivers I had hoped to get input on. It seemed the general consensus of the Board was that it was worth it to write those, so we are here today to formally request those waivers. The main focus is that we want to get feedback on these. In the past month, our office has updated the plans based on Dan's review comments. With the Christmas holiday we weren't able to meet the deadline for the previously scheduled meeting, but those will be in for the next meeting so Dan will be able to have his formal review.

D. Rogers: The way it stands now there is no new information that has been received by Stantec?

D. Tatem: That is correct.

D. MacGuire: I can tell you we have made substantial completion of those comments but Dan has not had a chance to formally review that.

D. Rogers: JoAnn, would it be appropriate to take up the waivers now or should we wait until after Stantec's review?

J. Duffy: I am checking to see what the minutes said on whether it was continued to this date. Normally the abutters have to be noticed of the waivers so the Board can vote on it.

D. Scarpetti: We talked about it and they did not have a quorum that night and we did not have the waivers prepared, so it got moved to last Monday night.

J. Duffy: So they were notified of last Monday nights meeting?

D. Rogers: Can we take it up at the next meeting?

J. Duffy: It expires on the 15th so we might as well continue it now.

D. Rogers: Does this require anything further from your standpoint?

D. MacGuire: The first waiver is based on the residential driveway site distances. This proposed roadway is straight. The entire roadway is new construction. Many of the driveways fall along the proposed roadway. Site distance would not apply at the cul-de-sac or at the entrance where speeds would be reduced. I met with the public works director on these plans. I have also discussed this with Dan over the phone and it is a requirement that is in the regulations to have individual site distance profiles of driveways but I feel that, in this case, that would be overkill and would require several additional sheets to the set. That is why we are asking for that waiver. The second waiver is regarding a traffic impact analysis. Hooksett's regulations require a traffic study for any major sub-division. This type of development (18-lots, single family, conservation sub-division) doesn't warrant any type of traffic study. This would be considered a very low volume generator so we are trying to save the applicant a bit of money by not producing a supplemental report to that effect.

J. Duffy: Carolin just advised me that the hearing from December was continued to last week which was canceled until this week, but the waiver applications did not come in until last week. The abutters have not been notified of the two waivers and they have to be notified in writing for a hearing on those waivers.

D. Scarpetti: We talked about it at the last meeting.

J. Duffy: You have to supply the abutter envelopes and the list of abutters and they have to be Noticed by letter saying that you are requesting two waivers.

D. Rogers: We cannot act on the waivers tonight?

J. Duffy: No but you can hear them.

D. Winterton: What kind of letters are they? Regular or certified?

J. Duffy: Certified.

D. MacGuire: If we were to come up with another waiver request, following these, based on review comments by Dan's follow-up review, we would have to notice that as well? Every time we get a waiver we have to Notice it?

J. Duffy: Yes.

D. Rogers: In view of that, I guess we will just vote on the extension.

D. McGuire: We would like formal feedback on the buffer question. We did not get feedback at the last meeting.

D. Scarpetti: Can we act on that tonight?

J. Duffy: Yes.

D. MacGuire: The issue of the buffer comes from a section in the zoning ordinance that states that: "The Planning Board shall work with the developer to determine if a buffer zone will be required between any proposed structure within the development and the perimeter of the tract and, if required, shall determine the depth of the buffer zone." What we proposed is a voluntary natural 20' no disturb buffer. These are both like uses, very similar size lots and frontages. I think that an excessive buffer isn't warranted for these type of like uses. To further assist in the buffers we have a vertical grade buffer. There is roughly a 30' difference in grade. In the handout, you can see a cross-section of one of the worst case scenarios where the existing abutter had cut the majority of their vegetation. A lot of the abutters along that roadway have much more vegetation than this. This is showing the existing house, which is abutting our property, and has a walkout basement. If you were to view from the first floor living area, out on their back deck, you can see that they are looking well over the top of our roof. There is a significant vertical buffer as well as the additional natural wooded buffer that we are proposing. We have had conversations with the abutters and what we also agreed to do is provide surveyed pins of this 20' no disturb buffer and those will be shown on the updated plans that we will be providing to Stantec and the town. That will provide an official point of reference of where that buffer will start and stop. It will be to the benefit of the abutter and the new homeowner of our project, so they know where that no disturb cut area is.

D. Rogers: Your proposed buffer would be non-disturbed but it would not be added to either? It would be left the way it is?

D. MacGuire: That is correct. We would be maintaining that natural wooded area. We are not proposing to plant additional buffering.

D. Scarpetti: It will be in the homeowners deeds and, if necessary, the large trees can be tagged with a medallion.

Open public hearing

No Comments.

Close public hearing

T. Walsh: I initially had my concerns, but with their solution and no objections from the abutters I will make a motion.

T. Walsh motioned to approve leaving the buffer undisturbed as it currently stands. Seconded by T. Prasol. Motion carried unanimously.

D. MacGuire: I will make sure we get those notified with the certified mailings for the next meeting and Dan will have his plans back so he will be able to have an updated review.

T. Prasol motioned for a 65-day extension on the waiver request from Development Regulations (06/04/2012) Part II: Site Distance and the waiver request from Development Regulations (06/04/2012) part II: Traffic Impact Study. Seconded by F. Kotowski. Motion carried unanimously.

P. Scarpetti and D. Marshall returned.

OTHER BUSINESS

6. STERLING HOMES, LLC / KEACH-NORDSTROM ASSOCIATES (plan #13-26)

Summit View, South Bow Rd, Map 12, Lots 1 & 24

Proposed 38-lot subdivision and roadway access off South Bow Road.

- Extension of the 65-day deadline

D. Rogers: It does not appear to be anyone is here for this. JoAnn can we take this up without an applicant?

J. Duffy: Yes you can. This actually has already expired so they just need an extension.

F. Kotowski: If something expires can we automatically give them an extension?

J. Duffy: The purpose of the 65-day deadline is to protect the applicant from a Planning Board dragging it on. The state statute says that at the end of the 65-day deadline if the Planning Board has not acted, they can go to the Council and ask the Council to approve the plan. I have never seen that happen. Normally the applicant will come in and request the extension and the Planning Board grants it. In this case the applicant has not even asked for the extension.

D. Rogers: Can we act on our own without a request?

J. Duffy: Yes, because they have not made any request to get you to act quicker. It is not your fault this hasn't been approved. They have not submitted the proper information yet.

T. Walsh: If they didn't request this, did you just put this on the agenda?

J. Duffy: Yes.

T. Walsh: They are not notified of when these things expire, typically?

J. Duffy: Typically they are supposed to be keeping track of it and they are supposed to come and ask the Board if they will grant an extension. If you would rather wait until February 3, when they are here, that is fine too.

D. Rogers: I don't feel comfortable doing something without an affirmative request, so I think we should postpone this until the next meeting.

D. Marshall: What happens when there is failure to grant an extension?

J. Duffy: If the two parties don't agree, they can go to Council and request that Council automatically approve the plan.

D. Rogers: This will be continued until the February 3 meeting.

7. APPLICATION FOR PLANNING BOARD POSITION

Discussion of recommendation for applicant Muamer Durakovic

D. Rogers: We have an applicant for an alternate for the Planning Board. He is not here this evening but we did receive his application that, I believe, was submitted simultaneously to the Council. JoAnn, is that correct?

J. Duffy: It was forwarded to the Council and the Economic Development Committee.

D. Rogers: Which is another Board he applied for. When is the Council taking this up? There is a nomination and then an appointment process so there are at least 2 meetings.

J. Duffy: I don't know. Their next meeting is January 22.

D. Winterton: I am not sure if it is on agenda.

J. Duffy: It is probably not set yet. I think it gets set Wednesday.

D. Rogers: Based on the application, we can take comments. Unfortunately, we don't have the applicant here to make a presentation. Should we postpone this until our next meeting?

J. Duffy: We can ask him to come in if you would like.

D. Rogers: I would like to hear from him directly. Let's ask him to come in for the February 3 meeting.

CHANGE OF USE

**1. Jeffery Larrabee
3 Cate Road, Hooksett NH 03106**

Application Received: December 30, 2013
Existing Use: construction materials distribution/sales
Proposed Use: construction equipment storage/sandblasting,
Size of Existing Building: 16,500+ SF

Jeffrey Larrabee is leasing the former Belletetes Lumber property on Cate Ave. Continental Paving is subleasing. They were recently in the yard sandblasting their equipment and there was a complaint filed because it is in the groundwater district. Apparently this has been going on at The Palazzi property for 25 years. In the winter they bring their equipment in, sandblast it outside, collect all of the material, and then go inside and paint and clean up any rust to get it ready for the following spring. He came in and met with the Change-of-Use Committee and the Fire Department, because they were concerned with how much paint would be stored on site. They worked it out with the Code Enforcement Officer, who went out and did an inspection, and got approval.

BOARD DISCUSSION

D. Winterton: I would like to make the Board aware of something, as a heads up, regarding the subdivision on Smyth Rd., where the lot was divided into a subsequent lot and was approved by this Board. I stepped down as an abutter. Due to the fact that the 4 lots were not originally applied to the Planning Board, there was no fee paid for the 4th lot because it was taken out of current use. It would have been paid to the town had it been part of the original approval. There are only 3 lots that were taken out of current use and when the 3rd lot was subdivided into 4 lots, that did not require a payment of taking it out of current use of the town.

T. Walsh: If there are only so many acres and it was taken out of current use and was paid, how would it be different if it was cut in half later?

D. Tatem. What was the size of the 4th lot?

D. Winterton: 5 acres.

D. Tatem: It was under 10, so it had to be taken out of current use?

D. Winterton: Yes and it is no longer attached or adjacent to the original lot. When those lots were purchased they were taken out of current use because they were no longer contingent with a 10-acre lot.

D. Tatem: Can the Assessing Department still assess that current use to tax that is over due on the 4th lot?

D. Winterton: I don't know. The 4th lot was not taken out of current use.

D. Tatem: But it is under 10 acres, right?

P. Scarpetti: It changes the value.

D. Tatem: If the 4th lot goes from 25 acres down to under 10, it has to be taken out of current use.

D. Winterton: The 3rd lot was out of current use and paid the fee to come out of current use, I assume. Once that lot was sub-divided there was no issue of current use.

J. Duffy: When the 3rd lot was taken out and paid it was paying for the entire piece.

D. Winterton: But it was paid for at the purchase price as one lot.

P. Scarpetti: It has a different value now because it is not just 3 lots, it is 4 lots when they based it on the current use.

J. Duffy: How would you prevent something like that if someone came along and subdivided later?

D. Winterton: I am just saying this as a heads up. For instance, if those 4 lots had been purchased as one parcel of land, then that one parcel of land would have been charged the taking out of current use fee. That parcel of land could then be divided into 4 lots and there would be no more current use fee due.

J. Duffy: However, you can't tell someone they have to purchase the whole thing and they have to do the subdivision.

D. Winterton: My point is that the 2nd subdivision happened quickly after the 1st one with the same surveyor.

J. Duffy: I don't know what we could do to change that.

D. Winterton: I don't think there is anything to do to change it except to keep a heads up.

J. Duffy: It sounds more like a state law.

P. Scarpetti: If we take it out of current use, you don't know how many lots are going to be carved off of that piece of land, so the assessing has to make a determination at that time what the value of the land is when it comes out.

D. Tatem: From what I understand, with current use you get a break on your taxes. If you take that out of current use, you have to pay back that break in taxes. On a parcel of 30-acres, if you take it out of current use so you can subdivide it, you have to pay back all of that amount and then it is free to subdivide it.

D. Winterton: In both of these subdivisions, the original owner did not pay any of the current use. The

current use is paid by the person who buys the property.

D. Tatem: That is an agreement they made. Correct?

D. Winterton: No. That is state law. The person that buys the property takes it out of current use. As long as the original property still has more than 10 acres and is contingent with the acreage that still remains in current use.

T. Walsh: The current use in all of that land in the 3rd lot was paid. You are just saying it would have been more if the 4th lot had been separated prior?

D. Winterton: Perhaps.

*D. Marshall motioned to adjourn. Seconded by T. Prasol. **Motion carried unanimously.***

ADJOURNMENT

The meeting was adjourned at 8:02 pm.

Respectfully submitted by,

**AnnMarie White
Recording Clerk**