

Official

**HOOKSETT PLANNING BOARD MEETING
HOOKSETT TOWN HALL CHAMBERS (Room 105)
35 Main Street
Monday, February 3, 2014**

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

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

EXCUSED: Tom Walsh

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

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES OF 1/13/14

D. Marshall motioned to approve the minutes of the January 13, 2014 meeting, with amendments. Seconded by F. Kotowski. Motion carried unanimously.

CONTINUED DISCUSSION

PAUL SCARPETTI

Edgewater Dr., Map 1, Lot 4

Discussion and recommendation of discontinuing a Class VI road.

D. Rogers: This is postponed and will be scheduled at a date yet to be determined.

COMPLETENESS & PUBLIC HEARING

DIONNE, FOSS, LAMBERT & LEMAIRE

5 Highland St. & 16 Chase St., Map 6, Lots 49, 57 & 58

Lot Line Adjustment

D. Rogers: Carolyn, is this this plan complete?

C. Cronin: According to Leo's review yes, but not as a Board.

Bob Kilmer (Duval Survey): This involves 3 parcels of land on Highland and Chase St. We were approached to look into the possibility of a sub-division on the parcel. When we got into the work, it was discovered that the parcel with the house was owned by another party. The garage and the driveway servicing the house were the only buildings on the property. To further compound matters, we have Chase St. going through several of the lots without a defined right-of-way. We want to correct that by giving the town deeded fee simple rights to Chase St. where it falls on the properties. The purple outline shows a portion that is under different ownership. He purchased it several years ago from the

Lamberts, and they thought they just sold their portion of the lot that is east of Chase St., where the gentlemen got a permit and built a parking lot. The lot he bought contained the house; the area he has the parking lot on. We are trying to do a lot line adjustment to put the parking lot attached to the southern lot, take the house and garage and create the lot with the house, and have the vacant property as a separate lot. Also, there are several pieces that fall within all 3 of those lots that we would be deeding to the town, with their agreement to accept, giving them a deed to that portion of Chase St. that falls on the properties at this point.

D. Marshall: Chase St. is not really a street?

B. Kilmer: Chase St., called out in most of the deeds, are the parcels that fall on that.

D. Marshall: It is not a Class 5 road in the Town of Hooksett?

B. Kilmer: Correct.

D. Marshall: Not maintained by the town?

B. Kilmer: It believe it is because there are utilities, sewer services, water and gas.

D. Marshall: In creating this sub-division, you are going to turn over a street to the Town of Hooksett that does not meet our standards.

L. Lessard: Correct, but it has been a street so long and it is kind of grandfathered. We maintained it, we have utilities on it, so what they are doing for us is giving us a public right-of-way, compared to what we have now, which is nothing, and we maintain it.

D. Rogers: How long has this been this way?

B. Kilmer: It first shows up on a plan from 1943.

D. Rogers: As far as completeness, Carolyn is this complete? Leo, has the checklist been met?

L. Lessard: It is complete as far as we are going to have an easement now, but if you try to put it towards today's regulations it doesn't match it. It is a road we take care of and he is cleaning up part of the mess for us and giving us a road.

D. Rogers: As far as deeding?

L. Lessard: Correct.

D. Rogers: As a practical matter what you are depicting on that plan is what we have at the moment, but the deeds and conveyances don't match up to what is shown there.

B. Kilmer: Correct. We are trying to clean it up: (1) the house being back on one of the Lambert

parcels, (2) the parking lot that the gentlemen thought he purchased the property and built a parking lot; give him back that portion. We want to clean it up and not have any cloud over their deeds.

L. Lessard: By severing it, we are going to have at least 2' on each side off of the pavement as a right-of-way. When you come up around the corner there is a porch that is right on the pavement. It is a mess but it cleans it up a bit. If we have to go in and dig up utilities in that area, we can because it will be a town right-of-way.

F. Kotowski: The upper portion in red would be a clean lot across this so-called street?

B. Kilmer: Correct.

F. Kotowski: How wide is that?

B. Kilmer: It varies anywhere from 18-24' in areas.

F. Kotowski: Leo, what would be normal width if we were putting a new road there?

L. Lessard: 24' minimum.

F. Kotowski: If we moved it to the left into the red area and you made that lot a little smaller, would that help in any way? Does the house sit right there?

B. Kilmer: Yes. The house is going to sit within a few feet of the line as it is.

F. Kotowski: Are there houses on both sides?

B. Kilmer: No.

D. Winterton: What is the intent to the green lot? Is there a house on the green lot now?

B. Kilmer: No. It is a vacant lot. As it is now, it is a taxed lot in the town, just vacant. To create the purple lot we would be adjusting that lot line to give that the area to meet the lot areas in that zone.

D. Winterton: I understand your intent. If you came back to build something on that green lot, by us agreeing to what you are doing, are we setting us up for a problem in future?

B. Kilmer: I don't believe there will be any more problems then already exist. It is a lot of record in the town. It would be a matter of building permits and whatever else.

D. Marshall: Right now, is Chase St. open to the public for travel and do people use it other than those people that have homes there?

L. Lessard: Yes.

B. Kilmer: The flatter portion of that lot is from Chase St.

L. Lessard: It has a high incline to it.

D. Marshall: I would want to pass this by the attorney. You are asking for problems. This is not a duly laid out town road.

L. Lessard: We have problems now.

D. Marshall: I know you have problems now, but I don't want to see the Board approve this and see even more problems later.

L. Lessard: How many more problems could we have? At least we would have a right-of-way where we could work on utilities without being on someone else's property with no easement. Correct?

D. Marshall: No. You could make this a utility right-of-way and you have to maintain that anyway, but not as a town road. You are going to turn this into a substandard town road. Apparently people can access from other sides. Maybe I am being overly cautious, but I think you should pass this by the attorney to check the legality of what is being requested and whether we can even do it.

D. Rogers: Have the documents, such as deeds, easements, etc., been prepared?

B. Kilmer: No documents have been created at this point.

D. Rogers: Has a survey been done?

B. Kilmer: Yes. Sheet 4 of 4 shows you where the utilities sit, pavement and portions.

P. Scarpetti: On the water line in front of the 3-family, that is really close to the property line. Have you talked to them about an easement on that?

L. Lessard: They can't give us an easement. That is their land. If we take that from them they have nothing.

P. Scarpetti: If you ever have to dig up that water line it could be an issue because you have a block wall there also.

L. Lessard: I know. It comes right out to the road. It is a mess and Duval's idea of cleaning it up is at least something.

D. Winterton: I would not object to running this through the attorney's office. Is time of the essence with this?

B. Kilmer: We realize this is quite a large deal to overcome and there are going to be issues to deal with. I don't think a little more time would be difficult since we are trying to clean up problems already.

D. Winterton: I appreciate that and thank you for that.

D. Rogers: I think that makes sense. Given the fact that it has been in the condition that it is in now, another 30 to 60 days is probably not going to make much of a difference.

B. Kilmer: Without all of the clients here I could not tell you. I do not believe so.

Tracy Murphy Roche (Keller Williams Realty, Murphy Roche Team): This was an illegal sub-division to begin with. One of the houses is on the market. The current owners, the Lambert's, had done a sub-division, with the abutter Basil Foss, and apparently it was not done with approval.

B. Kilmer: It was not an illegal sub-division. They sold 1 whole lot to Mr. Foss, and he assumed he was buying just the east side where he put the parking lot.

D. Rogers: When did that happen?

B. Kilmer: Approximately 10 years ago.

D. Rogers: Was the deed transfer recorded at the registry?

B. Kilmer: Correct. At that point what they sold was one whole tax lot. It just so happened, the tax lot they sold him contained the house and the other property he thought he was purchasing.

D. Rogers: So there was no survey done at that time?

B. Kilmer: No.

D. Rogers: They did it based on the tax map and lot?

B. Kilmer: Yes.

D. Rogers: Carolyn, what is available in March or April.

C. Cronin: Our next Planning Board meeting is March 3.

D. Rogers: Mr. Kilmer is 30 days enough? The March 3 Planning Board meeting is our next available slot. That assumes that attorney's can get together and talk this over. I don't know if it is an insurmountable problem but it may take a little time. What is the next meeting after that in March?

C. Cronin: March 17.

D. Rogers: Would the 17th be amenable to you?

B. Kilmer: That would be fine. Who will be contacting the attorney and setting things up?

D. Rogers: The Planning Dept. will get in touch with the town attorney and the attorney will get in touch with you and/or your attorney, if you have one, to go over what the plans would be, what documentation would be required, and to make it as clean and complete as we can. This hearing will be continued until March 17, meaning no new notices have to go out. We are announcing it tonight, so anyone here for this item should come back on March 17 if they are interested. In the meantime, you folks and the town attorney can caucus and talk about what needs to be done. On the 17th things may be cleaner and we can move forward at that point.

CONTINUED PUBLIC HEARING

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: We have a notation from the Town Planner, JoAnn Duffy, regarding items that appear to be outstanding. Is that accurate?

Steve Keach (Keach-Nordstrom Associates): Yes. I am not sure if you received the email response that I had given after I received JoAnn's email from this afternoon that she forwarded to the board members. There were a couple of updates I provided that are things she may have not been aware of, such as things that I worked out with Dan, and the outcome of Conservation Commission that happened on January 13. I can address those items.

D. Rogers: Dan, maybe you can fill us in on your understanding of this, at this point.

D. Tatem: Steve's comments are pretty accurate as far as what has transpired over the last couple of days. It would be a good idea to have Steve go through them and give his response as to what they have accomplished.

D. Rogers: The email referenced is the email that came from JoAnn at 2:10 pm. She recommends an extension be granted for the 65-day deadline to March 11, 2014. The special use permit was submitted in December and forwarded homeowner documents have yet to be submitted. The issue of steep slopes on 4 lots and the request for the submittal of a grading plan has not been addressed. The Conservation Commission voted to recommend Town Council accept the open space as town conservation land. Access to open space has not yet been defined on the plans received January 23, nor had a parking area been demonstrated. Could you please address those issues.

S. Keach: With me tonight and seated behind me are Keith Coviello from Long Beach Development, the land planner who has laid out the sub-division as well as our future owner, Keith Martel, from Sterling Homes. I will address the items in JoAnn's letter and there are some updates that I am not sure she is aware of. I responded in email to her at 3:11pm. I copied each of you on that. As far as the extension, if we need it, we are amenable to that.

D. Tatem: From my memory at the last meeting, JoAnn brought up they needed the extension already,

but you did not act on it because they were not here. I am not sure if that is something you want to act on now or wait until the end of the hearing.

D. Rogers: The deadline has already passed so we perhaps we should extend it to March 11 now.

S. Keach: We are fine with that.

D. Marshall motioned for an extension of the 65-day deadline until March 11, 2014. Seconded by T. Prasol. Motion carried unanimously.

S. Keach: The next item mentioned in JoAnn's email was a special use permit. I presume that to be a special use permit application. This is an open space development and is permitted in this district by special use permit. When you contemplate approval of the sub-division there is also the criteria for a special permit. That was submitted a couple months ago and she forwarded it to you today. Homeowners documents have yet to be submitted and there is a reason for that. The open space sub-division, has 59 acres of open space, much of which, in an area, is bounding land in Hooksett and some conservation land in Bow. There is a brook that travels through. Because of the nature of the land, on January 13, the Hooksett Conservation Commission voted that they want to own this land being offered to them by Sterling Homes. About 95% of this land, together with some open space, is in a terrace area that ajoins other town-owned and conservation land in Bow. The Conservation Commission voted to send a recommendation to Council to accept a donation of the land. The purpose of the Homeowners Association was to manage the land. If the town accepts the land there will no reason for a Homeowners Association. Mr. Martel had his attorney cease the operation of the document preparation because if it is municipally owned and everything goes as the Conservation Commission saw it, there is no need for a Homeowners Association, and hence no need for the documents. The next item was the issue of steep slopes on 4 lots and the request for submittal of a grading plan not being addressed. The reason for that is we got the comment she wanted it at 3:00 on Friday afternoon. There were 3 lots that Dan had wanted similar sketches on, elsewhere on the property, that was taken care of to Dan's satisfaction. Had the request been received more timely, I suspect that similar development sketches for the 4 lots that JoAnn has recommended submission of probably would have occurred simultaneously. We have no issue preparing those sketches. Keith Coviello had done some rough layouts on all 38 lots. Part of the engineering for this included detailed grading plans for driveways to each of the 38 lots. It is tough to do that without knowing where the dwellings are going to be. That information already exists and just needs to be packaged for her. Her next sentence is a statement of fact. The Conservation Commission did recommend Town Council accept the open space land as town conservation land. Mr. Martel is agreeable to convey that to the town in keeping with the Conversation Commission's request. She goes on to say that access to open space has not yet been defined on plans received January 23, nor has the parking area been demonstrated. To JoAnn's defense, this is a 75 sheet set of plans. Dan has reviewed this and I think she may have missed it. There are two cistern locations on the Hooksett side of this. This proposal includes 38 open space lots in Hooksett and 8 conventional lots as an extension of Merrill Crossing in Bow. Merrill Crossing will be extended to the north/northeast back to the Hooksett line, and connect into the proposed street, named Churchill Dr., coming back out to So. Bow Rd. One of the locations of the cisterns is on the Hooksett side of the line right at the town line. The idea of putting it there was that it will be available to the fire departments of both towns. There will also be a 2nd cistern. There are 2 parking spaces proposed and shown on Sheet C7, C10 and C11 of the

project plans. It is toward the middle part of the packet.

T. Prasol: Sheet 45.

S. Keach: You will see 2 parking spaces situated on the opposite side of Churchill Dr. from the area of the proposed fire cistern and a turn around there to facilitate emergency response vehicles that may be coming to and from Bow or Hooksett so they do not have to travel around the entire loop formed by the street network in the event of an emergency. Not only do those provide spaces for the main point of access, there will be a 12' wide gravel access road built on the east side of Churchill Dr. This will create an access road for construction and maintenance of a storm-water management area and a trail-head to the conservation land which presently has a network of former logging roads throughout the parcel. Some extend beyond the limits of the parcel. Our intent would be to cut a trail that goes from this trail-head area into that. Per your regulations, this shows sidewalk on one side of the street, parking spaces, and the main trail-head access. Also, in the event of an emergency, response people can park their vehicle to get it out of the way. The gravel road creates duplicity of use, therefore, the likelihood of it being maintained is greater than it would be if it was just a route trail between 2 lots. You have benefit of an updated memorandum from your engineering consultant that was dated Friday. Dan and I talked about it and a lot of his items are action items for you. There were 7 items, 3 of which we are bringing to yours and the Town Planner's attention, that remain for your Board to work with, in addition to the application for the sub-division itself. Dan correctly points out that the special permit application is there for you to contemplate. There are 2 waiver requests that were submitted that Dan offers discussion and recommendations on. We have had discussion with the public works director on these. I was a bit taken aback when I got the recommendation. We put a lot of work into this. Dan and Leo have put a lot of work into bringing this to the point that we have. I think we have brought a proposal to you that represents a good use of the land. It has been favorably reviewed by your Conservation Commission, Fire Department, and Consulting Engineer.

D. Tatem: Steve and I discussed adding in detail that was acceptable to the Board, the Conservation Commission, and his client as far as a trail design, where the 12' wide access road is more than a trail. There is also a 2nd point of access on the cul-de-sac between 2 of the lots that goes down to the open space right off of the point on the southern most point of the property. It is a 25' access point. Right now it is just woods. I think something should be added such as clearing some brush, putting up a couple of signs, and marking the trail.

S. Keach: That is acceptable to us. I was going to consult with my employee Peter Julia, who is the project manager, but he was out sick today. I know Peter has had conversations with others including the Conservation Commission in the past and we will see to it that, if there is lack of sufficient detail in the drawings relevant to cutting a trail, that it ends up on the final drawing.

D. Tatem: As far as Steve's discussion on the open space with the documents, we had a conversation about that today, and Steve told me there was a 2nd piece of open space that would potentially be owned by the owners. You did not mention that when you discussed with the Board. Potentially a homeowners association may be needed to govern that small piece of land.

S. Keach: There is a strip of land that is open space that is not contiguous to the other piece. Rereading the Conservation Commission minutes and talking with Mr. Coviello, who presented, they talked about

the open space in bulk.

D. Tatem: So they would own both parcels?

S. Keach: Presumably, if the Council were to accept it. Only the Council can accept the land. I was mistaken when I said that to you.

D. Tatem: They are presenting an easement request for a waiver. Your regulations require a 15' wide easement that is outside of your right-of-way. A couple of years ago, water and sewer were not put in the roadway, they were put outside of the roadway for long term maintenance reasons. The new way in town is to put those back in the road. This is putting a constraint on their lots and is giving you folks an easement you don't need. What they are asking for is a waiver within that 15'. It can't be any steeper than 8% because the intent was to put water and sewer there and you don't want a 2:1 slope there. Because, I believe on these plans there is a 15' wide easement there, it almost seems appropriate to alter their waiver request tonight to dissolve that easement all together. That would need to be reviewed by Leo, as the DPW director, and the developer but it seems to be a pointless easement on a bunch of lots that doesn't need to be there.

S. Keach: We don't care either way. We just asked for a waiver on the grade across it because it is not intended to be used.

L. Lessard: We don't need it.

D. Tatem: When did you submit that waiver request?

S. Keach: With the original application.

D. Tatem: So it was an old request?

S. Keach: Yes. The 2 requests out there are both old, although the 2nd one you are going to speak to was modified based on discussion between Peter, Leo and yourself relative to the slopes in the pond.

D. Rogers: Dan, do you have anything else?

D. Tatem: No.

S. Keach: He summarized the other waiver at the top of pg. 3 of his report. The storm-water area is a storm-water management area pond that is cut into existing grade. There is a slope in the easterly direction on the natural contour of the land into which it is excavated. Peter Julia met with Dan and Leo a few weeks ago relative to that. Your land development control regulations require slopes no steeper than 4:1. On the uphill side, because we are anticipating it being in ledge, we are asking for that to be waived to 2:1. We are creating catching grade on the east side of the pond 3:1. In Dan's memo, he indicated that Stantec took no exception to the waiver request considering the pond grading has been revised. The 2:1 slope is the cut slope down to the pond. What that enables us to do is catch grade quicker and faster so we are not chasing grades further into the open space on the downhill side up into the lots on the uphill side. One of the trade-offs was building a fence around the entire area so people

cannot get in there, but that cut slope on the uphill side is about 6-7' of over burden and, because of the depth of that cut, it will be in ledges. 4:1 is so you can mow, and this will not be mowed. It is down in the woods and it is in ledge.

L. Lessard: There is no sense having it be 4:1 if there is no grass. It would be ledge like on the highway, just not as bad. It is not worth the extra expense for the deterioration of the land in that area.

F. Kotowski: Has Council accepted the land?

S. Keach: No.

F. Kotowski: If Council doesn't accept the land would it then be necessary to develop a homeowners association?

S. Keach: That is what originally was envisioned.

F. Kotowski: 2 parking spaces for trail systems doesn't seem to be a lot.

S. Keach: We threw out a couple of different ways of doing it and that seemed acceptable to the Conservation Commissioners.

F. Kotowski: Why?

S. Keach: I don't envision that this area is going to be highly traffic'd by people outside of the neighborhood.

F. Kotowski: Have we received a letter from the Conservation Commission outlining what they would agree to?

S. Keach: No you have not, but I do have a copy of the minutes of their meeting of January 13 and I call your attention to the motion that was made by member Hess, seconded by member Robertson and accepted unanimously.

F. Kotowski: David Hess made the motion, Acting Chair Cindy Robertson seconded the motion and the motion passed, but we need a letter.

S. Keach: I knew you didn't have a letter so I brought a copy of the minutes.

D. Rogers: Is that scheduled before the Council?

S. Keach: We typically would not bring to the Council until after the plan is approved because they have nothing to convey until the lot has been created in it's configuration. You tell us. What is your custom?

D. Winterton: I am not sure. I would not foresee opposition from the Council on a recommendation

from the Conservation Commission.

S. Keach: I was not at that Conservation Commission meeting myself but the minutes speak loudly. When you consider this piece of land that will be open space, it's contiguity to other public land that is conservation land in both towns as far as having contiguity of open space and habitat area, coupled with the fact that the brick yard bifurcates it, I can understand why the Conservation Commission would want it. Initially it wasn't our intention to make it land that each owner in the sub-division owns an undivided interest in. The Conservation Commission opted to want to own it and I don't know why you would decline that.

D. Winterton: The agenda for the next meeting, on February 12, had not been set yet. It is usually set the previous Wednesday, which would be the 5th. I would suggest a call to Dr. Shankle.

S. Keach: Ok.

D. Winterton: I am pretty sure that Counselor Ross is the member of the Conservation Commission.

S. Keach: Yes, you are correct. At least that evening because his name was in the minutes. I will get us on that to clarify the intent subject to approval by the Planning Board.

D. Rogers: I am not sure if that is the protocol, or has been the protocol in the past, but it makes sense, especially with the Town Council meeting being not too far away, and then you can come back here on March 3.

S. Keach: If they choose no to it, there is an element here that is missing.

F. Kotowski: I see no reason, based on the desire. I sit in on the Conservation Committee meetings and I missed that meeting, but I know there is extreme interest in obtaining that land. As I read through the minutes there is a lot of discussion about making sure there is ample access for such things as equipment if they have to work on trails and ample parking space. There are a lot of issues I think Council wants to talk about and I would like to hear them talk about it.

S. Keach: Mr. Coviello just joined me here and he was at the meeting, if there is anything you want him to shed some light on.

F. Kotowski: I don't care to talk about it any more than to alert the Board that I think there is some discussion that needs to take place at the Council level to iron out whatever it is we really want to see there as it relates to future trail development.

S. Keach: We have made the proposal because it was part of the essence of an open space development to create that trail-head at the 12' foot access gravel road down to the pond and take off from there. Dan's discussion to slash out a trail to the network of woods roads and do the same off of the other cul-de-sac, has been on the table for a while.

Keith Coviello: Regarding the non-contiguous piece of open space that runs along the town line

between Hooksett and Bow, they would rather not have that as part of the open space. We don't need that for the open space calculations. I am not sure, per the regulations, if that land has to be part of the open space or if could be encompassed into the lots it abuts and have it be more of a non-disturbance area. They will take it either way, but I told them I would ask the question on whether or not we could make that adjustment.

S. Keach: It is a 50' strip that runs parallel to the Bow line. Your open space ordinance has a provision in it for a buffer. When this sub-division was laid out we tried to keep buffers off lots. None of the lots that are laid out here have buffer on them. The thought process is to keep the homeowners on their land and not in the buffer land so we made that open space. That was before it was envisioned that there may want to be public ownership of that open space. If it is the pleasure of the Board, I don't see a zoning violation to it if those lots were to extend to the Bow line and then the 50' buffer be in the form of an easement over the series of lots that are on the westerly side of Churchill. It doesn't make a lot of difference to us.

K. Coviello: Correct. The Conservation Commission would rather not have to police that stretch of land, just because it is not contiguous to the rest, but if we are going to create a homeowners association we might as well create it for everything and go that direction. It is one of those things where they are willing to take the whole thing if it has to go that way. I am meeting with them next week.

D. Tatem: I agree with Steve's statement that it would not cause any zoning issues and would still meet the intent of regulations. I don't care either way if that is owned by the town or owned by those lots. If it was to be part of the lots they do not need it for their open space calculations according to what Keith said. I don't have an opinion either way as far as the regulations go.

S. Keach: I guess we don't care either. It is a question of preference. When we laid this out it was not configured with the intention of public ownership. If it is more palatable to the town not to own the 50' strip, it can go away.

D. Rogers: Is that part of the portion that would that be presented to the Town Council?

S. Keach: It could be.

D. Rogers: How is it currently configured on the plans?

S. Keach: That piece is identified as a 50' wide open space parcel A. I forget the exact area.

D. Tatem: It is 2.56 acres.

S. Keach: We put it there so that the buffers were in the open space, so that you didn't have to have fee simple ownership of an individual of what is really your buffer; keep the buffer separate from the lots. It was laid out that way thinking it would all be owned as an undivided interest by each of the 38 homeowners.

D. Rogers: That was before you decided to convey that lot to the Conservation Commission.

S. Keach: We laid it out as if it would be owned by the collective of an association, but there was strong interest on the part of the Conservation Commission to own the open space. Yet, apparently there was some other discussion. We are willing to give the Town of Hooksett what they want, and if there is supplement that you are not happy about, we can make it go away so you don't end up owning something that doesn't serve purpose for the Conservation Commission.

D. Rogers: That ultimate decision is up to the Town Council based on the Conservation Commission's recommendation which brings us back to their meeting on February 12. For our purposes, at this point, it would be best for you to make the presentation to Town Council and get a sense of what they want to do, with the understanding that we don't have anything to convey at this point. Then come back to us on March 3 to address it with a little more information.

S. Keach: Perhaps what we will do is try to have a member of the Conservation Commission attend the Council meeting.

D. Rogers: That would be helpful if you can arrange that and the preference of the Board to make that presentation and come back on March 3 to further pursue this.

S. Keach: Is there any sense on the waiver requests?

D. Tatem: I had mentioned altering that waiver to the easement to Leo and he said that was ok with him. Is that something the Board can formerly act on with a revision to that waiver request tonight?

D. Rogers: I think we could. It is one less step to address that next time and then we can focus on the conservation question as opposed to these waivers which appear to be straightforward.

D. Tatem: So that waiver would be changed to asking for relief to that easement all together, instead of relief to the 8% slope. It is one waiver altering the one they submitted.

D. Marshall motioned to grant a waiver for relief from a 15 foot utility easement. Seconded by P. Scarpetti. Motion carried unanimously.

S. Keach: Then there is the one on the slopes and detention pond as well.

D. Rogers: Is that the 4:1 to 2:1 and 4:1 to 3:1?

S. Keach: Correct.

D. Rogers: Dan, how does that look from your standpoint?

D. Tatem: As Steve had mentioned, we met with Leo and their designer a week or two ago. On top of that we still had concerns because of the size of the pond and the slopes are pretty significant. We asked that they provide a geotechnical analysis of the slope stability which we did receive and we found it to

be acceptable. Therefore, we have no concern with it.

D. Marshall: That is going to be fenced?

S. Keach: Yes.

F. Kotowski motioned to grant a waiver from 4:1 to 2:1 and 4:1 to 3:1 grading on the detention pond. Seconded by D. Marshall. Motion granted unanimously.

S. Keach: When we go to Council and talk about the question that Keith raised regarding the small strip of land, you have no preference either way?

D. Rogers: If we can avoid the homeowners association, I think that would be the way to go. Leaving it in the buffer is the way you described it. I also think from a homeowners standpoint their land would be less encumbered and simpler.

S. Keach: Basically, leave it the way it is.

D. Rogers: To the extent that can be done acceptably to the Council.

S. Keach: Ok.

F. Kotowski: The other issue is there is no public access to that strip.

S. Keach: There would be. It has frontage on Merrill.

D. Rogers: On the far left end.

S. Keach: So it is ok to relay to Council your preference would be keep the drawing as it is?

D. Rogers: On that, yes.

S. Keach: We will see you on the 3rd after the Council meeting. We will get JoAnn those sketches of the 4 lots she asked for and copy Dan on that. At that point, I look forward to taking up the criteria for the special permit and hopefully the application.

D. Winterton: Is the reason that both cisterns are on the Hooksett side because, once the cistern comes in, Hooksett, as a town, must maintain it and if it were 10' the other way, Bow would have to maintain it?

Keith Coviello: The fire chief in Hooksett wanted 3 cisterns. This is a way to only have 2 by having it a little closer in Hooksett. That is why it is located where it is. At one point it was located in Bow with the access in Hooksett, but in working with the fire department in both communities, this is where they negotiated everything to be.

Open public hearing

Bill Mullen (12 Merrill Crossing, Bow) I have a question regarding low drainage at the intersection of Churchill and South Bow Rd. I am wondering if the road drainage will be improved, in particular on the south bound side of that road. With the past storms, melting and thawing, we have had severe ice build up at that section. As you travel south coming from Bow, and you cross the town line, your line of sight into that intersection isn't that wide open, but when you get to the bottom of the hill we had all of this ice. It is such a build up that you almost swerve over to the north bound side of the road. Are there any improvements proposed for the south bound side that would alleviate this type of problem in the future?

S. Keach: When we started dialogue with Mr. Lessard and the Dept. of Public Works, regarding this project, we were made aware that his department is going to continue with a reconstruction project they have commenced further south on So. Bow Rd. They are carrying it north to the Bow town line for the exact reasons Mr. Mullen observed. The water travels in the northeasterly direction from high ground. There is a cross-culvert that carries water across S. Bow Rd. We are doing an off-site improvement. In order to facilitate the Public Works Department's own project we are constructing closed drainage along the southwesterly side of the road. There is a series of structures and closed drainage and under-drain replacing the culvert under S. Bow Rd. and creating a point of discharge. We are excavating a ditch line. There is a groundwater problem as well as a surface water problem. Collectively we are intending to create this improvement so the town does not have to. We will do it in advance of the reconstruction. There is vegetation that presently inhibits sight distance. Mr. Lessard has requested ditching that will eliminate the vegetation within the right-of-way, and some of the grading, so that we can achieve the level of site distance that complies with your requirements and ASHTO.

Close public hearing

AUTUMN FROST/DAVID SCARPETTI

Summerfare St., Map 35, Lots 7, 1-8 & 1-9

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

- **Waiver Request** from Development Regulations (6/4/2012) Part I, Section 11.08 Residential Driveway Site Distance.
- **Waiver Request** from Development Regulations (6/4/2012) Part I, Section 11.19 Traffic Impact Analysis Requirement.
- **Waiver Request** from Development Regulations (6/4/2012) Part I, Section 11.15, 1 Electric Power, Telephone, Cable Systems, and Street Lighting.

P. Scarpetti and D. Marshall stepped down.

D. MacGuire (The Dubai Group): Last month we were working on wrapping up engineering comments with Stantec and staff, and we had a couple of waiver requests. It was determined we needed to notice those waiver requests. After meeting, that was reviewed and it was determined that waiver requests do not require notification so we can act on those. We have submitted plans to Stantec and Dan has performed a follow-up review. We have eliminated a lot of the design related comments. There still

are several comments remaining, mostly housekeeping items, such as getting stamps, final permits and sign-offs on the plan. We would like to have the Board act on those waivers that were discussed. We have submitted a 3rd waiver, the same as discussed by Mr. Keach, with regard to the 15' wide easement. We are looking for relief on that for the same reason that Dan summarized. All of our utilities are proposed within the roadway and we have no need for that 15' wide easement. I also brought the special use permit review criteria. It has been submitted to staff but I don't believe the Board has had a chance to review it. This conservation sub-division is a proposed use and an allowed use in the MDR district. I have summarized the 6 criteria that is stated under the special use permit requirements under the zoning regulations. If it is the Board's preference to eliminate that off the table I would be happy to go through these items. Our project fulfills all of those requirements.

D. Rogers: Why don't you go through the special use criteria.

The items from the memorandum dated January 31, 2004 to the Hooksett Planning Board regarding Autumn Frost Map 35 Lots 7, 1-8, 1-9 Special Use Permit Review Criteria, were read by D. MacGuire.

L. Lessard: You moved the access from 9 to 10. Isn't that where the drainage easement was?

D. MacGuire: We had proposed before an access point coming down on a relatively steep grade. It was 2:1 but we modified it to 4:1 along where the path was going to be placed. Dan made the suggestion of moving it to a flatter area between lots 9 and 10 instead of grading in a path 4:1 and this would provide a more direct access. Leo, what you are thinking of is that we have a gravel access proposed to get down to the storm water detention.

D. Rogers: Dan do you want to add anything?

D. Tatem: Doug, that was the summary for your special use permit?

D. MacGuire: Correct.

D. Tatem: The only catch is that until they go to the Council and get the speed limit reduced to 25mph, they do not meet all of the design criteria. That hinges on the 25mph approval. I would wait on the special use permit until you get final word from Council.

D. Rogers: Are you scheduled with Council yet?

D. MacGuire: We are proposed to go to Council on the 12th. I am working with Dr. Shankle to get us on the agenda for that. The intention was to post the road at 25mph. That is why the road has been designed in accordance with that. If it were to be posted at 30mph it would have to be changed in a few areas to conform with the regulations of ASHTO for that design speed. It is a 1,200' dead end road with no possibility of expansion. We originally posted at 25mph and discussed with Dan. He made the notation that if we wish it to be 25mph we have to go before Council. We hope they will be in favor of it because we feel it is the right thing to do for this particular sub-division. If they are not we can adjust it and still meet requirements.

D. Rogers: The fact remains the special use permit is dependent on the speed reduction by Council, correct?

D. MacGuire: I don't look at it that way because the special use permit states that this is appropriate design for being a conservation sub-division as opposed to a standard residential sub-division. We are required to get the special use permit from this Board to be allowed to do a conservation sub-division. Going through TRC and presenting this to the Board and them seeing these plans, I believe the members are comfortable with the idea of a conservation sub-division on this project. I am comfortable with the Board acting on it. You would have to be comfortable with the whole plan set before you could recommend a conditional approval anyway. We are not looking for conditional approval tonight, but I was hoping to get a few of these items off of the table.

D. Rogers: I think we can deal with the 3 waivers, but not the special use permit, with the Council's involvement still pending. There is another notation from JoAnn regarding the homeowners documentation. What is the status of that?

D. MacGuire: We submitted homeowners documentation originally with the application but those have not been finalized. The goal in discussing this with the applicant was we did not want to expend a lot of money on drafting up these documents until we knew that we had a plan that would not be changing.

D. Scarpetti: I think once we get closer to having conditional approval it would be subject to having those documents all together. You are going to want to see deeds showing that buffer zone we are proposing so we figured we would do it all at the same time if that is ok with this Board. The association we are going to have is for the open space. It will be a trail; nothing to maintain and no association fees.

D. Tatem: I don't have input on the homeowners documents. I don't think it is unusual to have those done at the end.

D. Rogers: I understand the reasons for doing it that way.

D. Scarpetti: Since this has started, that trail has changed.

L. Lessard: I talked with Doug about this and I would like to see this at 25mph.

D. Rogers: In theory it makes sense. If it was up to this Board, we probably would be approving it, but it is not, so we are awaiting Town Council to give us the ok.

D. MacGuire: The Town Council may value the opinion of this Board. I would appreciate it if it could be discussed and if the representative of the Council could speak to that affect and say that we have discussed that with this Board and have that stated in a memorandum.

D. Winterton: I would suggest that we could have a consensus that the 25mph is appropriate.

D. Rogers: Is it the consensus of the Board that the 25mph reduction of the speed limit for this specific sub-division is desirable and theoretically doable?

F. Kotowski: Yes.

D. Winterton: Yes.

T. Prasol: Yes.

D. Rogers: Mr. Winterton can report back to the Council that is our sense of the request and they can act accordingly based on our input.

T. Prasol motioned for a waiver request from development regulations (6/4/2012) Part I, Section 11.08 Residential Driveway Site Distance. Seconded by F. Kotowski.

D. Tatem: Through extensive discussion with Doug and Leo on that site distance issue, we reviewed the regulations in significant depth and I don't believe you need this waiver. Is that the case?

The last submission of the standards that Doug said he was using determined he was using criteria for a commercial driveway and this is a residential driveway. I believe Doug has prepared a site distance that meets the ASHTO and Hooksett criteria but I have not seen it.

D. MacGuire: Dan, we are on the same page with regard to that. I was submitting that waiver with regard to the individual driveways. We won't need anything for the intersection driveway, but we are looking for relief on having to do each individual driveway of all the lots.

D. Tatem: I misunderstood the waiver request.

Motion carried unanimously.

F. Kotowski motioned for a waiver request from Development Regulations (6/4/2012) Part I, Section 11.19 Traffic Impact Analysis Requirement. Seconded by T. Prasol. Motion carried unanimously.

F. Kotowski: For the utility easement request, I would like to make sure it doesn't leave us without a sewer easement.

D. MacGuire: The Sewer Department has a special easement, just for the sewer.

F. Kotowski: It doesn't involve that easement?

D. MacGuire: Correct.

F. Kotowski motioned for a waiver request from Development Regulations (6/4/2012) Part I, Section 11.15, 1 Electric Power, Telephone, Cable Systems, and Street Lighting to do away with this easement. Seconded by T. Prasol. Motion carried unanimously.

D. Rogers: We will come back to the Special Use Permit on March 3.

Open public hearing

No comments

Close public hearing

P. Scarpetti and D. Marshall returned.

OTHER BUSINESS

APPLICATION FOR PLANNING BOARD POSITION

Discussion of recommendation for applicant Muamer Durakovic.

C. Cronin: He was invited to come and I emailed with him today.

D. Rogers: Did he indicate he was planning to be here?

C. Cronin: He asked about the meeting previously and I reminded him via email but did not hear back from him. Do you want to postpone it or make the recommendation based on his application?

D. Rogers: I don't want to keep continuing this indefinitely.

F. Kotowski: I would like to see him in person. I have read his qualifications and he seems well educated.

D. Marshall: Let's give him one more time and tell him he will be the 1st item on the agenda.

C. Cronin: He came to the Economic Development meeting last week because he also applied for that Board, but they did not have a quorum to be able to make a recommendation.

D. Rogers: He met with Economic Development but they have not taken action?

C. Cronin: Correct.

D. Rogers: Invite him to the March 3 meeting and he can be at the top of the agenda. We can make a recommendation at that point.

APPROVAL OF STANTEC INVOICES

*D. Marshall made a motion to approve the Stantec invoices. T. Prasol seconded. P. Scarpetti abstained due to a conflict of interest. **Motion carried unanimously.***

PROPOSED ZONING AMENDMENTS

D. Rogers: Primarily tonight was to talk about the sign ordinance. Does anyone have any comments?

D. Winterton: On Amendment 4, we went from 75' to 60'. Carolyn is there any comment from staff?

C. Cronin: A number of these amendments have been edited since the workshop. Tonight you have to make a final decision on which of these you want to push forward and if you have any edits because we have to give proper notice for the public hearing. All 8 buildings at University Heights are 3 stories tall; 2 of them are stepped into the hills. They are 44' and 48' including the foundation. JoAnn checked with Matt Labonte and Mike Hoisington regarding the height of the buildings and they gave us a generic list of the height of 2 and 3 story structures. Those ranged between 35' and 65'. Mike Hoisington said the fire truck's ladder is 75' high, they don't have the truck directly against the building and it is at an angle. It was recommended that 65' be the max. JoAnn thought that 60' would be a good compromise.

D. Rogers: We will leave at 60'.

D. Marshall: Are these two pages of proposed staff signed ordinance amendments for Planning Board review? These aren't going to voters?

C. Cronin: No. These are internal amendments.

D. Marshall: You are asking if we, as a Board, are in favor?

C. Cronin: Yes. These are internal amendments. These are staff's recommendations to the Sign Committee's proposed ordinance.

D. Marshall: The only two items going to the voters are to repeal the existing ordinance and adopt the new one?

C. Cronin: If you, as a Board, wanted to accept these staff suggestions, we would put them in the draft signed ordinance and that would be put up to public hearing.

D. Rogers: Amendment 1 – Religious institutions. This has been changed to religious facilities?

C. Cronin: Yes. JoAnn looked up the federal act that says a religious use cannot be barred from a zone that allows assembly use. We had originally proposed “religious institutions,” but there were some questions regarding the word institutions and how that might mean more than a physical building. JoAnn checked her notes from her Reelopa materials and recommended religious facilities instead of religious institutions.

D. Marshall: So the Regal Theater, at times, is a religious facility?

C. Cronin: Yes.

D. Rogers: Are there any other comments on Amendment 1?

No Comments.

D. Rogers: Amendment 2 deals with the same language issue.

D. Rogers: Amendment 3 is the definition of abutter. The red-lined version addresses condominium ownership or any other type of collective ownership.

C. Cronin: We added that red section in. That is verbatim from the RSA. We checked the definition to the state definition of abutter and added that in for clarity.

D. Rogers: The total definition would start at the middle of line 3, under Amendment 3; any landowner whose property, etc., down through the end of the red section?

C. Cronin: Yes.

D. Rogers: Are there any comments on Amendment 3?

No Comments.

D. Rogers: Amendment 4 we just talked about regarding 60' in height. Are there any comments?

No Comments.

D. Rogers: Amendment 5 is the repeal of the various sign ordinance sections. Amendment 6 replaces that. Is there any discussion on the sign ordinance?

D. Marshall: Number 6 doesn't replace that. Number 5 is all inclusive. You are repealing and replacing in 1 amendment. Number 6 only changes the definition.

D. Rogers: Ok, and they are part and parcel to the same ordinance?

D. Marshall: Correct.

D. Rogers: I stand corrected. Amendment 5 is the repeal replacing the old with the new. Is there any discussion or comments?

No comments.

D. Rogers: Amendment 6 was the definition of sign. Does any one have any comments?

No comments.

D. Marshall motioned to submit the proposed zoning changes listed as Amendments 1-6 to public hearing. Seconded by F. Kotowski. Motion carried unanimously.

D. Rogers: We will move these onto the public hearing which is February 24.

C. Cronin: Does that include the staff signed amendments?

D. Rogers: Amendment SO1 was a discussion of back lit/internally lit to create a new term “internally illuminated sign.” Are there any comments?

No comments.

D. Rogers: SO2 was to eliminate redundancy with back lit and internally illuminated for clarification purposes. Are there any comments?

No comments.

D. Rogers: SO3 is in reference to landscaping requirement around freestanding signs. Are there any comments?

No comments.

D. Rogers: SO4 includes provisions for location of signs not to interfere with vehicular or pedestrian safety or obstruction of police or fire vehicles, devices or other devices maintained under public authority. Are there any comments?

No Comments.

D. Rogers: SO5 provides visual examples of what a permitted window sign is as opposed to a temporary sign. Are there any comments?

No comments.

D. Marshall motioned to accept amendments SO1 through SO5 and incorporate them into the proposed sign ordinance. Seconded by P. Scarpetti. Motion carried unanimously.

CHANGE OF USE

Rich Lucey, 203 Londonderry Turnpike, Map 36, lot 42-6 – Site is currently used for used car

dealership. Proposed use is for used car dealership. Granted with limitation of four cars for sale at any one time.

BOARD DISCUSSION

D. Marshall: Bass Pro Shops is having it's opening on February 19. They are expecting 3,000 people

according to the newspaper. I hope that is not all at once?

C. Cronin: No, throughout the day.

D. Marshall: On February 20 they are going to have the official ribbon cutting?

D. Rogers: Is February 19 going to be a full day of business?

L. Lessard: Yes. It will be a full day.

L. Lessard: Seeing as there are a lot of changes with the development regulations, should the Board state that JoAnn, I, and Carolin go over them to change some things such as the 15' easement that is no longer needed. We are putting utilities back in the street where they belong? Another one would be if we could approach the speed limit and do something with the development regulations after it goes through Council. Right now it says they have to develop the roads to 30-35mph. If the Council agrees with the 25mph in that cul-de-sac, could it go from 25-35mph so when we have cul-de-sacs or areas in neighborhoods where it should be 25mph people don't have to come before the Board for waivers?

D. Rogers: There is nothing stopping you from discussing it on a staff level and bringing forward with whatever you deem to be feasible and appropriate.

L. Lessard: Do you think it is a good idea?

D. Marshall: Yes. We can do that continually as changes are necessary.

L. Lessard: I was under the impression you can only do once a year.

D. Marshall: That is with zoning.

L. Lessard: Dan even mentioned we should start changing some of these to stop some of the waivers.

D. Rogers: You may want to get input from Dan as he knows the development regulations so well.

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

ADJOURNMENT

The meeting was adjourned at 8:00 pm.

Respectfully submitted by,

**AnnMarie White
Recording Clerk**