

Official

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

MEETING CALLED TO ORDER AT 6:03 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: JoAnn Duffy (Town Planner), Carolyn Cronin (Assistant Planner), Leo Lessard (Dept. of Public Works), Dean Shankle (Town Administrator), Matthew Lavoie (Code Enforcement Officer), and Dan Tatem (Stantec).

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES OF 2/3/14

D. Marshall motioned to approve the minutes of the February 3, 2014 meeting. Seconded by D. Winterton. T. Walsh abstained. Motion carried unanimously.

1. CONTINUED PUBLIC HEARING FOR PROPOSED ZONING CHANGES 2014

D. Rogers read Amendment No. 1 into record.

No Board comments.

Open public hearing.
No Public comments.
Close public hearing.

D. Rogers read Amendment No. 2 into record.

No Board comments.

Open public hearing.
No public comments.
Close public hearing.

D. Rogers read Amendment No. 3 into record.

No Board comments.

Open public hearing.
No public comments.

Close public hearing.

D. Rogers read Amendment No. 4 into record.

No Board comments.

Open public hearing.

Michael DiBitetto: I want to present a change to this article to consider the MDR zone. When the building height was dropped in 2013 from 75' to 35' it was done in both the HD zone as well as the MDR zone. That in conjunction with the roof standards that are in the design regulations becomes limiting as to multifamily use. 35' is to the mid-point of the roof line and the standards now call for 8/12 and 10/12 roofs. In your packets are computations to give you a sense of how those various building configurations work out. The last column on the right shows my interpretation of the building heights per our design standards for 2 and 3 story buildings. I am suggesting that it would be appropriate to consider an increase in the maximum building height in the MDR zone while we are considering it in the HD zone. 50' would suffice and that gives you an adequate height for any 3 story structure with a sloped roof. I don't know if it can be done under one article or amendment. If it can you might want to consider using the same height for both zones. Otherwise, I would say a 50' high limitation in the MDR zone would probably suffice for any reasonable use in that zone.

T. Walsh: With the confusion of not having a quorum at the last public hearing, what is the direction we are taking as far as changes?

J. Duffy: We were advised by the attorney that we needed to re-notify the hearing. Unfortunately, we needed 12 days and there weren't that many days between the last meeting and this meeting. We advertised it anyway, but he said you would be proceeding at your own risk and suggested that if you did decide to do it that you hold the 2nd hearing on March 17. He recommended to go ahead and hold the hearing tonight. If we do this, this hearing is illegal and technically the 2nd hearing may be illegal because you have to have the 1st hearing. If this one doesn't truly count as a hearing you have to have the 1st hearing by tomorrow. There were no dates that worked and nothing we could do to fix it. My recommendation was to keep everything as is and not make any changes because you did properly advertise the 1st hearing for February. Although you did not have a quorum, we did have proper notification. To start changing things now muddies things further.

T. Walsh: So, if we don't change anything and we have a public hearing on March 17, you are saying that isn't in compliance because the 1st one needed a deadline as well?

J. Duffy: Yes.

F. Kotowski: In as much as these have to go before the voting public and someone came forth with a recommendation that we haven't had a chance to get into, would it not be best to go ahead and move forward, put these on the agenda, and revisit this at a later date?

D. Rogers: It would seem to me that would be the preferred course given the scheduling and

notification requirements. As much as this may be an improper, illegal meeting I think we would compound it if we try to start amending things, push it out further, and run a foul of proposed deadlines.

T. Walsh: What is the plan? If we decided to move forward tonight with no changes, are we going to lessen the risk.

D. Rogers: Yes it lessens the risk. It is not a perfect solution, but I think we are past the point of being able to have the optimal solution, unfortunately.

D. Winterton: JoAnn, are there any plans that you are aware of within the next year that might affect what the public input has been on the roof height?

J. Duffy: You mean projects that I am aware of?

D. Winterton: Yes.

J. Duffy: No. Not that are currently in the works, but there may be some on the drawing board that I have not heard about yet.

Close public hearing.

D. Rogers read Amendment No. 5 into record. ARTICLE 20, SIGNS (*Proposed 2014*), was referenced.

No Board comments.

Open public hearing.

No public comments.

Close public hearing.

D. Rogers read Amendment No. 6 into record.

No Board comments.

Open public hearing.

No public comments.

Close public hearing.

D. Rogers: That takes care of the reading of the amendments. There will be a 2nd meeting and reading of these on March 17 at 6:00pm.

D. Marshall motioned to submit the six amendments to a second hearing on March 17. Seconded by T. Walsh.

J. Duffy: Before you vote, Dr. Shankle just advised me that he spoke with Attorney Buckley.

Technically this will now be null and void and for informational purposes only. March 17 will be considered your 1st and only hearing unless you have announced that you are planning to have a 2nd hearing, which we did in the notice. Due to the fact that the 1st hearing got fouled up, that is technically the 1st and only hearing, which means you cannot make any changes at the next hearing either.

D. Rogers read an email received by Dr. Shankle from Attorney Stephen Buckley into the record.

D. Rogers: This is essentially informational and the last meeting would be our next one.

J. Duffy: The next one is March 17 with a snow date of March 18.

D. Rogers: This has the 3rd Tuesday in March as March 19, but it is actually March 18.

D. Marshall: I withdraw my motion.

T. Walsh: I withdraw my 2nd.

D. Rogers: There is no motion pending. The prior reading is informational and the 1st and only public hearing will be held at our next regularly scheduled meeting on March 17.

D. Marshall: JoAnn, has that hearing already been noticed?

J. Duffy: Yes.

D. Winterton: Is it possible to have the 2nd hearing on the March 18?

J. Duffy: No. Because if it snows we can't take that chance.

APPLICATION FOR PLANNING BOARD MEMBER

2. Muamer Durakovic

D. Rogers: Please address the Board as to your interest in serving as an alternate member.

M. Durakovic: Thank you for having me. I want to join the Board to help the Town of Hooksett.

D. Rogers: We have your application. Is there anyone on the Board who has any questions for this candidate.

D. Winterton: I notice you have an extensive background as far as education and so forth. How long have you lived in Hooksett?

M. Durakovic: I have lived in Hooksett for 5 years and all of those years I attended Southern New Hampshire University. I got my Masters in International Business.

D. Rogers: Thank you for your time this evening. This will go on to the Town Council and they will be making a decision on your application.

M. Durakovic: Thank you.

3. Michael DiBietto

D. Rogers: We have your application. Is there anyone from the Board that has any questions? Mr. DiBietto, is there anything you would like to point out that isn't covered on the application?

M. DiBietto: I have served on the Planning Board from time to time as a representative for the Town Council and would be happy to serve for the Planning Board.

D. Rogers: This will go on to Town Council and they will make a final decision.

M. DiBietto: Thank you.

PRESENTATION FOR RECOMMENDATION TO ZBA

**4. Jeff Larrabee, Signage (ZBA Case #14-01)
Hackett Hill Rd., Map 17, Lot 7**

- **Variance Request** – from Article 20, Section E, 3 & 4 of the Zoning Ordinance to permit one 750 square foot free-standing sign, standing at approximately 40 feet high. Purpose of sign is to promote various commercial uses for proposed conference/event center, festival grounds, and botanical park.

Nick Golon (TF Moran): I am here on behalf of the Lilac Center and Botanical Park project team. Sitting to my right is the applicant and owner, Jeff Larrabee. Also in the audience is Morgan Hollis of Gottesman & Hollis and Cathy Champagne of Jutris Signs. We were recently before the ZBA requesting a variance for a proposed sign. Should the ZBA determine that the criteria for the variance is met, they are looking for confirmation from the Planning Board that what we are proposing is ok from a standpoint of the location and height of the sign, and the general make-up. I would like to give you a brief history and bring you up to speed as to the areas we are talking about for development, and what we have done since we were last before the Board relative to the 7 lots in question, comprising just over 86 acres of land, that are proposed development. There are 3 large parcels, 1357, 1358 and 17-7, which comprises over 80% of that development. Those areas are the areas of the abandoned gravel pit that carries with it the existing notice of violation to which we have been before this Planning Board before. From a historical standpoint, Jeff purchased this land in April, 2012 and we have been working to develop this master plan for this area of the site. We were last before you for the sub-division approval in relationship to those 3 lots. Since then, in the last 2 years, we have had approved an Alteration of Terrain permit for the purposes of restoring and stockpiling the entirety of that 70 acres. We have been able to stockpile over 250,000 cubic yards of material which will go toward the purposes of restoring the site and developing the property. We have also submitted a TRC application for the

development of the front 2 pieces that have to do with the hotel, conference center and restaurant use. We have had the opportunity to scope those impacts with DOT and review the subsurface requirements for septic for this site with the Subsurface Bureau, and come to a conclusion on how we will move the project forward for that use. We have an existing utility corridor, owned by PSNH, which runs along the far corner, the eastern side of the site, next to the highway. A couple of weeks ago we finalized the plan for the relocation of that easement with PSNH. That includes the final engineering and design that is conducted by PSNH, and ordering materials so we can start to get that work underway. Once we got to this point, the project team realized that, prior to moving forward with full engineering design, there are important components of this project, one being signage, that needs to be dealt with. When comparing the term putting the cart before the horse with this example, we don't have a project without a sign to support this use. We have a TRC application in for this development. The intent of this plan is a master plan concept to show what is being proposed for this lot, the uses associated with the proposed signage, and what we are asking you to speak to. We have an unusual parcel of land that requires a unique sign. One of the primary components of this project is a boutique, hotel and conference center. This would be a 90 room hotel and it is not a standard Marriott or otherwise, so there is a level of branding that will be required relative to our signage. The conference center is 800 seat capacity. Mr. Larrabee is working with the people at the Colosseum restaurant in Salem who are signed up as our end users, pending the opportunity to see the appropriate signage move forward. This is located along Hackett Hill Road, along the northern portion of the site. On the map, things have been laid out specifically. The Lilac collection interweaves between each one of our uses. West of the hotel and conference center is the winery and the restoration of the historic barn. The winery is proposed at about 7000 sq. ft. presently. As the project progresses, we will better be able to define how large of a use that can be. There will be festival grounds or farmers market area. There are walkways and trailways associated with these areas, as well as pavilions, and gives a centralized location for what a vendor might be selling or type of event we may be having. East of that are parking fields. We believe we have provided adequate parking with the opportunity to have overflow parking across the street at the Ritchie Brothers site. The retail component would be on both sides of Hackett Hill Road. This is a master plan so construction would be phased over time. These future uses, such as the retail use, would be complimentary to the hotel, winery and festival grounds. This is a themed destination so we are trying to fit the pieces of the puzzle together correctly. As the project unfolds so will those uses. The Lilac collection and botanical park mingles its way through the other uses. The idea is that this is to be connective so if you are going from the hotel or conference center down to a festival, you are walking along this park corridor and trying to tie in the landscaping of that use to this overall project development. The sign is a digital reader board, highway sign. It is 3 different components; a top section as an identifier, that is 175 sq. ft., a bottom section that serves to identify the site itself, which is 117 sq. ft., and the reader board component, which is 456 sq. feet. The size of the lettering and the size of the sign have been determined by a guidance document, which is one that you have been using as part of the development of your sign ordinance. This is the sign legibility rules of thumb for the United States Sign Council. This has a system of equations in it that allows you to determine what signs would be appropriate given different factors such as speed, viewer reaction time, legibility index, and the road

complexity. Given our site factors, this would be a 760 sq. ft. sign with a letter height at 30 in. to be appropriately read at the speeds that are being traveled, with a message that would change every 8 seconds, potentially. Those messages would be consistent with the requirements of the town ordinance. One of the components of the design of the sign is how far you are able to grab your reader; somebody driving on the highway. They are moving at 65mph so you need a sign that is relatively tall, which is proposed at 40'. This design allows us to capture people at just over 1100 feet away and provides more than adequate time for the purposes of somebody who wants to get off at Exit 11, which is about 3500 linear feet beyond where the sign is being located. There are a couple of site highway signs immediately in the vicinity that we have taken into account as far as where the sign would be placed on the property to provide optimum viewing distance so that sign can be seen at a distance as you are heading north bound. It is a little more obscured heading southbound, but being that the sign is targeting the ability to showcase the site, the intent of it isn't so much directional as it is the branding element. People will be able to locate it and it provides information for future events. As far as the boutique, hotel, and conference center we are not looking for a mainstream component. This is more of a New Hampshire theme, so we don't have that branding element you see with a big box store. What we tried to create with our signage, is our own branding element, being the Lilac Center and Botanical Gardens. We think this is a great selling point not only for the applicant and the end users, but for the town, and it would be land marked to this area. It is a large development but we feel, in order for this to be productive, we need to have this branded element, this sign, to go with it.

P. Scarpetti: As far as the sign, is there a restriction? Could we restrict it so as not to be rented as far as wordage, if it was approved?

D. Rogers: Our role tonight is to make a recommendation to the ZBA. We could make a recommendation that it be approved subject to some conditions or restrictions, but I don't think it is up to us to specify anything at this point.

J. Duffy: Off premise signs are not allowed in our ordinance, so they would not be able to do that unless they were able to get a variance.

D. Marshall: They are going for a variance in front of the ZBA, right? Under normal circumstances we don't send opinions on variances?

J. Duffy: No we don't. Matt is here to explain why they are before us.

M. Lavoie: The ZBA came to an agreement that they did not have enough information to make a variance call. The variance is for the size of the sign, not anything else, so they wanted input from you because they did not want to write them a blank check given that they had not been to the Planning Board yet for this project.

D. Marshall: Under our new sign ordinance we don't address anything like this size. Size wise, we don't have any table that shows how to compute a sign for this site.

T. Walsh: You are right. We came close to using the USSC recommendations for our table and then we came up with another one that was better for the local businesses. However, we failed to put something that dealt with urban freeway signs. We still have the information we were looking at, but it never made it into the draft. Their recommendation for urban freeway situations for a single entity is a 300 sq. ft. sign at 74' high. This being more than a single entity, I can see where the extra square footage would be needed. They are also 30+ feet lower than the USSC recommends. You are correct, it is not in our draft, but we looked at it.

D. Marshall: The question on this sign is that although there may be multiple tenants, they are not going to appear on this sign other than in the electronic portion. It isn't like we are going to find 30' letters for 5 tenants, stacked.

N. Golon: That is an accurate way of putting it. The reader board portion of this is 456'.

D. Marshall: My concern is that once the variance is granted, it is there forever regardless of whether you are there are not, unless there is a condition put on it. I would suggest that we ask that a restriction be put on it, that this sign applies to this development only, and if something changes and someone else wants to develop the project, they would have to come back.

N. Golon: We are here for our own interests and we are looking to use the sign for our own purposes. It would just become a legality question as to whether or not such a condition can be placed on a variance.

D. Marshall: In all the discussions we had with the Sign Committee it was obvious, in the case of high speed roadways, the necessity for considerably larger signs was going to be there. I have no objections to the sign, but I feel uncomfortable sending a recommendation on this specific sign saying the Planning Board has blessed it. I am concerned about the restriction.

F. Kotowski: I echo what Dick is saying, except that I think that this Board can send a message that economic development is important, there is a very good parcel of land there, and without this sign, in my view, will not be developed over time. I would like to have seen more evidence that this is moving forward; at least 1 or 2 of the phases. Jeff, I say that because I know you came in with the winery and I think that area is prime for putting something there that is good for the town. I don't think we can recommend to them what they should do, but I think the Board can recommend that we should do what we can to see to it that piece of property is developed in a way that is good for the town and doesn't end up being partially built out and left half done.

D. Winterton: In the information you gave us you said this sign is ok with the state?

N. Golon: Being that we are outside of the right-of-way, the state is going to remain quiet on this. I brought it up with Andy O'Sullivan letting him know we were close to the right-of-way and asked if there were any issues with it and he said "no." We also spoke with PSNH about this and they said that if we are outside of the right-of-way we are fine.

D. Winterton: There are other signs southbound on Rt. 93. Do you know what size The Elliot at Riverfront sign, that tells you how many minutes you have to wait once you get there, is?

N. Golon: I am not sure.

J. Duffy: I don't believe that is in Hooksett, but I'm not sure.

T. Walsh: Are there any DOT signs out there that might be similar in size?

N. Golon: The overhead signs that you travel under heading northbound, as you reach through that section, are approximately 950 sq. ft.

D. Marshall: A combination of those signs?

Jeff Larrabee: There are 5 signs that are 779 sq. ft. each.

D. Rogers: Nick as you had mentioned, this is putting the cart before the horse.

N. Golon: They are worried that they are approving something that was essentially going to give you guys heartache as we came forward with our application. The concern is, from an investment standpoint, the project moving forward without knowing that the sign is going to exist. It is hard to get your end users in line. One of our end users is excited about seeing this project move forward, but if we don't have a sign, he isn't as interested. He believes that is what he needs to target his audience. I believe what the ZBA was looking for is more of a confirmation from you, one way or the other, that you feel you can effectively permit this project from a site plan review standpoint if they decide to act on the ZBA application.

D. Rogers: There is a TRC meeting coming up this week?

N. Golon: Yes, we are scheduled for Thursday.

D. Rogers: In terms of the message on the electronic portion of the sign, how frequently does that change?

N. Golon: The industry standard is 8 seconds. We gave you an example which provides a graphic with 30 in. high letters. There are a lot of events that can be associated with this site. The intent is that the larger events would be dovetailed with the Ritchie Brothers auctions. Those take place during the week, whereas these events have the opportunity to take place on the weekend. Jeff has been working hard to line up other event opportunities that play well with the New Hampshire theme.

D. Rogers: Are you on a ZBA agenda?

N. Golon: Yes, for March 11. At the last meeting, the ZBA saw a plan that was not nearly as detailed as what you are seeing. One of the biggest things we were up against was that they did not feel comfortable with not knowing where we are with this project level design and how likely it was to

transpire. Our intent with this graphic was to give them an idea of where these uses would take place. We have advanced that to what is before you today, so you can see not only what the use is, but where it will be located on the site and how it will be served by parking. The remainder of the elements, as far as design, would take place after a time that the variance could be granted, if the ZBA chooses to do so. If they choose not to grant that variance, I think we continue to have an abandoned gravel pit.

Jeff Larrabee: I would much rather take my risk with this Board and show you what we are planning on doing. My issue is spending \$250,000+ on engineering and architecture, have this Board excited about it, get it approved, and then go back to the ZBA, say that in order for us to make this festival park work we need a 750 sq. ft. sign, and have them say they will give us 450 sq. ft. That won't work for us. The whole thing about the cart before the horse, without the horse, the cart is not going to go anywhere. Being able to create a venue like this, without logos, we need this big of a sign for health, safety and readability so we can create a trademark location. The people that I have in Boston, that are going to help build this out, say I am wasting my time and money if I can't get this. We don't have a problem making the ZBA decision contingent on ultimate approval by the Planning Board. I feel comfortable you will like what we are doing and it is our intention to put together a fine development that Hooksett and we are proud of.

N. Golon: This will be back before the Planning Board, as we have to complete our site design and go through the site plan approval process.

D. Rogers: Any action the ZBA takes on this, assuming that they approve the variance, would be part of our larger site plan down the road, so we would have some say over what happens at that point.

N. Golon: That is correct. We want to make sure we are providing that reassurance that we need to come back through this Board and we are looking forward to presenting this project to you. What you have to say tonight, relative to what you are providing to the ZBA, is the idea of letting them know that you are on board with this project and that what we are proposing seems appropriate to you.

D. Rogers: Is the 750 sq. ft. the optimum size?

N. Golon: 760 sq. ft., by the calculation, is what it came up to. When Cathy started working with the areas and breaking out the signage we ended up just short of 748 sq. ft., so the variance is being requested at 750 sq. ft. which provides a little wiggle room.

D. Rogers: Something 10% smaller would not meet the need?

N. Golon: When we look at how this sign has been designed, no. We followed what we believe to be appropriate guidance and industry standards and what we laid out is what is going to make this project successful.

F. Kotowski: Have you already acquired property to right and left of Cate Rd., opposite the side of the road of the gravel pit?

J. Larrabee: For E, yes I have, and there is another house I just picked up.

F. Kotowski: For E and F?

J. Larrabee: F, I have under lease purchase and am supposed to be closing on that within a year and a half.

F. Kotowski: Right now the sign location is on F, correct?

N. Golon: It is Lot 17-7.

F. Kotowski: So you wouldn't put the sign there, anyway, until you own property?

J. Larrabee: I own that.

D. Rogers, Nick, what is the other H up on the right hand side?

N. Golon: That was to correspond the graphic to the location. We have 2 items that fall under F. One is located on Lot 13-58 and the other is the one Frank was mentioning that is across the street.

D. Shankle: If you are going to make a recommendation, I would make it as general as possible and relate it only to the size. There are some other potential issues such as how quickly that sign flashes. I don't think 8 seconds meets our current zoning, and it isn't federal standards of 15 seconds to avoid a flashing light. As long as it is clear you are not approving everything they brought up and just generally support the notion.

N. Golon: All we are looking for, and I think all they were asking for, is general support of the application, or if this Board thinks this is not a good idea.

D. Winterton motioned that the Planning Board supports this application, generally, and looks forward to the project with all parties being satisfied. Any variance granted should contain a condition that it apply only to this site plan, and that the variance also be conditional upon receiving an approved site plan from the Planning Board. Seconded by F. Kotowski.

T. Walsh: The condition of this sign relative to the site plan approval only is fine with you?

N. Golon: If that is the condition the Planning Board is looking for, yes. We don't have a project without the Planning Board.

Motion carried unanimously.

EXTENSION REQUESTS

5. UNIVERSITY HEIGHTS (plan #06-34/06-36)

Route 3, Map 14. Lot 1-12 and Map 14, Lot 1-9

University Heights Subdivision.

➤ **Extension Request** – Amend surety agreement to extend date of Phase 1 B work from

October 15, 2013.

Tom Prasol stepped down.

Jeffrey Burd (RJB Engineering): This project has a long history. It was in transition 2008-2010. Greenview Management took over the project in 2010. In that time frame, there were some construction deficiencies, bonding issues, and issues with the contractor because of the down turn in the housing market. The project came in to the Board because of those deficiencies and some decisions were made with conditions with time frames as far as finishing certain components of the project. At that time we thought those conditions were reasonable. In 2010, they thought they would be built out with the phases that are built up there now, and they didn't think there would be a problem finishing the roads. That has not been the case. Things are not coming back as quickly as they had hoped. The project is still somewhat in the red. I will go through what has been completed since 2010 on the plan I have, which is the overview of the master plan of University Heights. The orange highlighting is Phase 1 has been paved and we are trying to get that accepted by the town. The roads are complete, we are just finishing up some details. The apartments are built. The project is progressing forward. The extension we are asking for is in Phase 1B. Phase 1B is the yellow and that encompasses a lot of the single family houses. There are 51 lots. 30 of the lots are built out, which leaves 21. We are asking for the extension because we think it would be premature to pave those roads until more of the house lots are built out. Phase 1B is about 3000' of road. They finished the Phase 1 which was about 6000 linear ft. of road this past year. We are moving the project forward. We are asking for an extension on the completion of that for another 3 years or such time that we are coming up on our last CO. We reviewed this with Leo. We know that some roads in Phase 1 are aging and we had to make some added improvements to those roads. Leo was happy with the work that was done last year and we are aware there might be some additional things that will need to be done. We do not see the point in paving them now and then having sub-contractors going in, building houses and potentially damaging those roads and I think, to some extent, Leo agrees with that. On one of the public use parcels is a dam that is in disrepair. Part of our plans were to reconstruct that dam and bring it up to current standards. We want to defer that to a later Phase as it is not falling apart, just not up to standards. As far as the other public use parcels, we are looking at transferring those to the town and are working out the details of that at the same time we are looking at transferring the roads that were just finished last year to the town.

J. Duffy: Everything Jeff said is true, but there is no letter of credit or bond in place for the outstanding work to that roadway. If the Board were to grant an extension I would recommend that be contingent on receiving an appropriate letter of credit. The last estimate we received from Stantec was approximately \$166,000.

D. Marshall: We also have the issue that the Planning Board had already made a decision that no further extensions would be granted which means that we would need to rescind the previous decision. This could set a bad policy for things like this in the future.

J. Duffy: This agreement was with the previous owner and it may be wise to sit down with the new owner, renegotiate, bring everything up to the present, and see where we go from here since this project is taking a lot longer than anticipated. Jeff, if that dam were to go are any structures or anything else in that development in jeopardy?

J. Burd: No. It is more of an overflow spillway than a dam. It is not holding back any water. If we were to put boards in it, then it would bring the pond up to full level, and we would not want to do that in the condition the dam is in. As it is right now, without those boards there are no hazards. It isn't even big enough to be a state registered dam.

J. uffy: When I spoke with Jeff about the letter of credit or bonding, he said he is caught in the middle because he can't get a letter of credit or bonding unless the Planning Board grants an extension because that approval expired in October. It might be wise to start over again.

D. Marshall: I would like to recommend that we ask staff to negotiate a new agreement before we rescind our previous decision. We are going to be setting policy for future developments and we want to be careful with what we are doing.

L. Lessard: It has been a pleasure working with Mr. Burd finishing up Phase 1. I had them do a lot of extra things and there was no hesitation. I talked to him about what may have to happen because of the extension with Phase 1B and he is agreeable. I have had no problems at all.

F. Kotowski: I remember when we were taking about these apartments and there was a park that was going to go in. Did that ever go in?

J. Burd: It has not. Part of the confusion is that Greenview Management owns a parcel. They sold the apartment component to another developer that built that out. What we were trying to do was use the impact fees associated with the apartments to improve the park, but then there was a question of Greenview not having a big interest in doing that. It didn't benefit them, and they own the land, so we were trying to figure out how to transfer that, whether to the town or the two parties do it together. It stalled there between the two developers. I think there is still some interest. We are trying to re-spark it. If it transfers to the town, I have already gone back to the apartment folks to see if they want to pursue it. Regarding the comment about no further extensions, I don't know why that was written into that letter. I think it was a lawyer thing. It seems as if it was an add in. I don't know why that would have been imposed on this developer. It only makes sense if a project is not progressing. Why make that a strict guideline that the project has to be built out. Without those lots being built out, unless there was a physical need such as the roads were falling apart and the current residents were living on a road that is in disrepair, I think the town would have leverage to say we have some obligation to the residents. This new owner has been trying to do the right things to keep the project moving. They did not have the money to finish those roads in Phase 1 last year, but knew they had to be done. The apartments were built and those roads were aging. Back in 2010, he was just taking over the project and he was thinking three years would not be a problem. It just hasn't happened. The house sales aren't there. I don't think it is any more complicated than that.

D. Marshall: I am not saying not to grant the extension. I am saying we need to sit down with the new owner and negotiate how this is going to progress. The history with this entire development is creating a problem in the fact that you have a whole commercial front out there and part of the process was that we were supposed to see some offset in commercial development. There doesn't seem to be a push for that. All we see is the housing going in. The housing has a different kind on impact on the town than

the commercial development. We need to see what this new owner proposes and we can negotiate with him and set some guidelines.

J. Burd: I am sure they would be happy to come in and talk about those things. As it relates to just this one extension, I think what you are talking about is a master plan as far as the balance of the commercial and residential.

D. Marshall: I don't know how long it would take to negotiate this, but we are not talking about a great deal of time. We keep hearing it is a problem with the economy, but we still need to see what is being proposed under the new owner. We have no relationship with that person.

D. Rogers: Why wasn't this addressed in August or September prior to the expiration of the extension?

J. Burd: I was caught off guard. I knew there was a 2013 deadline, but I thought it was for the Phase 1 roads. This approval in 2010 didn't even talk about Phase I. It talked about Phase 1B. You would not finish Phase 1B without finishing Phase 1 first. It is moving in that order, but I did not think there was a deadline in Phase 1 and if I didn't know it I know the owner wasn't aware of it.

D. Rogers: Hypothetically, if we grant this extension, and they don't grant your letter of credit, where does that leave us in the future?

J. Burd: As far as the letter of credit, there was a lot of confusion. The problem with the project now is there is no AG approval. They cannot sell any lots up there until they get that bond in place. The AG approval is pending on them seeing the issuance of that bond. JoAnn suggested if the extension was granted that it be conditioned on the bond. I talked to our contractor, who procures the bonds. He talked to the bonding company and they are ok with that. If we don't get this extension, we don't get the AG approval, we don't get the bond, and everything stops.

D. Rogers: Would a shorter extension work?

J. Burd: We ask for three years, but you can make it whatever you think is appropriate.

L. Lessard: Mr. Burd was going to go with a two year, and I recommended he go for a three year based on the economy.

D. Rogers: I am assuming that was the idea in 2010.

J. Burd: We don't mind staging the work, but sometimes it is easier to go in and get it all done.

D. Shankle: Given the fact there was a specific agreement with the Planning Board regarding whether there would be extensions on this or not, it would make sense to have staff go over that agreement as well as any issues and bring a complete package back to the Planning Board, rather than work your way through it issue by issue. That would be my recommendation.

F. Kotowski motioned that staff be permitted to work with them to develop a new agreement and

*bring it back to the Board, and not act on the extension request until such time as we receive a new agreement. Seconded by D. Marshall. **Motion carried unanimously.***

Tom Walsh stepped down.

**6. HARMONY PLACE, LLC (plan #08-31)
1621 Hooksett Rd., Map 14, Lot 27**

63-unit 55-year and older person housing. Application conditionally approved on 3/16/2009 and expired on 3/16/2012. Applicant received the 1st 1 yr. extension to 3/16/2013 on 4/16/2012. Applicant received a 2nd 1 yr. extension to 3/16/2014 on 4/1/2013. Applicant is requesting a 3rd 1 yr. extension.

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

Jennifer McCourt (McCourt Engineering): We are back for another extension because of the economy. Things have not progressed as we had hoped and we are still in the process of trying to get financing for this project.

D. Marshall: What is the outlook for getting funding?

J. McCourt: He has a couple of new sources that look promising.

D. Rogers: So one year is sufficient as far as the exploration of those sources?

J. McCourt: Two years would be better because if we got the sources we would have to have time to get construction underway. I asked for one year because before that is all we could ask for.

J. Duffy: I think there is something in the regulations that say they can only request one year at a time.

*D. Marshall motioned to grant a one year extension on extension request – Development Regulations (6/4/2012) Section 10.03, 2) Time Limits for Fulfilling Conditions. Seconded by P. Scarpetti. **Motion carried unanimously.***

COMPLETENESS

**7. BRIDGE BAY, LLC (plan #13-19)
99 Mammoth Rd, Map 41, Lot 36**

Site plan for the addition of a 21-unit, three story residential building to a site that already contains a separate, existing 12-unit, 3 story building.

- **Waiver Request** – Completeness Checklist item #2. “Scale is not smaller than one per forty feet” to allow a scale of 50 feet.
- **Waiver Request** – Development Regulations (6/4/2012) Section 3.19 Multi-Family Criteria to allow a roof pitch of 4/12 where a minimum of 10/12 is allowed.

*D. Marshall motioned for completeness. Seconded by P. Scarpetti. **Motion carried unanimously.***

D. Rogers: Could you please address the waivers.

Jennifer McCourt (McCourt Engineering): The 1st waiver is the existing conditions plan; 1 in. equals 50 instead of 1 in. equals 40. The reason being so that we can show all of the information on one plan that is required under the checklist. When you get into the site plan and detail plans, because we don't have to show as much abutter information we were able to keep it at the 1 in. equals 40 scale.

Don Winterton motioned for a waiver from completeness checklist item #2. "Scale is not smaller than one per forty feet" to allow a scale of 50 feet. Seconded by D. Marshall. Motion carried unanimously.

Tom Walsh returned.

J. McCourt: The proposed building is a three story building with 21 units and is at the back of the site. This site has a lot of elevation change to it. We rearranged this from the last time you saw it to one building instead of two so that we could consolidate parking and the building. In doing that the architect designed the building to meet the height requirement of the 35' and put a 4/12 pitch on the roof instead of the required 10/12 pitch which minimized the amount of roof that you see. To make up for that, in the architectural design of the building, he added more changes in the side of the building to break it up. He recessed a section and used different siding so you get the roof line, but then you have the siding and the facade itself broken up. He added a lot more architectural changes in this building to be able to accommodate not having as much roof seen, to consolidate the building, and to minimize the grading and disturbance of the site.

Tom Prasol returned.

D. Marshall motioned for a waiver from development regulations (6/4/2012) Section 3.19 Multi-Family Criteria to allow a roof pitch of 4/12 where a minimum of 10/12 is allowed. Seconded by D. Winterton. Motion carried unanimously.

D. Rogers: JoAnn, on that one we need to schedule a public hearing, correct?

J. Duffy: Yes. That would be scheduled for April 7.

COMPLETENESS & PUBLIC HEARING

8. MANCHESTER WATER WORKS (plan #14-02)

700 Quality Dr., Map 29, Lot 64-2

Site Plan for a proposed radial well, 24-foot by 26-foot pump building, and gravel driveway. (Building will contain the well and house equipment, including pumps, emergency generator, etc.).

➤ **Waiver Request** – From the following items on the completeness checklist:

20. The existing grades, drainage system, structures, and topographic contours at intervals not exceeding two (2) feet with spot elevations where grade is less than five (5) percent, otherwise not exceeding five (5) contour intervals. –Partially provided.

24. Shape, size, height and location of existing buildings within two hundred (200)

feet of the site. –Partially provided.

27. Soils information delineated by a Licensed Soil Scientist utilizing the most recent criteria governing “Site Specific Soil Mapping.”

31. The size and location of all existing landscaping within one hundred (100) feet of the site.

32. Location of existing septic leach fields within two hundred (200) feet of the site.

34. Location of existing water supply wells or spring within two hundred (200) feet of the site.

41. Size, slope, material and invert elevations of all existing and proposed drainage structures.

49. Storm drainage plan in accordance with the “Drainage Design Criteria” of Town Regulations, and plans for snow removal and storage.

- **Waiver Request** – Completeness Checklist item #2. “Scale is not smaller than one per forty feet” to allow a scale of 50 feet.

D. Rogers: JoAnn, is this complete?

J. Duffy: Yes, the plan is complete.

F. Kotowski motioned that the plan be considered complete since staff supports it. Seconded by T. Prasol. Motion carried unanimously.

J. Kevan (TF Moran): As far as the scale, we are trying to show the entire property on one sheet so you can see the overall content of the property. The proposed project is relatively small and takes up one corner of the property as far as this scale is concerned.

D. Marshall moved for a waiver from Completeness Checklist item #2. “Scale is not smaller than one per forty feet” to allow a scale of 50 feet. Seconded by P. Scarpetti. Motion carried unanimously.

J. Kevan: We have provided topography, done a complete boundary survey on the property, and have done boundary just in the areas we were working, which originally was either end of the property. We did not provide topography in the middle. We haven't provided the high intensity soil survey. The proposed project is the size of a two car garage with a short gravel driveway. As far as drainage on the property, there is a depression between the building and the river so any runoff sheets toward that depression and infiltrates in the ground. It does not sheet to the river itself so we did not feel that soils across the entire property was necessary. This entire site is a shrub scrub type of young growth, all wooded or vegetated with the exception of the private Kimball Drive that runs through the center of the property. There is a driveway off of Quality Dr. that is gated. The rest of the property is fairly natural. We are requesting not to provide those checklist items because of the type of project that is on the table.

J. Duffy: Staff is fine with all of the waivers.

F. Kotowski motioned for a waiver from the following items on the completeness checklist: 20. The existing grades, drainage system, structures, and topographic contours at intervals not exceeding two (2) feet with spot elevations where grade is less than five (5) percent, otherwise not exceeding five (5) contour intervals. –Partially provided. 24. Shape, size, height and location of

*existing buildings within two hundred (200) feet of the site. –Partially provided. 27. Soils information delineated by a Licensed Soil Scientist utilizing the most recent criteria governing “Site Specific Soil Mapping.” 31. The size and location of all existing landscaping within one hundred (100) feet of the site. 32. Location of existing septic leach fields within two hundred (200) feet of the site. 34. Location of existing water supply wells or spring within two hundred (200) feet of the site. 41. Size, slope, material and invert elevations of all existing and proposed drainage structures. 49. Storm drainage plan in accordance with the “Drainage Design Criteria” of Town Regulations, and plans for snow removal and storage. Seconded by D. Winterton. **Motion carried unanimously.***

D. Rogers: There is still an environmental services permit outstanding, is that right?

J. Kevan: Correct. What is proposed is that they are putting in a radial well that is a 15' diameter structure that goes down to bedrock, and radial pipes that go out underneath the river that draw water from the river using the gravel as pretreatment. That water will be put into their water source. When we came before you the first time, ZBA was trying to get a handle on the entire development. We can't determine or define that more than what we are proposing now, which is the well, and we will need some type of pump and generator. Before we were talking about a yard area. We have gone to putting it all within this 24 x 26 garage type building with a gravel driveway. That well will be put in place and they will draw the water and test it. Down the road we may be back to you if they determine they will need treatment. They could either do treatment at this site or they own property 2/3 of a mile south that they could pump that water to and do a treatment facility down there, whichever makes the most sense at the time. Until they have run the system and run that water and tested it, they cannot define what that treatment is or how big a facility would be needed or if a facility is needed. They need the well and we are before you strictly for that; this well, inside that structure. We have set it a distance of 87' off the adjacent property line, and planted a couple rows of 6' evergreen trees to buffer that. During construction we would come in off of Quality Dr. to do the work so we are not driving down Kimball Dr. to access the property. Once it is in operation that driveway off of Quality Dr. will be gated.

D. Rogers: What is the status of DES permit?

D. Miller (Manchester Water Works): We are in the early stages and they have never done anything like this in NH so it is going to be a process.

J. Kevan: That is the permit for the well system itself. The other permit that we talked about moving ahead with earlier is the shore land permit which is to have the structure with the shore land area within 250' of the river. The area that the structure is going in is a clearing, currently a yard area, so we are not cutting any trees. I don't see an issue with shore land but we are going to obtain that first. That permit would be put on the plan prior to your signature.

D. Rogers: How far is the proposed well head?

D. Miller: It is about 75' to 80' from the river.

D. Tatem: In our review process we did ask that a note be placed on the plan, due to phasing requirement regulations, that states this is most likely Phase 1 of Phase 2. If anything changes, they need to come back to the Board for another approval. I think you are covered as far as Phase 2 because

they don't know what it is yet.

J. Kevan: We would also have to come back to the ZBA because their approval was strictly what we are asking for tonight.

D. Tatem: The definition of buffer in Article 22 requires 8' trees. It is a small detail but they put in 6-6' trees. If Jeff could change that one note on the plan.

D. Miller: I would comment that the exact location shown on this plan is 87' from the southern most property line and nearest abutter. It is likely, based on some work we have done on the last couple of months, that we can move the well and garage structure further to the north. Perhaps 100' to 150' from our nearest abutter, Mr. Godbout. We haven't determined the precise location. I am asking for a little leeway because we want to find the sweet spot. We still have to do some engineering, borings and testing to determine the exact location of that caisson.

D. Rogers: So worst case scenario is the 87' that is currently in place, and it could be better than that?

D. Miller: Correct.

D. Rogers: If it moved, would it require removal of trees?

J. Kevan: Minimal at best. Most of the vegetation is very young and scrubby.

Open public hearing.

Paul Godbout (73 Kimball Drive): Dave has done a good job keeping me up to date. I would appreciate the project being as far north as possible because the further away it is the less chance I would be able to hear it, or feel any vibration, or anything else that could happen with it. Dave said that won't happen but I am skeptical.

Close public hearing.

J. Duffy: I did not put down any assessment for impact fees on this project. I assumed because it was a municipality doing this project they would not be assessed any impact fees but I need to get clarification.

D. Rogers: That makes sense.

D. Marshall motioned to approve the site plan for a proposed radial well, 24-foot by 26-foot pump building, and gravel driveway. (Building will contain the well and house equipment, including pumps, emergency generator, etc.), with the conditions that the Chair will sign the plan once the NH Department of Environmental Services Shore Land Permit is received, and Manchester Water Works will plant 10' trees and revise of the note referencing the size of the trees. Seconded by F. Kotowski. Motion granted unanimously.

CONTINUED PUBLIC HEARINGS

9. 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.

➤ **Special Use Permit**

D. Rogers: We are here on the special use permit application on this project, correct?

Peter Julia (Keach-Nordstrom Associates): That is one of the remaining items.

J. Duffy: The last time the applicant was before this Board was February 3. We have not received anything new since that date even though I had asked for some items. I had not heard from them at all until 4:45 this evening when I was out of the office. I met with Dan last week and we went over the plans and outstanding issues. Dan has two that I know of. The grading easements haven't been received and the dimensions for the pond berm on the details don't match the grading plan dimensions.

D. Tatem: There are a couple other culverts that Steve agreed to revise at the last meeting that we haven't seen yet.

J. Duffy: Regarding the open space, the applicant met with Town Council last week and they have met with the Conservation Commission. They talked about the open space and it appears the Conservation Commission and the Town Council think that is a good idea for them to donate the large parcel of the contiguous open space area of land. The question I have is the two separate strips and what will be done with them. Our ordinance talks about a buffer. It is a decision the Planning Board has to make on whether they feel a buffer is needed between this project and the abutting parcels that are located in Bow. We have an email that I sent you from Leigh and Bill Mullen who live on 12 Merrill Crossing in Bow. They could not make it tonight but, for the record, they don't care whether the town, homeowners association or individual landowner owns it, but they want to make clear that it should be designated and kept as a buffer and that it should clearly be written that it could not be built on, trees cut or removed, etc. The ordinance states the Planning Board would have to first decide if a buffer is required. If so, in no case shall the buffer be part of a lot. It needs to be a separate area that must be in the control of the homeowners association. If the Board agrees that there should be a buffer there, a homeowners association will need to be established. The reason they did not form the homeowners association was because it was under the understanding that possibly the town would take all of that land, not just the large portion. There was also discussion about that strip being incorporated into the individual lots and making them deeper, but that takes away the buffer. That is how the ordinance currently reads. When Dan and I looked at this buffer issue, and the steep slopes that I haven't received any information on yet, we saw that there are several well radius's located overlapping onto the abutting property, which is not permitted in the ordinance. If the Board agrees to allow for that overlapping, they need to apply for a waiver, which we don't have. The other problem with the well radius is that these lots are so small that the well radius just meets the lot lines on either side and the 75' goes almost to the property line on most of those lots. If the well head is not located exactly where they are showing it there could be a problem with the well overlapping onto the next lot. DES permits it but we are more restrictive. We were suggesting that there be a note stating that the surveyor must lay out all the well locations as shown on the Plan so it doesn't go over any property lines. That is trying to play it safe, but to me it looks like those lots are too small. The special use permit application was submitted and the Board

should go over that tonight. The state permits are still pending and we still haven't received any answers with the steep slopes. To give you an example, for Lot 24-27, the proposed well location is at 505' and the road is at 548', so can a vehicle even get in there to dig that well in the first place. I think there needs to be a serious look at the grades on this property.

D. Rogers: For our purposes tonight, would it be best to only address the special use permit and continue this hearing until the next meeting?

J. Duffy: That would be my recommendation.

D. Rogers: I think that is the way we will handle it so we can address the special use permit but allow another two weeks to address these issues that have come up.

P. Julia: If it would be acceptable to the Board, I believe I have reasonable explanations and additional discussion on each of these points. It is ours and the applicants desire to ask the Board to consider conditional approval this evening, and I would like to at least have the ability to discuss these points if granted that opportunity.

J. Duffy: I think there are too many outstanding issues to recommend any sort of conditional approval. To put something before this Board, that staff and Stantec has not seen, would be unfair to the town.

D. Rogers: I would agree with that. I think we are going to address the special use permit this evening and then have you back on March 17 to address these other things. It is troubling that these things haven't been dealt with in the last month. There may be a lot of behind the scenes things going on, but there needs to be better communication with staff going forward. If you could address the special use permit issue I would appreciate that.

P. Julia: The special use permit was the document that was read into record two meetings ago, I believe.

D. Rogers: Could you give us an overview to refresh our memory.

P. Julia: I am a little ill prepared. I have the document with me but it is in my vehicle.

J. Duffy: I can give you a copy.

P. Julia: Would you like me to go down item by item?

D. Rogers: If you can.

P. Julia began to read the special use permit application and asked to be excused.

D. Rogers: Out of fairness to the Board, staff, Mr. Julia and his client it is best to postpone all of this to March 17.

T. Walsh motioned to continue the public hearing for a special use permit, for 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, as well as all other aspects of it, until March 17.

P. Julia returned

D. Rogers: Mr. Julia, we are proposing to postpone this as well as all of the other aspects of it, so you have a better opportunity to be prepared on March 17.

Seconded by D. Marshall. Motion carried unanimously.

P. Scarpetti: As far as the size of the lots, on the cul-de-sac, two of the lots are 50' wide on the frontage and you have had some objection as far as the lots because it is a tough piece of land, and the driveways going up to it. I think that should be thought about before the next meeting.

J. Duffy: We need to get the information within a week so we have time to review it before March 17.

P. Scarpetti: Looking at the Plan, comparing the Bow house lots and the ones in Hooksett, it is still the same piece of land and it is a tough piece of land. It should be thought about because as you drive through it it is going to look like two different sub-divisions.

T. Walsh: That is what bothers me about it. When you see our regulations and Bow's, side by side, it illustrates the whole thing. I think it is ridiculous to see a 24' road and 5' sidewalks going through Hooksett and as soon as you hit Bow it disappears. That is why I was looking at the special use permit application. "The design and site layout of the proposed development shall be compliant and harmonized with the rural character of the Town of Hooksett." I don't know how a closed system and sidewalks turns into rural character.

P. Scarpetti: I would rather see the sidewalks go away and make the house lots bigger so it conforms with the Bow section of this sub-division.

D. Marshall: Has any discussion been held with the Council as to who is going to own the buffer?

D. Winterton: The applicant made a presentation to Town Council on Wednesday. It was well discussed at the meeting. The Conservation Commission, Public Works Director and I personally all agree that it would be best to give that land to the lots and put a deed restriction in about no cutting. Part of the discussion was that, if we do put a buffer in and the town does not accept that land as open space, they will have to have a homeowners association forever, with the legal bills and everything, just to maintain 2.5 acres of land.

J. Duffy: If that is what you decide to do then it should not be called a buffer.

D. Winterton: It should not be a buffer, it should be a no cut zone if that is the proper terminology.

F. Kotowski: That was discussed at length and also at the Conservation Commission, and they talked about not wanting that narrow strip that abuts Bow, and the best thing to do would be to incorporate the back part that would have been the buffer into each of the lots and make it a no cut zone.

T. Walsh: Dan, is it you that verifies the open space and percentages?

D. Tatem: Yes.

T. Walsh: So 50% of the open space, minimum, is actually buildable?

D. Tatem: Yes.

T. Walsh: It is not surrounded by unbuildable?

D. Tatem: The regulations require that you have so much percentage as contiguous. If you have little spots everywhere than it would not meet it, but they have a big enough chunk in the middle that is not broken up with wetlands or steep slopes that meets requirements.

T. Walsh: When I have unconstrained land surrounded by constrained land, I don't understand how it could be unconstrained in the middle.

D. Tatem: There is a state law that requires DES, which is the governing body over wetlands, can't restrict access to unconstrained land. If Keith had all of this land and there was a big wetland running through the middle of it, they have to allow you to cross that wetland to get to your buildable land. As far as the 25% steep slope issue, you can't put septic systems in those slopes and certain other things, but you can put a Walmart in that slope if you want to grade it out and spend the money to flatten it. There are technicalities and we looked at it from a technical standpoint. We assumed the Conservation Commission look at the site from a useable standpoint.

T. Walsh: I have been reading the ordinance and it says open space shall be developable. Granted it could be, although nobody would do it.

Keith Martel (Sterling Homes): We are feeling a little lost between the Boards, if we could have a consensus on the buffer portion. We are due back to Council, as well as Conservation, and I am not sure which direction to give them.

D. Rogers: I think the consensus is a no cut zone, as opposed to a buffer.

K. Martel: Extend the property lines and covenant them against cutting.

D. Rogers: It would actually be a deed restriction. We will be back here on March 17 with this continued public hearing. In the meantime, work with staff and have the presentation ready for that time.

P. Julia: I apologize. It was not my intent to waste your time. I was not expecting to talk about the

special use permit that was read into record two meetings ago. I thought it had been addressed. In terms of the other items, we were prepared to discuss those and the biggest reason they have not been addressed this month is we have been in front of the Municipal Board in Bow addressing many issues, and the intent was to resolve all issues with one final submittal. We viewed many of the issues from Stantec and JoAnn as administrative and editorial in nature and we were going to accomplish those when we did with Bow. I was caught off guard but we will be prepared and have advance documents to the town staff in regard to these issue and others.

D. Rogers: The basic recommendation that I would make between now and March 17 is to communicate with staff. We take a fair amount of our direction and guidance from them. If they are not on board with this, it is hard for us to override that and get on board with you. We will see you back on the 17th.

10. 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.

➤ **Special Use Permit**

D. Marshall and P. Scarpetti stepped down.

Doug MacGuire (The Dubay Group): When we last met with the Board we had the issue of speed which we had to go to Town Council for. At this point we have done that and received unanimous approval to have the 25mph posted speed on the roadway. We have also gotten plans back to Stantec for their review and Dan has issued an updated review which eliminated the vast majority of the outstanding comments. I believe he is in a comfortable position for recommending a conditional approval. The only outstanding item that I see for this Board would be the special use permit. We discussed that at the last meeting, I did go through the criteria, and I think it was agreed that we were in a right state on that, but we wanted to make sure the Town Council issue was all set before this Board acted on that.

J. Duffy: The Board needs to go through the special use permit and review it. I only have three other outstanding issues. The state permits are pending. It looked like the lot numbers were incorrect so I suggested they speak with assessing before they hand in the plans to be signed. The homeowner documents are in the works so we will be getting those. They just need to be sent to legal council.

D. Rogers: So that could be a condition of approval?

J. Duffy: Correct.

D. Scarpetti: With the deeds that we agreed to do, we had to make sure wording was correct.

D. Tatem: As Doug said, we got a letter dated February 28 and reiterated the state permits. They also need written approval from Manchester Water and Hooksett Sewer Commission. When they submit everything they just have to have the sheets stamped and signed. We have no review comments left.

D. Rogers: Those have all been addressed adequately?

D. Tatem: Yes.

D. Winterton motioned for a special use permit, 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. Seconded by T. Prasol. Motion carried unanimously.

F. Kotowski motioned to conditionally approve the plan, pending the receipt of all state permits, pending transfer of the deeds and documents, and written approval from the Hooksett Sewer Commission and Manchester Water Works. Seconded by Tom Prasol.

T. Walsh: Are sidewalks still on plan for this project?

D. MacGuire: Yes they are.

T. Walsh voted against due to sidewalks. Motion carries.

D. Tatem: Tom, there is a requirement in the regulations for a designated walking area. There is a project that has a striped multi-use path instead of a sidewalk with curbing, which a lot of people say is a bad idea because you don't want to encourage people to walk on the same plain as you are driving so they don't get hit.

T. Walsh: I have asked this question before and will look into it again; they are not always required for every new street in Hooksett. As far as statistics on the safety of sideways, yes they do keep vehicles from going into that land, but at high speeds where most accidents are going happen the curbs make things worse. It has been a debate that has been going on for years.

D. Tatem: I don't disagree.

L. Lessard: This is a 25mph zone, not a 55mph zone.

T. Walsh: Even more of a reason not to have a sidewalk.

P. Scarpetti: There are sidewalks on Autumn Run, that is one reason.

T. Walsh: I thought there were not, because they have the slanted curbs.

L. Lessard: They can't do sloped curbs on the sidewalks due to ankle safety.

T. Walsh: I have only been up Autumn Run a couple of times. Are there sidewalks with slanted curbs or not?

D. MacGuire: Yes there are. Summerfare Street has a sidewalk with a sloped granite curb.

P. Scarpetti: I would have preferred not to do it, but we have to.

D. Marshall and P. Scarpetti returned.

OTHER BUSINESS

11. APPROVAL OF STANTEC INVOICES

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

CHANGE OF USE

J. Duffy: Lynette Nyberg & Ralph Ergas, 11 Kimball Drive Units 107-109, Map 37, lot 13 – Site is currently used for medical facility and the proposed use is for a dental office. Granted.

BOARD DISCUSSION

D. Rogers: Is there any item up for Board discussion?

J. Duffy: The vote on whether you want to recommend either of those alternates to the Council.

D. Rogers: The first individual is Mr. Durakovic.

D. Winterton: Is it normal to do this in public or non-public?

J. Duffy: They have always done it in public.

D. Marshall: I think he would be better suited on Economic Development because that is what his background is and it might be a good experience for him.

T. Walsh: He doesn't have any background as far as planning or construction.

D. Winterton: My concern is that I have not seen him at any meetings, but that does not mean he hasn't watched them. We should have asked. Dick, I agree, unfortunately Economic Development is not meeting. The last couple of meetings have been canceled.

F. Kotowski: Who is the Chair that is supposed to be doing that?

J. Duffy: They haven't had a meeting in a few months now. Two months ago there was no quorum and last month the Chair was not around and never called the meeting.

F. Kotowski: In my view, that is one of the most important issues in this town is Economic Development. I would like to see an active Economic Development Committee but evidently there is a problem and they are not meeting.

D. Rogers: As far as the candidate, what is our consensus or recommendation to the Town Council?

F. Kotowski: I would prefer to see Mr. DiBitetto. Mike was here today and he put his application in last week. Mr. Durakovic's application had been in for six weeks and we did not see him.

D. Rogers: There are multiple alternate positions available.

J. Duffy: There are three.

D. Rogers: It is not necessarily one over the other. So our consensus is?

D. Winterton: We are ok with these two alternates.

D. Rogers: I think it would be helpful to have alternates, whether or not they are actively sitting. Mr. DiBitetto may not need as much exposure to the Board as the other candidate may in terms of background and experience, but it would probably be good to have them both here. For example, last meeting it may have helped to have an alternate to have a quorum instead of not being able to do anything. So the consensus of the Board is to recommend that both of these applicants be approved for alternate membership on the Planning Board. Is that accurate?

D. Winterton: JoAnn do you know if there is a time limit on the alternates. We could give one of them one year and another two or three years. It would be my recommendation for Mr. Durakovic to get the shorter term.

J. Duffy: I can check.

D. Rogers: Are there any other discussion matters?

L. Lessard: Once a plan is approved, accepted, signed, and it goes out, in order for the developer to set a bond and monitoring amount, does that amount have to come from Stantec, or can that amount come from another source, and I get to review it and set the bond and monitoring amount.

D. Tatem: The regulations require that it is done by the DPW director or a designee.

D. Rogers: So I guess you get the input but the final decision rests with you.

D. Winterton: Didn't we agree on that when we reduced the amount? Wasn't there a checklist?

L. Lessard: I wasn't sure if that was also for setting the bond amount or just for the monitoring.

J. Duffy: The bond amount in the regulations is still specific at 30% of the cost of the site work.

L. Lessard: I don't have a problem with the bond, I was just asking who can set the bond amount, does it have to be Stantec or can it be me as the public works director.

D. Rogers: It rests with the DPW director.

L. Lessard: Thank you.

D. Rogers: On the March 12 at 6:30 there is going to be a presentation by the Department of Transportation concerning the bridgework down in the village.

D. Winterton: That is in conjunction with the Town Council meeting?

D. Rogers: Yes.

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

J. Duffy: We just read the regulations about the bonding. “The Board, or the Town’s Consulting Engineer, shall determine the amount of the surety. The amount shall be adjusted for overhead, engineering, bid specifications, as-built plans, contingencies and escalation.”

ADJOURNMENT

The meeting was adjourned at 8:24 pm.

Respectfully submitted by,

**AnnMarie White
Recording Clerk**