

Official

**HOOKSETT PLANNING BOARD MEETING
HOOKSETT TOWN HALL CHAMBERS (Room 105)**

35 Main Street

Monday, May 4, 2015

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

PLEDGE OF ALLEGIANCE

INTRODUCE MEMBERS OF THE BOARD

PRESENT: D. Marshall (Chairman), P. Scarpetti, T. Prasol, F. Kotowski, Muamer Durakovic, and D. Winterton (Town Council Rep.)

ALTERNATES: Michael DiBitetto

EXCUSED: Tom Walsh (Vice-Chairman)

STAFF: JoAnn Duffy (Town Planner) and Carolyn Cronin (Assistant Town Planner).

APPROVAL OF MINUTES OF 4/20/15

April 20, 2015 Regular Meeting – P. Scarpetti motioned to approve the minutes of the April 20, 2015 meeting. Seconded by D. Winterton. M. DiBitetto abstained due to not being a voting member at the April 20, 2015 meeting. Motion carried unanimously.

DISCUSSION

1. AROMA JOE'S PLAN

1323 Hooksett Rd., Map 25, Lot 19

Alex Vailas (AV Hooksett): In 1996, as part of the master plan, we had approved a double drive-through doughnut shop. The front page of the locus map indicates the uses back in 1996 that were approved. Since then the lot had been paved, and the drainage and utilities were put in place. It never came to pass and became integrated with the used car lot next door. There was a long term lease with them until now. If you look at the first page you will see the original site plan. The supermarket never got built. What is there now is the Elliot Hospital medical office building. The following page was an evolution of that double drive-through that did not get built, but the pavement and utilities are there. The subsequent page is the proposed elevation of Aroma Joe's. Aroma Joe's is a drive-through concept coffee shop that is from New Hampshire. It started from two people who make their own coffee and then evolved into a fast food chain. A couple of people from California got together with them and decided to start the franchise and expand it from Dover, New Hampshire. On page A1 is the footprint. It involves a walk-up order window. You go around the building, order at one window and pick up at the next. There is no voice reader board. The last page is the proposed design. We would have to

remove some of the pavement and add landscaping. The building is in the same spot but larger by approximately 200 sq. ft. The circulation is different. We don't have the circulation going right into where the drive-through circulation of the bank is. It is headed away from that so it would be less conflicting. I am here to ask if we would be able to work with your staff to submit the plan, and finalize it without having to go through another public hearing because it has been a previously approved use. I would like to know what the process would be.

J. Duffy: We have been working with Alex to go over the details and he has a vested project. He is looking to do minor changes. The only concern we discussed is the entrance way and whether there was the possibility to widen it, taking that curbing away, so when cars are coming out of the bank drive-through they are not interfering with the cars coming in and trying to turn.

P. Scarpetti: When you come in off of the main road, why is there a hashed line?

A. Vailas: It is painted, not a physical barrier. Some engineers feel if you narrow it, it calms the traffic coming in. What you see on the last page is the driveway that goes up to the Elliot hospital building in the back. It is to bring people into that lane and then people can make a decision as to whether to go straight up, take a left, or go into the right lane to go into the other uses.

P. Scarpetti: One of the plans we have in front of us shows a dumpster in the back, and the other does not. Which one is correct?

A. Vailas: The last page is what we want to get to. We can look at moving the location of the dumpster. We are here to see if we could handle those types of things on the staff level. We want to remove some pavement, bring in more landscaping, and irrigate some of the landscaping that is not doing well out front.

J. Duffy: There are five parking spaces that he is eliminating along Hooksett Road and replacing it with a small patio and landscaping so it will look prettier from the road.

M. DiBietto: How many vehicles can be queued up there?

A. Vailas: It isn't like a Dunkin Donuts. You come around the building, order at the first window on your right hand side, and then pick up your order. You could probably get eight cars there. It is not high volume. There is a pick-up window where people park, order, and pick-up. Then they can sit or take it with them.

M. DiBietto: It doesn't look like an eight car que.

A. Vailas: We can try to lay that out and stack the cars to illustrate it.

J. Duffy: It is basically the same que that was approved the first time around.

D. Winterton: The patio would be for the people who want to stay and have their coffee?

A. Vailas: Yes. They just pick it up at the window and walk over to sit.

D. Marshall: I have no objections to waiving the requirement for an amended site plan, but there are a couple of things unanswered. How do you handle a delivery?

A. Vailas: I understand that most are box truck deliveries, but we can get the specifics. They will pull up alongside the building, come out with a trailer, and bring bring deliveries in like they do at a

convenience store.

D. Marshall: So they would go through the by-pass lane, park, and use that?

A. Vailas: Yes.

D. Marshall: There is a danger in phasing any development. If you do it all at once, when it is approved, it is done. Unfortunately, when you phase it, we have a chance to observe how things are functioning. Coming out of that bank, no one hugs that turn. They occupy half of that driveway. Someone wanting to turn in faces a problem with someone coming out of the bank. This will increase the amount of that traffic. My contention is to widen that driveway, which means moving that curbing back as you make that right turn in. If they agree to that, I have no objection. If they don't, I think you will have some operational problems. Even if a car wanted to use the breakdown lane that is a large turn to make.

A. Vailas: That is why we got rid of the double drive-through. We brought it to a single lane where people will have to que all the way around the building and back onto the other side, rather than the shorter que with the double drive-through that was there before. The coffee shop, in theory, operates at off-peak hours. People try to get their coffee prior to 9:00 am. I don't disagree with you. I think those are the things that we would like to work with you and the staff to mitigate. We are just trying to get a handle on the process.

D. Marshall: JoAnn, who would be handling any engineering decisions?

J. Duffy: I am not sure. Probably either Stantec or Keach-Nordstrom.

A. Vailas: Keach-Nordstrom does a lot of retail and design. I would defer to them. We would be happy to work with them.

D. Marshall: I think you need to pass on the concern about the driveway.

J. Duffy: We have had discussions about it and we both went out to see it. I believe he understands what you are looking for.

A. Vailas: I do.

M. DiBietto: What is the scope of the site work that will have to be done?

A. Vailas: All utilities, even the electrical transformer, are there.

M. DiBietto: The drainage and pavement won't be disturbed?

A. Vailas: We are going to be removing pavement.

M. DiBietto: It won't have to be reshaped or regraded?

A. Vailas: No. The pavement is done. We want to remove some of it because we won't have the need for all of it.

M. DiBitetto: There will be no new drainage anticipated or sewer and water?

A. Vailas: It is already there.

P. Scarpetti: How hard would it be to put in a overlay of the existing conditions, as far as that curb, over this to see what the difference is so we can see where the curb is now?

A. Vailas: The intent with the engineers is to look at the curb radius's and all of the things we just discussed. I am here to determine the process. I would agree to work with Keach, and our engineer will have to work with him on reconfiguring that entrance area. Obviously, you will convey your concerns to him.

F. Kotowski motioned to waive the need for a modified site plan and a public hearing and they will work closely with staff to work out details and give us the courtesy of informing us of what the final plan is going to be for Aroma Joe's Plan, 1323 Hooksett Rd., Map 25, Lot 19. Seconded by T. Prasol.

M. DiBitetto: Would that final plan be submitted for the Planning Board record?

D. Marshall: The final plan will be submitted to us, but we won't have to take action.

J. Duffy: We would ask that the Chairman sign it for our file, but we would not require a hearing.

Motion carried unanimously.

**2. HEADS POND (plan #07-42)
Hooksett Rd., Map 3, Lots 1, 5, 19
Update from David Campbell**

David Campbell (Manchester Sand and Gravel): We have acquired some donations under our subdivision approval for Heads Pond and under the development agreement that has been signed off by the Town and Manchester Sand. Page 4, Number 8 of the Heads Pond Development Agreement discusses vested rights and exemption from future regulatory changes. This is where it discusses active and substantial development. It lists what we have to do to meet that threshold, and later the permanently vested one. Under 8A (i), we are required to begin construction of wetlands crossings per the Wetlands Permits. We have done all of the wetland crossings and they are completed. I will get something from DES to verify that with JoAnn. Number (ii) states we are required to deliver a deed conveying the 189 +/- acre parcel for a town park (Lot A). The 189 acres is going to be a town park, but it is also going to have a conservation easement overlayed on it. That was by agreement of DES, the Hooksett Conservation Commission, this Board, and Manchester Sand. That goes back to 2007. That is attached as Appendix D. It is going to be a gravel roadway with gravel parking lots and car top boat ramps where you can carry a kayak in, but you can not back into Head's Pond. Everyone agreed and signed off on it and it is part of the Development Agreement. Going to (iii) refers to Lot 503. It is about 20 acres.

That is being deeded to the town in fee. The Planning Board did not want that to be burdened by the conservation easement if there ever was a roadway, which there will not be, but at the time it was not certain. That is coming in as a separate deed. We had a requirement to make some conservation contributions to, originally, Audubon and then Bear Paw. We have delivered two deeds to Bear Paw. They have been recorded. Bear Paw now owns Lot D and E and it equals about 394 acres. There is also 80 acres for the school lot. We redid the conservation easement so there would be no problem getting a roadway there. I spoke with Dr. Littlefield and we are working with their attorney as far as getting that deed reviewed. We did a lot-line adjustment and it became part of Lot A. These deeds have been prepared and will be given to your attorney for review to make sure everything is accurate by June 26. How long you take to officially do what you want is up to you, but we have a requirement to give them to you by that date. Part B will give us permanent vesting of the project. That means we have to do the six items we just went through and have to complete the initial non-signalized improvements on Rt. 3. That project is going on currently and has been bonded. The state required a \$500,000 bond for it. Utilities and the conduit are going to be put in. The state is overseeing the engineering and inspections. There is a retaining wall on Heads Pond Boulevard. I believe Stantec will be inspecting that. We anticipate this work being done in July. The state does not want it stripped because they said it would be confusing to have a stripped entrance into nowhere during Phase 1. The widening will be done, utilities will be put in, and we will have completed that section as well. Once those deeds are delivered by June 26, and upon completion of those signalized improvements, we would like to get a letter from the Planning Board saying that upon completion of DOT improvements you are permanently vested. Once the town says you are permanently vested you are permanently vested as far as site plan. The state law says the state DES has to follow the town.

D. Marshall: Provided you don't make any significant change in the site plan.

D. Campbell: Correct. I am just here to give an update and answer questions. I am working with JoAnn, your attorney, the school board, and the school's attorney to make sure those deeds are in proper order. The only thing that is different is the conservation easement, but that language is agreed to and signed off on as part of the development agreement.

F. Kotowski: The pond itself is part of the conservation easement?

D. Campbell: Yes.

F. Kotowski: Who is the conservator of that portion which will be the town common, pond, etc.?

D. Campbell: The common is not part of this, but the town pond is.

F. Kotowski: The town is not going to have control over being able to do anything with that.

D. Campbell: It is all spelled out in the conservation easement which is Appendix D in the development agreement.

F. Kotowski: Is there a possibility down the road that the conservator could turn the pond over to Fish and Game, for example, and take it out of the hands of the town?

D. Campbell: Right now the town has the option and ability to use that recreationally to a certain extent. It is spelled out in the conservation easement. DES held an executory interest.

F. Kotowski: It is supposed to be a recreational asset for the town. We supposedly own the pond, but we don't really own it because it is under a conservation easement. Someone like Bear Paw, will they not be the conservator?

D. Campbell: I don't think anything can prevent that. You have a deed and an easement over the deed. The Town of Hooksett owns the land in fee. The conservation easement deed restricts what you can and cannot do on that land for conservation purposes.

F. Kotowski: Will the pond be under the control of a conservator other than the town?

D. Campbell: Not the way it is set up now.

J. Duffy: There are two conservation easements listed under (ii). One is for the 189 acre park and that is separate from the one known as Appendix D.

D. Campbell: One is the deed and Appendix D is the conservation easement deed that overlays on the deed. The deed give you the fee, the 189 acres, and the conservation easement is applied to all 189 acres. Those 189 acres are prohibited from certain things.

J. Duffy: Part of wetlands permit states you have to pay \$10,000 to either conservation or the Town at the time of conveyance.

D. Campbell: That is true. That is part and parcel of the delivery of the deed.

J. Duffy: When your deeds are received they will go to town's attorney for the final review before we record anything.

D. Marshall: Will we have to take any action after the attorney's approval?

J. Duffy: No. Mr. Campbell would just like a letter from the Board stating they are now vested.

D. Campbell: I will probably come back after the deeds have been delivered and ask you to draft a letter stating that upon completion of the non-signalized improvements on the roadway and accordance to DOT specifications we are vested. They will write a letter to you stating the non-signalized portion is done.

D. Marshall: This is not a public hearing, but I will take public comments.

Marcel Croteau (19 Springer Road): Is this on the north part of the property?

D. Campbell: Yes.

M. Croteau: Does this have something to do with Parker Rice?

D. Campbell: Yes. Way back. We bought it from Parker Rice.

M. Croteau: I have some land and have the deed.

D. Campbell: Where is the land?

M. Croteau: Some on the west side and east side.

D. Campbell: I will be glad to talk to you about it. I know we have title insurance for most of the land.

M. Croteau: Where is this property?

D. Campbell: It is the northern part of property off of Rt. 3, by Heads Pond. I would be glad to meet with you and see what your paper says.

CONTINUED PUBLIC HEARING

3. HIDDEN OAK WAY (plan #15-02)

Hackett Hill Rd. & Countryside Blvd, Map 37 (Hooksett) & Map 766, Lots 15J & 15L (Manchester)

152-unit townhouse development and site improvements in Manchester with a proposed driveway on Hackett Hill Rd., Hooksett.

J. Duffy: They came in initially and met with Leo who had asked for some off-site improvements at the entrance way on Hackett Hill Road. He wanted them to be completed prior to any of the CO's being issued. Since that time, they have received approval from the City of Manchester. They have a phasing plan that lists five phases. It is broken down up to the completion of the third phase, at which time, they will have 94 units. Their traffic engineer has done a study and has recommended that the improvements be studied at the completion of approximately 100 units. With Leo's departure we had contracted with Keach-Nordstrom and he made suggestions on the geometry of the layout. They came up with an agreed design. Keach is recommending that the off-site improvement be done at the completion of the third phase. If you do it up front you have all of the construction trucks driving over it and he didn't think it would be needed until about 100 units. He had a conversation with the City of Manchester. They have already plugged into their computer system all of the new addresses for the future units. They said if Hooksett is agreeable to this, they would receive the approval letter from this Board and plug it into their system so there would be no chance of them missing it. At the end of the completion of the third phase, a trigger would go off and no further building permits would be issued until these off-site improvements are completed. Keach also said it would be better to do it that way because everything could be done at once and in a short time frame. He has worked with all of us and we all agreed this would be acceptable to staff and now we are bringing it to the Board for approval.

F. Kotowski: What if they built 50 units and nothing beyond that?

J. Duffy: For protection for the Town of Hooksett, we decided they would post a surety bond or letter of credit up front before anything is started with the Town of Hooksett. Steve is in the process of

working on the amount that bond should be for. They were agreeable to that as well.

D. Marshall: Is this the only entrance?

Jeff Lewis (Northpoint Engineering): There will be a secondary entrance/exit off of Countryside after the third phase.

D. Marshall: Why don't you build that one first, and utilize that, and then when you hit 100 units open the other one?

J. Lewis: This is the way the project has been laid out. We considered that early on, but our sewer is coming from this end. There is an investment being made in the first phase of the project to bring in infrastructure and utilities and it makes sense from a phasing standpoint. We need to come in from the low end of the site. Primarily that is the reason we focused on this being the first phase and building up hill.

D. Marshall: You have to understand the skepticism this Board might have. We live on promises that we will get something in the future and they seem to get lost. I am the only Board survivor from the era of Longfellow Management, who was the original firm who started Countryside. This Board has changed three times since then and most people don't know the history of that area. I get nervous when I know if we approve this we have lost the leverage regardless of any agreement that is on a computer. We have the leverage now. We don't have it later if this Board changes, if people in Manchester change, or people on your staff change.

J. Lewis: From my perspective one thing that was obvious is that if this development were in Hooksett, or the road were in Manchester, it would be appropriate to attach the off-site improvements and the left turn lane to the phase that warrants it. The left turn lane isn't warranted until around 100 units. What causes the problem for us is that there is a municipal boundary. We have tried to alleviate that the best we can by working with staff, having the staff in Hooksett discuss it with the staff in Manchester, and posting a surety for the amount of all of that work, assuming it gets done in a couple of years. To us this seems like a reasonable compromise. We could put a left turn in now but it is not warranted. It makes more sense to put it in when it is needed, otherwise, the lifetime of it will be wearing down. We acknowledge this has to be something you are comfortable with. We have a set of plans. This is the first time you have seen those. We have worked with Keach-Nordstrom and this is what we have agreed to with them. We are looking for some consideration from you as to when those get implemented. To us that seems fair.

P. Scarpetti: What difference, as far as the off-site improvements, is there from Keach-Nordstrom versus what Mr. Lessard had proposed? Is there any difference in the two?

J. Lewis: Not really. Mr. Lessard suggested a 50' left turn lane. We drew up a plan after we met with him and never got the chance to present it to him. We ended up having a back and forth with Steve Keach instead of Mr. Lessard. It was a matter of where those improvements would work and we worked out the details with Mr. Keach.

P. Scarpetti: Was there any difference?

J. Duffy: He said it was just the geometry. In Keach's letter, there were nine other comments that he had on the plan itself which could be conditions of the approval. He said it was simple things like dotting i's and crossing t's.

M. DiBietto: Has there been an estimate of the cost of the improvements?

J. Lewis: There is a general number of around \$100,000. That estimate is being worked on now. Steve is waiting on information from us and the final plans. He will provide that to the town and that will be the number we have to post.

M. DiBietto: That bond would be to the Town of Hooksett and the City of Manchester?

J. Duffy: Just the Town of Hooksett.

Open public hearing.

No public comments.

Close public hearing.

*M. DiBietto motioned to approve Hidden Oak Way (plan #15-02), Hackett Hill Rd. & Countryside Blvd, Map 37 (Hooksett) & Map 766, Lots 15J & 15L (Manchester), subject to the conditions that the applicant addresses the comments in the letter dated April 29, 2015 from Steve Keach, a surety bond is in place, and off-site improvements are completed prior to issuance of any building permits for Phase 4. Seconded by D. Winterton. Opposed by F. Kotowski. **Motion carried.***

Will Socha: Thank you very much. This will go great and I will not let you down.

CHANGE OF USE

J. Duffy:

1. Merrimack Valley Dry Cleaners, 11 Kimball Drive, Map 37, lot 13 – Dry Cleaner/Tailor – They are not keeping the cleaning process on site. It is just going to be delivery and pick-up and a tailor. This has been approved.
2. Verres Financial Corporation, 1100 Hooksett Road, Unit 110, Map 41, lot 86-110 – This is the building where the dentist office is. There was a restaurant there and they are changing to retail for a cosmetology business. This has been approved.

BOARD DISCUSSION

J. Duffy: There are three appointments that are expiring at the end of June; D. Marshall, M. DiBietto, and Muamer Durakovic.

D. Marshall: I have already filed.

M. DiBietto: I already submitted mine.

J. Duffy: Mr. Durakovic, I will give you Katie's email address.

P. Scarpetti: If someone is doing a sewer or water connection, who do that talk to as far as inspections, other than the Sewer Department?

J. Duffy: Water has their own inspectors.

P. Scarpetti: What about the road itself?

J. Duffy: Keach is inspecting the roadway.

D. Marshall: He is taking on new work?

J. Duffy: Yes. He is doing the road inspections.

D. Marshall: Even on new projects?

J. Duffy: Yes.

F. Kotowski: I gave Carolyn the name of the person I could not think of at the last meeting, his rate, where he came from, and his qualifications.

J. Duffy: Carolyn has a merger for the GE project that needs to be signed. The Chairman is signing the merger form and it will be recorded. GE is having their groundbreaking on Thursday at 11:30 am.

OTHER BUSINESS

➤ Recommendation for appointment to SNHPC

D. Marshall: We have no candidates.

➤ Recommendation for Conservation Commission Representative

D. Marshall: We have no candidates.

ADJOURNMENT

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

The meeting was adjourned at 7:00 pm.

Respectfully submitted by,

**AnnMarie White
Recording Clerk**