

Official

**HOOKSETT PLANNING BOARD MEETING
HOOKSETT TOWN HALL CHAMBERS (Room 105)
35 Main Street
Monday, June 29, 2015**

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

PLEDGE OF ALLEGIANCE

INTRODUCE MEMBERS OF THE BOARD

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

ALTERNATES: Michael DiBitetto

EXCUSED: None.

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

PUBLIC HEARING

**3. 3B LTD. PARTNERSHIP (plan #15-08)
5 Lindsay Rd., Map 25, Lot 18-3B**

Proposed subdivision of Lot 3B to create one new residential building lot. Both lots are to be serviced by municipal water and sewer.

P. Scarpetti stepped down. M. DiBitetto will be taking the place of P. Scarpetti.

Steven Kosusko (Survey Manager): I work with Joseph Wichert, the land surveyor who prepared the plan. The parcel is located at the intersection of Lindsey Road and Daniel Webster Highway (Rt. 3). It is located in the performance zone. The owner has acquired a variance for a residential development in the performance zone. The proposal is to divide the parcel into two residential lots. They are to be serviced by existing sewer and water which are located in Lindsey Road. There is an existing water shutoff which would be utilized for one lot. The other lot will require installation of another connection to the water main and shut off. They will both be connected to the sewer line near the common lot line. The plan shows a possible driveway location. As far as grading, we have 2% coming off the road and 10% max in the flat area by the possible house locations in both situations. There are some small wetlands located in three places and a larger wetlands complex in another spot. They are connected by areas which have been designated by the wetland scientist as run-off. Due the fact these areas are small, there are no setbacks required from those.

M. DiBitetto: I have a question on the nature of the variance that was granted. We have two recent residential projects that have recently come forward to let us know they want to go forward in the performance zone. We haven't seen any of the variance documentation. Could you explain the nature of variance. Is it for use and dimensional?

David Scarpetti (Realtor and agent representing the owner): At one time, it was approved for a two-story commercial building. We had marketed it for a number of years and there was no interest. We talked to the owner of the property and figured we could come back for two single family houses because it would fit in with the rest of Campbell Hill.

M. DiBietto: The variance is for use, not dimension?

J. Duffy: There are two. It is for residential use in the performance zone. One of the lots does not meet the size requirements so it is allowing that lot to exist.

M. DiBietto: Did it come to the Planning Board? I may not have been on the Board at the time.

D. Marshall: The original intent of the performance zone was that there would be no residential in that zone. The Planning Board are the ones that grant waivers. How did that get switched? Did we get a legal opinion?

J. Duffy: Yes. This is when we switched law firms. We went to Hage Hodes and Steve Buckley had given his opinion that it should be going to the Zoning Board because it is not unlike any other variance that if it does not meet the requirements someone can request a variance. When we had Bart Mayer, his opinion was that we could not grant a variance at all, and if someone wanted to challenge they would have to take us to court. No one ever did that. There have been a few variances granted in the past few years.

D. Marshall: We understand the dimensional variance. It is hard to explain a variance for use when the public voted this in and they decide what zones do what. I thought zoning by variance was not allowed.

J. Duffy: If you look on a zoning map you will see that it is not really spot zoning because the medium density residential is adjacent to it. When this moves forward, as we get closer to the time for rezoning, I am recommending that it be placed on the ballot so the land is rezoned in the future so that it fits in properly with the zoning map, even though there are variances. I checked that and made sure that it was directly adjacent to the medium density residential.

D. Marshall: The variance has been granted so there is nothing we can do. However, the problem we will face in the future, since this has gone through, is the performance zone is suspect everywhere.

J. Duffy: When the performance zone was formed there was a line drawn along Hooksett Road, but it also grabbed things behind it with the understanding that possibly, in the future, if someone had a business use for fronting on Hooksett Road that it would expand somewhat to the other properties surrounding it. As we have learned that is not happening. That is why some of the pieces in the smaller neighborhoods down by West Alice were included in this as well. Those have been rezoned. I think as we work through this we will see that is not typically the case. It is not like a big box has situated itself on Hooksett Road. The parcels are large enough for the commercial uses that are going in.

T. Walsh: I am not in favor of zoning by variance. I understand they got the variance, but you are still

recommending that we put it on the warrant to have the town's people decide that it should be residential. What can be opened if they say no after the Zoning Board has already given them a variance?

J. Duffy: It would not open anything. It would still have the variance because the variance runs with the land. It would just show if people want it or not. Most times a Planning Board recommended article passes. This is up to you. I am just making a recommendation.

M. DiBitetto: Do the zoning applications generally go to the Planning Board first for a recommendation to the Zoning Board?

D. Marshall: Developers understand if they go directly to the Zoning Board they get the variance and the Planning Board has no say. If we hear about it and it is a particularly delicate situation, this Board has been known to send a recommendation to the Zoning Board and stipulate why they are doing it.

J. Duffy: Special exceptions in the zoning ordinance require Planning Board recommendation.

D. Marshall: Technically, any developer is supposed to come to Planning Board first, and if we find that it needs a variance, or we have some argument with what they are intending to do, then we send them to the Zoning Board and wait to hear what their decision is. A lot of developers go directly to the Zoning Board, get the variance, and come back to us saying we can't do anything about it. I thought we ironed that out with the Zoning Board, but we might be beginning to slip.

M. DiBitetto: I believe this Board appealed the action of the Zoning Board on one account and in a situation where the Planning Board has concern about a variance, that option still remains available.

D. Marshall: It is good that everyone understands the process.

F. Kotowski: Mr. Scarpetti, how long have you been trying to market that property for commercial use?

D. Scarpetti: Two or three years.

F. Kotowski: How long has it been zoned performance zone?

J. Duffy: I believe since 2006.

F. Kotowski: So it has been sitting in the performance zone for eight years and nothing has happened. Is it wise to let it sit and not do anything with it because it is in the performance zone and get no taxes out of it, or should we move ahead and let this property be built. There will be two lots that are 216' from Rt. 3. I don't see anything wrong with that.

D. Marshall: The variance was granted. All we are looking at is the sub-division itself.

F. Kotowski: I think the sub-division should be approved.

T. Prasol: As this is going to be on public sewer and water, has the Sewer Commission and Water Precinct signed off?

S. Kosusko: The water and sewer both indicated they have capacity, but they are reserving the right to review how the connections are made.

D. Scarpetti: This will have less impact than a big commercial building, and it will fit in with the neighborhood.

J. Duffy: I believe these two lots were part of the original Burbank sub-division, but they got grabbed into the performance zone due to the proximity.

M. DiBitetto: So that was not commercial before it was performance zone?

J. Duffy: I don't believe so.

M. DiBitetto: It is a moot point, I just wanted to see if we had the history of the site correct.

D. Marshall: When I first came onto the Board, there was a 300' wide strip on either side of Rt. 3, from one end to the other, that was zoned commercial. In the late 70's/early 80's they fragmented that in the sense that 300' often did not cover the full lot. They examined taking the entire lot, but opening some of them to non-commercial. I think this one on the south side of Lindsey was not commercial.

Open public hearing.

No public comments.

Close public hearing.

M. DiBitetto moved to approve 3B Ltd. Partnership (plan #15-08), 5 Lindsay Rd., Map 25, Lot 18-3B. Seconded by F. Kotowski.

D. Marshall: Staff, you recommended the approval subject to two conditions, correct?

J. Duffy: Correct.

S. Kosusko: The letter from Stantec, dated June 12, 2015, states that typically for a two lot subdivision drainage improvements are not required by the Board unless they are existing drainage issues directly downgrading the project. The Board should discuss this with the DPW Director and if issues exist the plan should be revised to include measures to correct the existing issues. The response letter, that my company prepared, notes that the designer is not aware of any downgraded drainage issues. This should be confirmed in writing by the DPW Director. The other item was water and sewer service connections must be added to the plans and approved by the Sewer Commission and the Central Hooksett Water Precinct. Written approval must be provided by the Sewer Commission and the Water Precinct prior to final approval and signing of the plans. At this point, our plan does show where the connections could possibly be.

M. DiBitetto: I will withdraw my motion and restate it.

J. Duffy: Could you please add referencing the variance dimension approvals.

D. Marshall: Does the developer agree to the comments and what JoAnn just mentioned?

D. Scarpetti: Yes.

M. DiBitetto motioned for a conditional approval for 3B Ltd. Partnership (plan #15-08), 5 Lindsay Rd., Map 25, Lot 18-3B, subject to the office receiving documents from the public works director saying that there are no drainage issues, letters from water and sewer stating that the hook-up's are allowed, variance dimension approvals, and authorizing the Chairman to sign the plans once they are in. Seconded by F. Kotowski. Motion carried unanimously.

BOARD DISCUSSION

None.

OTHER BUSINESS

➤ Approval of DPW Director Invoice

F. Kotowski motioned to approve the DPW Director Invoice for the GE Aviation Guardhouse. Seconded by T. Prasol. Motion carried unanimously.

J. Duffy: There is a lot on Sutton Circle. A company called National Construction Rentals had been using this lot for containers and in the containers was fencing material. There were restrictions placed on the lot. There was no building, just storage material, and someone would go there once or twice a day. This lot is 2.12 acres and Profile Self Storage would like to use it for outside storage for their storage company. The site is paved. They would change the fencing that is there now. They would store the vehicles and trailers there and it would be gated. They would like to do this as a change-of-use and on this plan there are a few notes that were attached to National Construction Rentals. (1) No port-a-potties shall be permitted. (2) No more than one fork lift shall be stored on this site and that single fork-lift will be stored within one of the storage containers. (3) Not more than one truck shall be stored on this site overnight. (4) If the hours of operation are extended more than one hour in morning and one hour in the afternoon the applicant must obtain Planning Board approval for an acceptable means of providing suitable sanitary facilities for employee use. They were concerned because the employees would be staying for there for longer than an hour. Profile doesn't plan to have employees there, they would be taken to the site. Before we reviewed this as a change-of-use, I wanted to make sure, since those notes were included, that the Planning Board did not have a problem with us looking at this as a change-of-use.

The Board had no problem reviewing this as a change-of-use.

J. Duffy: South of the MTS former golf cart building is 5 Cross Road, which is on corner of Cross

Road and Rt. 3A, and abuts Rt. 93. You can see the site because the trees have been removed along the highway. There is construction equipment stored there. Someone else owns the lot. The owner of the golf cart business that is still leasing from his former building is the one who is storing the equipment there. He asked to come in for a change-of-use. He is storing the equipment on an unpaved area and it is in the groundwater protection district. He wants to know if it is possible to store it there temporarily. Matt and I don't have the authority to decide if it would qualify for a change-of-use or not or if he should come in and do a site plan. That site did have approval in the past for a storage facility and that has expired. The people who were there prior had the approval. I don't think they want to pave the site to temporarily store the equipment because there is no site plan on the books for what they will do in the future with the lot.

F. Kotowski: What does temporarily mean?

J. Duffy: It has no meaning unless we set a date and then they could ask for an extension.

F. Kotowski: Was the question asked as to how long?

J. Duffy: It was and he did not have an answer.

T. Walsh: Does temporary mean he just needs the time to look for another place?

J. Duffy: No.

D. Winterton: I remember when Ritchie Brothers was before us, there were multiple discussions and requirements about their equipment. One of the things that was discussed was that probably when someone was bringing a large piece of equipment to be sold they were not going to fill up the gas tank before they brought it, where as temporary storage of equipment that is being used may be different. I would have a concern.

D. Marshall: I would suggest to not treat it as a change-of-use and have him prepare a site plan and come to the Board.

T. Walsh: If he is looking for temporary use until he finds a different place I would be okay with that, but I think we need more information. What is his intent?

J. Duffy: The way this came about was he received a letter from the Code Enforcement Officer saying that he can't use it for that reason. He then came in and we talked to him. His plan is to use it as long as he can.

M. DiBietto: Maybe having the applicant come in to the Board so we can pose these questions to him may help to sort out what avenue would be appropriate to take.

J. Duffy: Do you want to have him come in for discussion purposes?

M. DiBietto: I think that would be reasonable.

D. Marshall: Yes.

T. Prasol: I noticed at University Heights there is a project going on north of the library and I noticed they are connecting the roads between Crawford and University Circle. I wasn't sure what was going on on that property they cleared and if this is part of Phase 2. I thought, at a previous meeting when they came in, we said we wanted to re-open conversations with the developer before they started Phase 2.

J. Duffy: The way it was left was when Mr. Lessard was still here, he was given the authorization to work with them on extending the roadway and building more homes. Since he has left, the engineer for the project has been working with Steve Keach and there is a pre-construction meeting next week. I will find out more about it then. I think the Public Works Director has been involved with that so I can ask her to give you a call.

T. Prasol: I was just curious and wondering what that open area is. It is too big of a lot for houses.

J. Duffy: The only thing we have had recently come in for a Technical Review Committee meeting was on Hooksett Road at the entrance way two lots over, someone is looking to put in a self-storage facility.

T. Prasol: I don't think this is that area.

J. Duffy: I do not think there is anything else, but I spoke with the attorney for the project recently and they are going to do the self-storage facility first and then come back and ask for an amendment to the master plan to make a few changes because they are trying to get it ready to sell the whole project, rather than trying to sell it in pieces.

T. Walsh: What is the update on Park Place?

J. Duffy: Park Place was supposed to have the trailers removed about a year ago. They ran into problems with ownership. The owner of the land does not own some of the remaining trailers and he was working it out to try and get the deeds on those trailers so he could get rid of them. I am not involved in that, but I can try to find out where it stands.

T. Walsh: We have not heard anything from the developer? We had a conceptual years ago.

J. Duffy: No. There is nothing on a new project.

D. Winterton: I know Dr. Shankle is on vacation. Is there anything we can share with this Board today?

J. Duffy: A new town engineer was hired. He is starting July 6. He should be at your next Planning Board meeting.

D. Winterton: He is coming from the City of Keene, where he was the head of the Department of Engineering for the City of Keene. His name is Jim Donison. He has 20+ years of engineering both in

the private and public sectors. He lives in Weare.

J. Duffy: The Town Council appointed Denise Grafton as an alternate. We still have one alternate position open. I also got a name from someone who is interested in serving on the SNHPC, however, I need to talk with them to see if they are definitely interested. If so, I will have the name for you for the next meeting.

D. Winterton: The Town Council also nominated another person for the Planning Board, but that person is not going to accept because of a conflict the Budget Committee and he cannot do both.

D. Marshall: I would like to remind those who were reappointed, including myself, to go to the Town Clerk and get sworn in before the next meeting.

J. Duffy: We only have one meeting in July, which is July 20.

P. Scarpetti: Thank you to Mr. Winterton for being instrumental in getting the engineer on board and for working with Dr. Shankle and JoAnn on that.

D. Winterton: I would like to thank the Town Council for stepping forward with the change in terms of organization with the public works department and the community development department. That has enabled us to bring in someone with this kind of experience. My hope will be that it will steam-line a lot of the engineering within the town and will be a boon to development so that developers can come in and sit with the Planner and Engineer all at one time.

D. Marshall: I hope the Town Council understands that we need him here. We will be making demands on his time so it is key that he work with us as well as working with the Department of Public Works and Community Development. We need him to do our reviews in a timely manner.

M. DiBietto: Will he be working out of this facility?

D. Winterton: Yes. I believe his title is Assistant Director of Public Works/Town Engineer.

ADJOURNMENT

M. DiBietto motioned to adjourn. Seconded by P. Scarpetti. Motion carried unanimously.

The meeting was adjourned at 6:38 pm.

Respectfully submitted by,

**AnnMarie White
Recording Clerk**