

Official

**HOOKSETT PLANNING BOARD MEETING
HOOKSETT TOWN HALL CHAMBERS (Room 105)
35 Main Street
Monday, November 16, 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, T. Prasol, Muamer Durakovic, F. Kotowski, and D. Winterton (Town Council Rep.)

ALTERNATES: Denise Grafton and Michael DiBitetto

EXCUSED: None.

STAFF: JoAnn Duffy (Town Planner), Carolyn Cronin (Assistant Town Planner), and Jim Donison (Assistant Director of Public Works/Town Engineer)

APPROVAL OF MINUTES OF 10/26/15 & 11/2/15

October 26, 2015 Master Plan Workshop Meeting – *P. Scarpetti motioned to approve the minutes of the October 26, 2015 Master Plan Workshop meeting. Seconded by T. Prasol. D. Winterton, M. DiBitetto, and T. Walsh abstained due to not being in attendance at the October 26, 2015 meeting. Motion carried unanimously.*

November 2, 2015 Regular Meeting – *T. Prasol motioned to approve the minutes of the November 2, 2015 meeting, with amendments. Seconded by M. Durakovic. P. Scarpetti and M. DiBitetto abstained due to not being in attendance at the October 19, 2015 meeting. Motion carried unanimously.*

DISCUSSION AND VOTE ON CIP PLAN FY 2015-2016
CAPITAL IMPROVEMENT PROGRAM (CIP)

CIP Plan review by Planning Board.

Christine Soucie (Finance Director): I am here on behalf of Dr. Shankle to present you with the Capital Improvement Plan for Fiscal Year ending 2017 – 2022. The CIP is a planning document used for long term planning. It is updated and reviewed yearly by departments, the Town Administrator, the school department, water district, the Planning Board, and Town Council. The plan has not changed much from last year.

C. Soucie reviewed the Capital Improvement Plan for the fiscal year ending 2017-2022 (see attached.)

D. Marshall: Where is the money coming from for 2017-2018 for the Merrimack river front trails?

C. Soucie: Grants, recreation impact fees, town money (the voters approved \$100,000 last year), donations, and the conservation fund.

D. Marshall: Is the money available or is it anticipated that it will be available?

C. Soucie: Approximately 2/3 of the money is available. They are not sure how long the project will take. We put 2017-2018 as the balance year but it will take longer than one year. The funds for the current year are grants with matching funds that the town contributes.

D. Marshall: Regarding the Lilac Bridge, you stated the request for proposals is being prepared. Given that, I assume we are not going to do anything with the bridge this coming year? Would you be ready for town meeting with a warrant article?

C. Soucie: I am not sure if it would be in time for a warrant article. They may or may not use the emergency funds if they need to pull in the fund balance for that.

T. Walsh: The school district had quite a few other requests for CIP. Where did they go? Were they on the warrant last year for the school election and get passed?

C. Soucie: These last two years they had these two articles. My thought is the projects didn't take, but I cannot say for sure.

T. Walsh: I will look into it.

C. Soucie: If you have any changes or suggestions, Dr. Shankle will be at the next meeting.

D. Marshall: I assume this will be on the next agenda for approval by the Planning Board. One of the issues we need to look at is the feasibility study for the southern leg of the parkway and decide whether or not to proceed.

J. Duffy: I discussed that with Dr. Shankle and he said if you were to remove it, he has some other items in escrow accounts where he would put them all together as one warrant article. It would have to be voted on by the voters to be disbursed and that money would then go into the general fund.

DISCUSSION

DAVID CAMPBELL

- Head's Pond Update
- Revising Master Plan for MUD5
- The Parkway

David Campbell (Manchester Sand and Gravel): With me is Ron Corriveau. I would like to give you an update on Heads Pond. We had an agreement which we were following. We had criteria we had to

meet in order to get the project permanently vested. That included all the public donations (Bear Paw, the Town of Hooksett, the park), and we had to put the wetland crossings in. We also had to do the work on U.S. Rt. 3, NH 28, in front of Heads Pond according to the permit we had with the DOT. We got a letter from the town's attorney saying we were vested. With that we were able to go to the state and got permanently vested on the Alteration of Terrain permit. That means as the regulations change the permits are good. Any changes in what is permitted up there would have to come back to this Board. As it stands, this is 428 units, mixed use. It is everything you approved. It is unique due to the size and mixed use. This would have happened five or six years ago had it not been for the recession. It can be marketed. We can start it or sell it. It is done in phases. The utilities are now run up to the entrance of Heads Pond. When this was started 27 years ago this was wilderness. Carriage Hill and Carriage Manor allowed utilities to be run. The water tank on the hill has enough capacity to provide enough water for the Head's Pond and University Heights projects. Those two developers split the cost for that and the water precinct worked with them. They own the tank now and the water has been reserved and paid for. The water that came to Carriage Hill has been extended to the main entrance which is the southern entrance. The main one will be Head's Pond Boulevard and the one further north will be a loop road. The entrances have been roughed in and the wetlands crossings, per our development agreement, have been put in to the satisfaction of DES. All of the land from the marsh to the east is now conservation (Bear Paw). That abuts conservation space that is either owned by Bear Paw or is Bear Brook State Park. There is other land that was sold to Bear Paw separately due to wildlife they wanted to protect. The yellow area shows the public use. The purple space is designated. I would like to discuss updating our master plan. One of the plans I showed you is the master plan calculations for the entire district for 1991-2015. In the 1990's, an MUD5 innovative zoning ordinance was written and, as part of that, we had to meet certain criteria such as open space, public use, residential, industrial, and commercial. Manchester Sand and Gravel does not own all of the land that they did in 1991. In the valley is soccer fields that we donated, open space, Huddig, other parcels that are industrial, a sandpit that is being mined, commercial which is Legends, a public use donation which is the Safety Center, 55+ manufactured housing and that was our project, and Glen Crest. That was not part of MUD5 because it was not part of the district, but it was zoned MDR. That was our first project. The quarry is still there, there is some undesignated land because it is so far away from anything, a section of land that Bear Paw has right of first refusal on, and more open conservation space. Head's Pond is a mixed use of single family homes and condominiums. Carriage Hill is part of the overall 650 units for Heads Pond. On top is Carriage Manor and there is a builder there now putting up another four units. Across the way is the Heads Pond dam area. We turned the railroad track into a trail with the help of Kiwanis and the town and that has been a huge success. The Town of Hooksett owns the area in yellow as well as town pond and small pond. As part of our approvals we said we would extend the railroad bed, which we graded for you when we turned it over, and now we are extending that and regrading it up to the Hall Road. That will be done next summer. In conjunction with that, we are going to install a couple of gravel parking lots, and some car top boat access to Heads Pond which will be done next year. At some point, when we talk about zoning, MUD5 is now different. This was developed by the town in conjunction with the landowner and it was decided that it would be flexible zoning in which a vast majority was developed. The town might want to consider putting the developed parcels into the zoning that is appropriate. The onus of having to have each of those parcels be open space or public use does not work. Manchester Sand still had these burdens for the property and we have met them. Manchester Sand and Gravel currently owns an approved sub-division, the purple area, the quarry, the designated commercial piece, the sand pit behind Legends, the valley, and two lots behind

Huddig. We would think we would still go under MUD5, but I would like a record of what we did because we have met our requirements. The parkway easement is in the development agreement. It said that we would turn it over by 2014. We came here about a year ago thinking it would be a good idea to hold off on that because we might come in with a buyer. We continue to have a lot of interest in this piece as a single piece. Whatever goes there will be beneficial to the town. We have had interest from parties that vary from a technology park, to a private school, to warehouses. The parkway comes through the property. It is a road to nowhere. We would ask that you consider permanently removing the easement, or go out another year. We are supposed to deed that to you, but that could create a burden.

D. Winterton: From your point of view in marketing that property as a whole, either we discontinue the easement or we end the parkway completely? Last year we pushed it off a year?

D. Campbell: Yes and you can do that again. At some point you will have an easier choice if someone comes here to say they would like to build something that will employ a large amount of people. Once we sign the deed to you it will be a block and detriment to marketing the property.

J. Duffy: In the development agreement in the parkway paragraph, it says: “In the event of such reversion, the Town shall nevertheless retain that portion of the easement easterly of Route 3. In the event a public road is constructed within the easement area, MSG shall convey to the Town fee simple ownership over the easement area so constructed by Warranty Deed.” Is that the northern leg of the parkway?

D. Campbell: There are two parts to this, the northern and southern part. The southern part is my concern because that is where the interest is for a large single user.

M. DiBitetto: We thought that within this year we would have the opportunity to do a series of workshops, public hearings, or get some input into whether or not this is a feasible concept and whether it is wise to put it to bed. We have been talking about this for many decades and it seems like we are getting further from it. However, there are many interested parties. The NH DOT must have some input. Do we have any data, information, or input that we can use to address this in the next couple of months? It is time to make a decision.

F. Kotowski: We know that the southern portion of this is dead in the water. SNHU has changed their plans and they are not thinking about moving forward with this. Bear Paw is controlling everything to the north. It would be a parkway to nowhere. I think the various departments of the town, the Administrator, the Town Council, and the Planning Board need to get together and decide whether we have any interest in this. If the possible sale of 150 acres of land were killed because there is an easement by the town we will have to scurry around to eliminate the road like we did when GE came in. We need to make a decision.

D. Marshall: If they develop this land and have a build-out on either side of Rt. 3, what will happen with the traffic? Route 3 cannot handle that. Trying to get a major project to a four lane expansion on a road like Route 3 is not likely to happen.

F. Kotowski: That is why we need to say what we want to do immediately rather than wait to see if something happens.

D. Campbell: Putting a line on the map is one thing, but where does it come out? It is a line to nowhere. Things have changed to the south of us and SNHU is not interested.

M. DiBietto: How does Manchester Sand and Gravel view our traffic capacity? The last thing I would expect to see is a major distribution center. There is no direct access.

D. Campbell: There are very few large single lots that are seven minutes away in two directions to the interstate. Trucking is the best because it is done off hours.

M. DiBietto: That opens up the possibility of time restricted access.

D. Campbell: That would be something to decide at a later time. A parkway to nowhere is not helpful. What goes there will depend on planning, marketing and getting the approvals, which this Board will decide on. A distribution center may be best because of when the trucks go in and out.

D. Marshall: Hypothetically, what if the Planning Board took that land and said the only use that can go in there is a distribution center. Who benefits from that?

D. Campbell: What if a private school came in? They don't generate a lot of traffic.

D. Marshall: What if ten industries come in there?

D. Campbell: You can also come out of that area to the southern end at Legends Drive. It is hard for me to hypothetically plan a development. I would suggest not putting one use there because we don't know what use could come along. I feel that for the best interest of us selling the land, it is in the best interest of the town to get the best use.

M. DiBietto: Once we make the decision to eliminate it, it drives the potential for the site. As long as you are willing to accept that that traffic will be a factor in the overall development of this site.

D. Campbell: I could not show it without that being a factor.

M. DiBietto: It will be up to this Board to make sure we don't overburden the roadway.

D. Campbell: That is already an onus that we have when showing the property. It is still a desirable site.

M. DiBietto: It looks like we will need another year before we can make a determination and I think we can be a motivating factor.

T. Prasol motioned to extend the date of the turnover of the right-of-way of The Parkway for one-year. Seconded by F. Kotowski.

T. Walsh: Is the drawing that was shown an accurate depiction?

D. Campbell: It is not accurate. The current one comes down Petersbrook Drive, bisects the property and loops, and there are interior roads in order to get to the lots. That is what chops up the property. That does not show on there.

P. Scarpetti: I don't see it being a detriment if you know that we will work with you if you come in with a plan and tell us how the traffic will be. Then if you talk to a potential client you can say you know there are issues, but can go into the Planning Board.

D. Campbell: I could say there are plans for a parkway but they have not been approved by the town. That is different than me deeding you one because then I can't market it as a whole piece of land. I am just saying if it is not feasible or viable, why keep it on the map. I also have no issue with the motion that is on the floor.

Motion carried unanimously.

D. Campbell: At some point we can schedule something to talk about the master plan and let you decide what you want to do with the land that has been sold off.

J. Duffy: The only problem I see is that all of the other land has been sold off and has not been rezoned.

D. Marshall: That looks like it will be a subject for a 2017 town meeting. The land that has already been developed needs to go into the proper zone. Essentially MUD5 would be gone.

PUBLIC HEARING

MERRIMACK COUNTY SAVINGS BANK (plan #15-18)

1293-1301 Hooksett Rd., Map 25, Lots 53 & 54

Site plan to construct a 2,900 square foot bank.

- **Waiver Request** from Zoning Ordinance, Article 10-A Performance Zone, Section H.3.(a).(1) Street Tree Strip.
- **Waiver Request** from Zoning Ordinance, Article 10-A Performance Zone, Section H.3.(a).(2) Front Landscape Area.
- **Waiver Request** from Zoning Ordinance, Article 10-A Performance Zone, Section H.3.(b). Street Tree Strip Planting Requirements.
- **Waiver Request** from Zoning Ordinance, Article 10-A Performance Zone, Section H.3.(c). Front Landscape Area Planting Requirements.
- **Waiver Request** from Zoning Ordinance, Article 10-A Performance Zone, Section H.3.(d). Perimeter Landscape Area Planting Requirements.
- **Waiver Request** from Zoning Ordinance, Article 10-A Performance Zone, Section H.3.(e). Interior Landscape Area Planting Requirements.

J. Duffy: On Friday we received updated plans. Central water had several comments. We received a

copy of Nobis Engineering's response but have not received a response to that from central water. Jim has two outstanding comments. The driveway permits have not been issued. The waiver has to be addressed. The Sewer Department is waiting for an easement from the landowner. Attorney Uchida is going to explain about a piece of land that has not been deeded over.

J. Donison: The site plan showed painted crosswalks and my recommendation was to add them to two other locations as well. We are waiting for letters of final approval from the Hooksett Sewer Commission, water precinct, and driveway permits.

D. Marshall: Where do you stand on getting those letters?

Erin Lambert (Nobis Engineering): We submitted a response to the Hooksett water precinct on Friday. They also requested an easement over the water line. It is tied up with the land issue that Attorney Uchida will discuss. The NH DOT driveway permits have been submitted and we responded to their comments on Friday. All of the comments from the DOT were detail and construction related. In terms of crosswalks, they were in our plans but not shown. They will be added to the plans. The sewer and water easements are being drafted and will be submitted shortly. There is a municipal sewer main and water main that runs through the property. The Sewer Commission requested an easement on those which we will grant to the central precinct for both those utilities.

J. Duffy: A demolition permit will be needed for the demolition of the building and, because of its age, it has to be reviewed by the Heritage Commission.

D. Marshall: All of the waivers they are requesting seem straight forward considering the configuration of this property. Does the staff have any objections or comments on the waivers?

J. Duffy: No.

T. Walsh motioned to grant all the waivers as listed above for Merrimack County Savings Bank (plan #15-18), 1293-1301 Hooksett Rd., Map 25, Lots 53 & 54. Seconded by T. Prasol. Motion carried unanimously.

Attorney Richard Uchida (Hinckley-Allen): When Mr. Kelley purchased the property from Iris Labree, he intended to purchase all of the property from her. When the deed was drafted by the title companies, they used an old description before the state deeded some of the land back to her. The old description did not pick up all the land along the Rt. 28 bypass that the state gave to her after they finished the construction there. This is just a matter of getting the deed reformed to include that parcel. Unfortunately, Ms. Labree has been hard to get in touch with despite numerous attempts from different sources. Mr. Kelly has had to institute an action in Merrimack County Superior Court to get the property deeded over. We are guessing it will take 60-75 days to get that done.

D. Marshall: There is reluctance to grant approval if there is not full control of the site.

Attorney Uchida: One of the conditions I proposed was that no construction would begin and no permits would be able to be pulled until evidence is produced of ownership of that parcel.

D. Marshall: You are looking for a conditional approval subject to receiving letters from sewer, water, and DOT, and the settlement on the land.

Attorney Uchida: Yes. Evidence that we own that parcel that is currently identified as Iris Labree's parcel.

D. Marshall: If conditional approval was granted the Board would authorize me to sign the plans once those were in hand so you would not have to appear here again. Are there any objections by staff?

J. Duffy: No.

Open public hearing.

No public comments.

Close public hearing.

D. Winterton motioned to grant conditional approval pending letters from sewer, water, state highway for driveways and the proper transfer and ownership of land for Merrimack County Savings Bank (plan #15-18), 1293-1301 Hooksett Rd., Map 25, Lots 53 & 54. Seconded by T. Walsh. Motion carried unanimously.

CHANGE OF USE

J. Duffy: Belletetes has changed to another company that is a similar type use. They are using the building for storage of equipment.

BOARD DISCUSSION

None.

OTHER BUSINESS

J. Duffy: There is an issue that has come up regarding Heritage Estates and the residents of Hills Road in Auburn. Part of the approval was an extension of the roadway into Auburn. That connection was not made until recently. There are two lots at the very end, in Hooksett, that were owned by All State builders. Those lots were recently developed. As part of Scott getting the Certificates of Occupancy for those lots, the roadway had to be completed. The Town of Auburn was aware of this since 2001. They were part of the hearing process. There is a letter that says Auburn approved it. In the meantime, because the road was recently finished, the residents of Hills Road in Auburn don't like the fact that they lost their dead end road. They have been going to every one of the selectman's meetings since August regarding the potential for speeding, children playing, etc. The selectman took a vote to put up no trucking signs. Seeing that the road is still owned by Allstate builders, the town will probably accept the road for another year, however, now the residents are trying to talk the selectmen into not allowing the road to connect. Some are suggesting that it be a one way road into Hooksett. Some residents have put a plastic gate up to stop traffic. It is on the residents property and extends into the roadway. The

selectmen told the residents that the issue with the gate is between them and the developer. In their November set of minutes, it said they plan to have him open the road, have it open for a year before they accept it, and once there is traffic going through to do another traffic study and figure out what to do. There has already been one done by SNHPC. Someone in Auburn has started a petition to try and close the road because they were told the only way for a road to be closed is to petition at town meeting. I was told that petition process has started. I think Hooksett needs to do something such as send a letter or speak with the Town of Auburn. The Heritage Estates is a maze with all dead ends and the only in and out is Farmer Road and Hills Road. It would be detrimental to public safety if 15 years down the road the Town of Auburn changes their mind and decides they don't want that road to connect.

D. Marshall: Has Auburn accepted the road?

J. Duffy: He just finished it so it just has the binder on there. They said they would not accept it until a year goes by.

D. Marshall: Scott has done the development in Auburn?

J. Duffy: The development and two house lots are in Hooksett but the connection is into Auburn. Auburn has met with Scott and had been aware of this 15 years ago when the proposal came forward. The residents on the street are saying that they were not aware of it. The approvals happened a long time ago and the connection just happened.

D. Marshall: Is the road that is in Auburn a pre-existing road?

J. Duffy: Yes. The only thing Scott had to do was the work to take the cul-de-sac away. There were no house lots being built.

D. Marshall: So the road in Auburn is a Class 5 road. Scott's development comes right up to that town line and none of his development is in Auburn?

J. Duffy: Correct.

D. Marshall: So he has a road that comes up to a town line and the people feel that by petitioning they can close the road?

J. Duffy: The part that is in Auburn.

D. Marshall: If you close the road, you are abandoning a road and it will be off the list so the town will not have to maintain it because it is not a Class 5 road anymore. It will not be open to the public because it will be abandoned.

J. Donison: They have a roadway that goes from Auburn Rd., continues through their development, and then comes to a cul-de-sac. That cul-de-sac was going to extend as part of Scott's proposed development to Hills Road. There is a 300' section of roadway that he has just completed. 90% of it is

in Hooksett and 10% is in Auburn. The connecting portion will connect to the existing cul-de-sac and the circles on the side of the cul-de-sac will be removed so it will be a thru road. There will have to be some type of highway agreement as to who will maintain it, but that is a separate issue.

D. Marshall: Where does Hill Road come out to?

J. Duffy: That comes out on Auburn Road.

T. Walsh: You can also take Quarry Drive.

D. Marshall: I think they are wrong on their petition, because this is dealing with a Class 5 road. It looks like they are headed for some sort of court involvement. We can inform the Town of Auburn what we approved of his work. Auburn knows what they did. The court will say that you can't back out once he has made the investment and Auburn said that he could connect.

J. Duffy: Both the Town of Hooksett and the Town of Auburn approved the connection.

F. Kotowski: There has to be documentation.

J. Duffy: I have the plan and it was signed by the Hooksett Planning Board.

F. Kotowski: A portion of that is in Auburn.

J. Duffy: This plan shows the part that is in Auburn. There is a letter that says the Town of Auburn approved this and I need to get a copy of the letter. Do you want to send a letter saying what was approved?

D. Marshall: We can send Auburn what our action was and a copy of the plan and see what they have to say.

ADJOURNMENT

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

The meeting was adjourned at 7:18 pm.

Respectfully submitted by,

**AnnMarie White
Recording Clerk**